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Court of Justice Rules Made Public

ed from Page One

labed in accordance with Article XIV covenant of the League of Na-B. This court shall be in addition to court of arbitration organized by The special tribunals of arbitration states are always at liberty to nit their disputes for settlement. CHAPTER I

ORGANIZATION OF THE COURT Article II. The permanent court of a body of independent judges, elected of a body of independent Judges, elected regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for apment to the highest judicial offices, are jurisconsults of recognized comin international law.

Article III. The court shall consist of fteen members—eleven judges and bers, he have deputy judges. The number of conditions. and deputy judges may be hereafter increased by the assembly upon the proposal of the council of the general.

This notification makes the place va-

League of Nations to a total of fifteen judges and six deputy judges.

Article IV. The members of the court shall be elected by the assembly and the

the date of the election the secre-ry general of the League of Nations court that he will exercise his powers onging to the states mentioned in annex to the covenant or to the tates which shall have joined the league absequently, inviting them to underake by national groups the nomination f persons in a position to accept the es of a member of the court. No group may nominate more than to persons; the nominees may be of

y nationality. Article VI. Before making these nomnations each national group is hereby ustice, its legal faculties and schools law, and its national academies and onal sections of international acaddevoted to the study of law.

Article VII. The secretary general of of Nations shall prepare a int in alphabetical order of all the percons thus nominated. These persons only shall be eligible for appointment, except as provided in Article XII, para-

article VIII. The assembly and the of the court should give notice to the deputy judges.

Of the court should give notice to the member concerned.

In the event of the president and the courts are the courts are the courts.

the deputy judges.

Article IX. At every election the member not agreeing as to the course member not agree member not agre fications required, but the whole body also should represent the main forms of civilization and the principal legal sys tems of the world.

Article X. Those candidates who obtain an absolute majority of votes in

the assembly and the council shall be considered as elected.

In the event of more than one candi-date of the same nationality being elected by the votes of both the assembly and the council, the eldest of these only shall be considered as elected.

Filling Vacant Seats

Article II—If, after the first sitting held for the purpose of the election.

one or more seats remain to be filled. a second and if necessary, a third sitting shall take place.

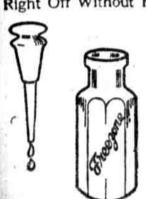
Article XII—If ofter the third sitting

one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the assembly and three by the council, may be formed, at any time, at the request of either the assembly or the council, for



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required conditions he may be included in its list, even though he was not included in the list of nominations made by the court of arbitration.

If the joint conference is not successful in procuring an election those members of the court who have already been appointed shall, within a time

been appointed shall, within a time limit to be arranged by the council, proceed to fill the vacant seats by selection from amongst those candidates who have obtained votes either in the who have obtained votes either in the assembly or in the council.

In the event of an equality of votes amongst the judges, the eldest judge shall have a casting vote.

Article XIII—The members of the court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their fattice artill their places have been

futies until their places have been

Though replaced, they shall complete any cases which they may have begun. Article XIV—Vacancies which may occur shall be filled by the same method as that laid down for the first elec-

A member of the court elected to re-place a member the period of whose ap-pointment has not expired will hold the appointment for the remainder of his edecessor's term. Article XV—Deputy judges shall be called upon to sit in the order laid

down in a list.

This list shall be prepared by the court, having regard first to the order in time of each election and secondly

age. Article XVI-The exercise of any function which belongs to the political direction, national or international, of states, by the members of the court, during their terms of office is declared compatible with their judicial duties.

Any doubt upon this point is set-

ed by the decision of the court.

Article XVII—No member of the court can act as agent, counsel or advocate in any case of an international

No member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting avertee. previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.

Any doubt upon this point is settled

Any doubt upon this point is settled

Article XVIII-A member of the who court cannot be dismissed unless, in the court. unanimous opinion of the other mem-bers, he has ceased to fulfill the required

When this happens a formal notifica

cant. Diplomatic Immunities Article XIX-The members of the all be elected by the persons nominated suncil from a list of persons nominated state of the national groups in the court of shall enjoy the privileges and number of the shall provided the state of diplomatic representatives.

Article XX—Every member of the court shall before taking up his duties a solemn declaration in open.

shall address a written request to the impartially and conscientiously.

Article XXI—The court shall elect its president and vice president for ree years; they may be re-elected. It shall appoint its registrar.

The duties of registrar of the court shall not be considered incompatible with those of secretary general of the permanent court of arbitration.
Article XXII—The seat of the court

shall be established at the Hague.

The president and registrar shall re side at the seat of the court. Article XXIII-A session shall be held every year. Unless otherwise provided by rules of

court this session shall begin on the June 15, and shall continue for so long as may be necessary to complete the

reason, a member of the court considers preceding conditions have been com that he cannot take part in the deci-

The secretary general shall submit inform the president.

It, for some special reason, the president article.

Article VIII. The assembly and the Article VIII. The assembly and the shall give notice to the shall give notice to the

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the purpose of choosing one name for each seat still vacant, to submit to the assembly and the council for their respective acceptance.

If the committee is upanimously agreed upon any person who fulfills the required conditions he may be included required conditions he may be included the county of the count

shall suffice to constitute the court. Article XXVI-With a view to the speedy dispatch of business the cours shall form annually a chamber composed of three judges who, at the re-quest of the contesting parties, may hear and determine cases by summary

Court to Frame Own Rules

Article XXVII-The court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure,

Article XXVIII—Judges of the na-tionality of each contesting party shall retain their right to sit in the case be-

If the court includes upon the bench judge of the nationality of one of the a judge of the nationality of one of the parties only, the other party may select from among the deputy judges a judge of its nationality, if there be one. If there should not be one, the party may schoose a judge, preferably from among those persons who have been nominated as candidates by some national group in the court of arbitration.

Article XXXV. The court shall, at the written request, of one of the party may select from among the deputy judges a judge in Article XXXIV, apply in his reasons, shall otherwise decide.

Article XXXV. The court shall, at the written request, of one of the party may select from among the deputy judges a judge in Article XXXIV. The court shall, at the written request, of one of the party may select from among the deputy judges a judge in Article XXIVI. Minutes shall the Registrar and the President.

These minutes shall be the only at the court of arbitration.

Second, International custom, as eviloned of a general practice, which is

If the court includes upon the bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be

pose of the preceding provisions, be reckoned as one party only.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this article shall fulfill the conditions required by Articles II, XVI, XVII, XX, XXIV of this statute. They shall take part in the decision on an equal footing with their colleagues.

Article XXIX—The judges shall receive an annual salary to be determined by the assembly of the League of Nations upon the proposal of the council. This salary must not be decreased during the period of a judge's appointment.

funded to judges and deputy who do not reside at the seat of the

Grants due to judges selected or chosen as provided in Article XXVIII shall be determined in the same way.

The salary of the registrar shall be decided by the council upon the proposal of the court A special regulation shall provide for

A special regulation shall provide for the pensions to which the judges and registrar shall be entitled.

Article XXX. The expenses of the court shall be borne by the League of Nations in such a manner as shall be decided by the assembly upon the provided XXXIX. If the dispute of Nations (NXXIX) if the dispute decided by the assembly upon the proosal of the council.

CHAPTER II COMPETENCE OF THE COURT Article XXXI. The court shall have

between states Article XXXII. The court shall be open of right to the states mentioned the measure suggested shall forthwith in the annex to the covenant, and to be given to the parties and the Counsuch others as shall subsequently enter the League of Nations. Other states may have access to it.

The conditions under which the court shall be open of right or accessible to states which are not members of the League of Nations shall be determined by the council, in accordance with ar-ticle XVII of the covenant. Article XXXIII. When a dispute

has arisen between states, and it has been found impossible to settle it by cases on the list.

The president may summon an extraordinary meeting of the court whentraordinary meeting of the court whentraor

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(e) the interpretation of a sentence passed by the court.

The court shall also take cognizance of all disputes of any kind which may be submitted to it by a general or particular convention between the parties.

In the event of a dispute as to whether a certain case comes within any of the categories above mentioned, the matter shall be settled by the decision of the court.

State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article XLIV. The proceedings shall be under the direction of the vice President; or in his absence, of the vice President; if both are absent, the senior judge shall preside.

Hearings to be aveved.

Article XLIV. The proceedings shall be under the direction of the vice President; or in his absence, or the vi

an advisory opinion upon any question recorded.

or dispute of an international nature Article XLIX. The Court may referred to it by the council or assembly. at any time, entrust any individual.

When the court shall give an opinion bureau, commission or other body that on a question of an international nature it may select, with the task of carrywhich does not refer to any dispute that ing out an inquiry or giving an experimal have arisen, it shall appoint a opinion.

CHAPTER III

CHAPTER III

PROCEDURE

Article XXXVII. The official language of the Court shall be French.
The Court may, at the request of the contesting parties, authorize another language to be used before it.
Article XXXVIII. A State desiring to have recourse to the Court shall lodge a written application addressed to the Registrar.

ful.

Article LI. After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

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The application shall indicate the subject of the dispute, and name the contesting parties. The Registrar shall forthwith com-

Article XXXIX. If the dispute arises out of an act which has already taken place or which is imminent, the Court shall have the power to suggest if it considers that circumstances so Article XXXI. The court shall have require the provisional measures that risdiction to hear and determine suits should be taken to preserve the respecthe provisional measures that tive rights of either party.

Pending the final decision, notice of

Article XL. The parties shall b represented by agents.

They may have Counsel or Advocates to plead before the Court.

to plead before the Court.

Article XLI. The procedure shall consist of two parts: written and oral.

Article XLI. The written proceedings shall consist of the communication to the judges and to the parties of statements of cases, counter-cases and, if necessary, replies; also all papers and documents in support.

These communications shall be made

which are members of the League of Nations, the court shall have jurisdiction (and this without any special convention giving it jurisdiction to hear and determine cases of a legal nature, concerning:

(a) The interpretation of a treaty;
(b) any question of international law.
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of reparation to be made for the breach of an international obligation.

Article XLIII. The oral proceedings shall consist of the hearing by the Court shall withdraw to consider the judgment.

The Court shall withdraw to consider the judgment.

The deliberations of the Court shall take place in private and remain secret.

For the service of all notices upon persons other than the agents, counsel and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

any of the categories above mentioned, the matter shall be settled by the decision of the court.

Article XXXV. The court shall, within the limits of its jurisdiction as the written request, of one of the parties, accompanied by a statement of the recovery of the parties.

rules expressly recognized by the president.

These minutes shall be made at each hearing, and signed by the Registrar and the President.

These minutes shall be the only authentic record. The Court shall

Article XLVII. The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments and make all arrangements. Fourth. Judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Article XLVII. The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments and make all arrangements connected with the taking of evidence. Article XLVIII. The Court may, publicists of the various nations, as subsidiary means for the determination of rules of law.

Article XLVII. The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments and make all arrangements connected with the taking of evidence. Article XLVIII. The Court may, publicists of the various nations, as even before the hearing begins, call upon the agents to produce any document, or to supply to the Court any article XXXVII. The court shall give the case, shall decide the form and time in which each party must conclude its arguments and make all arrangements are connected with the taking of evidence. Article XLVIII. Article XXXVI. The court shall give explanations. Any refusal shall be

may have arisen, it shall appoint a special commission of from three to five members.

When it shall give an opinion upon a question which forms the subject of an existing dispute, it shall do so under the same conditions as if the case had been actually submitted to it for decision.

CHAPTER III

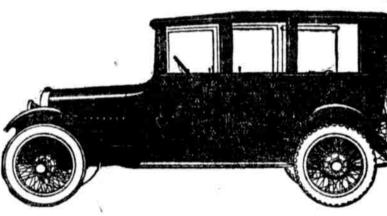
the other party may call upon the Court to decide in favor of his claim. The Court must, before doing so satisfy itself, not only that it has jurisdiction in accordance with Articles XXXIII and XXXIV, but also that the claim is supported by subtantial evidence and well founded in fact and He shall also notify the Members of law.

Article LIII. When the agents, ad-



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Article LVII. The judgment shall be signed by the President and by the Registrar. It shall be read in open Court due notice having been given to the agents.

Article LVIII. The judgment is final and without appeal. In the event of uncertainty as to the meaning or scope of the judgment, the Court shall construct it upon the request of any party. true it upon the request of any party. Article LIX. An application for revision of a judgment can be made only when it is based upon the discovery of some new fact, of such a nature as to be a decisive factor, which fact was,

when it is based upon the discovery of such a nature as to some new fact, of such a nature as to be a decisive factor, which fact was, and also to the party to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

Article LVI. If the judgment given does not represent, wholly or in part, the unanimous opinion of the judges, the dissenting judges shall be entitled to have the fact of their dissent or reservations mentioned in it. But the reasons for their dissent or reservations shall not be expressed in the judgment.

When it is based upon the discovery double a nature as to some new fact, of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such ignorance will be as binding upon it as upon the convention in which states, other than those concerned in the Case, are parties, is in question. Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction of a convention of a conv

which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

Article LXI. Whenever the construction of a convention in which States, other than those concerned in the case, are parties, is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the circumstant of the case.





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