



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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

#### **Preliminary objections raised by Azerbaijan**

#### **Conclusion of the public hearings held from Monday 15 to Friday 19 April 2024**

THE HAGUE, 19 April 2024. The public hearings on the preliminary objections raised by Azerbaijan in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* concluded today.

During the hearings, which opened on Monday 15 April 2024, the delegation of Azerbaijan was led by HE Mr Elnur Mammadov, Deputy Minister for Foreign Affairs of the Republic of Azerbaijan, as Agent. The delegation of Armenia was led by HE Mr Yeghishe Kirakosyan, Representative of the Republic of Armenia on International Legal Matters, as Agent.

At the end of the hearings, the following submissions were read out to the Court:

*For Azerbaijan:*

“The Republic of Azerbaijan requests that the Court issues a Judgment:

1. dismissing Armenia’s Application in its entirety on the ground that none of Armenia’s claims is properly before the Court because Armenia has failed to comply with the negotiation precondition required by Article 22 of CERD;
2. in addition, or in the alternative, declaring that the Court lacks jurisdiction *ratione materiae* with respect to Armenia’s claims concerning alleged violations by Azerbaijan of its obligations under:
  - i. Articles 2 (1), 4 (a) and 5 (b) of the CERD by engaging in the discriminatory murder, torture and inhumane treatment of members of Armenia’s armed forces during the active hostilities phase of armed conflict;
  - ii. Articles 2 (1), 4 (a) and 5 (b) of the CERD by engaging in discriminatory murder, torture and inhumane treatment of Armenian civilians during the active hostilities phase of armed conflict, except with respect to any allegations

which Armenia has particularised with reference to specific evidence purportedly indicating misconduct ‘capable’ of falling within CERD;

- iii. Articles 2 and 5 (a) of the CERD by engaging in practices of discriminatory arbitrary detention of ethnic Armenians; and
- iv. Articles 2 and 5 (a) of the CERD by engaging in practices of discriminatory enforced disappearance of ethnic Armenians.”

*For Armenia:*

“On the basis of its written and oral submissions, the Republic of Armenia respectfully requests that the Court:

- a. Reject the first preliminary objection raised by Azerbaijan; and
- b. Reject the second preliminary objection raised by Azerbaijan; or in the alternative, decide that Azerbaijan’s second preliminary objection does not possess an exclusively preliminary character.”

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The Court will now begin its deliberation.

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

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## **History of the proceedings**

On 16 September 2021, Armenia instituted proceedings against Azerbaijan concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination (see press release No. [2021/20](#)). On 21 April 2023, Azerbaijan raised preliminary objections to the jurisdiction of the Court and, in accordance with Article 79*bis*, paragraph 3, of the Rules of Court, the proceedings on the merits were therefore suspended, pending a decision of the Court on those objections (see press release No. [2023/22](#)).

By an [Order](#) dated 25 April 2023, the President of the Court fixed 21 August 2023 as the time-limit within which Armenia might present a written statement of its observations and submissions on the preliminary objections. Armenia submitted its statement within that time-limit.

Pursuant to Article 53, paragraph 2, of the Rules of Court, after ascertaining the views of the Parties, the Court decided that the texts of the preliminary objections of Azerbaijan and the written observations of Armenia, as redacted by the Parties for the protection of personal and sensitive information, would be made accessible to the public (on the [case page](#) on the website of the Court).

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

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The verbatim records of the hearings, including the lists of participating delegations, are available on the [case page](#) on the Court's website. High-resolution video clips and still photos produced by the Registry during the hearings are available free of charge and free of copyright for editorial, non-commercial use, on the [Multimedia page](#) on the Court's website.

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

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

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