



Evidence Before the International Court of Justice

Anna Riddell, Brendan Plant

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Some recent contentious issues about the use of evidence in cases before the International Court of Justice have highlighted the importance of fact-finding and the use of evidence before this Court. This major study on the issue of evidence before the International Court of Justice has examined all aspects of the Court's relationship with facts - in both contentious and advisory proceedings - from the recently refined procedure for submitting late evidence, to the hearing of live witness testimony in the Peace Palace. Considerations of flexibility and respect for the sovereignty of the State Parties before the Court have traditionally deterred the Court from constructing concrete rules on matters of evidence, but the increasing numbers of cases, in which a thorough consideration of the facts has been essential, has highlighted that some detailed procedural guidance is necessary in order to ensure a well-functioning system of adjudication. It is apparent that the Court has paid an increasing amount of attention to its evidentiary proceedings as a result, often encountering difficulties in the inherent tensions between the common and civil law traditions and thus a divergence of opinions on the Bench. This book examines the history and development of the treatment of evidence, including the early days of the Permanent Court of International Justice - the predecessor of the International Court of Justice - up to the recent *Nicaragua v Honduras* judgment, critically analyzing the Statute and Rules of the Court, dicta from judgments and separate and dissenting opinions, the newly developed Practice Directions, and academic writings on the subject. The book not only provides an academic discussion of the subject, but also acts as a guide to practitioners appearing before the Court.

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