



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Proceedings instituted by Timor-Leste against Australia

Urgent communication to Australia from the President under Article 74, paragraph 4, of the Rules of Court

THE HAGUE, 20 December 2013. Acting in accordance with the powers conferred upon him by Article 74, paragraph 4, of the Rules of Court, Judge Peter Tomka, President of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, addressed on Wednesday 18 December 2013 an urgent communication to the Prime Minister of the Commonwealth of Australia, with a copy to the Government of the Democratic Republic of Timor-Leste, in the proceedings instituted by Timor-Leste against Australia on 17 December 2013 (see Press Release No. 2013/41).

The text of this communication is reproduced below:

“I have the honour to refer to the Application filed on 17 December 2013 by the Democratic Republic of Timor-Leste instituting proceedings against the Commonwealth of Australia and to the request for the indication of provisional measures filed by the Applicant on the same date.

The convening of the Court for purposes of proceeding to a decision on a Request for the indication of provisional measures should be dealt with as a matter of urgency (Article 74, paragraph 2, of the Rules of Court). At the same time, the date for the hearings should be fixed so as to afford Parties an opportunity of being represented at it (Article 74, paragraph 3, of the Rules of Court).

In the light of these considerations the hearings on the request made by the Democratic Republic of Timor-Leste for the indication of provisional measures have now been fixed for 20-22 January 2014.

The Court will at this juncture have to decide whether the conditions for the indication of provisional measures are met.

As President of the International Court of Justice, acting in conformity with Article 74, paragraph 4, of the Rules of Court, I hereby draw the attention of Your Government to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects, in particular to refrain from any act which might cause prejudice to the rights claimed by the Democratic Republic of Timor-Leste in the present proceedings.”

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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