

Statute and Rules
for
The Arab Court of Justice

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Article 1.

The Arab Court of Justice, established by the League of Arab States as its principal judicial organ, shall be constituted and shall function in accordance with the provisions of the present Statute and Rules.

Article 2.

The Court shall be composed of a body of independent judges, elected or appointed from among persons of high moral character.

Article 3.

Section 3.01 The Court shall consist of twelve member states, except in cases where time constraints shall demand that fewer cases be heard. In those cases, the number of states represented will be determined on an individual basis.

Section 3.02 Membership on the Court shall rotate among the members of the League of Arab States on an annual basis, such that states scheduled to appear before the Court will always be represented on the Court.

Section 3.03 Each member state shall have one seat on the Bench, except while a country is being represented in the case currently being heard by the court. Such members shall recuse themselves for the duration of the proceedings of the case in question.

- (a) Each seat on the Bench shall be represented in formal procedure by a Justice of the Court. Justices of the Court must be present for the entirety of all proceedings of the Court.
- (b) Each Justice of the Court shall be allowed one Clerk of the Court.
 - (i) Clerks shall retain all rights of access afforded to Justices.
 - (ii) Clerks shall not participate in formal proceedings or procedural or substantive votes. Clerks shall be available for counsel and caucus with Justices of the Court as necessary for the functioning of the Court.
- (c) The Justice and Clerk of the Court representing one seat on the Bench may exchange roles whenever a case is not being heard, but never during the hearing of a case.
- (d) The declaration to be made by every Member of the Court shall be as follows:
“I solemnly declare that I will perform my duties and exercise my powers as judge honorably, faithfully, impartially, and conscientiously.”

Article 4.

Section 4.01 The Chief Justice of the Court shall represent a member state of the League of Arab States, but need not represent a Member State of the Court.

Section 4.02 The Chief Justice shall have no voting rights on substantive matters, but may vote in procedural matters to break a tie.

Article 5.

Section 5.01 An Assistant Chief Justice of the Court shall be elected from among the justices. The Assistant Chief Justice shall retain all rights of access afforded to the Chief Justice.

Section 5.02 When the Chief Justice is not present the Assistant Chief Justice shall act as a representative for the Chief Justice and shall have all rights and privileges afforded to the Chief Justice.

Article 6.

Section 6.01 The Chief Justice, the Secretariat, and other leadership of the League of Arab States together shall appoint a Bailiff of the Court. The Bailiff shall perform duties as indicated in this Statute and otherwise assist the Chief Justice as needed.

Section 6.02 Before taking up his duties, the Bailiff of the Court shall make the following declaration at a meeting of the Court:

“I solemnly declare that I will perform the duties incumbent upon me as Bailiff of the Arab Court of Justice in all loyalty, discretion and good conscience, and that I will faithfully observe all provisions of the Statute and Rules of the Court.”

Article 7.

Members of the Court shall be bound, unless prevented from attending by illness or other serious reasons duly explained to the Chief Justice of the Court, to hold themselves permanently at the disposal of the Court while the Court is in session.

Article 8.

Section 8.01 If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the Chief Justice of the Court.

Section 8.02 If the Chief Justice of the Court considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

Section 8.03 If in any such case the member of the Court and the Chief Justice disagree, the matter shall be settled by a majority decision of the Court.

Section 8.04 In no case shall a member of the Court sit in a case where his country is a party.

Article 9.

Section 9.01 The full court shall sit except when it is expressly provided otherwise in the present Statute.

Section 9.02 A quorum of nine judges – including the Chief Justice – shall suffice to constitute the Court. In cases where a fewer number of Justices sit, the quorum shall remain proportional thereto.

Article 10.

Shall there be several parties in the same interest, they shall be reckoned as one party only and shall be represented by the Member State listed on the Docket of the Court. Any doubt upon this point shall be settled by a majority decision of the Court.

Article 11.

Only states may be parties in cases before the Court.

Article 12.

The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

Article 13.

In the event of a dispute as to the Court's jurisdiction, the matter shall be settled by a majority decision of the Court.

Article 14.

Section 14.01 The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- (a) International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- (b) International custom, as evidence of a general practice accepted as law;
- (c) The general principles of law recognized by Arab nations;
- (d) Subject to the provisions of Article XXII, judicial decisions and the teachings of the most highly qualified publicists of the various Arab nations, as subsidiary means for the determination of rules of law.

Section 14.02 This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono* (according to the commonly accepted standards of what constitutes appropriate behavior), if the parties agree thereto.

Article 15.

The Court shall have the power to indicate, if it determines that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Joint Defense Council.

Article 16.

Section 16.01 The parties being heard shall be represented by agents

Section 16.02 The agents may have the assistance of counsel or advocates before the Court.

Article 17.

Section 17.01 The procedure of the Court shall consist of two parts: written and oral.

Section 17.02 The written portion shall consist of the communication to the Court of memorials, counter-memorials and, if necessary, replies and rejoinders; also all papers and documents in support.

- (a) The Court may authorize or direct that there shall be a Reply by the applicant and a Rejoinder by the respondent if the parties are so agreed, or if the Court decides, *proprio motu* (of its own volition) or at the request of one of the parties, that these pleadings are necessary.

- (b) A Memorial shall contain:
 - 1) A statement of the relevant facts; and
 - 2) A statement of relevant law.
- (c) A Counter-Memorial shall contain:
 - 1) An admission or denial of the facts stated in the Memorial;
 - 2) Any additional facts, if necessary;
 - 3) Observations concerning the statement of relevant law in the Memorial; and
 - 4) A statement of law in answer thereto.
- (d) The Reply and Rejoinder, whenever authorized by the Court, shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.
- (e) Every pleading shall set out the party's submissions at the relevant stage of the case, distinctly from the arguments presented, or shall confirm the submissions previously made.
- (f) There shall be annexed to every pleading copies of any relevant documents cited in support of the contentions in the pleading.
- (g) A list of all documents annexed to a pleading shall be furnished at the time the pleading is filed.
- (h) These communications shall be made through the Chief Justice, in the order and within the time fixed by therein.
- (i) A copy of every document produced by one party shall be communicated to the other party.
- (j) After the closure of the written proceedings, no further documents may be submitted to the Court by either party except with the consent of both parties.
 - (i) In the absence of consent, the Court, after hearing the parties, may, if it considers the document necessary, authorize its distribution.
 - (ii) If a new document is produced under Section 17.02(j), the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.

Section 17.03 The Court's Docket shall be determined by the Chief Justice, and should correspond to the order in which the Court receives the memorials.

Section 17.04 The oral proceedings shall consist of the hearing by the court of witnesses, experts, agents, counsel, and advocates.

- (a) The Plaintiff shall present its case first, and shall be allotted twenty minutes to do so.
- (b) The Defendant may question the Plaintiff for a period of ten minutes.
- (c) The Court shall question the Plaintiff on the merits of its case for twenty minutes.
- (d) The Defendant shall then present its case and respond to the questions of the Plaintiff and the Court in the same manner and within the same time allotments as the Plaintiff.
- (e) The Plaintiff, followed by the Defendant, shall make a five minute closing remark.
- (f) Should the Plaintiff find the Defendant's closing remark grossly offensive or inaccurate, it may rise to a Right of Reply, which may be granted at the discretion of the court and shall not exceed one minute.

- (g) The time restrictions imposed by Section 17.04 may be extended at any time at the discretion of the Court.
- (h) No reference may be made during the oral proceedings to the contents of any document which has not been produced in accordance with Section 17.02, unless this document is part of a publication readily available to all parties at the time the reference is made, or if the document is part of accepted public knowledge.
- (i) Without prejudice to the provisions of the Statute concerning the production of documents, each party shall communicate to the Chief Justice, in sufficient time before the opening of the oral proceedings, information regarding any evidence which it intends to produce or which it intends to request the Court to obtain.
- (j) The Court may, if necessary, arrange for the attendance of a witness or expert to give evidence in the proceedings.
 - (i) Every witness shall make the following declaration before giving any evidence:

“I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth, and nothing but the truth”;
 - (ii) Every expert shall make the following declaration before giving any evidence:

“I solemnly declare upon my honor 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.”

Section 17.05 The hearing shall be presided over by the Chief Justice.

Section 17.06 The hearing in Court shall be public.

- (a) All parties executing or observing the functions of the Court must display official credentials issued by the Secretariat of the League of Arab States at all times. The Bailiff of the Court may deny entry to any party not displaying proper credentials.
- (b) The Bailiff of the Court may, *proprio motu* (of its own volition) or at the discretion of the Court or Chief Justice, temporarily or permanently dismiss members of the press from the hearing.

Section 17.07 The Court may, at any time, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Section 17.08 During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down in Section 17.03.

Section 17.09 When, subject to the control of the Court, the parties have completed their presentation of the case, the Chief Justice shall declare the hearing closed. The Court shall withdraw for sixty minutes to consider judgment and write opinions.

- (a) The Chief Justice and Justices and Clerks of the Court will participate in deliberations.

- (b) The deliberations of the Court shall take place in private and remain secret until they are read at a special session of the Court in conjunction with the Summit Session of the League of Arab States.
 - (i) No representative of the states party to the case being deliberated may observe any part of the deliberations for any reason.
 - (ii) No representative of the press may observe the deliberations.
 - (iii) Individuals wishing to gain access to the deliberations of the court must submit a written request. Only upon the acceptance of that request, will credentials for access to the court be granted. Credentials are revoked upon departure from the court. All individuals wishing further access must resubmit their request in order to gain access.
 - (iv) The Bailiff of the Court is responsible for granting and denying access to deliberations subject to Section 17.09(b)(i) and Section 17.09(b)(ii). The Bailiff will keep records of all parties that have had access to the court by retaining signed and dated copies of requests for access. Requests for access will include the precise range of time parties had access to the court.
 - (v) All parties executing or observing the deliberations of the Court must display official credentials issued by the Secretariat of the League of Arab States at all times. All parties receiving credentials have, in displaying credentials, accepted the rules of the court and are therefore bound to them. The Bailiff of the Court shall deny entry to any party not displaying proper credentials.
- (c) When the deliberations of the Court result in a draft judgment with apparent support of several Justices, the Chief Justice shall call a vote.
- (d) Justices will vote by indicating their favor or opposition in writing to the Chief Justice.
- (e) If the draft judgment receives a majority of the votes, the Chief Justice will assign a Justice to write the judgment without announcing the vote. The Chief Justice will also assign a Justice to write the dissenting opinion.
- (f) If the draft judgment fails to receive a majority of the votes, the Chief Justice will instruct the Justices to continue deliberations.
- (g) Each judgment and dissenting opinion shall state and explain the reasons on which it is based.
- (h) Each judgment or dissenting opinion shall contain an abstract of 200 words or less on the first page.
- (i) Judgments shall be submitted to the Chief Justice for review and processing.
- (j) Justices shall not reveal the nature of their judgment votes. Such information will be revealed at the reading of the Court's judgments and dissenting opinions at the special session of the Court in conjunction with the Summit Session of the League of Arab States.
- (k) Deliberations may be extended by one and only one full session, as defined in Section 17.09, at the discretion of the Chief Justice.

- (1) Decisions of the Court shall remain secret until officially announced at a session of the Court held for this purpose and occurring alongside a Summit Session of the League of Arab States.
 - (i) At the request of the Secretary General of the League of Arab States, the Chief Justice may lift this restriction for any individual case where failure to immediately disclose the decision would be detrimental to the work of any organ of the League of Arab States.

Article 18.

The Chief Justice or the Court, at its discretion, may declare any person in breach of any of the Statute and Rules to be in contempt of court. If the person in contempt is a Justice or Clerk of Court, the Chief Justice may remove their speaking privileges for a period of time, not to exceed two full case sessions unless approved by the Secretariat and National Council; if the person is an observer, the Chief Justice may remove that person from the Court until further notice.

Article 19.

Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim. The Court must, before doing so, satisfy itself, not only that it has jurisdiction, but also that the claim is well founded in fact and law. The Chief Justice may determine whether those requirements are met, and either reschedule the proceedings or remove the case from the Court docket.

Article 20.

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 21.

The judgment of the Court is final and without appeal. In the event of a dispute as to the meaning or scope of the judgment, the Court shall explain it upon the request of any party.

Article 22.

Section 22.01 Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene. It shall be for the Court to decide upon this request.

Section 22.02 Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Chief Justice shall notify all states forthwith. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it

Article 23.

Section 23.01 Should any body of the League of Arab States request an advisory opinion on a point of law, the Court may provide such an opinion. Requests must be presented to and approved by the Secretariat, after which the Court has the right to either hear the request or reject it.

Section 23.02 Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Section 23.03 The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary General and to the representatives of the League of Arab States and of other international organizations immediately concerned.

Section 23.04 In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

Article 24.

If at any time a party to a case feels that these rules have been violated, any member of the court or advocate to the court may submit a written or oral objection. The objection shall be ruled upon by the Chief Justice as specified by Section 8.03.

Article 25.

The parties to a case may jointly propose particular modifications or additions to the rules contained herein, which may be applied by the Court if the Court considers them appropriate in the circumstances of the case.