



RULES OF COURT

Article 30 of the Statute of the International Court of Justice provides that "the Court shall frame rules for carrying out its functions". These Rules are intended to supplement the general rules set forth in the Statute and to make detailed provision for the steps to be taken to comply with them.

RULES OF COURT (1978)

ADOPTED ON 14 APRIL 1978 AND ENTERED
INTO FORCE ON 1 JULY 1978¹

PREAMBLE*

The Court,
Having regard to Chapter XIV of the Charter of the United Nations;
Having regard to the Statute of the Court annexed thereto;
Acting in pursuance of Article 30 of the Statute;
Adopts the following Rules.

¹Amendment entered into force on 14 April 2005.

[1] Any amendments to the Rules of Court, following their adoption by the Court, are now posted on the Court's website, with an indication of the date of their entry into force and a note of any temporal reservations relating to their applicability (for example, whether the application of the amended rule is limited to cases instituted after the date of entry into force of the amendment); they are also published in the Court's *Yearbook*. Articles amended since 1 July 1978 are marked with an asterisk and appear in their amended form.

PART I

THE COURT

SECTION A. JUDGES AND ASSESSORS

Subsection 1. The Members of the Court

Article 1

1. The Members of the Court are the judges elected in accordance with Articles 2 to 15 of the Statute.
2. For the purposes of a particular case, the Court may also include upon the Bench one or more persons chosen under Article 31 of the Statute to sit as judges *ad hoc*.
3. In the following Rules, the term "Member of the Court" denotes any elected judge; the term "judge" denotes any Member of the Court, and any judge *ad hoc*.

Article 2

1. The term of office of Members of the Court elected at a triennial election shall begin to run from the sixth of February¹ in the year in which the vacancies to which they are elected occur.
2. The term of office of a Member of the Court elected to replace a Member whose term of office has not expired shall begin to run from the date of the election.

[1] This is the date on which the terms of office of the Members of the Court elected at the first election began in 1946.

Article 3

1. The Members of the Court, in the exercise of their functions, are of equal status, irrespective of age, priority of election or length of service.
2. The Members of the Court shall, except as provided in paragraphs 4 and 5 of this Article, take precedence according to the date on which their terms of office respectively began, as provided for by Article 2 of these Rules.
3. Members of the Court whose terms of office began on the same date shall take precedence in relation to one another according to seniority of age.
4. A Member of the Court who is re-elected to a new term of office which is continuous with his previous term shall retain his precedence.
5. The President and the Vice-President of the Court, while holding these offices, shall take precedence before all other Members of the Court.

Disclaimer Accessibility

1. The oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing. Accordingly, they shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered by the pleadings, or merely repeat the facts and arguments these contain.

2. At the conclusion of the last statement made by a party at the hearing, its agent, without recapitulation of the arguments, shall read that party's final submissions. A copy of the written text of these, signed by the agent, shall be communicated to the Court and transmitted to the other party.

Article 61

1. The Court may at any time prior to or during the hearing indicate any points or issues to which it would like the parties specially to address themselves, or on which it considers that there has been sufficient argument.

2. The Court may, during the hearing, put questions to the agents, counsel and advocates, and may ask them for explanations.

3. Each judge has a similar right to put questions, but before exercising it he should make his intention known to the President, who is made responsible by Article 45 of the Statute for the control of the hearing.

4. The agents, counsel and advocates may answer either immediately or within a time-limit fixed by the President.

Article 62

1. The Court may at any time call upon the parties to produce such evidence or to give such explanations as the Court may consider to be necessary for the elucidation of any aspect of the matters in issue, or may itself seek other information for this purpose.

2. The Court may, if necessary, arrange for the attendance of a witness or expert to give evidence in the proceedings.

Article 63

1. The parties may call any witnesses or experts appearing on the list communicated to the Court pursuant to Article 57 of these Rules. If at any time during the hearing a party wishes to call a witness or expert whose name was not included in that list, it shall so inform the Court and the other party, and shall supply the information required by Article 57. The witness or expert may be called either if the other party makes no objection or if the Court is satisfied that his evidence seems likely to prove relevant.

2. The Court, or the President if the Court is not sitting, shall, at the request of one of the parties or *proprio motu*, take the necessary steps for the examination of witnesses otherwise than before the Court itself.

Article 64

Unless on account of special circumstances the Court decides on a different form of words,

(a) every witness shall make the following declaration before giving any evidence:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth";

(b) every expert shall make the following declaration before making any statement:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth, and that my statement will be in accordance with my sincere belief."

Article 65

Witnesses and experts shall be examined by the agents, counsel or advocates of the parties under the control of the President. Questions may be put to them by the President and by the judges. Before testifying, witnesses shall remain out of court.

Article 66

The Court may at any time decide, either *proprio motu* or at the request of a party, to exercise its functions with regard to the obtaining of evidence at a place or locality to which the case relates, subject to such conditions as the Court may decide upon after ascertaining the views of the parties. The necessary arrangements shall be made in accordance with Article 44 of the Statute.

Article 67

1. If the Court considers it necessary to arrange for an enquiry or an expert opinion, it shall, after hearing the parties, issue an order to this effect, defining the subject of the enquiry or expert opinion, stating the number and mode of appointment of the persons to hold the enquiry or of the experts, and laying down the procedure to be followed. Where appropriate, the Court shall require persons appointed to carry out an enquiry, or to give an expert opinion, to make a solemn declaration.

2. Every report or record of an enquiry and every expert opinion shall be communicated to the parties, which shall be given the opportunity of commenting upon it.

Article 68

Witnesses and experts who appear at the instance of the Court under Article 62, paragraph 2, and persons appointed under Article 67, paragraph 1, of these Rules, to carry out an enquiry or to give an expert opinion, shall, where appropriate, be paid out of the funds of the Court.

Article 69

1. The Court may, at any time prior to the closure of the oral proceedings, either *proprio motu* or at the request of one of the parties communicated as provided in Article 57 of these Rules, request a public international organization, pursuant to Article 34 of the Statute, to furnish information relevant to a case before it. The Court, after consulting the chief administrative officer of the organization concerned, shall decide whether such information shall be presented to it orally or in writing, and the time-limits for its presentation.

2. When a public international organization sees fit to furnish, on its own initiative, information relevant to a case before the Court, it shall do so in the form of a Memorial to be filed in the Registry before the closure of the written proceedings. The Court shall retain the right to require such information to be supplemented, either orally or in writing, in the form of answers to any questions which it may see fit to formulate, and also to authorize the parties to comment, either orally or in writing, on the information thus furnished.

3. In the circumstances contemplated by Article 34, paragraph 3, of the Statute, the Registrar, on the instructions of the Court, or of the

President if the Court is not sitting, shall proceed as prescribed in that paragraph. The Court, or the President if the Court is not sitting, may, as from the date on which the Registrar has communicated copies of the written proceedings and after consulting the chief administrative officer of the public international organization concerned, fix a time-limit within which the organization may submit to the Court its observations in writing. These observations shall be communicated to the parties and may be discussed by them and by the representative of the said organization during the oral proceedings.

4. In the foregoing paragraph, the term "public international organization" denotes an international organization of States.

Article 70

1. In the absence of any decision to the contrary by the Court, all speeches and statements made and evidence given at the hearing in one of the official languages of the Court shall be interpreted into the other official language. If they are made or given in any other language, they shall be interpreted into the two official languages of the Court.

2. Whenever, in accordance with Article 39, paragraph 3, of the Statute, a language other than French or English is used, the necessary arrangements for interpretation into one of the two official languages shall be made by the party concerned; however, the Registrar shall make arrangements for the verification of the interpretation provided by a party of evidence given on the party's behalf. In the case of witnesses or experts who appear at the instance of the Court, arrangements for interpretation shall be made by the Registry.

3. A party on behalf of which speeches or statements are to be made, or evidence given, in a language which is not one of the official languages of the Court, shall so notify the Registrar in sufficient time for him to make the necessary arrangements.

4. Before first interpreting in the case, interpreters provided by a party shall make the following declaration in open court:

"I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete."

Article 71

1. A verbatim record shall be made by the Registrar of every hearing, in the official language of the Court which has been used. When the language used is not one of the two official languages of the Court, the verbatim record shall be prepared in one of the Court's official languages.

2. When speeches or statements are made in a language which is not one of the official languages of the Court, the party on behalf of which they are made shall supply to the Registry in advance a text thereof in one of the official languages, and this text shall constitute the relevant part of the verbatim record.

3. The transcript of the verbatim record shall be preceded by the names of the judges present, and those of the agents, counsel and advocates of the parties.

4. Copies of the transcript shall be circulated to the judges sitting in the case, and to the parties. The latter may, under the supervision of the Court, correct the transcripts of speeches and statements made on their behalf, but in no case may such corrections affect the sense and bearing thereof. The judges may likewise make corrections in the transcript of anything they may have said.

5. Witnesses and experts shall be shown that part of the transcript which relates to the evidence given, or the statements made by them, and may correct it in like manner as the parties.

6. One certified true copy of the eventual corrected transcript, signed by the President and the Registrar, shall constitute the authentic minutes of the sitting for the purpose of Article 47 of the Statute. The minutes of public hearings shall be printed and published by the Court.

Article 72

Any written reply by a party to a question put under Article 61, or any evidence or explanation supplied by a party under Article 62 of these Rules, received by the Court after the closure of the oral proceedings, shall be communicated to the other party, which shall be given the opportunity of commenting upon it. If necessary the oral proceedings may be reopened for that purpose.

SECTION D. INCIDENTAL PROCEEDINGS

Subsection 1. Interim Protection

Article 73

1. A written request for the indication of provisional measures may be made by a party at any time during the course of the proceedings in the case in connection with which the request is made.

2. The request shall specify the reasons therefor, the possible consequences if it is not granted, and the measures requested. A certified copy shall forthwith be transmitted by the Registrar to the other party.

Article 74

1. A request for the indication of provisional measures shall have priority over all other cases.

2. The Court, if it is not sitting when the request is made, shall be convened forthwith for the purpose of proceeding to a decision on the request as a matter of urgency.

3. The Court, or the President if the Court is not sitting, shall fix a date for a hearing which will afford the parties an opportunity of being represented at it. The Court shall receive and take into account any observations that may be presented to it before the closure of the oral proceedings.

4. Pending the meeting of the Court, the President may call upon the parties 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.

Article 75

1. The Court may at any time decide to examine *proprio motu* whether the circumstances of the case require the indication of provisional measures which ought to be taken or complied with by any or all of the parties.

2. When a request for provisional measures has been made, the Court may indicate measures that are in whole or in part other than those requested, or that ought to be taken or complied with by the party which has itself made the request.

3. The rejection of a request for the indication of provisional measures shall not prevent the party which made it from making a fresh request