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Report of the International Court of Justice

1 August 2021–31 July 2022

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Note

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Summary

1. Overview of the judicial work of the Court

1. During the period under review, the International Court of Justice experienced a particularly high level of activity, including the handing down of four judgments. On 12 October 2021, the Court delivered its judgment on the merits of the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)* (see paras. 101–108). On 9 February 2022, it delivered its judgment on the question of reparations in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* (see paras. 72–82). On 21 April 2022, the Court delivered its judgment on the merits of the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)* (see paras. 89–100). Finally, on 22 July 2022, it delivered its judgment on the preliminary objections raised by Myanmar in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)* (see paras. 159–168).

2. In addition, the Court, or its President, rendered 15 orders (listed below in chronological order):

(a) By an order dated 8 October 2021, the Court authorized the submission of a reply by Ukraine and a rejoinder by the Russian Federation 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)* and fixed the time limits for the filing of those written pleadings (see paras. 124–131).

(b) By an order dated 7 December 2021, the Court indicated 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. 174–180).

(c) By a further order of the same date, the Court indicated provisional measures in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)* (see paras. 181–188).

(d) By an order dated 21 January 2022, the Court authorized the submission of a reply by the Islamic Republic of Iran and a rejoinder by 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)* and fixed the time limits for the filing of those written pleadings (see paras. 140–150).

(e) By an order of the same date, the Court fixed the time limits for the filing of the memorial of Armenia and the counter-memorial of Azerbaijan in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (see paras. 174–180).

(f) By a further order dated 21 January 2022, the Court fixed the time limits for the filing of the memorial of Azerbaijan and the counter-memorial of Armenia in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)* (see paras. 181–188).

(g) By an order dated 16 March 2022, the Court indicated provisional measures 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. 189–197).

(h) By an order dated 23 March 2022, the Court fixed the time limits for the filing of the memorial of Ukraine and 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. 189–197).

(i) By an order dated 8 April 2022, the Court extended the time limits for the filing of the reply of Ukraine and the rejoinder of the Russian Federation 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)* (see paras. 124–131).

(j) By an order dated 6 May 2022, the Court fixed the time limits for the filing of a reply by Equatorial Guinea and a rejoinder by Gabon in the case concerning *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)* (see paras. 169–173).

(k) 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 in the case concerning *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)* (see paras. 198–204).

(l) By an order dated 10 June 2022, the Court fixed 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. 198–204).

(m) By an order dated 13 June 2022, the Court fixed the time limit within which Guyana could submit a written statement of its observations and submissions on the preliminary objections raised by the Bolivarian Republic of Venezuela in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* (see paras. 132–139).

(n) By an order dated 24 June 2022, the Court fixed the time limits for the filing of a reply by Guatemala and a rejoinder by Belize in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* (see paras. 155–158).

(o) By an order dated 22 July 2022, the Court fixed the time limit for the filing of the counter-memorial of Myanmar in the case *concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)* (see paras. 159–168).

3. During the period under review, the Court held public hearings in a hybrid format in the following six cases (in chronological order):

(a) *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, hearings on the merits of the case held between 20 September and 1 October 2021 (see paras. 89–100);

(b) *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 14 and 15 October 2021 (see paras. 174–180);

(c) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia),* hearings on the request for the indication of provisional measures submitted by Azerbaijan held on 18 and 19 October 2021 (see paras. 181–188);

(d) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)*, hearings on the preliminary objections raised by Myanmar held between 21 and 28 February 2022 (see paras. 159–168);

(e) *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, hearings on the request for the indication of provisional measures submitted by Ukraine held on 7 March 2022 (see paras. 189–197);

(f) *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, hearings on the merits of the case held between 1 and 14 April 2022 (see paras. 109–116).

4. During the period under review, the Court was seized of four new contentious cases (in chronological order):

(a) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia* v. *Azerbaijan)* (see paras. 174–180);

(b) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)* (see paras. 181–188);

(c) *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* (see paras. 189–197);

(d) *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)* (see paras. 198–204).

5. As at 31 July 2022, the number of cases entered in the Court's General List stood at 15:

(a) *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*;

(b) *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*;

(c) *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*;

(d) *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*;

(e) *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)*;

(f) *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*;

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

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

(i) *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*;

(j) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)*;

(k) *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*;

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

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

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

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

6. The pending contentious cases concern three States from the Group of Asia-Pacific States, eight from the Group of Latin American and Caribbean States, three from the Group of African States, six from the Group of Eastern European States, and three from the Group of Western European and other States.

7. 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 and conventions concerning, among other things, diplomatic relations, the elimination of racial discrimination, the prevention of genocide and the suppression of the financing of terrorism. 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.

8. 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 jurisdiction or admissibility, or the submission of requests for the indication of provisional measures. During the period under consideration, the Court delivered one judgment on preliminary objections and three orders on provisional measures.

9. During the period under review, the Court received no requests for advisory opinions.

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

10. The continuous 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 great vitality. In addition to working on pending cases, the Court actively reviews its procedures and working methods on an ongoing basis.

11. 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, such as requests for provisional measures, as promptly as possible.

12. 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 needs expressed by the participating States, it should be pointed out 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

13. The Court once again 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 regularly invites it to do, most recently in its resolution 76/117 of 9 December 2021. 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

14. 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. Until 2021, participation in the Judicial Fellowship Programme required financial support from each sponsoring university. This requirement precluded nominations by less well-endowed universities, particularly those in developing countries.

15. The Court welcomes the establishment in 2021 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 provide 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 nominating university – will provide funding to a number of selected candidates.

16. 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.

17. The Programme's trust fund is off to a promising start. For the 2022/23 intake, the Court received 198 eligible applications from 106 nominating universities from all over the world, with 71 universities seeking sponsorship through the trust fund for the 124 candidates they nominated.

18. Of the 15 candidates selected by the Court to take part in the Programme in 2022/23, three are nationals of developing countries who were nominated by universities located in developing countries. They will receive an award from the trust fund, the first such recipients in the Programme's history. As at 31 July 2022, the amount in the trust fund stood at $274,555.69. 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.

19. The Court is optimistic that the opportunities provided by the newly established trust fund will continue to grow, enabling a wider pool of young lawyers to gain professional experience in 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 2022.

5. Easing of measures adopted in response to the coronavirus disease pandemic

20. As indicated in its annual report for 2020/21 (A/76/4), the Court adopted a series of measures in response to the coronavirus disease (COVID-19) pandemic to contain the spread of the virus and to protect the health and well-being of the judges and Registry staff and of their families, while ensuring the continuity of activities within the its mandate. In the second quarter of 2022, the Court took steps to return to its pre-pandemic ways of working, including a return to in-person working methods for public hearings and for the private meetings of the Court, with effect from 1 June 2022.

6. Budget of the Court

(a) Budget for 2021

21. In 2021, the Court continued to adapt to and draw lessons from the pandemic. By making greater use of videoconferencing technology and data processing services, putting in place specific arrangements for virtual simultaneous interpretation and renting the additional equipment required for hybrid sessions, the Court was able to conduct all its planned judicial activities in 2021. Underspending under various budget lines, due primarily to the pandemic, enabled the Court to absorb the additional costs associated with these arrangements.

(b) Budget for 2022

22. By its resolution 76/245 of 24 December 2021, the General Assembly endorsed the recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, including a recommendation to approve the Court's proposed budget for 2022 comprising the resources for the implementation of a computer-assisted translation tool and the second phase of the replacement of obsolete audiovisual equipment in the Great Hall of Justice. In the same resolution, however, the Assembly also approved across-the-board reductions for the entire regular budget, amounting to $80,700 of the Court's proposed budget.

(c) Budget for 2023

23. In early 2022, the Court submitted its proposed programme budget for 2023 to the United Nations Controller. In preparing its budget proposals for 2023, the Court focused on the financial resources that are essential for the fulfilment of its mandate, placing particular emphasis on maintaining and developing its information and communications technology infrastructure in response to growing and more complex cybersecurity threats. The proposed budget for 2023 amounts to $28,463,200 before recosting, representing an overall decrease of $85,900 compared with the approved budget for 2022.

7. Renovation of the Peace Palace

24. Following the discovery of asbestos in the old building of the Peace Palace, works were undertaken to decontaminate and seal off the parts of the building where asbestos had been detected. Regular inspections have since been carried out to check the condition of any asbestos-containing materials in the Peace Palace.

25. In 2020, the host country announced that it had made significant budgetary resources available to decontaminate and renovate the building. It also informed the Court that renovation works would begin in the summer of 2022 at the earliest and were likely to last around eight years, during which period the Peace Palace would

close temporarily and its occupants would be fully or partially relocated to other premises. The host country further announced its intention to begin consultations with the Court to prepare for the temporary relocation of its offices in advance of the renovation of the Peace Palace. Preparatory meetings were held over the course of 2020 and 2021 to assess the precise needs of the Court with a view to drawing up concrete plans; however, the scope, extent and details of the future renovation and temporary relocation remained to be determined.

26. In September 2021, the host country informed the Court that the planned temporary relocation would not take place until 2023 at the earliest. In July 2022, the host country informed the Court that it planned to conduct additional research to explore the feasibility of renovating and decontaminating the Peace Palace as part of the building maintenance plans. To that end, the host country made known that it intended to conduct a preparatory investigation, followed by a thorough asbestos survey, in the summer of 2023, further to consultations with the Court.

Chapter II
Role and jurisdiction of the Court

27. 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.

28. 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 on the Court's website, under the heading "Basic Documents". They are also published in the series *Acts and Documents concerning the Organization of the Court*, the seventh edition of which was published in 2021.

29. 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

30. 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.

31. In that respect, it should be noted that, as at 31 July 2022, 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.

32. As at 31 July 2022, 73 of the States parties to the Statute had made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated under Article 36, paragraphs 2 and 5, of the Statute. The list of those States, together with the texts of their declarations filed with the Secretary-General, are available, for information purposes, on the Court's website, under the heading "Jurisdiction".

33. 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, under the heading "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 that consent is given (this situation is known as *forum prorogatum*).

2. Jurisdiction in advisory proceedings

34. The Court may also give advisory opinions. In addition to the General Assembly and 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 (Economic and Social Council, Trusteeship Council and Interim Committee of the General Assembly), as well as the following 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.

35. 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 2019–2020*, part three, under the heading "B. Advisory Jurisdiction").

Chapter III
Organization of the Court

A. Composition

1. Members of the Court

36. The International Court of Justice consists of 15 judges elected for a term of nine years by the General Assembly and the Security Council. Every three years, one third of the Court's seats falls vacant. Elections for the next renewal will be held in 2023.

37. On 5 November 2021, the General Assembly and the Security Council of the United Nations elected Hilary Charlesworth as a new member of the Court. Judge Charlesworth was officially sworn in on 7 December 2021 and succeeds the late Judge James Richard Crawford, who passed away on 31 May 2021. Ms. Charlesworth will hold office for the remainder of Judge Crawford's term, which was due to expire on 5 February 2024.

38. Judge Antônio Augusto Cançado Trindade, who had been a member of the Court since 6 February 2009 and whose term of office was due to expire in February 2027, passed away on 29 May 2022. On 22 June 2022, the Security Council adopted resolution 2638 (2022), whereby it decided, in accordance with Article 14 of the Statute of the Court, that the election to fill the vacancy for the remaining term of office of the late Judge Cançado Trindade would "take place on 4 November 2022 at a meeting of the Security Council and at a meeting of the General Assembly at its seventy-seventh session".

39. As at 31 July 2022, the composition of the Court was thus as follows: President: Joan E. Donoghue (United States); Vice-President: Kirill Gevorgian (Russian Federation); Judges: Peter Tomka (Slovakia), Ronny Abraham (France), Mohamed Bennouna (Morocco), Abdulqawi Ahmed Yusuf (Somalia), Xue Hanqin (China), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), Nawaf Salam (Lebanon), Iwasawa Yuji (Japan), Georg Nolte (Germany) and Hilary Charlesworth (Australia).

2. President and Vice-President

40. 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, he or she summons the agents of the parties to a meeting as soon as possible after his or her 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 member of the drafting committees unless he or she does not share the majority opinion of the Court, in which case his or her place is taken by the Vice-President or, failing that, by a third judge elected by the Court;

(i) Is ex officio 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 sitting;

(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

41. In accordance with Article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, as at 31 July 2022, was constituted as follows:

(a) Members:

– President Donoghue;

– Vice-President Gevorgian;

– Judges Abraham, Sebutinde and Robinson.

(b) Substitute members:

– Judges Nolte and Charlesworth.

42. The Court also forms committees to facilitate the performance of its administrative tasks. Their composition as at 31 July 2022 was as follows:

(a) Budgetary and Administrative Committee:

– President Donoghue;

– Vice-President Gevorgian;

– Judges Tomka, Abraham, Yusuf, Xue and Sebutinde.

(b) Rules Committee:

– Judge Tomka (Chair);

– Judges Bhandari, Robinson, Iwasawa, Nolte and Charlesworth.

(c) Library Committee:

– Judges Bhandari, Salam, Iwasawa and Nolte (the Chair of the Committee became vacant following the passing of Judge Cançado Trindade on 29 May 2022).

4. Judges ad hoc

43. 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.

44. 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 *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Yves Daudet was chosen by the Democratic Republic of the Congo.

(b) In the case concerning *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, Leonid Skotnikov was chosen by Nicaragua and Charles Brower was chosen by Colombia. Judge ad hoc Brower later resigned and was succeeded by Donald McRae.

(c) In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, Yves Daudet was chosen by Nicaragua and Donald McRae was chosen by Colombia.

(d) In the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*, Gilbert Guillaume was chosen by Kenya.

(e) In the case concerning *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, Bruno Simma was chosen by Chile and Yves Daudet was chosen by the Plurinational State of Bolivia.

(f) 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 Charles Brower was chosen by the United States. Judge ad hoc Brower later resigned and was succeeded by Rosemary Barkett.

(g) 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 Leonid Skotnikov was chosen by the Russian Federation.

(h) In the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Hilary Charlesworth was chosen by Guyana. Following the election of Judge Charlesworth as a member of the Court, Guyana chose Rüdiger Wolfrum.[1]

(i) 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 and Charles Brower was chosen by the United States. Judge ad hoc Brower later resigned.

(j) In the case concerning *Relocation of the United States Embassy to Jerusalem (Palestine* v. *United States of America)*, Gilbert Guillaume was chosen by Palestine.

[1] In view of her previous appointment by Guyana, Judge Charlesworth decided that it would not be appropriate for her to take part in any further proceedings in the case.

(k) 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.

(l) In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)*, Navanethem Pillay was chosen by the Gambia and Claus Kress was chosen by Myanmar.

(m) 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.

(n) 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 Kenneth Keith was chosen by Azerbaijan.

(o) In the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, Kenneth Keith was chosen by Azerbaijan and Yves Daudet was chosen by Armenia.

(p) 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.

B. Registrar and Deputy-Registrar

45. 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. The Deputy-Registrar is Jean-Pelé Fomété.

C. Privileges and immunities

46. 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.

47. In 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 King of the Netherlands.

48. By its resolution 90 (I) of 11 December 1946, the General Assembly approved the agreements concluded with the Government of the Netherlands in June 1946 and recommended the following: 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; 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; 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.

49. 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 had been produced by the Court itself; while unique to the Court, they were similar in form to those issued by the United Nations. 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.

50. 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.

D. Seat

51. 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.

52. 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 is responsible for the administration of 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 €1,473,894 for 2021 and €1,513,182 for 2022.

Chapter IV
Registry

53. The Court is the only principal organ of the United Nations to have its own administration (Charter, Article 98). The Registry is the permanent 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 a permanent administrative organ. The activities of the Registry are thus administrative, as well as judicial and diplomatic.

54. 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".

55. 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). 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.

56. The organizational structure of the Registry is fixed by the Court on proposals by the Registrar. The Registry consists of three departments and eight 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.

57. As at 31 July 2022, the total number of posts in the Registry was 117, divided into 61 posts in the Professional category and above (all permanent posts) and 56 in the General Service category.

58. 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 secretaries, who are also members of the Registry staff, assist the members of the Court and the judges ad hoc.

1. Registrar

59. 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.

60. The Registrar is responsible for all departments and divisions of the Registry. Under the terms of article 1 of the Instructions for the Registry, the staff are under the Registrar's authority, and he or she alone is authorized to direct the work of the Registry, of which he or she is the Head. In the discharge of his or her functions, the

Registrar reports to the Court. The Registrar's role is threefold: judicial, diplomatic and administrative.

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

(a) Keeping the General List of all cases and being responsible for recording documents in the case files;

(b) Managing the proceedings in the cases;

(c) Being present in person, or represented by the Deputy-Registrar, at meetings of the Court and of chambers; providing any assistance required and being responsible for the preparation of reports or minutes of such meetings;

(d) Countersigning all judgments, advisory opinions and orders of the Court and the minutes of meetings;

(e) Maintaining relations with the parties to a case and having specific responsibility for the receipt and transmission of various documents, most importantly those instituting proceedings (applications and special agreements) and all written pleadings;

(f) Being 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) Having 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).

62. In his or her diplomatic role, the Registrar:

(a) Attends to the Court's external relations and acts as the channel of communication to and from the Court;

(b) Manages external correspondence, including that relating to cases, and provides any consultations required;

(c) Manages 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) Maintains relations with the local authorities and with the press;

(e) Is responsible for information concerning the Court's activities and for the Court's publications, including press releases.

63. 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.

64. Pursuant to the exchange of letters and General Assembly resolution 90 (I) referred to in paragraphs 47 and 48, 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

65. 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.

66. 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

Pending contentious proceedings during the period under review

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

67. 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.

68. 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. Hungary filed a written statement of its position on the request for an additional judgment made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court. The parties subsequently resumed negotiations and regularly informed the Court of the progress made.

69. 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.

70. 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 by 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.

71. 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. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*

72. On 23 June 1999, the Democratic Republic of the Congo filed an application instituting proceedings against Uganda for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity". In its counter-memorial, filed in the Registry on 20 April 2001, Uganda presented counterclaims.

73. In the judgment that it rendered on 19 December 2005, the Court found in particular that, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying the district of Ituri and by actively extending support to irregular forces having operated on the territory of the

Democratic Republic of the Congo, Uganda had violated the principle of non-use of force in international relations and the principle of non-intervention. The Court also found that Uganda had violated its obligations under international human rights law and international humanitarian law by the conduct of its armed forces, as well as by its failure, as an occupying Power, to take measures to respect and ensure respect for human rights and international humanitarian law in Ituri District. In addition, Uganda had violated obligations owed to the Democratic Republic of the Congo under international law by acts of looting, plundering and exploitation of Congolese natural resources committed by members of the Ugandan armed forces in the territory of the Democratic Republic of the Congo and by its failure, as an occupying Power in Ituri District, to prevent acts of looting, plundering and exploitation of Congolese natural resources. The Court also found that the Democratic Republic of the Congo had for its part violated obligations owed to Uganda under the Vienna Convention on Diplomatic Relations of 1961, through maltreatment of or failure to protect the persons and property protected under said Convention. The Court therefore found that the parties were under obligation to make reparation to each other for the injury caused. It decided that, failing agreement between them, the question of reparations would be settled by the Court and reserved for that purpose the subsequent procedure in the case.

74. Thereafter, the parties transmitted to the Court certain information concerning the negotiations between them to settle the question of reparations.

75. By an order dated 1 July 2015, following a request by the Democratic Republic of the Congo, the Court decided to resume the proceedings in the case with regard to the question of reparations and fixed 6 January 2016 as the time limit for the filing by the Democratic Republic of the Congo of a memorial on the reparations that it considered to be owed to it by Uganda, and for the filing by Uganda of a memorial on the reparations that it considered to be owed to it by the Democratic Republic of the Congo.

76. By orders dated 10 December 2015 and 11 April 2016, the original time limits for the filing by the parties of their memorials on the question of reparations were extended to 28 April 2016 and 28 September 2016, respectively. The memorials were filed within the time limit thus extended.

77. By an order dated 6 December 2016, the Court fixed 6 February 2018 as the time limit for the filing, by each party, of a counter-memorial responding to the claims submitted by the other party in its memorial. The counter-memorials were filed within the time limit thus fixed.

78. Public hearings on the question of reparations, initially scheduled to be held from 18 to 22 March 2019, were subsequently postponed until 18 November of the same year, following a request submitted by the Democratic Republic of the Congo. In November 2019, having received a joint request from the parties, the Court decided to further postpone the hearings to allow the two States to make a fresh attempt to resolve the question of reparations through negotiations.

79. By an order dated 8 September 2020, in accordance with Article 50 of its Statute and article 67, paragraph 1, of its Rules, the Court decided to obtain an expert opinion to advise it on the reparations owed by Uganda for three heads of damage alleged by the Democratic Republic of the Congo, namely, the loss of human life, the loss of natural resources and property damage. By the same order, the Court decided that the expert opinion would be entrusted to four independent experts to be appointed by a subsequent order after hearing the parties.

80. By an order dated 12 October 2020, the Court appointed four experts. On 19 December 2020, the experts filed a written report of their findings. The report was subsequently communicated to the parties, which were given the opportunity to submit written observations, pursuant to article 67, paragraph 2, of the Rules of Court.

On 1 March 2021, the Court-appointed experts responded to the written observations submitted by the parties on the expert report of 19 December 2020. The experts' response was communicated to the parties in advance of the hearings.

81. Public hearings on the question of reparations were held in a hybrid format between 20 and 30 April 2021. The four experts appointed by the Court appeared at the hearings to answer questions put by the parties and follow-up questions put by judges.

82. On 9 February 2022, the Court delivered its judgment on the question of reparations. The operative part of its decision reads as follows:

"For these reasons,

The Court,

(1) Fixes the following amounts for the compensation due from the Republic of Uganda to the Democratic Republic of the Congo for the damage caused by the violations of international obligations by the Republic of Uganda, as found by the Court in its judgment of 19 December 2005:

(a) By twelve votes to two,

US$225,000,000 for damage to persons;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Iwasawa, Nolte;

Against: Judge Salam; Judge ad hoc Daudet;

(b) By twelve votes to two,

US$40,000,000 for damage to property;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Iwasawa, Nolte;

Against: Judge Salam; Judge ad hoc Daudet;

(c) Unanimously,

US$60,000,000 for damage related to natural resources;

(2) By twelve votes to two,

Decides that the total amount due under point 1 above shall be paid in five annual instalments of US$65,000,000 starting on 1 September 2022;

In favour: President Donoghue; Vice-President Gevorgian; Judges Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte;

Against: Judge Tomka; Judge ad hoc Daudet;

(3) Unanimously,

Decides that, should payment be delayed, post-judgment interest of 6 per cent will accrue on any overdue amount as from the day which follows the day on which the instalment was due;

(4) By twelve votes to two,

Rejects the request of the Democratic Republic of the Congo that the costs it incurred in the present case be borne by the Republic of Uganda;

In favour: President Donoghue; Vice-President Gevorgian; Judges Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte;

Against: Judge Tomka; Judge ad hoc Daudet;

(5) Unanimously,

Rejects all other submissions made by the Democratic Republic of the Congo."

3. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*

83. On 16 September 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia". In its application, Nicaragua requested the Court to adjudge and declare, "first, [t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*]" and, "second, [t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua's coast". Nicaragua based the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948.

84. By an order dated 9 December 2013, the Court fixed 9 December 2014 and 9 December 2015 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Colombia.

85. On 14 August 2014, Colombia raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

86. In the judgment that it rendered on 17 March 2016 on the preliminary objections raised by Colombia, the Court found that it had jurisdiction, on the basis of article XXXI of the Pact of Bogotá, to entertain the first request put forward by Nicaragua in its application, in which it had asked the Court to adjudge and declare "[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its judgment of 19 November 2012". The Court also found that request to be admissible. However, it concluded that the second request made by Nicaragua in its application was inadmissible.

87. By an order dated 28 April 2016, the President of the Court fixed 28 September 2016 and 28 September 2017 as the new respective time limits for the filing of the memorial of Nicaragua and the counter-memorial of Colombia. The memorial and counter-memorial were filed within the time limits thus fixed.

88. By an order dated 8 December 2017, the Court authorized the submission of a reply by Nicaragua and a rejoinder by Colombia. It fixed 9 July 2018 and 11 February 2019 as the respective time limits for the filing of those written pleadings. The reply and rejoinder were filed within the time limits thus fixed.

4. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*

89. On 26 November 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the violations of Nicaragua's sovereign rights and maritime zones declared by the Court's judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*] and the threat of the use of force by Colombia in order to implement these violations". In its application, Nicaragua requested the Court to adjudge and declare that Colombia was in breach of several of its international obligations and that it was obliged to make full reparation for the harm caused by its internationally wrongful acts. Nicaragua based the jurisdiction of the Court on article XXXI of the Pact of Bogotá. Nicaragua further contended that "[m]oreover and alternatively, the jurisdiction of the Court [lay] in its inherent power to pronounce on the actions required by its judgments".

90. By an order dated 3 February 2014, the Court fixed 3 October 2014 and 3 June 2015 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Colombia. Nicaragua filed its memorial within the time limit thus fixed.

91. On 19 December 2014, Colombia raised preliminary objections to the jurisdiction of the Court.

92. In the judgment that it rendered on 17 March 2016 on the preliminary objections raised by Colombia, the Court found that it had jurisdiction, on the basis of article XXXI of the Pact of Bogotá, to adjudicate upon the dispute regarding the alleged violations by Colombia of the rights of Nicaragua in the maritime zones which, according to Nicaragua, the Court had declared in its judgment of 2012 to appertain to Nicaragua.

93. By an order dated 17 March 2016, the Court fixed 17 November 2016 as the new time limit for the filing of the counter-memorial of Colombia.

94. The counter-memorial of Colombia, which was filed within the time limit thus fixed, contained four counterclaims. The first was based on the alleged breach by Nicaragua of its duty of due diligence to protect and preserve the marine environment of the south-western Caribbean Sea; the second related to the alleged breach by Nicaragua of its duty of due diligence to protect the right of the inhabitants of the San Andrés archipelago to benefit from a healthy, sound and sustainable environment; the third concerned the alleged infringement by Nicaragua of the customary artisanal fishing rights of the local inhabitants of the San Andrés archipelago to have access to and exploit their traditional fishing grounds; and the fourth related to the adoption by Nicaragua of Decree No. 33-2013 of 19 August 2013, which, according to Colombia, established straight baselines and had the effect of extending the internal waters and maritime zones of Nicaragua beyond what is permitted by international law.

95. Both parties then filed, within the time limits fixed by the Court, their written observations on the admissibility of those claims.

96. In its order dated 15 November 2017, the Court found that the first and second counterclaims submitted by Colombia were inadmissible as such and did not form part of the proceedings, but that the third and fourth counterclaims submitted by Colombia were admissible as such and formed part of the proceedings.

97. By the same order, the Court directed Nicaragua to submit a reply and Colombia to submit a rejoinder relating to the claims of both parties in the proceedings, and fixed 15 May and 15 November 2018 as the respective time limits for the filing of those pleadings. The written pleadings were filed within the time limits thus fixed.

98. By an order dated 4 December 2018, the Court authorized the submission by Nicaragua of an additional pleading relating solely to the counterclaims submitted by Colombia and fixed 4 March 2019 as the time limit for the filing of that pleading. The additional pleading was filed within the time limit thus fixed.

99. Public hearings on the merits of the case were held in a hybrid format between 20 September and 1 October 2021.

100. On 21 April 2022, the Court delivered its judgment, the operative part of which reads as follows:

> "For these reasons,
>
> The Court,
>
> (1) By ten votes to five,
>
> Finds that its jurisdiction, based on Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute regarding the alleged violations by the Republic of Colombia of the Republic of Nicaragua's rights in the maritime zones which the Court declared in its 2012 Judgment to appertain to the Republic of Nicaragua, covers the claims based on those events referred to by the Republic of Nicaragua that occurred after 27 November 2013, the date on which the Pact of Bogotá ceased to be in force for the Republic of Colombia;
>
> In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; Judge ad hoc Daudet;
>
> Against: Judges Abraham, Bennouna, Yusuf, Nolte; Judge ad hoc McRae;
>
> (2) By ten votes to five,
>
> Finds that, by interfering with fishing and marine scientific research activities of Nicaraguan-flagged or Nicaraguan-licensed vessels and with the operations of Nicaraguan naval vessels in the Republic of Nicaragua's exclusive economic zone and by purporting to enforce conservation measures in that zone, the Republic of Colombia has violated the Republic of Nicaragua's sovereign rights and jurisdiction in this maritime zone;
>
> In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; Judge ad hoc Daudet;
>
> Against: Judges Abraham, Bennouna, Yusuf, Nolte; Judge ad hoc McRae;
>
> (3) By nine votes to six,
>
> Finds that, by authorizing fishing activities in the Republic of Nicaragua's exclusive economic zone, the Republic of Colombia has violated the Republic of Nicaragua's sovereign rights and jurisdiction in this maritime zone;
>
> In favour: President Donoghue; Judges Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; Judge ad hoc Daudet;
>
> Against: Vice-President Gevorgian; Judges Abraham, Bennouna, Yusuf, Nolte; Judge ad hoc McRae;
>
> (4) By nine votes to six,
>
> Finds that the Republic of Colombia must immediately cease the conduct referred to in points (2) and (3) above;
>
> In favour: President Donoghue; Judges Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; Judge ad hoc Daudet;

Against: Vice-President Gevorgian; Judges Abraham, Bennouna, Yusuf, Nolte; Judge ad hoc McRae;

(5) By thirteen votes to two,

Finds that the "integral contiguous zone" established by the Republic of Colombia by Presidential Decree 1946 of 9 September 2013, as amended by Decree No. 1119 of 17 June 2014, is not in conformity with customary international law, as set out in paragraphs 170 to 187 [of the Judgment];

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

Against: Judge Abraham; Judge ad hoc McRae;

(6) By twelve votes to three,

Finds that the Republic of Colombia must, by means of its own choosing, bring into conformity with customary international law the provisions of Presidential Decree 1946 of 9 September 2013, as amended by Decree No. 1119 of 17 June 2014, in so far as they relate to maritime areas declared by the Court in its 2012 Judgment to appertain to the Republic of Nicaragua;

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

Against: Judges Abraham, Yusuf; Judge ad hoc McRae;

(7) By twelve votes to three,

Finds that the Republic of Nicaragua's straight baselines established by Decree No. 33-2013 of 19 August 2013, as amended by Decree No. 17-2018 of 10 October 2018, are not in conformity with customary international law;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; Judge ad hoc Daudet;

Against: Judges Bennouna, Xue; Judge ad hoc McRae;

(8) By fourteen votes to one,

Rejects all other submissions made by the Parties.

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

Against: Judge ad hoc McRae."

5. *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*

101. On 28 August 2014, Somalia filed an application instituting proceedings against Kenya with regard to a dispute concerning the delimitation of maritime spaces claimed by both States in the Indian Ocean. In its application, Somalia requested the Court "to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 [nautical miles]". As basis for the Court's jurisdiction, the applicant invoked the provisions of Article 36, paragraph 2, of the Statute, and referred to the declarations recognizing the Court's jurisdiction as compulsory made under those provisions by Somalia on

11 April 1963 and by Kenya on 19 April 1965. In addition, Somalia submitted that "the jurisdiction of the Court under Article 36, paragraph 2, of its Statute [was] underscored by article 282 of the United Nations Convention on the Law of the Sea", which both parties ratified in 1989.

102. By an order dated 16 October 2014, the President of the Court fixed 13 July 2015 and 27 May 2016 as the respective time limits for the filing of a memorial by Somalia and a counter-memorial by Kenya. Somalia filed its memorial within the time limit thus fixed.

103. On 7 October 2015, Kenya raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

104. On 2 February 2017, the Court rendered its judgment on the preliminary objections raised by Kenya. Having rejected those objections, the Court found that "it ha[d] jurisdiction to entertain the application filed by the Federal Republic of Somalia on 28 August 2014 and that the application [was] admissible".

105. By an order dated 2 February 2017, the Court fixed 18 December 2017 as the new time limit for the filing of the counter-memorial of Kenya. The counter-memorial was filed within the time limit thus fixed.

106. By an order dated 2 February 2018, the Court authorized the submission of a reply by Somalia and a rejoinder by Kenya and fixed 18 June and 18 December 2018 as the respective time limits for the filing of those written pleadings. The reply and the rejoinder were filed within the time limits thus fixed.

107. Public hearings on the merits of the case, initially scheduled to be held from 9 to 13 September 2019, were successively postponed to November 2019, June 2020 and March 2021, following requests for postponements made by Kenya. The hearings were held in a hybrid format between 15 and 18 March 2021, with the participation of the delegation of Somalia.

108. By a judgment dated 12 October 2021, the Court determined the course of the maritime boundary between Somalia and Kenya. The operative part of that judgment reads as follows:

> "For these reasons,
>
> The Court,
>
> (1) Unanimously,
>
> Finds that there is no agreed maritime boundary between the Federal Republic of Somalia and the Republic of Kenya that follows the parallel of latitude described in paragraph 35 [of the Judgment];
>
> (2) Unanimously,
>
> Decides that the starting-point of the single maritime boundary delimiting the respective maritime areas between the Federal Republic of Somalia and the Republic of Kenya is the intersection of the straight line extending from the final permanent boundary beacon (PB 29) at right angles to the general direction of the coast with the low-water line, at the point with co-ordinates 1° 39' 44.0" S and 41° 33' 34.4" E (WGS 84);
>
> (3) Unanimously,
>
> Decides that, from the starting-point, the maritime boundary in the territorial sea follows the median line described at paragraph 117 [of the Judgment] until it reaches the 12-nautical-mile limit at the point with co-ordinates 1° 47' 39.1" S and 41° 43' 46.8" E (WGS 84) (Point A);

(4) By ten votes to four,

Decides that, from the end of the boundary in the territorial sea (Point A), the single maritime boundary delimiting the exclusive economic zone and the continental shelf up to 200 nautical miles between the Federal Republic of Somalia and the Republic of Kenya follows the geodetic line starting with azimuth 114° until it reaches the 200-nautical-mile limit measured from the baselines from which the breadth of the territorial sea of the Republic of Kenya is measured, at the point with co-ordinates 3° 4' 21.3" S and 44° 35' 30.7" E (WGS 84) (Point B);

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Bennouna, Xue, Sebutinde, Robinson, Iwasawa, Nolte; Judge ad hoc Guillaume;

Against: Judges Abraham, Yusuf, Bhandari, Salam;

(5) By nine votes to five,

Decides that, from Point B, the maritime boundary delimiting the continental shelf continues along the same geodetic line until it reaches the outer limits of the continental shelf or the area where the rights of third States may be affected;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Bennouna, Xue, Sebutinde, Iwasawa, Nolte; Judge ad hoc Guillaume;

Against: Judges Abraham, Yusuf, Bhandari, Robinson, Salam;

(6) Unanimously,

Rejects the claim made by the Federal Republic of Somalia in its final submission number 4 [concerning the allegation that the Republic of Kenya, by its conduct in the disputed area, had violated its international obligations]."

6. *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*

109. On 6 June 2016, Chile filed an application instituting proceedings against the Plurinational State of Bolivia with regard to a dispute concerning the status and use of the waters of the Silala. Chile maintained that the Silala was an international watercourse but that, since 1999, the Plurinational State of Bolivia had been denying that status and claiming the exclusive right to use its waters. Chile therefore requested the Court to adjudge and declare that the Silala was an international watercourse the use of which was governed by customary international law, and to indicate the rights and obligations of the parties arising therefrom. Chile also requested the Court to adjudge and declare that the Plurinational State of Bolivia had breached its obligation to notify and consult Chile with respect to activities that might affect the waters of the Silala or the utilization thereof by Chile. As basis for the jurisdiction of the Court, the applicant invoked article XXXI of the Pact of Bogotá, to which both States are parties.

110. By an order dated 1 July 2016, the Court fixed 3 July 2017 and 3 July 2018 as the respective time limits for the filing of a memorial by Chile and a counter-memorial by the Plurinational State of Bolivia. Chile filed its memorial within the time limit thus fixed.

111. By an order dated 23 May 2018, the Court decided, following a request by the Plurinational State of Bolivia and in the absence of any objection by Chile, to extend to 3 September 2018 the time limit for the filing of the counter-memorial. That written pleading, which was filed within the time limit thus extended, contained three counterclaims. The Plurinational State of Bolivia requested the Court to adjudge and declare, inter alia, that it had sovereignty over the artificial channels and drainage

mechanisms in the Silala located in its territory, as well as "over the artificial flow of Silala waters engineered, enhanced, or produced in its territory".

112. In a letter dated 9 October 2018, the agent of Chile stated that, in order to expedite the procedure, her Government would not contest the admissibility of the counterclaims.

113. By an order dated 15 November 2018, the Court directed the submission of a reply by Chile and a rejoinder by the Plurinational State of Bolivia, limited to the respondent's counterclaims, and fixed 15 February and 15 May 2019 as the respective time limits for the filing of those written pleadings. The written pleadings were filed within the time limits thus fixed.

114. By an order dated 18 June 2019, the Court authorized the submission by Chile of an additional pleading relating solely to the counterclaims submitted by the Plurinational State of Bolivia and fixed 18 September 2019 as the time limit for the filing of that pleading. The additional pleading was filed within the time limit thus fixed.

115. Public hearings were held in a hybrid format between 1 and 14 April 2022.

116. As at 31 July 2022, the case was under deliberation. The Court will deliver its decision at a public sitting, the date of which will be announced in due course.

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

117. 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.

118. By an order dated 1 July 2016, the Court fixed 1 February and 1 September 2017 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. The memorial of the Islamic Republic of Iran was filed within the time limit thus fixed.

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

120. On 13 February 2019, 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 addition, it concluded that the Treaty of Amity did not confer jurisdiction on the Court to consider the claims by 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 "all claims of purported violations ... that [were] predicated on treatment accorded to the Government of Iran or Bank Markazi" did not possess, in the circumstances of the case, an exclusively preliminary character.

121. By an order of the same day, the Court fixed 13 September 2019 as the new time limit for the filing of the counter-memorial of the United States.

122. By an order dated 15 August 2019, the President of the Court, following a request by the United States, extended to 14 October 2019 the time limit for the filing of the latter's counter-memorial. The counter-memorial was filed within the time limit thus fixed.

123. By an order dated 15 November 2019, the President of the Court authorized the submission of a reply by the Islamic Republic of Iran and a rejoinder by the United States, and fixed 17 August 2020 and 17 May 2021 as the respective time limits for the filing of those written pleadings. The reply and the rejoinder were filed within the time limits thus fixed.

8. *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)*

124. 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 "interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine's citizens, including, for all too many, their right to life". Ukraine claimed that, in eastern Ukraine, the Russian Federation had instigated and sustained an armed insurrection against the authority of the Ukrainian State. It considered that, by its actions, the Russian Federation had flouted 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, temporarily occupied by the Russian Federation, the Russian Federation had created "a climate of violence and intimidation against non-Russian ethnic groups". According to Ukraine, this "deliberate campaign of cultural erasure ... violate[d] 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.

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

126. On 19 April 2017, the Court delivered its order on the request for the indication of provisional measures. It found, inter alia, that, with regard to the situation in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, 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 of the Crimean Tatar People; and (b) ensure the availability of education in the Ukrainian language.

127. 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.

128. On 12 September 2018, the Russian Federation raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

129. On 8 November 2019, the Court delivered its judgment on the preliminary objections raised by the Russian Federation, concluding 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.

130. 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.

131. By an order dated 8 October 2021, the Court authorized the submission of a reply by Ukraine and a rejoinder by the Russian Federation and fixed 8 April and 8 December 2022 as the respective time limits for the filing of those pleadings. By an order dated 8 April 2022, those time limits were subsequently extended to 29 April 2022 and 19 January 2023, respectively. The reply of Ukraine was filed within the time limit thus extended.

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

132. 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.

133. 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.

134. 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.

135. 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".

136. The public hearings on the question of jurisdiction, which had initially been scheduled to take place from 23 to 27 March 2020, were postponed owing to the pandemic. A public hearing was subsequently held in a hybrid format on 30 June 2020, with the participation of the delegation of Guyana.

137. On 18 December 2020, the Court delivered its judgment, in which it concluded that it had jurisdiction to entertain the application filed by Guyana in so far 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.

138. 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.

139. 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 submit 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.

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

140. 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 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.

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

142. 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 transfers of funds not subject to any restriction in so far as they related to those goods and services.

143. 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.

144. Following a request by the Islamic Republic of Iran, and in the absence of any objection from the United States, the President of the Court, by an order dated 8 April 2019, extended to 24 May 2019 and 10 January 2020 the respective time limits for the filing of the memorial of the Islamic Republic of Iran and the counter-memorial of the United States. The memorial of the Islamic Republic of Iran was filed within the time limit thus extended.

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

146. By an order dated 26 August 2019, the President of the Court fixed 23 December 2019 as the time limit within which the Islamic Republic of Iran might submit a written statement of its observations and submissions on the preliminary objections raised by the United States. That statement was submitted within the time limit thus fixed.

147. Public hearings on the preliminary objections were held in a hybrid format from 14 to 21 September 2020.

148. On 3 February 2021, 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.

149. 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.

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

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

151. 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.

152. 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.

153. 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. The memorial of the State of Palestine was filed within the time limit thus fixed.

154. 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.

12. *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*

155. 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.

156. 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.

157. By an order dated 22 April 2020, the Court, following a request by Guatemala seeking an extension of the time limit for the filing of its memorial, extended the respective time limits for the filing of the memorial of Guatemala and the counter-memorial of Belize to 8 December 2020 and 8 June 2022. Those written pleadings were filed within the time limits thus extended.

158. 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.

13. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)*

159. 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.

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

161. On 23 January 2020, the Court delivered an order indicating a number of provisional measures, ordering, 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.

162. 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.

163. By an order dated 18 May 2020, the Court, following a request by the Gambia, extended the time limits for the filing of the memorial of the Gambia and the counter-memorial of Myanmar to 23 October 2020 and 23 July 2021, respectively. The memorial of the Gambia was filed within the time limit thus extended.

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

165. By an order dated 28 January 2021, the Court fixed 20 May 2021 as the time limit within which the Gambia might submit a written statement of its observations and submissions on the preliminary objections raised by Myanmar. The statement of the Gambia was submitted within the time limit thus fixed.

166. Public hearings on the preliminary objections raised by Myanmar were held in a hybrid format between 21 and 28 February 2022.

167. On 22 July 2022, the Court delivered its judgment on the preliminary objections raised by Myanmar, the operative part of which reads as follows:

> “For these reasons,
>
> The Court,
>
> (1) Unanimously,
>
> Rejects the first preliminary objection raised by the Republic of the Union of Myanmar;
>
> (2) Unanimously,
>
> Rejects the fourth preliminary objection raised by the Republic of the Union of Myanmar;
>
> (3) Unanimously,
>
> Rejects the third preliminary objection raised by the Republic of the Union of Myanmar;
>
> (4) By fifteen votes to one,
>
> Rejects the second preliminary objection raised by the Republic of the Union of Myanmar;
>
> In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judges ad hoc Pillay, Kress;

Against: Judge Xue;

(5) 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 the Application filed by the Republic of The Gambia on 11 November 2019, and that the said Application is admissible.

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judges ad hoc Pillay, Kress;

Against: Judge Xue."

168. 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.

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

169. 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".

170. 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".

171. 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.

172. 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.

173. 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.

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

174. 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 this 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 were directed at individuals of Armenian ethnic or national origin regardless of their actual nationality. Armenia claims that "[t]hese practices [had] once again c[o]me 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 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".

175. 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".

176. 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.

177. The application also contained a request for the indication of provisional measures to "protect and preserve Armenia's rights and the rights of Armenians from further harm, and to prevent the aggravation or extension of this dispute, pending the determination of the merits of the issues raised in the Application".

178. Public hearings on the request for the indication of provisional measures were held in a hybrid format on 14 and 15 October 2021.

179. On 7 December 2021, the Court delivered its order indicating provisional measures, the operative part of which reads as follows:

> "For these reasons,
>
> The Court,
>
> Indicates the following provisional measures:
>
> (1) The Republic of Azerbaijan shall, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,
>
> (a) By fourteen votes to one,
>
> Protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law;
>
> In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; Judges ad hoc Keith, Daudet;
>
> Against: Judge Yusuf;
>
> (b) Unanimously,
>
> 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;

(c) By thirteen votes to two,

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;

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

Against: Judge Yusuf; Judge ad hoc Keith;

(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."

180. 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.

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

181. 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.

182. According to the applicant, "Armenia ha[d] engaged and is 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 erupted in 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]".

183. In its application, Azerbaijan claims, 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".

184. 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.

185. The application also contained a request for the indication of provisional measures "to compel Armenia to abide by its international obligations under [the Convention] and protect Azerbaijanis from the irreparable harm caused by Armenia's ongoing conduct", pending the Court's determination of the case on the merits.

186. Public hearings on the request for the indication of provisional measures were held in a hybrid format on 18 and 19 October 2021.

187. On 7 December 2021, the Court delivered its order indicating provisional measures, the operative part of which reads as follows:

> "For these reasons,
>
> The Court,
>
> Indicates the following provisional measures:
>
> (1) Unanimously,
>
> The Republic of Armenia shall, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, 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;
>
> (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."

188. 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.

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

189. 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".

190. 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 ha[d] 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". In its application, Ukraine also asserted that "it appear[ed] that it [was] Russia planning acts of genocide in Ukraine" and contended that the Russian Federation "[was] intentionally killing and inflicting serious injury on members of the Ukrainian nationality – the *actus reus* of genocide under article II of the Convention", accompanied by what Ukraine considered rhetoric suggestive of genocidal intent.

191. 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.

192. Together with its application, Ukraine filed a request for the indication of provisional measures "in order to prevent irreparable prejudice to the rights of Ukraine and its people and to avoid aggravating or extending the dispute between the parties under the Genocide Convention".

193. On 1 March 2022, the President of the Court addressed the following urgent communication to the Minister for Foreign Affairs of the Russian Federation, with a

copy to the Government of Ukraine: “I have the honour to refer to the Request for the indication of provisional measures filed in the proceedings instituted by Ukraine against the Russian Federation on 26 February 2022. Acting in conformity with Article 74, paragraph 4, of the Rules of Court, I hereby call the attention of the Russian Federation to the need to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects”.

194. A public hearing on the request for the indication of provisional measures was held in a hybrid format on 7 March 2022, with the participation of the delegation of Ukraine.

195. On 16 March 2022, the Court delivered its order on 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 Russian Federation shall immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine;
>
> In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judge ad hoc Daudet;
>
> Against: Vice-President Gevorgian; Judge Xue;
>
> (2) By thirteen votes to two,
>
> The Russian Federation shall ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations referred to in point (1) above;
>
> In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judge ad hoc Daudet;
>
> Against: Vice-President Gevorgian; Judge Xue;
>
> (3) 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.”

196. 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 within the time limit thus fixed.

197. On 21 and 22 July 2022, respectively, Latvia and Lithuania each filed in the Registry a declaration of intervention in the case pursuant to Article 63, paragraph 2, of the Statute of the Court. On 28 July 2022, New Zealand, invoking the same provision, also filed a declaration of intervention in the case. In accordance with article 83 of the Rules of Court, Ukraine and the Russian Federation have been invited to furnish written observations on those declarations.

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

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

199. 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 indicated 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 refers 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 [had] read to permit individual claims by victims of war crimes and crimes against humanity to be brought against sovereign States". Germany argue[d] 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".

200. As the 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, to which both States are parties.

201. Germany's application also contained a request for the indication of provisional measures, pursuant to Article 41 of the Statute and articles 73, 74 and 75 of the Rules of Court.

202. By a letter dated 4 May 2022, Germany informed the Court that, following recent judicial developments in Italy and discussions between the representatives of the two parties held between 2 and 4 May 2022, "Germany [was] withdraw[ing] its Request for the indication of provisional measures". The letter referred, inter alia, to the adoption of decree No. 36 of 30 April 2022, published in the Italian Gazette on the same day and which had entered into force on 1 May 2022. It was said in the letter that Germany understood from the decree that "Italian law require[d] Italian courts to lift measures of enforcement previously taken, and that no further measures of constraint [would] be taken by Italian courts against German property used for government non-commercial purposes located on Italian territory". It was also stated in the letter that "Germany agreed with Italy that the Decree … addressed the central concern" expressed in the request for the indication of provisional measures submitted by Germany.

203. 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.

204. 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.

Chapter VI
Information activities and visits to the Court

205. 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 visitors, presentations, multimedia platforms, its website, social media and various outreach initiatives, and by cooperating with the Secretariat regarding public information.

1. Statements by the President of the Court

206. During the period under review, the President of the Court gave a number of speeches on various aspects of the Court's work. In particular, in her address on 28 October 2021 to the General Assembly at its seventy-sixth session, the President gave an overview of the Court's activities in the period from 1 August 2020 to 31 July 2021. The following day, she addressed the Sixth Committee of the General Assembly on the roles of international judges and foreign ministry lawyers. On 29 April 2022, the President delivered a pre-recorded video message at the high-level commemorative plenary meeting of the General Assembly on the occasion of the fortieth anniversary of the adoption of the United Nations Convention on the Law of the Sea. On 1 June 2022, the President addressed the International Law Commission by video link on the occasion of the Commission's seventy-third session. The full texts of these speeches can be found on the website of the Court, under the heading "The Court", then "Statements by the President".

207. The President also delivered a number of other addresses, including to the Security Council and to the Committee of Legal Advisers on Public International Law of the Council of Europe.

2. Visits to the Court

208. Following the easing of restrictions related to the pandemic, the Court welcomed a number of high-level visitors to its seat at the Peace Palace. During those visits, members of the Court and members of the Registry staff 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: on 22 October 2021, Félix Ulloa, Vice-President of El Salvador; on 26 April 2022, Šefik Džaferović, Chairman of the Presidency of Bosnia and Herzegovina; on 16 May 2022, Pavel Blažek, Minister of Justice of Czechia; on 17 May 2022, Lucien Wong, Attorney-General of Singapore; on 19 May 2022, Nikolaos Dendias, Minister for Foreign Affairs of Greece; on 2 June 2022, Ikta Abdoulaye Mohamed, Minister of Justice of the Niger; on 24 June 2022, Judge Ahn Chul Sang, Justice of the Supreme Court of the Republic of Korea; and, on 4 July 2022, Edi Rama, Prime Minister of Albania.

3. Outreach activities and presentations

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

210. On 30 November 2021, the Registrar gave two online presentations (one in English and one in French) on the work of the Court to heads and legal advisers of diplomatic missions accredited to the Netherlands. On 21 June 2022, the Court hosted an event organized in conjunction with the Embassy of Panama to the Netherlands to

pay tribute to Ricardo J. Alfaro, former Judge and Vice-President of the Court. Commemorative speeches were delivered by several dignitaries, including the Vice-President of the Court. On 24 June 2022, the Registrar hosted an information meeting for diplomats of States of the Group of Latin American and Caribbean States.

4. Film about the Court

211. In 2021, the Court launched a new institutional film emphasizing the continued influence, relevance and importance of the Court in today's world. The film introduces viewers to the Court's mission, explaining its role, composition and functioning, and highlights its contribution to the peaceful resolution of international legal disputes. The film also touches on the ways in which the Court has been able to adapt its working methods to changing circumstances (such as the pandemic) and the new challenges and trends that may lie ahead. The film is available in English and French and can be viewed on the Court's website, on United Nations Web TV and on the Court's YouTube channel.

5. Online resources and services

212. 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. Electronic versions of the Court's press releases and summaries of its decisions are regularly published on the website and sent to a distribution list including embassies, lawyers, universities, journalists and other interested institutions and persons.

213. 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 United Nations Web TV. During the period under review, the Court supported the migration to a new platform of all the webcasts available on United Nations Web TV, providing assistance and conducting tests as required.

214. To increase the visibility of its work, the Court continues to develop and strengthen its social media presence, maintaining and regularly updating its LinkedIn, Twitter and YouTube accounts, and its "CIJ-ICJ" app.

6. Museum

215. 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.

216. Prior to the pandemic, the museum was regularly used by members of the Court and certain Registry staff members to welcome groups of visitors and to give presentations on the Court's role and work. Following the easing of pandemic-related restrictions, preparations are under way to ensure that the museum, which is currently undergoing refurbishment, can be reopened at the earliest opportunity.

7. Cooperation with the Secretariat regarding public information

217. In October 2018, the decision was made to increase cooperation between the Court and the Secretariat in the field of public information, in order to enable Member

States to become better acquainted with the role and work of the principal judicial organ of the Organization. Cooperation between the Department of Global Communications of the Secretariat and the Information Department of the Court has since been strengthened.

218. 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. The Spokesperson for the Secretary-General uses that information in daily briefings and the press releases that result from those briefings, as well as in the Journal of the United Nations, the *Week Ahead at the United Nations* and posts published on the social media platforms of the Organization. The teams responsible for managing the United Nations website and United Nations Web TV also provide the Information Department with substantial support by disseminating information on the Court's activities and broadcasting live and recorded coverage of its public hearings. The Information Department continues to cooperate with United Nations Photo and the United Nations Audiovisual Library with regard to photographic and archival materials.

Chapter VII
Publications

219. The publications of the Court are distributed 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 will be published in the second half of 2022.

220. 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*. The bound volume of *I.C.J. Reports 2020* was published during the period under review and the decisions delivered by the Court in January and February 2021 have been published in separate fascicles. The *C.I.J. Annuaire–I.C.J Yearbook* was completely redesigned and published for the first time in bilingual format with the 2013–2014 issue. The *C.I.J. Annuaire–I.C.J. Yearbook 2019–2020* was published in 2022, and the *C.I.J. Annuaire–I.C.J. Yearbook 2020–2021* will be published in the first half of 2023.

221. The Court also publishes bilingual print versions of the instruments instituting proceedings in contentious cases that are brought before it (applications instituting proceedings and special agreements), and of the applications for permission to intervene, declarations of intervention, requests for provisional measures and requests for advisory opinions that it receives. During the period under review, four new contentious cases were submitted to the Court; the related applications and requests for the indication of provisional measures will be published by the Registry in 2022.

222. 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 that series, which contain the full texts of the written pleadings, including 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 were published in the series in the period covered by the present report.

223. In the series *Acts and Documents concerning the Organization of the Court*, the Court publishes the instruments governing its organization, functioning and judicial practice. The newly revised edition of that publication, *I.C.J. Acts and Documents No. 7*, which was produced and printed in-house, includes the updated Rules of Court, as amended on 21 October 2019 and 25 June 2020, and the updated Practice Directions of the Court, as amended on 11 December 2019 and 20 January 2021. This seventh 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 homepage of the Court's website, under the heading "Multilingual resources".

224. 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 2022 and covers the years 2017 to 2019.

225. The Court decided to commemorate the hundredth anniversary of the Statute of the Permanent Court of International Justice, adopted on 13 December 1920, by

reprinting all of the decisions of the Permanent Court, in recognition of the contribution of its jurisprudence to the development of international law. The reprint reproduces the original volumes as published by the Permanent Court. Nine of the original 15 volumes have already been printed and the publication of the remaining six volumes is planned for the second half of 2022 and 2023.

226. A special illustrated book entitled *The International Court of Justice: 75 Years in the Service of Peace and Justice* was published during the period covered by the present report, in English and French, to mark the seventy-fifth anniversary of the Court. Produced entirely by the Registry, it has been designed specifically with the general public in mind. Each short chapter covers a different facet of the institution: the history of the Court, its judges and its Registry, the parties to the proceedings before it, the principles governing its judicial activity, and the contribution made by the Court to certain areas of international law.

227. The booklet "Official gifts and donations" was also published in 2022. It contains an overview of the gifts and donations that States, judges and others have offered to the Court and its predecessor in the last 100 years. An electronic version of the booklet can be found on the Court's website, under the heading "Publications".

228. The Court also produces the *Handbook*, which is intended to facilitate a better understanding of its history, organization, jurisdiction, procedures and jurisprudence. A new 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".

229. 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

230. In accordance with Article 33 of the Statute of the Court, the expenses of the Court are to be borne by the United Nations in such a manner as is decided by the General Assembly. As the budget of the Court has been 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.

231. Following the established practice, sums derived from staff assessment, sales of publications, interest income and other credits are recorded as United Nations income.

2. Budget formulation

232. 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, and then to the full Court for approval.

233. 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

234. Responsibility for the implementation of the budget is assigned to the Registrar, assisted in this by the Finance Division. The Registrar has to 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.

235. The accounts of the Court are audited by the Board of Auditors appointed by the General Assembly. At the end of each month, the closed accounts are forwarded to the United Nations Secretariat.

Budget for the Court for 2021 (appropriations), as adopted by the General Assembly

(United States dollars)

Budget class	
Members of the Court	
Non-staff compensation	8 044 200
Experts	73 100
Travel	17 300
Subtotal	**8 134 600**
Registry	
Posts	16 465 500
Other staff costs	1 643 700
Hospitality	22 500
Consultants	16 200
Travel of staff	23 700
Contractual services	121 300
Grants and contributions	153 600
Subtotal	**18 446 500**
Programme support	
Contractual services	1 341 000
General operating expenditure	2 270 000
Supplies and materials	376 800
Furniture and equipment	209 900
Subtotal	**4 197 700**
Total	**30 778 800**

Budget for the Court for 2022 (appropriations), as adopted by the General Assembly

(United States dollars)

Budget class	
Members of the Court	
Non-staff compensation	7 700 300
Experts	69 900
Travel	24 900
Subtotal	**7 795 100**
Registry	
Posts	14 697 200
Other staff costs	1 645 400
Hospitality	8 800
Consultants	42 400
Travel of staff	31 700
Contractual services	116 000
Grants and contributions	115 100
Subtotal	**16 656 600**
Programme support	
Contractual services	1 424 600
General operating expenditure	2 201 100
Supplies and materials	261 300
Furniture and equipment	210 400
Subtotal	**4 097 400**
Total	**28 549 100**

Chapter IX
Judges' pension scheme and health insurance

236. 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 and 65/258 of 24 December 2010, and section VI of resolution 71/272 A of 23 December 2016.

237. 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.

238. Following the issuance of that document, the President of the Court addressed in 2012 a letter 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).

239. 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.

240. 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".

241. 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.

242. In accordance with the request of the General Assembly, on 18 September 2019, the Secretary-General 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.

243. 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.

244. During the period under consideration, the Court undertook a review of its health insurance scheme for active and retired members of the Court and Registry staff – provided by Cigna since 2009 – in order to ensure its long-term viability. To that end, the Court considered a number of suitable alternatives, including the option for both members of the Court and Registry staff to join the health insurance plans administered by United Nations Headquarters. In that connection, the Registry has initiated consultations with several United Nations system entities with a view to ascertaining the practical arrangements under which active and retired members of the Court and Registry staff might transfer to plans administered by United Nations Headquarters. While consultations are still ongoing, the Registry is actively pursuing various other options aimed at securing sustainable health insurance coverage for members of the Court and Registry staff, both during and after service on the Court.

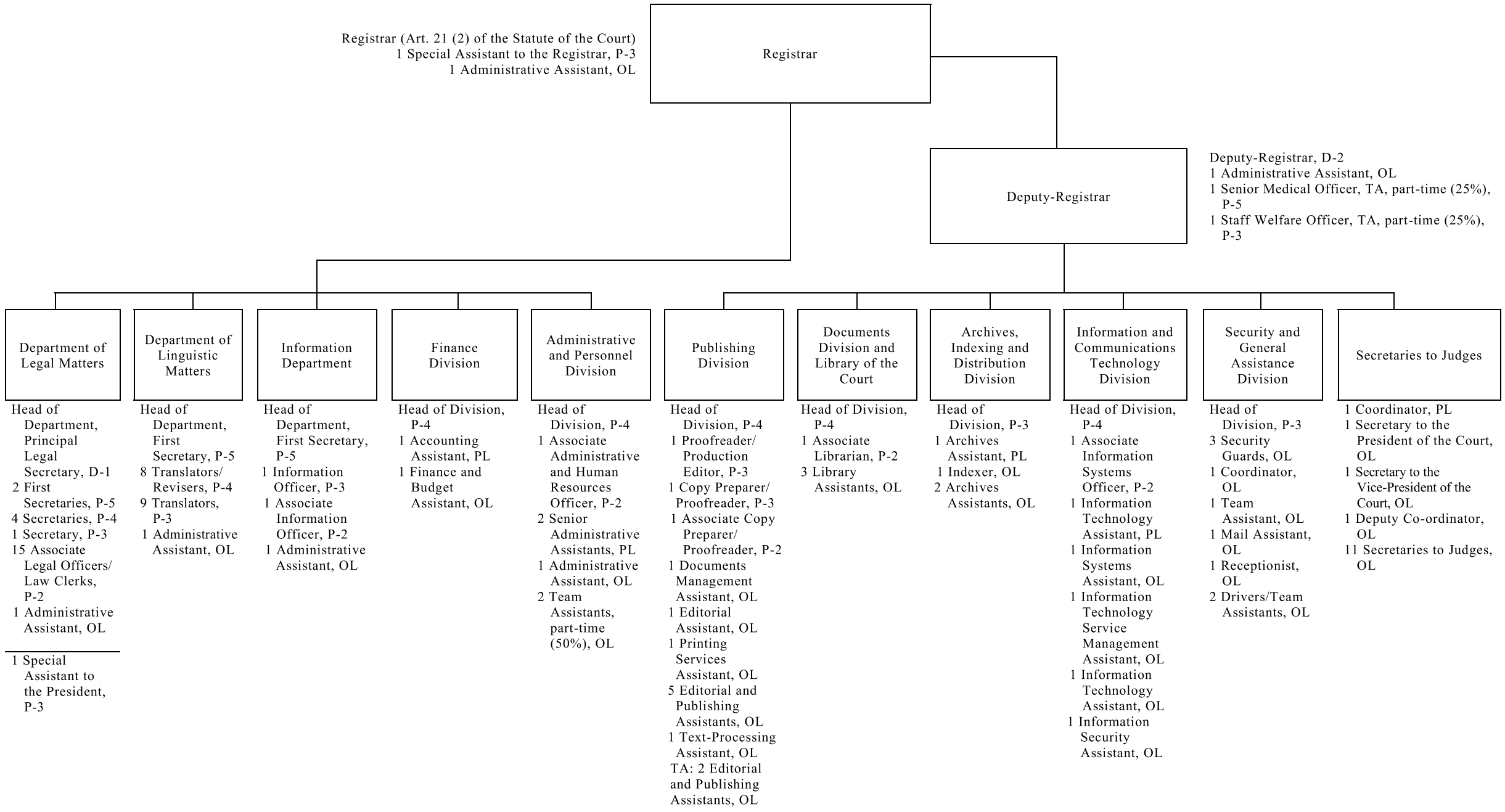
245. More comprehensive information on the work of the Court during the period under review is available on the Court's website and in the *Yearbook 2021–2022*, which will be published in due course.

(*Signed*) Joan E. **Donoghue**
President of the International Court of Justice

The Hague, 1 August 2022

Annex

International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2022



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