



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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### **Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)**

### **Fixing of the time-limit for the filing of a written statement by Georgia on the preliminary objections to jurisdiction raised by the Russian Federation**

THE HAGUE, 18 December 2009. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, has fixed the time-limit for the filing, by Georgia, of a written statement of its observations and submissions on the preliminary objections to jurisdiction raised by the Russian Federation in the case concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation).

The Russian Federation presented its preliminary objections on 1 December 2009. Pursuant to Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were then suspended.

By an Order of 11 December 2009, the Court fixed 1 April 2010 as the time-limit for the filing of Georgia's written statement on the preliminary objections. The Parties had agreed on a time-limit of four months from the filing of the preliminary objections for the presentation of the written statement. The subsequent procedure has been reserved for further decision.

#### **History of the proceedings**

On 12 August 2008, Georgia filed an Application instituting proceedings against the Russian Federation for "serious violations of its fundamental obligations under the International Convention on the Elimination of All Forms of Racial Discrimination" (hereinafter "CERD"). On 14 August 2008, Georgia, referring to Article 41 of the Statute of the Court and to Articles 73, 74 and 75 of the Rules of Court, submitted a request for the indication of provisional measures in order "to preserve [its] rights under CERD to protect its citizens against violent discriminatory acts by Russian armed forces, acting in concert with separatist militia and foreign mercenaries".

On 15 August 2008, acting in accordance with the powers conferred upon her by Article 74, paragraph 4, of the Rules of Court, Judge Rosalyn Higgins, President of the International Court of Justice, addressed an urgent communication to the Parties calling upon them "to act in such a way as will enable any order the Court may take on the request for provisional measures to have its appropriate effects".

On 25 August 2008, Georgia, referring to “the rapidly changing circumstances in Abkhazia and South Ossetia”, submitted an amended request for the indication of provisional measures. Public hearings, in the presence of both Parties, were held from 8 to 10 September 2008.

On 15 October 2008, the Court issued its Order on the request for the indication of provisional measures submitted by Georgia. In that Order, the Court indicated inter alia that both Parties should refrain from any act of racial discrimination and from sponsoring, defending or supporting such acts; that they should facilitate humanitarian assistance; and that they should refrain from any action which might prejudice the respective rights of the Parties or might aggravate or extend the dispute.

By an Order of 2 December 2008, the President of the Court, taking account of the agreement of the Parties, fixed time-limits for the filing of the initial written pleadings in the case. The time-limit for the filing of a Memorial by Georgia was fixed as 2 September 2009, and the time-limit for the filing of a Counter-Memorial by the Russian Federation was fixed as 2 July 2010. The Memorial was filed within the time-limit thus prescribed.

On 1 December 2009, within the time-limit set in Article 79, paragraph 1, of the Rules of Court, the Russian Federation, as indicated above, filed certain preliminary objections regarding jurisdiction.

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The full text of the Order of the Court will be available shortly on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)). However, written pleadings remain confidential until the Court decides to make them accessible to the public, generally at the opening of the oral proceedings.

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