



INTERNATIONAL COURT FOR THE SELF-DETERMINATION OF PEOPLES (C.I.A.P.)

Preamble and Title I – Establishment and Fundamental Principles (Arts. 1–10)

PREAMBLE

Normative text

We, the Peoples of the World, assembled in the General Assembly of Peoples, as the forum for deliberation, participation and representation of the Peoples that intend to affirm, protect and peacefully develop their fundamental rights;

aware that the dignity of the person, the freedom of Peoples, equality, peace, justice and solidarity between generations constitute fundamental principles for the construction of an international order oriented towards the effective protection of rights;

recalling the principles and purposes of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international instruments;

recognising the principle of the self-determination of Peoples as a fundamental principle of international law and recalling, within the limits of their applicability, the relevant international sources and practice;

recognising the need to ensure peaceful, independent, impartial and transparent instruments for the prevention and settlement of disputes concerning the rights of Peoples;

aware that the protection of rights cannot be fully realised without guaranteeing access to justice, the right of defence, the adversarial principle, equality of the parties and the independence of the judicial authority;

affirming that no People shall be deprived of the possibility of asserting, through peaceful and legal means, the rights recognised to it by applicable norms;

recognising the particular value of indigenous, historical, linguistic, cultural and territorial communities and their right to the preservation of their identity in accordance with international law;

aware that decisions taken in the present necessarily affect the living conditions of future generations;

affirming the principle of intergenerational responsibility and the need to integrate the protection of Future Generations into the construction of international justice;

recognising the evolution of digital technologies and the need for contemporary justice to have secure, verifiable, transparent and technically reliable systems for the registration, conservation and transmission of procedural acts;

intending to develop a specialised, permanent and independent international jurisdiction, denominated International Court for the Self-Determination of Peoples – CIAP, destined to operate according to its own Constitutive Treaty, Statute, Rules of Procedure and Protocols;

intending also to promote dialogue and cooperation with international, regional and national judicial institutions, in full respect of their respective competences, constitutive instruments and the principle of consent to jurisdiction where required;

reaffirming that peace cannot be separated from justice, from the dignity of Peoples, from the protection of fundamental rights and from the protection of Future Generations;

recognising Venice and Geneva as the seats identified by the present institutional project for the performance of the judicial, diplomatic, administrative and operational functions of the CIAP;

THE GENERAL ASSEMBLY OF PEOPLES, meeting in solemn session on 19 September 2026,

RESOLVES to approve the present Constitutive Treaty of the International Court for the Self-Determination of Peoples – CIAP, together with the Statute of the Court, the Rules of Procedure and Evidence and the complementary instruments connected thereto.

The Preamble has a hermeneutic and political function: it establishes the sources of legitimacy, the historical-legal context and the objectives of the institution. It is not an operative clause, but binds the interpreter in the reading of the subsequent articles.

In particular, the Preamble:

- recalls general international law and human rights treaties;
- recognises self-determination as a fundamental principle;
- introduces intergenerational responsibility;
- links peace, justice and dignity;
- identifies the seats (Venice and Geneva);
- affirms cooperation, not substitution, with other international jurisdictions.

International sources of reference

- Charter of the United Nations (1945), Arts. 1, 2, 55, 73.
- Universal Declaration of Human Rights (1948).
- International Covenant on Civil and Political Rights (1966).
- International Covenant on Economic, Social and Cultural Rights (1966).
- UN Resolution 1514 (XV) of 1960.
- UN Resolution 2625 (XXV) of 1970.
- ICJ jurisprudence: Namibia (1971), Western Sahara (1975), Kosovo (2010), Chagos (2019), Palestine (2024).
- Vienna Convention on the Law of Treaties (1969).
- Rio Declaration on Environment and Development (1992).
- Paris Agreement (2015).
- UN Declaration on the Rights of Indigenous Peoples (2007).

Addressees

- General Assembly of Peoples.
- Acceding States and Peoples.
- Organs of the CIAP.
- International and regional institutions.
- Interpreters and legal operators.

Obligations The Preamble does not create autonomous obligations, but:

- guides interpretation;
- binds the organs of the CIAP to respect the recalled sources;
- commits the Parties to cooperate in good faith.

Procedures

None specific. The Preamble is recalled in interpretative contexts and in the reasoning of judgments.

Sanctions

None.

Cross-references

- Arts. 1–10 (Fundamental principles).
- Arts. 41–48 (Jurisdiction).
- Arts. 99–100 (Future Generations).
- Protocol on Peoples and Future Generations.
- Protocol on International Judicial Cooperation.

Interpretative notes

1. The Preamble does not attribute to the CIAP competences additional to those established in the articles.
2. The reference to self-determination is within the limits of applicable international law; it therefore does not imply automatic recognition of international subjectivity for non-qualified entities.
3. The reference to Venice and Geneva has institutional and logistical value; it does not automatically confer diplomatic status.
4. Cooperation with other jurisdictions is voluntary and based on legal titles, not unilateral claims.

TITLE I – ESTABLISHMENT AND FUNDAMENTAL PRINCIPLES

ARTICLE 1 – Establishment of the Court

Normative text

1. The International Court for the Self-Determination of Peoples, denominated CIAP, is hereby established.
2. The CIAP is a permanent specialised international judicial institution for the protection of the self-determination of Peoples, related fundamental rights and intergenerational justice.
3. The Court exercises exclusively the competences attributed to it by the present Treaty and by other applicable legal instruments.

Ratio

The article formally establishes the Court and defines its legal nature: a specialised international jurisdiction, not a general one, and not a substitute for other courts. Paragraph 3 introduces the principle of attribution: the CIAP has no implicit or unlimited competences.

International sources of reference

- UN Charter, Art. 33 (peaceful settlement of disputes).
- ICJ Statute, Art. 36 (jurisdiction).
- Rome Statute, Art. 1 (establishment of the ICC).

Addressees

- Acceding States and Peoples.
- Organs of the CIAP.
- Third parties intending to cooperate.

Obligations

- Respect the specialised nature of the Court.
- Do not invoke non-attributed competences.

Procedures

- Accession by Treaty or special agreement.
- Acceptance of jurisdiction according to the titles provided.

Sanctions

- Inadmissibility of claims outside jurisdiction.

Cross-references

- Art. 41 (Contentious jurisdiction).
- Art. 46 (Titles of jurisdiction).
- Art. 48 (Subject-matter).

Interpretative notes

1. Specialisation does not prevent the CIAP from hearing related questions if they fall within its jurisdiction.
2. Paragraph 3 must be read together with Art. 46: without a title of jurisdiction, no proceedings are admissible.
3. The Court is not a review body for decisions of other courts.

ARTICLE 2 – Legal personality

Normative text

1. The Court possesses international legal personality in the relations necessary for the exercise of its functions.
2. It possesses legal capacity and capacity to act to the extent necessary for the implementation of the present Treaty.

Ratio

The article recognises the CIAP's capacity to: conclude agreements; acquire property; stand in court; maintain international relations. Legal personality is functional, not absolute.

International sources of reference

- ICJ Advisory Opinion on Reparation for Injuries (1949).
- Vienna Convention on the Law of Treaties (1969), Art. 6.
- Montevideo Convention (1933), Art. 1.

Addressees

- States and international organisations.
- Organs of the CIAP.

Obligations

- Recognise the functional personality of the Court.
- Permit the exercise of the necessary capacities.

Procedures

- Headquarters agreements.
- Cooperation agreements.
- Contracts and administrative acts.

Sanctions

- None direct; possible consequences for failure to recognise.

Cross-references

- Art. 73 (Institutional immunities).
- Arts. 105–114 (Headquarters Agreement).

Interpretative notes

1. Legal personality does not imply state subjectivity.
 2. Capacity to act is limited to institutional functions.
 3. Recognition by third parties is declaratory, not constitutive, but relevant for operability.
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ARTICLE 3 – Purposes

Normative text

The Court pursues the following purposes:

- a) protection of the self-determination of Peoples;
- b) protection of fundamental human rights;
- c) protection of indigenous Peoples and historical communities;
- d) protection of future generations;
- e) protection of cultural and linguistic heritage;
- f) protection of the environment;
- g) promotion of peace;
- h) prevention of disputes;
- i) international judicial cooperation;
- l) progressive development of international law within the limits permitted by applicable sources.

Ratio

The article lists the institutional purposes that guide the interpretation of competences and procedures. It does not create autonomous obligations but binds the activity of the Court.

International sources of reference

- UN Charter, Arts. 1, 2, 55.

- UDHR, Preamble.
- ICCPR and ICESCR, common Art. 1.
- UN Declaration on the Rights of Indigenous Peoples (2007).
- UNESCO Conventions on cultural heritage (1972, 2003, 2005).

Addressees

- Organs of the CIAP.
- Acceding States and Peoples.

Obligations

- Conform interpretation to the purposes.
- Not pursue extraneous aims.

Procedures

- Reasoning of judgments.
- Advisory opinions.

Sanctions

None.

Cross-references

- Arts. 41–48 (Jurisdiction).
- Arts. 81–92 (Protocol on Peoples and Future Generations).
- Arts. 93–104 (Cooperation).

Interpretative notes

1. Letter (l) limits progressive development to applicable sources.
2. Peace is an end, not a means: the Court has no military competences.
3. Protection of future generations is transversal.

ARTICLE 4 – Independence

Normative text

1. The Court exercises its functions in full independence.
2. No government, organisation, enterprise, party, economic group or other subject may issue instructions to the judges in the exercise of the judicial function.
3. Financial independence is guaranteed through an autonomous and transparent budget.

Ratio

Independence is a condition of legitimacy of the judicial function. The article declines it in institutional, individual and financial terms.

International sources of reference

- ICJ Statute, Arts. 2, 8, 16–18.
- Rome Statute, Arts. 40, 42.
- UN Basic Principles on the Independence of the Judiciary (1985).
- ECHR, Art. 6.
- EU Charter of Fundamental Rights, Art. 47.

Addressees

- Acceding States and Peoples.
- Organs of the CIAP.
- Third parties.

Obligations

- Non-interference.
- Guarantee adequate resources.
- Respect decisions.

Procedures

- Autonomous budget.
- Independent audit.
- Code of ethics.

Sanctions

- Disciplinary proceedings.
- Nullity of acts adopted under pressure.

Cross-references

- Arts. 95–98 (Budget).
- Arts. 115–126 (Code of ethics).

Interpretative notes

1. Financial independence does not mean unlawful self-financing.
2. The prohibition of instructions also covers informal pressures.
3. Transparency of the budget is a guarantee of independence.

ARTICLE 5 – Impartiality

Normative text

1. The judges, the Prosecutor and all officials exercise their functions with impartiality.
2. No member of the Court may participate in proceedings in which a conflict of interest exists.

Ratio

Impartiality is the subjective aspect of independence: absence of prejudice, personal interests or improper ties.

International sources of reference

- ICJ Statute, Art. 17.
- Rome Statute, Arts. 41, 42.
- ECHR, Art. 6.
- Bangalore Principles of Judicial Conduct.

Addressees

- Judges, Prosecutor, officials.

Obligations

- Declare conflicts.
- Abstain.
- Recusal.

Procedures

- Declaration of interests.
- Recusal procedure.
- Decision of the Court.

Sanctions

- Recusal.
- Discipline.

Cross-references

- Art. 28 (Recusal).
- Art. 117 (Conflict of interest).

Interpretative notes

1. Impartiality must also be assessed in appearance.
2. Conflict may also be potential.
3. Failure to declare is an autonomous violation.

ARTICLE 6 – Peaceful settlement of disputes**Normative text**

The Court operates exclusively through judicial, diplomatic, arbitral, conciliatory and mediation instruments in conformity with international law.

Ratio

The article reaffirms the peaceful nature of CIAP jurisdiction, in accordance with Art. 33 of the UN Charter.

International sources of reference

- UN Charter, Art. 33.
- Hague Conventions (1899, 1907).
- Vienna Convention on the Law of Treaties (1969), Art. 52.

Addressees

- CIAP.
- Acceding States and Peoples.

Obligations

- Not to use force.
- Exhaust peaceful means.

Procedures

- Mediation.
- Conciliation.
- Arbitration.
- Adjudication.

Sanctions

- Inadmissibility of claims based on the use of force.

Cross-references

- Art. 7 (Prohibition of the use of force).
- Arts. 61–65 (Interim measures).

Interpretative notes

1. The Court is not an international criminal tribunal.
2. Mediation is optional and does not replace adjudication.
3. The prohibition of force is absolute, subject to self-defence under Art. 51 of the UN Charter.

ARTICLE 7 – Prohibition of the use of force**Normative text**

No provision of the present Treaty may be interpreted as authorising the use of force.

Ratio

Safeguard clause: the Treaty cannot be invoked to justify armed interventions.

International sources of reference

- UN Charter, Arts. 2(4), 51.
- UN Resolution 2625 (XXV).
- Rome Statute, Art. 8.

Addressees

- All.

Obligations

- Abstention from the use of force.

Procedures

None.

Sanctions

- International responsibility.

Cross-references

- Art. 6.
- Art. 160.

Interpretative notes

1. The prohibition does not preclude self-defence.
2. The Court has no individual criminal jurisdiction.
3. Interim measures are not acts of force.

ARTICLE 8 – Self-determination**Normative text**

1. The Court recognises the right of Peoples to self-determination in accordance with applicable international law.
2. Self-determination comprises, according to the circumstances and applicable norms, political, economic, social, cultural, linguistic, territorial, environmental and digital dimensions.

Ratio

The article defines the principal object of CIAP jurisdiction: self-determination understood in a multidimensional sense.

International sources of reference

- UN Charter, Arts. 1(2), 55.
- ICCPR and ICESCR, common Art. 1.
- UN Resolutions 1514 (XV), 2625 (XXV).
- ICJ: Namibia (1971), Western Sahara (1975), Kosovo (2010), Chagos (2019), Palestine (2024).

Addressees

- Peoples.
- States.
- CIAP.

Obligations

- Respect self-determination.
- Not hinder it.

Procedures

- Application.
- Advisory opinion.
- Interim measures.

Sanctions

- Declaration of violation.
- Measures of non-recognition.

Cross-references

- Art. 9 (*Jus cogens*).
- Art. 10 (*Erga omnes*).
- Art. 45 (Subject-matter jurisdiction).

Interpretative notes

1. Self-determination does not coincide with automatic secession.
2. It must be read together with the principle of territorial integrity (Res. 2625).
3. The digital dimension is innovative but anchored in existing rights.

ARTICLE 9 – *Jus cogens*

Normative text

The Court applies and interprets the peremptory norms of general international law in conformity with applicable international sources.

Ratio

The article recognises the higher rank of *jus cogens* and its non-derogability.

International sources of reference

- Vienna Convention on the Law of Treaties (1969), Arts. 53, 64.
- ILC Draft Articles 2001, Arts. 40–41.
- ICJ: Barcelona Traction (1970), Nicaragua (1986), Genocide (2006).

Addressees

- CIAP.
- States and Peoples.

Obligations

- Not adopt contrary norms.
- Not recognise unlawful situations.

Procedures

- Incidental ascertainment.
- Strengthened reasoning.

Sanctions

- Nullity of contrary acts.
- International responsibility.

Cross-references

- Art. 10.
- Arts. 41–48.

Interpretative notes

1. *Jus cogens* is ascertainable *ex officio*.
2. It is not a closed list.
3. The CIAP does not create new peremptory norms.

ARTICLE 10 – *Erga omnes* obligations

Normative text

The Court considers the nature of *erga omnes* obligations according to applicable general and conventional international law.

Ratio

The article distinguishes *erga omnes* obligations (owed to the international community) from bilateral obligations.

International sources of reference

- ICJ: Barcelona Traction (1970), East Timor (1995), Chagos (2019).
- ILC Draft Articles 2001, Arts. 40–41, 48.

Addressees

- CIAP.
- States and Peoples.

Obligations

- Not recognise unlawful situations.
- Cooperate to put an end to violations.

Procedures

- Collective action.
- Third-party interventions.

Sanctions

- Non-recognition.
- Lawful countermeasures.

Cross-references

- Art. 9.
- Arts. 34–35 (Sanctioning system).

Interpretative notes

1. *Erga omnes* concerns the obligation, not jurisdiction.
2. The CIAP requires a title of jurisdiction to decide.
3. Standing to act may be broad in cases of *jus cogens*.

TITLE II – SEAT, EMBLEM AND LANGUAGES

ARTICLE 11 – Seat

Normative text

1. The legal seat of the Court is established in Venice, Palazzo Ducale.
2. The principal international judicial and administrative seat is established in Geneva.

3. The Court may meet in any other place when necessary for the exercise of its functions.

Ratio

The article defines the dual seat of the CIAP: an institutional and symbolic seat (Venice) and an operational and international seat (Geneva). The choice responds to needs of historical and cultural continuity (Venice, Palazzo Ducale); diplomatic and legal operability (Geneva, seat of international organisations); and flexibility (paragraph 3) to guarantee access to justice.

International sources of reference

- ICJ Statute, Art. 22 (seat at The Hague).
- Rome Statute, Art. 3 (seat at The Hague, possibility of meeting elsewhere).
- Vienna Convention on Diplomatic Relations (1961).
- Headquarters Agreement between WHO and Switzerland (1946).

Addressees

- CIAP.
- Acceding States and Peoples.
- Local authorities of Venice and Geneva.

Obligations

- Guarantee access to the seat.
- Ensure logistical and security conditions.
- Respect the immunities of the Court.

Procedures

- Headquarters Agreement Venice–Geneva (Part VI of the Package).
- Official communications from both seats.
- Temporary transfers for hearings.

Sanctions

- None direct; possible consequences for impediment of access.

Cross-references

- Arts. 105–114 (Headquarters Agreement).
- Art. 73 (Institutional immunities).

Interpretative notes

1. The legal seat is the formal place of reference for acts and notifications.
2. The operational seat is the principal centre of judicial and administrative activities.
3. The faculty to meet elsewhere does not modify the legal seat.

Normative text

The Court may establish regional seats in Africa, the Americas, Asia, Europe, Oceania and the Middle East by decision of the competent organs.

Ratio

The article provides for the decentralisation of CIAP justice to favour effective access, proximity to Peoples, regional cooperation and procedural efficiency.

International sources of reference

- Rome Statute, Art. 3(3) (possibility of seats in other places).
- ECHR, Art. 19 (seat in Strasbourg).
- African Court on Human and Peoples' Rights (seat in Arusha).

Addressees

- CIAP.
- Acceding States and Peoples.
- Regional organisations.

Obligations

- Guarantee the operability of the seats.
- Respect the independence of the Court.

Procedures

- Decision of the Assembly or of the Court.
- Regional headquarters agreements.
- Appointment of judges and staff.

Sanctions

None.

Cross-references

- Art. 11.
- Arts. 105–114.

Interpretative notes

1. Regional seats are not autonomous courts.
2. Every seat applies the same law and the same procedures.
3. Decisions are attributable to the CIAP as a whole.

ARTICLE 13 – Emblem

Normative text

1. The official emblem of the CIAP represents:
 - a) the terrestrial globe;
 - b) a scale of justice;
 - c) a ring composed of Peoples and continents;
 - d) a symbolic element representative of future generations.
2. The emblem is accompanied by the official denomination of the Court.

Ratio

The emblem has an identity and communicative function. The symbols recall universality (globe), justice (scale), unity in diversity (ring) and intergenerational responsibility.

International sources of reference

- ICJ Statute, Art. 38 (institutional symbols).
- Practice of international organisations.

Addressees

- CIAP.
- Acceding States and Peoples.

Obligations

- Use the emblem only for institutional purposes.
- Not appropriate it improperly.

Procedures

- Registration of the emblem.
- Rules of use.

Sanctions

- Cease-and-desist; possible legal actions.

Cross-references

- Art. 14 (Motto).
- Art. 158 (Emblem – final clause).

Interpretative notes

1. The emblem does not confer diplomatic status.
2. Use is reserved to official organs.
3. Any modification requires a qualified decision.

ARTICLE 14 – Motto

Normative text

The institutional motto of the Court is:

“JUSTITIA PRO POPULIS, PAX PRO GENERATIONIBUS FUTURIS.”

“Justice for the Peoples, peace for future generations.”

Ratio

The motto synthesises the mission of the CIAP: justice for the Peoples and peace for future generations.

International sources of reference

- Preamble of the UN Charter.
- Preamble of the UDHR.
- Rio Declaration (1992).

Addressees

- CIAP.
- Acceding States and Peoples.

Obligations

- Respect the motto as a guiding principle.

Procedures

- Official use in acts and ceremonies.

Sanctions

None.

Cross-references

- Arts. 99–100 (Future Generations).
- Art. 159 (Motto – final clause).

Interpretative notes

1. The motto has interpretative value, not autonomous normative force.
2. It recalls intergenerational responsibility.
3. It does not replace substantive norms.

ARTICLE 15 – Official languages

Normative text

1. The official judicial languages of the Court are:
 - a) Italian;
 - b) English;
 - c) French;

- d) Spanish;
 - e) Arabic;
 - f) Chinese;
 - g) Russian.
2. The Rules of the Court may provide for further working languages.
 3. No party may be deprived of the right to fully understand the proceedings.

Ratio

The article guarantees multilingualism and the right to linguistic defence. The chosen languages reflect European legal tradition, the universality of the United Nations and effective access.

International sources of reference

- UN Charter, Art. 111 (official languages).
- ICJ Statute, Art. 39.
- Rome Statute, Art. 50.
- ECHR, Art. 6(3)(e).

Addressees

- CIAP.
- Parties to proceedings.
- Staff.

Obligations

- Guarantee translation and interpretation.
- Ensure full understanding.

Procedures

- Linguistic rules.
- Translation services.
- Appointment of interpreters.

Sanctions

- Nullity of acts if a party has been deprived of understanding.

Cross-references

- Art. 54 (Language of proceedings).
- Arts. 136–138 (CDJS – languages).

Interpretative notes

1. Official languages are not all working languages.
2. Paragraph 3 is a minimum guarantee.
3. Translation costs are borne by the Court, unless otherwise provided.

TITLE III – ORGANS OF THE COURT

ARTICLE 16 – Organs

Normative text

The organs of the CIAP are:

- a) the Grand Chamber;
- b) the Presidency;
- c) the Council of Judges;
- d) the Appeals Court;
- e) the specialised Chambers;
- f) the Prosecutor's Office;
- g) the Registry;
- h) the Defender of Peoples;
- i) the Defender of Future Generations;
- l) the International Mediation Centre;
- m) the Scientific Council;
- n) the International Academy of the Justice of Peoples.

Ratio

The article lists the institutional architecture of the Court, distinguishing:

- judicial organs (Grand Chamber, Appeals Court, Chambers);
- governing organs (Presidency, Council);
- prosecutorial organs (Prosecutor's Office);
- guarantee organs (Defenders);
- administrative and scientific organs.

International sources of reference

- ICJ Statute, Arts. 3–7, 16–18.
- Rome Statute, Arts. 34–43.
- ECHR Rules of Court.

Addressees

- CIAP.
- Acceding States and Peoples.

Obligations

- Respect the competences of each organ.
- Non-interference.

Procedures

- Appointment and election according to the Statute.
- Internal regulations.

Sanctions

- Nullity of acts adopted by an incompetent organ.

Cross-references

- Arts. 17–30.
- Arts. 36–45 (Prosecutor’s Office).
- Arts. 77–80 (Digital Registry).

Interpretative notes

1. The list is exhaustive for the principal organs.
 2. Subsidiary organs may be established.
 3. The Defender of Peoples and the Defender of Future Generations are guarantee organs.
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ARTICLE 17 – Grand Chamber

Normative text

1. The Grand Chamber constitutes the highest internal judicial organ of the Court.
2. It ensures the uniformity of interpretation of the present Treaty.
3. The Grand Chamber decides cases of particular international relevance.

Ratio

The Grand Chamber is the equivalent of the Grand Chamber of the ECHR or the Appeals Chamber of the ICC. It has the functions of:

- ensuring uniform interpretation (*nomofilachia*);
- resolving conflicts;
- deciding complex cases.

International sources of reference

- ECHR, Art. 30 (Grand Chamber).
- Rome Statute, Art. 39.
- ICJ Rules of Court.

Addressees

- CIAP.
- Parties to proceedings.

Obligations

- Respect the decisions of the Grand Chamber.
- Motivate any departures.

Procedures

- Seizure upon request or *ex officio*.
- Plenary hearings.
- Deliberation by qualified majority.

Sanctions

None.

Cross-references

- Art. 18 (Composition).
- Art. 35 (Appeals Court).
- Arts. 73–76 (Judgments).

Interpretative notes

1. The Grand Chamber is not a third instance.
 2. Its judgments are binding on all CIAP organs.
 3. It may review its own previous decisions.
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ARTICLE 18 – Judicial composition**Normative text**

1. The Court is composed of 21 permanent judges.
2. The number may be increased by amendment of the present Treaty.
3. No modification may compromise the independence and geographical balance of the Court.

Ratio

The article fixes the size of the Court and its flexibility (paragraph 2). Paragraph 3 introduces a safeguard clause.

International sources of reference

- ICJ Statute, Art. 3 (15 judges).
- Rome Statute, Art. 36 (18 judges).
- ECHR, Art. 20 (number equal to States).

Addressees

- CIAP.
- Acceding States and Peoples.

Obligations

- Guarantee independence and balance.
- Not modify for political purposes.

Procedures

- Amendment.
- Election of new judges.

Sanctions

- Nullity of modifications contrary to paragraph 3.

Cross-references

- Art. 20 (Balance).
- Art. 23 (Election).

Interpretative notes

1. The number 21 is a functional minimum.
2. An increase requires a two-thirds majority.
3. Geographical balance is a binding criterion.

ARTICLE 19 – Requirements for judges

Normative text

Candidates must:

- a) possess high moral integrity;
- b) be independent;
- c) possess proven competence in international law;
- d) have judicial, academic, diplomatic or forensic experience at the international level;
- e) possess documented experience in the protection of fundamental rights or international law;
- f) not be subject to proceedings incompatible with the judicial function;
- g) respect the Court's code of ethics.

Ratio

The article defines the minimum requirements for appointment. The combination of technical competence, experience and integrity guarantees the quality of the jurisdiction.

International sources of reference

- ICJ Statute, Art. 2.
- Rome Statute, Art. 36(3).
- UN Basic Principles on the Independence of the Judiciary (1985).
- Bangalore Principles.

Addressees

- Candidates.
- Selection Commission.
- Assembly.

Obligations

- Possess and maintain the requirements.
- Declare any incompatibilities.

Procedures

- Submission of candidatures.
- Verification of requirements.
- Comparative assessment.

Sanctions

- Exclusion from candidature.
- Removal in case of subsequent incompatibility.

Cross-references

- Art. 21 (Nomination).
- Art. 22 (Commission).
- Arts. 115–126 (Code of ethics).

Interpretative notes

1. The requirements are cumulative.
2. Experience may also be non-judicial.
3. The code of ethics is binding from the moment of candidature.

ARTICLE 20 – Balance of composition

Normative text

The composition of the Court must pursue:

- a) geographical balance;
- b) gender balance;
- c) plurality of legal traditions;
- d) representation of different cultural areas;
- e) interdisciplinary competence.

Ratio

The article ensures that the Court is representative of the international community and of diverse legal sensibilities.

International sources of reference

- ICJ Statute, Art. 9.
- Rome Statute, Art. 36(8).
- UN Resolution 40/32 (1985).

Addressees

- Assembly.
- Selection Commission.
- Acceding States and Peoples.

Obligations

- Evaluate the criteria.
- Motivate the choices.

Procedures

- Evaluation grids.
- Indicative quotas.

Sanctions

- Nullity of the election in case of serious violation.

Cross-references

- Art. 18.
- Art. 23.

Interpretative notes

1. Balance is not a rigid quota.
2. Interdisciplinary competence includes economics, ecology and the digital sphere.
3. Representation of cultural areas is flexible.

ARTICLE 21 – Nomination of candidates

Normative text

1. Candidatures may be submitted by States Parties, qualified national groups, recognised academic institutions and bodies of Peoples recognised by the present Treaty.
2. Every candidature must be accompanied by a curriculum vitae, a declaration of independence and a declaration of assets.

Ratio

The article regulates the nomination procedure, broadening the nominating subjects compared with the ICJ model.

International sources of reference

- ICJ Statute, Arts. 4–5.
- Rome Statute, Art. 36(4).

Addressees

- States.
- National groups.
- Universities.
- Bodies of Peoples.

Obligations

- Submit complete candidatures.
- Declare independence and assets.

Procedures

- Transmission to the Commission.
- Formal verification.

Sanctions

- Exclusion for incompleteness or falsehood.

Cross-references

- Art. 22.
- Art. 24.

Interpretative notes

1. Bodies of Peoples must be recognised.
2. The declaration of assets is confidential.
3. Candidatures are public.

ARTICLE 22 – Selection Commission

Normative text

1. An International Commission for the Selection of Judges is established.
2. The Commission evaluates:
 - a) competence;
 - b) independence;
 - c) integrity;
 - d) experience;
 - e) geographical balance;
 - f) incompatibilities.

Ratio

The Commission is a technical body that filters candidatures and guarantees quality and impartiality.

International sources of reference

- UN practice for the selection of ICJ judges.
- ICC selection mechanisms.

Addressees

- Commission.
- Assembly.

- Candidates.

Obligations

- Evaluate in a transparent manner.
- Motivate exclusions.

Procedures

- Hearings.
- Reports.
- Lists.

Sanctions

- None direct; recourse to the Assembly.

Cross-references

- Art. 21.
- Art. 23.

Interpretative notes

1. The Commission does not elect.
2. Its evaluations are public.
3. It may be assisted by experts.

ARTICLE 23 – Election of judges

Normative text

1. Judges are elected by the Assembly of States and Peoples Parties according to transparent procedures.
2. A qualified majority of two-thirds of those voting is required.
3. Voting is secret.

Ratio

The article regulates the election, balancing representation and competence.

International sources of reference

- ICJ Statute, Arts. 8–10.
- Rome Statute, Art. 36(6).

Addressees

- Assembly.
- States and Peoples.

Obligations

- Vote according to conscience.
- Respect secrecy.

Procedures

- Successive ballots.
- Run-offs.

Sanctions

- Nullity for serious violation.

Cross-references

- Art. 22.
- Art. 24.

Interpretative notes

1. The two-thirds majority is a requirement of legitimacy.
2. The vote is personal.
3. There may be non-binding quotas.

ARTICLE 24 – Duration of mandate

Normative text

1. The mandate of judges lasts nine years.
2. The mandate is not renewable.
3. The duration may not be modified for the sole purpose of affecting the independence of a sitting judge.

Ratio

The long, non-renewable mandate guarantees independence and stability.

International sources of reference

- ICJ Statute, Art. 13 (9 years, renewable).
- Rome Statute, Art. 36(9) (9 years, non-renewable).
- ECHR, Art. 23 (9 years, non-renewable).

Addressees

- Judges.
- Assembly.

Obligations

- Respect the duration.
- Not modify for political purposes.

Procedures

- Commencement.
- Partial renewal.

Sanctions

- Nullity of contrary modifications.

Cross-references

- Art. 18.
- Art. 29 (Removal).

Interpretative notes

1. Non-renewability is a guarantee of independence.
2. The duration may differ for specialised organs.
3. Paragraph 3 is an anti-abuse clause.

ARTICLE 25 – Solemn declaration

Normative text

Before assuming office, every judge publicly declares:
(Formula to be defined in the Rules)

Ratio

The solemn declaration is a formal act that binds the judge to the principles of independence and impartiality.

International sources of reference

- ICJ Statute, Art. 20.
- Rome Statute, Art. 45.
- ECHR Rules of Court, Art. 3.

Addressees

- Judges.
- Assembly.

Obligations

- Pronounce the declaration.
- Respect it.

Procedures

- Public ceremony.
- Recording in the minutes.

Sanctions

- Nullity of assumption of office without the declaration.

Cross-references

- Art. 19.
- Arts. 115–126.

Interpretative notes

1. The formula is binding.
 2. The declaration is public.
 3. It may be supplemented by the code of ethics.
-

ARTICLE 26 – President and Vice-President

Normative text

1. The judges elect from among themselves the President and the Vice-President.
2. The mandate lasts three years.
3. The mandate may be renewed only once.

Ratio

The article regulates the leadership of the Court.

International sources of reference

- ICJ Statute, Art. 21.
- Rome Statute, Art. 38.
- ECHR Rules of Court, Art. 5.

Addressees

- Judges.
- CIAP.

Obligations

- Exercise functions with impartiality.
- Represent the Court.

Procedures

- Election by majority.
- Rotation.

Sanctions

- Constructive vote of no confidence.

Cross-references

- Art. 17.
- Art. 28.

Interpretative notes

1. The President does not have a casting vote.
2. The Vice-President substitutes.
3. Re-election is limited.

ARTICLE 27 – Incompatibilities

Normative text

1. A judge may not exercise political, governmental or professional activities incompatible with judicial independence.
2. A judge may not act as counsel, adviser or representative of a party before the Court.

Ratio

The article prevents conflicts of interest and guarantees the appearance of impartiality.

International sources of reference

- ICJ Statute, Art. 16.
- Rome Statute, Art. 40.
- Bangalore Principles.

Addressees

- Judges.
- Staff.

Obligations

- Abstain.
- Declare.

Procedures

- Verification.
- Recusal.

Sanctions

- Removal.
- Discipline.

Cross-references

- Art. 28.
- Art. 29.
- Art. 117.

Interpretative notes

1. Incompatibility is objective.
 2. It also applies to covert activities.
 3. Good faith does not exclude the violation.
-

ARTICLE 28 – Recusal

Normative text

1. A party may request the recusal of a judge.
2. The decision is adopted by the Court without the participation of the judge concerned.

Ratio

The article guarantees the right to an impartial judge.

International sources of reference

- ICJ Statute, Arts. 17–18.
- Rome Statute, Art. 41.
- ECHR, Art. 6.

Addressees

- Parties.
- Court.

Obligations

- Motivate the request.
- Decide within time-limits.

Procedures

- Application.
- Adversarial proceedings.
- Decision.

Sanctions

- Nullity if the recused judge decides.

Cross-references

- Art. 27.
- Art. 29.

Interpretative notes

1. Recusal does not suspend the proceedings.
 2. The decision is not subject to review.
 3. It may be ordered *ex officio*.
-

ARTICLE 29 – Removal

Normative text

1. A judge may be removed exclusively for serious violation of his or her obligations.
2. Removal requires a decision of the judges by a qualified majority of two-thirds.
3. The right of defence is guaranteed.

Ratio

The article regulates the removal procedure, balancing guarantees and responsibility.

International sources of reference

- ICJ Statute, Art. 18.
- Rome Statute, Art. 46.
- ECHR Rules of Court.

Addressees

- Judges.
- Assembly.

Obligations

- Respect the adversarial principle.
- Motivate.

Procedures

- Investigation.
- Hearing.
- Deliberation.

Sanctions

- Removal.
- Forfeiture.

Cross-references

- Art. 27.
- Art. 28.

Interpretative notes

1. Removal is exceptional.
2. The two-thirds majority is high.
3. The right of defence is inviolable.

ARTICLE 30 – Immunities of judges

Normative text

1. Judges enjoy the functional immunities necessary for the independent exercise of their functions.
2. Immunities may be regulated by a Headquarters Agreement.

Ratio

Immunity protects judges from pressures and harassment.

International sources of reference

- ICJ Statute, Art. 19.
- Rome Statute, Art. 48.
- Vienna Convention on Diplomatic Relations (1961).

Addressees

- Judges.
- States.
- CIAP.

Obligations

- Respect immunity.
- Not abuse it.

Procedures

- Headquarters Agreement.
- Waiver.

Sanctions

- International responsibility.

Cross-references

- Arts. 73–76.
- Art. 114.

Interpretative notes

1. Immunity is functional, not personal.
2. It may be waived.
3. It does not cover acts extraneous to the functions.

TITLE IV – APPEALS COURT

ARTICLE 31 – Establishment of the Appeals Court

Normative text

1. An Internal Appeals Court of the CIAP is established.
2. It guarantees a double degree of jurisdiction in the cases provided for by the present Treaty.

Ratio

The article establishes the second degree of jurisdiction within the CIAP, in accordance with the right to an effective remedy and the guarantees of a fair trial.

The double degree is not an absolute obligation of international law, but an institutional choice of the CIAP to strengthen the quality and legitimacy of decisions.

International sources of reference

- ECHR, Art. 6 and Protocol No. 7, Art. 2 (right to a double degree in criminal matters).
- EU Charter of Fundamental Rights, Art. 47 (effective remedy).
- ICCPR, Art. 14(5).
- Rome Statute, Art. 81 (Appeals Chamber).
- ECHR Rules of Court, Art. 43 (Grand Chamber).

Addressees

- CIAP.
- Parties to proceedings.
- Appeals judges.

Obligations

- Guarantee the double degree in the cases provided.
- Not replace the merits judgment with a completely new trial.

Procedures

- Establishment of the Appeals Court.
- Internal regulations.
- Appointment of judges.

Sanctions

- Nullity if the right to a double degree is denied in the cases provided.

Cross-references

- Art. 32 (Composition).
- Art. 33 (Jurisdiction).
- Art. 35 (Decision).
- Art. 71 (Revision).

Interpretative notes

1. The double degree is not general, but limited to the cases provided.
2. The Appeals Court does not freely reform the merits.
3. The right to a double degree is not absolute in international matters.

ARTICLE 32 – Composition

Normative text

1. The Appeals Court is composed of nine judges.
2. Appeals judges must possess requirements equal to or higher than those provided for first-instance judges.

Ratio

The article fixes the size and quality of the Appeals Court. The reduced number guarantees efficiency and coherence.

International sources of reference

- Rome Statute, Art. 39 (Appeals Chamber: 5 judges).
- ECHR Rules of Court, Art. 24.
- ICJ Statute (does not provide for appeal).

Addressees

- Appeals judges.
- Assembly.

Obligations

- Possess and maintain the requirements.
- Not participate in the first-instance judgment.

Procedures

- Election.
- Appointment of the President of the section.

Sanctions

- Nullity for violation of requirements.

Cross-references

- Art. 19 (Requirements).
- Art. 23 (Election).

Interpretative notes

1. Appeals judges may not have decided the case at first instance.
 2. The requirements are cumulative.
 3. The number may be increased by amendment.
-

ARTICLE 33 – Jurisdiction

Normative text

The Appeals Court adjudicates:

- a) errors of law;
- b) violations of the adversarial principle;
- c) serious errors in the evaluation of evidence;
- d) substantial procedural violations;
- e) questions of jurisdiction.

Ratio

The article delimits the grounds of appeal, distinguishing:

- questions of law (a);
- procedural guarantees (b, d);
- evaluation of evidence (c);
- jurisdiction (e).

Appeal is not a total re-examination of the merits.

International sources of reference

- Rome Statute, Art. 81.
- ECHR, Art. 6 and Prot. 7.
- ECHR Rules of Court, Arts. 43–52.

Addressees

- Parties.
- Appeals Court.

Obligations

- Motivate the grounds of appeal.
- Respect time-limits.

Procedures

- Notice of appeal.
- Adversarial proceedings.
- Decision.

Sanctions

- Inadmissibility for grounds not provided.

Cross-references

- Art. 34 (Limits).
- Art. 35 (Decision).
- Art. 71 (Revision).

Interpretative notes

1. Errors of law are the principal ground.
2. The evaluation of evidence is reviewable only if seriously erroneous.
3. Questions of jurisdiction are ascertainable *ex officio*.

ARTICLE 34 – Limits of appeal

Normative text

Appeal does not constitute a new full proceeding except when the Court deems it necessary to re-examine decisive elements.

Ratio

The article prevents appeal from becoming a second trial with a full re-hearing of the merits, except in motivated exceptional cases.

International sources of reference

- Rome Statute, Art. 83.
- ECHR Rules of Court, Art. 43.
- ICJ practice.

Addressees

- Appeals Court.
- Parties.

Obligations

- Motivate the re-examination.
- Limit the re-hearing.

Procedures

- Deliberation on the necessity of re-examination.
- Possible new investigation.

Sanctions

- Nullity if the Court exceeds its competence.

Cross-references

- Art. 33.
- Art. 35.

Interpretative notes

1. Full re-examination is exceptional.
2. Decisive elements must be specified.
3. The Appeals Court may not decide on new claims.

ARTICLE 35 – Decision on appeal

Normative text

The decision of the Appeals Court is final within the CIAP, subject to extraordinary revision in the cases provided by the Rules.

Ratio

The article establishes the final character of the appeal decision, with the sole exception of extraordinary revision.

International sources of reference

- Rome Statute, Art. 84 (revision).
- ICJ Statute, Art. 61 (revision).
- ECHR Rules of Court, Art. 80.

Addressees

- Parties.
- CIAP.

Obligations

- Execute the decision.
- Not reopen the case except within the limits.

Procedures

- Publication.
- Execution.
- Extraordinary revision.

Sanctions

- Inadmissibility of further appeals.

Cross-references

- Art. 71 (Revision).
- Art. 72 (Judicial error).
- Art. 77 (Execution).

Interpretative notes

1. Finality does not exclude revision.
2. Revision is exceptional.
3. The appeal decision is binding on all CIAP organs.

TITLE V – INTERNATIONAL PROSECUTOR’S OFFICE OF PEOPLES

ARTICLE 36 – Establishment of the Prosecutor’s Office

Normative text

1. The International Prosecutor’s Office of the CIAP is established.
2. The Prosecutor’s Office operates in full independence.
3. Its functions are exclusively those attributed by the present Treaty.

Ratio

The article establishes the prosecutorial organ, distinct from the Court and independent. The Prosecutor’s Office is not a judicial organ, but one of initiative and investigation.

International sources of reference

- Rome Statute, Arts. 42–43 (Office of the Prosecutor).
- ICJ Statute (does not provide for a Prosecutor’s Office).
- ECHR (does not provide for a Prosecutor’s Office).

Addressees

- Prosecutor’s Office.
- CIAP.

- Acceding States and Peoples.

Obligations

- Act independently.
- Not receive instructions.
- Respect guarantees.

Procedures

- Establishment.
- Appointment.
- Internal regulations.

Sanctions

- Nullity of acts adopted under improper instructions.

Cross-references

- Art. 37 (Prosecutor).
- Art. 38 (Deputies).
- Art. 39 (Investigations).
- Art. 40 (Guarantees).

Interpretative notes

1. The Prosecutor's Office does not adjudicate.
2. Its independence is functional.
3. Its functions are exhaustive.

ARTICLE 37 – Prosecutor General

Normative text

1. The Prosecutor General is elected by the Assembly of States and Peoples Parties.
2. The mandate lasts nine years and is not renewable.
3. The Prosecutor may not receive instructions from governments or private subjects.

Ratio

The article regulates the leadership of the Prosecutor's Office, with a long non-renewable mandate to guarantee independence.

International sources of reference

- Rome Statute, Art. 42.
- UN practice.

Addressees

- Prosecutor.
- Assembly.

Obligations

- Act independently.
- Not receive instructions.

Procedures

- Election by qualified majority.
- Oath.

Sanctions

- Removal for serious violations.

Cross-references

- Art. 23.
- Art. 29.

Interpretative notes

1. Non-renewability is a guarantee of independence.
2. The Prosecutor is not a representative of States.
3. He or she may be assisted by Deputies.

ARTICLE 38 – Deputy Prosecutors

Normative text

The Prosecutor may be assisted by Deputy Prosecutors with competences in:

- a) rights of Peoples;
- b) environment;
- c) future generations;
- d) cultural heritage;
- e) technology and digital rights.

Ratio

The article provides for internal specialisations within the Prosecutor's Office, consistent with the purposes of the CIAP.

International sources of reference

- Rome Statute, Art. 42(4).
- Practice of international prosecutors' offices.

Addressees

- Prosecutor's Office.
- Assembly.

Obligations

- Specific competence.
- Independence.

Procedures

- Appointment by the Prosecutor.
- Approval by the Assembly.

Sanctions

- Removal.

Cross-references

- Art. 37.
- Arts. 81–92 (Protocol on Peoples and Future Generations).

Interpretative notes

1. Deputies are officials of the Prosecutor's Office.
2. They do not replace the Prosecutor.
3. Competences are specialised.

ARTICLE 39 – Investigations

Normative text

The Prosecutor's Office may conduct investigations exclusively in cases falling within the competence attributed to the Court.

Ratio

The article delimits the power of investigation to the competence of the Court, avoiding *ultra vires* initiatives.

International sources of reference

- Rome Statute, Arts. 53–54.
- Practice of international prosecutors' offices.

Addressees

- Prosecutor's Office.
- States and Peoples.

Obligations

- Respect competence.
- Cooperate.

Procedures

- Opening of investigation.
- Collection of evidence.
- Filing (archiving).

Sanctions

- Nullity of acts outside competence.

Cross-references

- Arts. 41–48 (Jurisdiction).
- Arts. 51–57 (Procedure).

Interpretative notes

1. Investigation is not automatic.
2. The Prosecutor's Office may archive.
3. Investigations must respect rights.

ARTICLE 40 – Guarantees of the person under investigation

Normative text

Every investigation must respect:

- a) presumption of innocence;
- b) right of defence;
- c) legality;
- d) proportionality;
- e) adversarial principle;
- f) right to a fair trial.

Ratio

The article guarantees fundamental rights in the investigative phase.

International sources of reference

- ICCPR, Art. 14.
- ECHR, Art. 6.
- EU Charter of Fundamental Rights, Arts. 47–48.
- Rome Statute, Arts. 55, 66–67.

Addressees

- Prosecutor's Office.
- Persons under investigation.
- Defence counsel.

Obligations

- Respect the guarantees.
- Inform the person under investigation.
- Allow defence.

Procedures

- Notification.
- Legal assistance.
- Time-limits.

Sanctions

- Unusability of evidence obtained in violation.

Cross-references

- Art. 59 (Unlawful evidence).
- Art. 64 (Unlawful evidence).
- Art. 52 (Adversarial principle).

Interpretative notes

1. The guarantees are non-derogable.
2. The presumption of innocence is full.
3. The right of defence is effective, not merely formal.

TITLE VI – JURISDICTION

ARTICLE 41 – Contentious jurisdiction

Normative text

The Court exercises contentious jurisdiction in cases submitted to it on the basis of a valid legal title.

Ratio

The article establishes the fundamental principle: without a title, there is no jurisdiction.

International sources of reference

- ICJ Statute, Art. 36.
- Rome Statute, Art. 12.
- Vienna Convention on the Law of Treaties, Arts. 11 et seq.

Addressees

- CIAP.
- States and Peoples.

Obligations

- Verify the title.
- Not proceed in its absence.

Procedures

- Preliminary verification.
- Decision on jurisdiction.

Sanctions

- Inadmissibility.

Cross-references

- Art. 42.
- Art. 46.

Interpretative notes

1. The title may be conventional, contractual or unilateral.
2. Jurisdiction is exceptional with respect to sovereignty.
3. The title must be valid and current.

ARTICLE 42 – Titles of jurisdiction

Normative text

Jurisdiction may derive from:

- a) the present Treaty;
- b) a special agreement;
- c) an international treaty;
- d) a compromissory clause;
- e) a declaration of acceptance;
- f) any other title recognised by applicable international law.

Ratio

The article lists the titles of jurisdiction, broadening the possibilities of access to the Court.

International sources of reference

- ICJ Statute, Art. 36(1)–(3).
- Rome Statute, Art. 12.

- Vienna Convention, Arts. 11–17.

Addressees

- States.
- Peoples.
- CIAP.

Obligations

- Respect the title.
- Not revoke it arbitrarily.

Procedures

- Deposit of the title.
- Notification.
- Acceptance.

Sanctions

- Nullity if the title is defective.

Cross-references

- Art. 41.
- Arts. 43–45.
- Annex IV (Compromissory clause).
- Annex V (Special agreement).

Interpretative notes

1. The title may be prior or subsequent to the dispute.
2. The declaration of acceptance is unilateral but binding.
3. The title may be limited *ratione materiae*.

ARTICLE 43 – States Parties

Normative text

States that ratify the present Treaty accept the jurisdiction of the Court according to the conditions established by the Treaty and by the admitted declarations or reservations.

Ratio

The article regulates the accession of States and the conditions of acceptance.

International sources of reference

- ICJ Statute, Art. 36.

- Vienna Convention, Arts. 19–23 (reservations).

Addressees

- States.
- CIAP.

Obligations

- Respect jurisdiction.
- Respect reservations.

Procedures

- Ratification.
- Deposit.
- Declarations.

Sanctions

- Nullity of reservations contrary to the object and purpose.

Cross-references

- Art. 30 (Accession).
- Art. 31 (Withdrawal).
- Art. 92 (Entry into force).

Interpretative notes

1. Reservations are admitted if compatible.
2. Declarations may limit jurisdiction.
3. Reservations may be withdrawn.

ARTICLE 44 – Peoples Parties

Normative text

1. The present Treaty establishes a specific system of participation of Peoples.
2. Direct access of a People to contentious jurisdiction operates according to the legal title provided by the Treaty, by the instruments of accession and by applicable norms.

Ratio

The article introduces a novelty: the participation of Peoples, not only of States, but subject to a title.

International sources of reference

- UN Charter, Arts. 1(2), 55, 73.

- ICCPR and ICESCR, Art. 1.
- UN Resolution 2625 (XXV).
- ICJ practice on *erga omnes*.

Addressees

- Peoples.
- CIAP.

Obligations

- Demonstrate representative title.
- Respect procedures.

Procedures

- Accession.
- Accreditation.
- Verification of representation.

Sanctions

- Inadmissibility in the absence of a title.

Cross-references

- Arts. 81–92 (Protocol on Peoples).
- Art. 90 (Accession of Peoples).

Interpretative notes

1. A People is not automatically a Party.
2. Representation must be verifiable.
3. Access is gradual and conditioned.

ARTICLE 45 – Subject-matter jurisdiction

Normative text

The Court may hear, within the limits of its jurisdiction:

- a) self-determination;
- b) rights of Peoples;
- c) minorities;
- d) indigenous Peoples;
- e) cultural heritage;
- f) linguistic heritage;
- g) environment;
- h) future generations;
- i) economic and social rights;

- l) digital rights;
- m) technological sovereignty;
- n) intergenerational disputes.

Ratio

The article lists the subject-matters of jurisdiction, consistent with the purposes.

International sources of reference

- ICCPR and ICESCR.
- UNESCO Conventions 1972, 2003, 2005.
- UN Declaration on the Rights of Indigenous Peoples (2007).
- Paris Agreement (2015).

Addressees

- CIAP.
- States and Peoples.

Obligations

- Respect competence.
- Not invoke extraneous subject-matters.

Procedures

- Qualification of the dispute.
- Decision on jurisdiction.

Sanctions

- Inadmissibility.

Cross-references

- Art. 3 (Purposes).
- Art. 8 (Self-determination).
- Arts. 81–92.

Interpretative notes

1. The list is exhaustive.
2. Subject-matters may be connected.
3. Jurisdiction is limited by the title.

ARTICLE 46 – Advisory jurisdiction

Normative text

The Court may issue advisory opinions in the cases provided by the present Treaty or by subsequent agreements.

Ratio

The article regulates the advisory function, distinct from the contentious one.

International sources of reference

- ICJ Statute, Art. 65.
- Rome Statute (does not provide for opinions).
- ECHR practice (advisory opinions).

Addressees

- CIAP.
- States and Peoples.
- International organisations.

Obligations

- Motivate the request.
- Respect competence.

Procedures

- Request.
- Investigation.
- Opinion.

Sanctions

- None direct.

Cross-references

- Art. 49 (Advisory opinions).
- Arts. 81–92.

Interpretative notes

1. The opinion is not binding, unless otherwise provided.
2. It may be requested by qualified subjects.
3. It may not concern pending cases.

ARTICLE 47 – Provisional measures jurisdiction

Normative text

The Court may adopt provisional measures when there exists a concrete risk of serious or irreparable harm.

Ratio

The article regulates the provisional power, essential for the effectiveness of justice.

International sources of reference

- ICJ Statute, Art. 41.
- Rome Statute, Art. 81.
- ECHR Rules of Court, Art. 39.

Addressees

- CIAP.
- Parties.

Obligations

- Respect the measures.
- Not aggravate the dispute.

Procedures

- Application.
- Adversarial proceedings.
- Decision.

Sanctions

- Responsibility for non-compliance.

Cross-references

- Arts. 61–65 (Provisional measures procedure).
- Arts. 67–72 (Measures).

Interpretative notes

1. Measures are provisional.
2. They do not prejudice the merits.
3. They are binding on the parties.

ARTICLE 48 – Jurisdiction concerning future generations

Normative text

The Court may examine the intergenerational effects of a dispute when such effects fall within the subject-matter submitted to its jurisdiction.

Ratio

The article introduces the intergenerational dimension as a criterion of jurisdiction.

International sources of reference

- Rio Declaration (1992), Principle 3.
- Paris Agreement (2015), Art. 2.
- Practice of constitutional courts (e.g. Germany, Colombia).
- ICJ, advisory opinion on climate (pending).

Addressees

- CIAP.
- States and Peoples.

Obligations

- Consider long-term effects.
- Motivate.

Procedures

- Impact assessment.
- Hearings.
- Scientific opinions.

Sanctions

- Declaration of violation.
- Obligations of non-regression.

Cross-references

- Arts. 87–92 (Future Generations).
- Arts. 99–100 (Defender).
- Protocol on Peoples and Future Generations.

Interpretative notes

1. Effects must be concrete, not hypothetical.
2. Jurisdiction remains limited by the title.
3. The principle of non-regression is an interpretative criterion.

TITLE VII – PROCEDURE**ARTICLE 49 – Introduction of proceedings****Normative text**

Proceedings are introduced by:

- a) application;
- b) special agreement (*compromis*);
- c) joint application;
- d) advisory proceedings;
- e) any other modality provided by the title of jurisdiction.

Ratio

The article lists the modalities of introduction of proceedings, distinguishing between:

- unilateral application (a);
- agreement of the parties (b, c);
- advisory opinion (d);
- residual clause (e).

The choice of modality depends on the title of jurisdiction and the nature of the dispute.

International sources of reference

- ICJ Statute, Arts. 36, 40, 65.
- Rome Statute, Arts. 13–15.
- ECHR Rules of Court, Arts. 32–34.
- Vienna Convention on the Law of Treaties (1969), Arts. 11–17.

Addressees

- Acceding States and Peoples.
- CIAP.
- Legitimate subjects.

Obligations

- Indicate the title of jurisdiction.
- Respect formal requirements.
- Not introduce frivolous proceedings.

Procedures

- Deposit of the introductory act.
- Registration.
- Notification to the opposing parties.

Sanctions

- Inadmissibility for lack of title.
- Irreceivability for formal defects.

Cross-references

- Art. 41 (Contentious jurisdiction).
- Art. 42 (Titles of jurisdiction).

- Art. 50 (Registration).
- Art. 51 (Preliminary verification).

Interpretative notes

1. The application is the typical act of contentious proceedings.
2. The *compromis* is the agreement to submit an already existing dispute.
3. The joint application is used for common questions.
4. Advisory proceedings are not contentious.
5. Letter (e) permits atypical modalities provided they are envisaged by the title.

ARTICLE 50 – Digital registration

Normative text

Every proceeding receives a unique identification number and is registered in the digital system of the Registry.

Ratio

The article introduces mandatory digital registration, as a guarantee of:

- traceability;
- transparency;
- authenticity;
- documentary continuity.

Registration is a condition of procedural regularity.

International sources of reference

- ICJ Rules of Court, Art. 26.
- ECHR Rules of Court, Art. 36.
- ICC practice (Court Records).
- EU e-Evidence Regulation.

Addressees

- Registry.
- Parties.
- CIAP.

Obligations

- Register every act.
- Assign a unique number.
- Preserve a digital copy.

Procedures

- Electronic deposit.
- Assignment of number.
- Notification.

Sanctions

- Nullity of the unregistered act.

Cross-references

- Arts. 77–80 (CDJS).
- Arts. 127–144 (Digital Charter).
- Art. 129 (Digital register).

Interpretative notes

1. Registration does not validate the content.
2. The identification number is unique and permanent.
3. Registration is public, subject to exceptions.

ARTICLE 51 – Preliminary verification

Normative text

The Registry verifies:

- a) identity of the parties;
- b) formal completeness;
- c) title of jurisdiction;
- d) essential documentation.

Ratio

The article regulates the preliminary formal control, which does not enter into the merits but ensures the regularity of the proceedings.

International sources of reference

- ICJ Rules of Court, Art. 38.
- ECHR Rules of Court, Art. 47.
- ICC Rules of Procedure and Evidence, Art. 44.

Addressees

- Registry.
- Parties.

Obligations

- Verify the requirements.
- Communicate any irregularities.

- Fix time-limits for integrations.

Procedures

- Formal examination.
- Request for integrations.
- Transmission to the Court.

Sanctions

- Irreceivability.
- Suspension of the proceedings.

Cross-references

- Art. 50.
- Art. 52.
- Art. 57 (Adversarial principle).

Interpretative notes

1. Verification is formal, not of merits.
2. The Registry does not decide on jurisdiction.
3. Integrations are the responsibility of the party.

ARTICLE 52 – Adversarial principle

Normative text

No final decision may be adopted without the parties having had an effective opportunity to present their observations.

Ratio

The article enshrines the adversarial principle, cornerstone of a fair trial.

International sources of reference

- ICCPR, Art. 14.
- ECHR, Art. 6.
- EU Charter of Fundamental Rights, Art. 47.
- ICJ Statute, Art. 53.
- Rome Statute, Art. 67.

Addressees

- CIAP.
- Parties.
- Defence counsel.

Obligations

- Notify the acts.
- Grant adequate time-limits.

ARTICLE 52 – Adversarial principle

Obligations (continued)

- Allow a reply.

Procedures

- Notification.
- Memorials.
- Hearings.
- Replies.

Sanctions

- Nullity of the decision adopted in violation.

Cross-references

- Art. 53 (Representation).
- Arts. 55–57 (Evidence).
- Arts. 73–76 (Judgments).

Interpretative notes

1. The adversarial principle is non-derogable.
2. It must be effective, not merely formal.
3. It may be deferred only for provisional needs.

ARTICLE 53 – Representation

Normative text

The parties may be represented by qualified lawyers, agents, advisers and experts.

Ratio

The article guarantees freedom of choice of counsel and the technical quality of representation.

International sources of reference

- ICJ Statute, Art. 42.
- Rome Statute, Art. 67.
- ECHR, Art. 6(3)(c).
- ECHR Rules of Court, Art. 36.

Addressees

- Parties.
- Counsel.
- CIAP.

Obligations

- Respect the code of professional conduct.
- Deposit a power of attorney or mandate.
- Not abuse the process.

Procedures

- Appointment.
- Deposit of the mandate.
- Accreditation.

Sanctions

- Exclusion for improper conduct.

Cross-references

- Art. 40 (Guarantees).
- Arts. 115–126 (Code of ethics).

Interpretative notes

1. Representation is not mandatory.
2. Agents are official representatives of the State.
3. Advisers may be non-lawyer experts.

ARTICLE 54 – Language of proceedings

Normative text

The language of the proceedings is determined by the Rules and by the needs of the parties, guaranteeing adequate translation and interpretation.

Ratio

The article regulates the use of languages in the proceedings, balancing efficiency and guarantees.

International sources of reference

- ICJ Statute, Art. 39.
- Rome Statute, Art. 50.
- ECHR, Art. 6(3)(e).
- EU Charter of Fundamental Rights, Art. 47.

Addressees

- CIAP.
- Parties.
- Interpreters.

Obligations

- Guarantee translation.
- Ensure understanding.
- Appoint qualified interpreters.

Procedures

- Choice of language.
- Appointment of interpreters.
- Recording in the minutes.

Sanctions

- Nullity if a party has been deprived of understanding.

Cross-references

- Art. 15 (Official languages).
- Arts. 136–138 (CDJS).

Interpretative notes

1. The language of the proceedings may be agreed.
2. Translation is borne by the Court.
3. The interpreter has a duty of confidentiality.

TITLE VIII – EVIDENCE

ARTICLE 55 – Principles of evidence

Normative text

The following evidence is admissible:

- a) documentary;
- b) testimonial;
- c) expert;
- d) digital;
- e) scientific;
- f) audiovisual;
- g) satellite;
- h) forensic;
- i) deriving from public registers.

Ratio

The article lists the admissible categories of evidence, with openness to new technologies.

International sources of reference

- ICJ Statute, Art. 48.
- ICJ Rules of Court, Arts. 57–64.
- Rome Statute, Art. 69.
- ICC Rules of Procedure and Evidence, Arts. 63–75.

Addressees

- Parties.
- CIAP.
- Experts.

Obligations

- Deposit relevant evidence.
- Respect time-limits.
- Not conceal evidence.

Procedures

- Deposit.
- Admission.
- Examination.

Sanctions

- Inadmissibility.
- Exclusion of unlawful evidence.

Cross-references

- Art. 56 (Digital evidence).
- Art. 59 (Unlawful evidence).
- Art. 60 (Burden).

Interpretative notes

1. The list is illustrative.
2. Evidence must be relevant and pertinent.
3. The Court may order acquisition *ex officio*.

ARTICLE 56 – Digital evidence**Normative text**

The Court may admit:

- a) digital signatures;
- b) metadata;
- c) distributed ledgers;
- d) timestamps;
- e) satellite images;
- f) audiovisual recordings;
- g) computer forensic data.

Ratio

The article recognises full evidentiary value of digital evidence, with guarantees of authenticity.

International sources of reference

- Budapest Convention on Cybercrime (2001).
- EU e-Evidence Regulation.
- UN guidelines on digital evidence.
- ICC practice on digital evidence.

Addressees

- CIAP.
- Parties.
- Forensic experts.

Obligations

- Document the chain of custody.
- Guarantee integrity.
- Provide hash and timestamp.

Procedures

- Deposit.
- Technical verification.
- Expert examination.

Sanctions

- Inadmissibility if not authenticable.

Cross-references

- Art. 57 (Authenticity).
- Art. 78 (CDJS).
- Arts. 132–133 (Hash and blockchain).

Interpretative notes

1. Digital evidence is not privileged.
2. Blockchain does not replace legal evaluation.

3. The chain of custody is essential.
-

ARTICLE 57 – Authenticity

Normative text

The party producing evidence must, when contested, demonstrate its authenticity and integrity according to criteria established by the Rules.

Ratio

The article regulates the burden of authentication, balancing access to evidence and reliability.

International sources of reference

- ICJ Rules of Court, Art. 57.
- Rome Statute, Art. 69(4).
- ICC Rules of Procedure and Evidence, Art. 69.
- Budapest Convention.

Addressees

- Parties.
- CIAP.

Obligations

- Produce originals or authentic copies.
- Provide elements of verification.

Procedures

- Challenge.
- Verification.
- Expert examination.

Sanctions

- Exclusion of non-authenticated evidence.

Cross-references

- Art. 56.
- Art. 58.
- Art. 64.

Interpretative notes

1. Authenticity is not presumed for private documents.
2. Public documents enjoy a relative presumption.

3. The Court may order verifications *ex officio*.
-

ARTICLE 58 – Scientific evidence

Normative text

The Court may appoint independent experts. Experts must declare any conflicts of interest.

Ratio

The article regulates scientific evidence, entrusting it to independent experts.

International sources of reference

- ICJ Statute, Art. 50.
- ICJ Rules of Court, Arts. 62–63.
- Rome Statute, Art. 69.
- ICC Rules of Procedure and Evidence, Arts. 65–68.

Addressees

- CIAP.
- Experts.
- Parties.

Obligations

- Independence.
- Declaration of conflicts.
- Respect for time-limits.

Procedures

- Appointment.
- Expert report.
- Technical adversarial proceedings.

Sanctions

- Exclusion of a flawed expert report.

Cross-references

- Art. 55.
- Art. 57.
- Art. 117 (Conflict of interest).

Interpretative notes

1. The expert is not a judge.

2. The expert report is freely evaluable.
 3. Parties may appoint party experts.
-

ARTICLE 59 – Unlawful evidence

Normative text

The Court may exclude evidence obtained through serious violations of fundamental rights or through modalities incompatible with the fairness of the proceedings.

Ratio

The article enshrines the exclusionary rule, for the protection of fundamental rights.

International sources of reference

- Rome Statute, Art. 69(7).
- ECHR, Art. 6.
- ICCPR, Art. 14.
- UN Convention against Torture (1984).

Addressees

- CIAP.
- Parties.

Obligations

- Not produce unlawful evidence.
- Report violations.

Procedures

- Challenge.
- Verification.
- Decision.

Sanctions

- Exclusion.
- Responsibility.

Cross-references

- Art. 40 (Guarantees).
- Art. 64 (Unlawful evidence).
- Art. 55.

Interpretative notes

1. The rule is not absolute.
 2. Gravity is a parameter.
 3. The Court evaluates case by case.
-

ARTICLE 60 – Burden of proof

Normative text

1. The burden of proof normally rests on the party affirming a fact.
2. The Court may establish otherwise when the nature of the dispute so requires and applicable law so permits.

Ratio

The article regulates the burden of proof, with flexibility for specific cases.

International sources of reference

- ICJ Statute, Art. 53.
- ICJ Rules of Court, Art. 58.
- Rome Statute, Art. 66.
- ICC Rules of Procedure and Evidence, Art. 68.

Addressees

- Parties.
- CIAP.

Obligations

- Prove the alleged facts.
- Collaborate.

Procedures

- Allegation.
- Proof.
- Evaluation.

Sanctions

- Rejection of the unproven claim.

Cross-references

- Arts. 55–59.
- Art. 66 (Evaluation).

Interpretative notes

1. The burden may be reversed in specific cases.
2. The Court may order evidence *ex officio*.
3. Good faith is a criterion.

TITLE IX – PROVISIONAL MEASURES PROCEDURE 24/48/72 HOURS

ARTICLE 61 – Urgent request

Normative text

(The article regulates the urgent request for provisional measures, according to the model already provided in Art. 67.)

Ratio

The article introduces the accelerated procedure for situations of extreme urgency.

International sources of reference

- ICJ Statute, Art. 41.
- ICJ Rules of Court, Arts. 73–78.
- ECHR Rules of Court, Art. 39.
- ICC Rules of Procedure and Evidence, Art. 81.

Addressees

- Parties.
- CIAP.

Obligations

- Motivate the urgency.
- Indicate the risk.

Procedures

- Deposit.
- Evaluation.
- Decision.

Sanctions

- Inadmissibility if not urgent.

Cross-references

- Art. 47 (Provisional measures).
- Arts. 67–72 (Measures).

Interpretative notes

1. The request must be specific.
 2. Urgency is an essential requirement.
 3. The procedure is accelerated.
-

ARTICLE 62 – 24-hour phase

Normative text

Within 24 hours of receipt of a qualified request:

- a) the Registry verifies preliminary receivability;
- b) the President designates a judge or an urgent formation;
- c) a first evaluation of the risk is carried out.

Ratio

The article regulates the first phase of the provisional measures procedure, guaranteeing rapidity.

International sources of reference

- ECHR Rules of Court, Art. 39.
- ICJ Rules of Court, Art. 74.
- ICC Rules of Procedure and Evidence, Art. 81.

Addressees

- Registry.
- President.
- Urgent judge.

Obligations

- Rapidity.
- Formal verification.
- Evaluation of the risk.

Procedures

- Receipt.
- Verification.
- Designation.

Sanctions

None.

Cross-references

- Art. 61.
- Art. 63.
- Arts. 67–72.

Interpretative notes

1. The phase is preliminary.
 2. The urgent judge does not decide the merits.
 3. The evaluation is summary.
-

ARTICLE 63 – 48-hour phase

Normative text

Within 48 hours, where possible:

- a) the requesting party is heard;
- b) the opposing party is informed;
- c) urgent evidence is examined;
- d) an immediate provisional measure may be adopted in cases of extreme urgency.

Ratio

The article regulates the second phase, with deferred adversarial proceedings.

International sources of reference

- ECHR Rules of Court, Art. 39.
- ICJ Rules of Court, Art. 74.
- ICC Rules of Procedure and Evidence, Art. 81.

Addressees

- CIAP.
- Parties.

Obligations

- Inform the opposing party.
- Examine the evidence.
- Motivate.

Procedures

- Hearing.
- Notification.
- Decision.

Sanctions

- Revocation if the risk is not confirmed.

Cross-references

- Art. 62.

- Art. 64.
- Arts. 67–72.

Interpretative notes

1. Adversarial proceedings may be deferred.
2. The immediate measure is exceptional.
3. It must be motivated.

ARTICLE 64 – 72-hour phase

Normative text

Within 72 hours, where possible:

- a) the Court summons the parties;
- b) evaluates *fumus boni iuris*;
- c) evaluates the risk of irreparable harm;
- d) evaluates proportionality;
- e) determines the provisional measure.

Ratio

The article regulates the third phase, with full evaluation of the provisional requirements.

International sources of reference

- ICJ Rules of Court, Arts. 74–75.
- ECHR Rules of Court, Art. 39.
- ICC Rules of Procedure and Evidence, Art. 81.

Addressees

- CIAP.
- Parties.

Obligations

- Summon the parties.
- Evaluate the requirements.
- Motivate.

Procedures

- Hearing.
- Deliberation.
- Notification.

Sanctions

- Revocation.

- Modification.

Cross-references

- Art. 63.
- Art. 65.
- Art. 47.

Interpretative notes

1. The requirements are cumulative.
2. *Fumus* is a summary evaluation.
3. Proportionality is an essential criterion.

ARTICLE 65 – Provisional measures

Normative text

Measures may include:

- a) temporary suspension of an act;
- b) preservation of evidence;
- c) protection of persons;
- d) protection of a cultural site;
- e) urgent environmental protection;
- f) prohibition of destruction of documents;
- g) other measures compatible with the jurisdiction of the Court.

Ratio

The article lists the types of provisional measures, with a residual clause.

International sources of reference

- ICJ Statute, Art. 41.
- ICJ Rules of Court, Art. 75.
- ECHR Rules of Court, Art. 39.
- ICC Rules of Procedure and Evidence, Art. 81.

Addressees

- CIAP.
- Parties.

Obligations

- Respect the measures.
- Not aggravate the dispute.

Procedures

- Adoption.
- Notification.
- Execution.

Sanctions

- Responsibility for non-compliance.

Cross-references

- Art. 47.
- Arts. 67–72.
- Art. 77 (Execution).

Interpretative notes

1. Measures are provisional.
2. They do not prejudice the merits.
3. They are binding on the parties.

TITLE X – JUDGMENTS

ARTICLE 66 – Deliberation

Normative text

The deliberations of the judges are confidential.

Ratio

The article guarantees the secrecy of deliberations, for the protection of independence and freedom of judgment.

International sources of reference

- ICJ Statute, Art. 54.
- Rome Statute, Art. 74.
- ECHR Rules of Court, Art. 22.

Addressees

- Judges.

Obligations

- Confidentiality.
- Not disclose.

Procedures

- Deliberation.
- Voting.

Sanctions

- Discipline.

Cross-references

- Art. 67.
- Arts. 115–126.

Interpretative notes

1. Confidentiality is functional.
2. Separate opinions are public.
3. The vote is personal.

ARTICLE 67 – Judgment

Normative text

Every judgment must indicate:

- a) the parties;
- b) the facts;
- c) the legal questions;
- d) the evidence;
- e) the reasoning;
- f) the decision;
- g) any separate opinions.

Ratio

The article regulates the minimum content of the judgment, as a guarantee of transparency and comprehensibility.

International sources of reference

- ICJ Statute, Art. 56.
- Rome Statute, Art. 74.
- ECHR Rules of Court, Art. 74.
- ICC Rules of Procedure and Evidence, Art. 74.

Addressees

- CIAP.
- Parties.

Obligations

- Motivate.
- Indicate the evidence.
- Respect the structure.

Procedures

- Drafting.
- Signature.
- Publication.

Sanctions

- Nullity if the reasoning is lacking.

Cross-references

- Art. 66.
- Art. 68.
- Art. 73.

Interpretative notes

1. Reasoning is essential.
2. Separate opinions are optional.
3. The structure is binding.

ARTICLE 68 – Publication

Normative text

Judgments are published in the official database of the Court.

Ratio

The article guarantees the publicity of decisions, for the protection of transparency and legal certainty.

International sources of reference

- ICJ Statute, Art. 58.
- Rome Statute, Art. 74.
- ECHR Rules of Court, Art. 74.

Addressees

- CIAP.
- Public.

Obligations

- Publish.
- Make accessible.

Procedures

- Drafting.
- Publication.
- Archiving.

Sanctions

None.

Cross-references

- Art. 78 (CDJS).
- Arts. 127–144 (Digital Charter).

Interpretative notes

1. Publication is mandatory.
2. Exceptions are limited.
3. The register is public.

ARTICLE 69 – Effects

Normative text

The binding effects of the judgment depend on the applicable title of jurisdiction and on the relevant international law.

Ratio

The article clarifies that binding force depends on the title and applicable norms.

International sources of reference

- ICJ Statute, Art. 59.
- Rome Statute, Art. 75.
- UN Charter, Art. 94.

Addressees

- Parties.
- CIAP.

Obligations

- Respect the judgment.
- Execute it.

Procedures

- Execution.
- Monitoring.

Sanctions

- Responsibility.

Cross-references

- Art. 70.
- Art. 77.
- Art. 79.

Interpretative notes

1. The judgment is binding on the parties.
 2. Effects do not automatically extend to third parties.
 3. The title is determinative.
-

ARTICLE 70 – Execution

Normative text

1. States and other subjects bound by a decision must comply with the obligations deriving from the applicable legal title.
2. The Court may establish a mechanism for monitoring execution.

Ratio

The article regulates the execution of judgments, providing for a verification mechanism.

International sources of reference

- UN Charter, Art. 94.
- ICJ Statute, Art. 59.
- Rome Statute, Art. 75.
- ECHR Rules of Court, Art. 46.

Addressees

- Parties.
- CIAP.

Obligations

- Execute.
- Report.
- Cooperate.

Procedures

- Execution plan.
- Monitoring.
- Verification.

Sanctions

- Reporting.
- Further measures.

Cross-references

- Art. 69.
- Art. 77.
- Art. 78 (Execution plan).

Interpretative notes

1. Execution is a legal obligation.
2. Monitoring is participatory.
3. Sanctions are graduated.

TITLE XI – REVISION

ARTICLE 71 – Revision

Normative text

Revision may be requested when a decisive new fact emerges, previously unknown to the Court and to the requesting party without serious fault.

Ratio

The article regulates the extraordinary means of challenge *par excellence*: revision. It is not an appeal, but an exceptional remedy based on the discovery of a new fact which, if known earlier, would have led to a different decision. The rationale is to balance the finality of judgments with the need for substantive justice.

International sources of reference

- ICJ Statute, Art. 61 (revision).
- Rome Statute, Art. 84.
- ECHR Rules of Court, Art. 80.
- ICC Rules of Procedure and Evidence, Arts. 84–85.
- ICCPR, Art. 14(6) (right to revision in case of miscarriage of justice).

Addressees

- Procedural parties.

- CIAP.

Obligations

- The requesting party must demonstrate:
 - the novelty of the fact;
 - the decisiveness of the fact;
 - the absence of serious fault in the lack of knowledge;
 - compliance with time-limits.
- The Court must verify the requirements of admissibility.

Procedures

1. Application for revision deposited with the Registry.
2. Preliminary verification of admissibility.
3. Adversarial proceedings between the parties.
4. Decision of the Court on admissibility.
5. If admissible, new judgment limited to the new fact.

Sanctions

- Inadmissibility if the requirements are not satisfied.
- Responsibility for frivolous litigation.

Cross-references

- Art. 35 (Decision on appeal).
- Art. 72 (Serious judicial error).
- Art. 77 (Execution).
- Art. 52 (Adversarial principle).

Interpretative notes

1. Revision does not suspend execution of the judgment, unless otherwise decided.
2. The new fact must be subsequent to the judgment or discovered subsequently.
3. Serious fault excludes revision.
4. Revision is exceptional and interpreted restrictively.

ARTICLE 72 – Serious judicial error

Normative text

The Rules establish the extraordinary procedures for correcting material errors or fundamental procedural violations.

Ratio

The article introduces a further remedy with respect to revision, to correct:

- material errors (typos, calculations, names);

- fundamental procedural violations (e.g. lack of adversarial proceedings, lack of competence).

The rationale is to guarantee the formal and substantive correctness of decisions.

International sources of reference

- ICJ Rules of Court, Art. 61.
- ECHR Rules of Court, Art. 80.
- ICC Rules of Procedure and Evidence, Art. 84.
- General principles of procedural law.

Addressees

- CIAP.
- Parties.

Obligations

- Report the error.
- Motivate the request.
- Respect time-limits.

Procedures

1. Application for correction.
2. Summary verification.
3. Decision of the Court.
4. Correction or confirmation.

Sanctions

- None direct; possible responsibility for abuse.

Cross-references

- Art. 71.
- Art. 35.
- Art. 77.

Interpretative notes

1. A material error does not modify the operative part.
2. A fundamental procedural violation may overturn the decision.
3. The procedure is rapid and participatory.

TITLE XII – IMMUNITIES AND PRIVILEGES

ARTICLE 73 – Institutional immunity

Normative text

The Court and its property enjoy the immunities necessary for the independent exercise of its functions according to applicable law and relevant agreements.

Ratio

The article recognises to the CIAP the functional immunities necessary to operate without interference. It is an instrumental immunity, not a personal one.

International sources of reference

- ICJ Statute, Art. 19.
- Rome Statute, Art. 48.
- Vienna Convention on Diplomatic Relations (1961).
- Convention on the Privileges and Immunities of the United Nations (1946).
- WHO-Switzerland Headquarters Agreement (1946).

Addressees

- States.
- International organisations.
- CIAP.

Obligations

- Respect the immunity.
- Not obstruct the functions.
- Grant the necessary facilities.

Procedures

- Headquarters Agreement (Venice–Geneva).
- Official notification.
- Express waiver.

Sanctions

- International responsibility for violation.
- Lawful countermeasures.

Cross-references

- Art. 11 (Seat).
- Art. 30 (Immunity of judges).
- Arts. 105–114 (Headquarters Agreement).

Interpretative notes

1. Immunity does not cover acts unrelated to the functions.
2. It may be waived.
3. It is functional, not absolute.

ARTICLE 74 – Immunity of judges

Normative text

Judges enjoy functional immunity for acts performed in the exercise of their functions.

Ratio

The article protects judges from pressures and harassment, guaranteeing the independence of the judicial function.

International sources of reference

- ICJ Statute, Art. 19.
- Rome Statute, Art. 48.
- Bangalore Principles.
- UN Basic Principles on the Independence of the Judiciary (1985).

Addressees

- Judges.
- States.
- CIAP.

Obligations

- Respect the immunity.
- Not abuse it.

Procedures

- Headquarters Agreement.
- Waiver.
- Disciplinary procedure.

Sanctions

- International responsibility.
- Discipline.

Cross-references

- Art. 30.
- Arts. 115–126 (Code of ethics).

Interpretative notes

1. Immunity is functional.
2. It does not cover acts unrelated to the functions.
3. Waiver belongs to the Court.

ARTICLE 75 – Staff

Normative text

Staff enjoy the privileges and immunities established by the Headquarters Agreement and by applicable instruments.

Ratio

The article extends the guarantees to the staff of the Court, to ensure the efficiency and independence of the administration.

International sources of reference

- UN Convention on Privileges and Immunities (1946).
- WHO-Switzerland Headquarters Agreement (1946).
- Rome Statute, Art. 48.

Addressees

- Staff.
- States.
- CIAP.

Obligations

- Respect the privileges.
- Not abuse them.

Procedures

- Headquarters Agreement.
- Internal regulations.

Sanctions

- Responsibility.

Cross-references

- Art. 73.
- Arts. 105–114.

Interpretative notes

1. Privileges are instrumental.
2. They may be differentiated by category.
3. Waiver belongs to the Court.

ARTICLE 76 – Waiver of immunity

Normative text

Immunity may be waived by the competent authority when the waiver is necessary for justice and does not compromise the independence of the Court.

Ratio

The article regulates the waiver of immunity, balancing the needs of justice with the protection of independence.

International sources of reference

- ICJ Statute, Art. 19.
- Rome Statute, Art. 48.
- UN Convention on Privileges and Immunities (1946).

Addressees

- CIAP.
- States.

Obligations

- Motivate the waiver.
- Not compromise independence.

Procedures

- Request.
- Decision.
- Communication.

Sanctions

None.

Cross-references

- Art. 73.
- Art. 74.
- Art. 30.

Interpretative notes

1. Waiver is exceptional.
2. It must be express.
3. It cannot be imposed by States.

ARTICLE 77 – CIAP Digital Justice System

Normative text

The CIAP DIGITAL JUSTICE SYSTEM – CDJS is established as the official digital system of the Court.

Ratio

The article establishes the Court’s IT system, which constitutes the technological infrastructure for the management of proceedings.

International sources of reference

- EU e-Evidence Regulation.
- UN guidelines on digital justice.
- ICC practice (e-Court).
- ECHR Rules (e-filing).

Addressees

- CIAP.
- Registry.
- Parties.

Obligations

- Use the system.
- Guarantee security.
- Ensure accessibility.

Procedures

- Electronic filing.
- Authentication.
- Notifications.

Sanctions

- Nullity if the act is not registered.

Cross-references

- Art. 50 (Registration).
- Arts. 78–80.
- Arts. 127–144 (Digital Charter).

Interpretative notes

1. The CDJS is mandatory.
2. It does not replace legal validation.
3. It must guarantee accessibility.

ARTICLE 78 – Digital functions

Normative text

The CDJS enables:

- a) electronic filing;
- b) authentication;
- c) digital signature;
- d) notifications;
- e) document management;
- f) procedural calendar;
- g) publication of decisions;
- h) access to digital hearings;
- i) judicial archive.

Ratio

The article lists the functionalities of the system, which cover the entire life-cycle of the proceedings.

International sources of reference

- EU e-Evidence Regulation.
- UN guidelines.
- ICC practice.
- ECHR Rules.

Addressees

- CIAP.
- Parties.
- Public.

Obligations

- Use the functions.
- Respect the technical rules.

Procedures

- Filing.
- Notification.
- Publication.

Sanctions

- Nullity of non-compliant acts.

Cross-references

- Art. 77.
- Art. 79.
- Art. 80.
- Arts. 127–144.

Interpretative notes

1. The functions are exhaustive.
2. They may be implemented gradually.
3. Access is controlled.

ARTICLE 79 – Documentary integrity

Normative text

The system may use cryptographic technologies and distributed ledgers to certify:

- a) existence;
- b) integrity;
- c) provenance;
- d) dating;
- e) version of the acts.

Ratio

The article guarantees the reliability of digital documents through cryptographic tools.

International sources of reference

- Budapest Convention (2001).
- eIDAS Regulation (EU).
- UN guidelines.
- ICC practice.

Addressees

- CIAP.
- Registry.
- Parties.

Obligations

- Guarantee integrity.
- Document.
- Preserve.

Procedures

- Hash.
- Timestamp.
- Blockchain.

Sanctions

- Exclusion if not integral.

Cross-references

- Art. 56 (Digital evidence).
- Art. 57 (Authenticity).
- Arts. 132–133 (Hash and blockchain).

Interpretative notes

1. Blockchain does not replace legal evaluation.
 2. The hash is technical evidence.
 3. The chain of custody is essential.
-

ARTICLE 80 – Security

Normative text

The digital system must guarantee:

- a) encryption;
- b) strong authentication;
- c) data segregation;
- d) operational continuity;
- e) backup;
- f) independent audits;
- g) protection of personal data.

Ratio

The article regulates IT security, for the protection of confidentiality, integrity and availability of data.

International sources of reference

- GDPR (Reg. EU 2016/679).
- Budapest Convention (2001).
- NIS 2 Directive (EU).
- UN guidelines.

Addressees

- CIAP.
- Registry.
- Staff.

Obligations

- Adopt technical measures.

- Train staff.
- Update systems.

Procedures

- Audit.
- Penetration test.
- Continuity plan.

Sanctions

- Disciplinary responsibility.
- Civil responsibility.

Cross-references

- Art. 77.
- Art. 78.
- Art. 137 (Privacy).

Interpretative notes

1. Security is mandatory.
2. The audit is independent.
3. Continuity is guaranteed.

TITLE XIV – INTERNATIONAL COOPERATION

ARTICLE 81 – General principle

Normative text

The CIAP cooperates with international and regional institutions in respect of their respective competences.

Ratio

The article enounces the principle of cooperation, which inspires all relations with other jurisdictions.

International sources of reference

- UN Charter, Arts. 1(3), 33.
- ICJ Statute, Art. 34.
- Practice of international courts.

Addressees

- CIAP.
- International organisations.

Obligations

- Cooperate.
- Respect competences.

Procedures

- Agreements.
- Memoranda.
- Exchange of information.

Sanctions

None.

Cross-references

- Arts. 82–88.
- Arts. 93–104 (Cooperation Protocol).

Interpretative notes

1. Cooperation is voluntary.
2. It does not imply subordination.
3. It respects the competences of others.

ARTICLE 82 – Cooperation with the International Court of Justice

Normative text

The CIAP promotes cooperation with the International Court of Justice. Cooperation may include:

- a) exchange of public information;
- b) legal research;
- c) comparative studies;
- d) conferences;
- e) training;
- f) technical cooperation;
- g) participation in proceedings exclusively when permitted by the Statute and Rules of the ICJ.

The CIAP does not unilaterally attribute to itself the power to seize the ICJ.

Ratio

The article regulates cooperation with the ICJ, without attributing to the CIAP powers that do not belong to it. The ICJ is an organ of the United Nations and has its own Statute.

International sources of reference

- ICJ Statute, Arts. 34, 65.
- UN Charter, Art. 96.
- Practice of international courts.

Addressees

- CIAP.
- ICJ.

Obligations

- Respect the ICJ Statute.
- Not seize unilaterally.

Procedures

- Agreements.
- Exchange of information.
- Permitted participation.

Sanctions

- Inadmissibility of unilateral initiatives.

Cross-references

- Art. 81.
- Arts. 93–104.
- Art. 28 (Seising the ICJ).

Interpretative notes

1. The CIAP cannot seize the ICJ without a title.
2. It may participate if permitted.
3. Cooperation is on an equal footing.

ARTICLE 83 – Cooperation with the International Criminal Court

Normative text

The CIAP promotes cooperation with the International Criminal Court in respect of the Rome Statute. Cooperation may include:

- a) training;
- b) protection of victims;
- c) preservation of information;
- d) technical cooperation;
- e) legal research;
- f) assistance in the forms permitted by applicable law.

Ratio

The article regulates cooperation with the ICC, with respect for the Rome Statute.

International sources of reference

- Rome Statute, Arts. 86–102.
- UN Charter, Chapter VII.
- ICC practice.

Addressees

- CIAP.
- ICC.

Obligations

- Respect the Statute.
- Cooperate.

Procedures

- Agreements.
- Assistance.
- Exchange of information.

Sanctions

None direct.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. The CIAP is not a criminal court.
2. Cooperation is functional.
3. There is no overlap.

ARTICLE 84 – Cooperation with ITLOS

Normative text

The CIAP promotes cooperation with the International Tribunal for the Law of the Sea on issues relating to Peoples, the oceans, marine resources and the protection of the marine environment, in respect of the UNCLOS Convention and the competence of the Tribunal.

Ratio

The article regulates cooperation with ITLOS, with respect for UNCLOS.

International sources of reference

- UNCLOS (1982), Part XV.
- ITLOS Statute.

- ITLOS practice.

Addressees

- CIAP.
- ITLOS.

Obligations

- Respect UNCLOS.
- Cooperate.

Procedures

- Agreements.
- Exchange of information.
- Research.

Sanctions

None.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. Cooperation is sectoral.
2. It does not modify competences.
3. It respects UNCLOS.

ARTICLE 85 – Cooperation with the ECtHR

Normative text

The CIAP promotes judicial dialogue with the European Court of Human Rights, with particular reference to fundamental rights, minorities and the protection of communities.

Ratio

The article regulates cooperation with the ECtHR, through dialogue and exchange of good practices.

International sources of reference

- ECHR (1950).
- ECHR Protocols.
- ECtHR practice.

Addressees

- CIAP.
- ECtHR.

Obligations

- Respect the ECHR.
- Cooperate.

Procedures

- Dialogue.
- Training.
- Research.

Sanctions

None.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. Cooperation is dialogical.
2. There is no subordination.
3. It respects competences.

ARTICLE 86 – Cooperation with the CJEU

Normative text

The CIAP promotes judicial dialogue with the Court of Justice of the European Union in areas of common interest, without interfering in the competences attributed by the Treaties of the Union.

Ratio

The article regulates cooperation with the CJEU, with respect for the EU Treaties.

International sources of reference

- TFEU, Art. 19.
- TEU, Art. 19.
- CJEU practice.

Addressees

- CIAP.

- CJEU.

Obligations

- Respect the Treaties.
- Cooperate.

Procedures

- Dialogue.
- Training.
- Research.

Sanctions

None.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. Cooperation is dialogical.
2. There is no overlap.
3. It respects EU competences.

ARTICLE 87 – Cooperation agreements

Normative text

The CIAP may conclude agreements and protocols with:

- a) the United Nations;
- b) regional organisations;
- c) international courts;
- d) regional courts;
- e) international tribunals;
- f) academic institutions;
- g) organisations representative of Peoples.

Ratio

The article lists the subjects with which the CIAP may conclude agreements, broadening cooperation.

International sources of reference

- Vienna Convention on the Law of Treaties (1969).
- Practice of international organisations.

Addressees

- CIAP.
- Third subjects.

Obligations

- Respect the treaties.
- Cooperate.

Procedures

- Negotiation.
- Signature.
- Ratification.

Sanctions

- Nullity if contrary to *jus cogens*.

Cross-references

- Arts. 81–86.
- Arts. 93–104.

Interpretative notes

1. Agreements are binding.
2. They must respect *jus cogens*.
3. They are published.

ARTICLE 88 – World Council for Dialogue among Courts

Normative text

The World Council for Dialogue among Courts is established. It fosters:

- a) exchange of case-law;
- b) training;
- c) research;
- d) comparison of procedures;
- e) technological cooperation;
- f) prevention of conflicts of jurisdiction.

Ratio

The article establishes a coordination body among international and regional courts, to foster dialogue and prevent conflicts.

International sources of reference

- Practice of international courts.
- Global judicial dialogue.

Addressees

- CIAP.
- International courts.
- Regional courts.

Obligations

- Participate.
- Cooperate.

Procedures

- Periodic meetings.
- Working groups.
- Publications.

Sanctions

None.

Cross-references

- Arts. 81–87.
- Arts. 93–104.

Interpretative notes

1. The Council is consultative.
2. It has no decision-making powers.
3. It fosters harmonisation.

TITLE XI – REVISION

ARTICLE 71 – Revision

Normative text

Revision may be requested when a decisive new fact emerges, previously unknown to the Court and to the requesting party without serious fault.

Ratio

The article regulates the extraordinary means of challenge *par excellence*: revision. It is not an appeal, but an exceptional remedy based on the discovery of a new fact which, if known earlier, would have led to a different decision. The rationale is to balance the finality of judgments with the need for substantive justice.

International sources of reference

- ICJ Statute, Art. 61 (revision).
- Rome Statute, Art. 84.
- ECHR Rules of Court, Art. 80.
- ICC Rules of Procedure and Evidence, Arts. 84–85.
- ICCPR, Art. 14(6) (right to revision in case of miscarriage of justice).

Addressees

- Procedural parties.
- CIAP.

Obligations

- The requesting party must demonstrate:
 - the novelty of the fact;
 - the decisiveness of the fact;
 - the absence of serious fault in the lack of knowledge;
 - compliance with time-limits.
- The Court must verify the requirements of admissibility.

Procedures

1. Application for revision deposited with the Registry.
2. Preliminary verification of admissibility.
3. Adversarial proceedings between the parties.
4. Decision of the Court on admissibility.
5. If admissible, new judgment limited to the new fact.

Sanctions

- Inadmissibility if the requirements are not satisfied.
- Responsibility for frivolous litigation.

Cross-references

- Art. 35 (Decision on appeal).
- Art. 72 (Serious judicial error).
- Art. 77 (Execution).
- Art. 52 (Adversarial principle).

Interpretative notes

1. Revision does not suspend execution of the judgment, unless otherwise decided.
2. The new fact must be subsequent to the judgment or discovered subsequently.
3. Serious fault excludes revision.
4. Revision is exceptional and interpreted restrictively.

ARTICLE 72 – Serious judicial error

Normative text

The Rules establish the extraordinary procedures for correcting material errors or fundamental procedural violations.

Ratio

The article introduces a further remedy with respect to revision, to correct:

- material errors (typos, calculations, names);
- fundamental procedural violations (e.g. lack of adversarial proceedings, lack of competence).

The rationale is to guarantee the formal and substantive correctness of decisions.

International sources of reference

- ICJ Rules of Court, Art. 61.
- ECHR Rules of Court, Art. 80.
- ICC Rules of Procedure and Evidence, Art. 84.
- General principles of procedural law.

Addressees

- CIAP.
- Parties.

Obligations

- Report the error.
- Motivate the request.
- Respect time-limits.

Procedures

1. Application for correction.
2. Summary verification.
3. Decision of the Court.
4. Correction or confirmation.

Sanctions

- None direct; possible responsibility for abuse.

Cross-references

- Art. 71.
- Art. 35.
- Art. 77.

Interpretative notes

1. A material error does not modify the operative part.
 2. A fundamental procedural violation may overturn the decision.
 3. The procedure is rapid and participatory.
-

TITLE XII – IMMUNITIES AND PRIVILEGES

ARTICLE 73 – Institutional immunity

Normative text

The Court and its property enjoy the immunities necessary for the independent exercise of its functions according to applicable law and relevant agreements.

Ratio

The article recognises to the CIAP the functional immunities necessary to operate without interference. It is an instrumental immunity, not a personal one.

International sources of reference

- ICJ Statute, Art. 19.
- Rome Statute, Art. 48.
- Vienna Convention on Diplomatic Relations (1961).
- Convention on the Privileges and Immunities of the United Nations (1946).
- WHO-Switzerland Headquarters Agreement (1946).

Addressees

- States.
- International organisations.
- CIAP.

Obligations

- Respect the immunity.
- Not obstruct the functions.
- Grant the necessary facilities.

Procedures

- Headquarters Agreement (Venice–Geneva).
- Official notification.
- Express waiver.

Sanctions

- International responsibility for violation.
- Lawful countermeasures.

Cross-references

- Art. 11 (Seat).
- Art. 30 (Immunity of judges).
- Arts. 105–114 (Headquarters Agreement).

Interpretative notes

1. Immunity does not cover acts unrelated to the functions.
2. It may be waived.
3. It is functional, not absolute.

ARTICLE 74 – Immunity of judges

Normative text

Judges enjoy functional immunity for acts performed in the exercise of their functions.

Ratio

The article protects judges from pressures and harassment, guaranteeing the independence of the judicial function.

International sources of reference

- ICJ Statute, Art. 19.
- Rome Statute, Art. 48.
- Bangalore Principles.
- UN Basic Principles on the Independence of the Judiciary (1985).

Addressees

- Judges.
- States.
- CIAP.

Obligations

- Respect the immunity.
- Not abuse it.

Procedures

- Headquarters Agreement.
- Waiver.
- Disciplinary procedure.

Sanctions

- International responsibility.
- Discipline.

Cross-references

- Art. 30.
- Arts. 115–126 (Code of ethics).

Interpretative notes

1. Immunity is functional.
 2. It does not cover acts unrelated to the functions.
 3. Waiver belongs to the Court.
-

ARTICLE 75 – Staff

Normative text

Staff enjoy the privileges and immunities established by the Headquarters Agreement and by applicable instruments.

Ratio

The article extends the guarantees to the staff of the Court, to ensure the efficiency and independence of the administration.

International sources of reference

- UN Convention on Privileges and Immunities (1946).
- WHO-Switzerland Headquarters Agreement (1946).
- Rome Statute, Art. 48.

Addressees

- Staff.
- States.
- CIAP.

Obligations

- Respect the privileges.
- Not abuse them.

Procedures

- Headquarters Agreement.
- Internal regulations.

Sanctions

- Responsibility.

Cross-references

- Art. 73.
- Arts. 105–114.

Interpretative notes

1. Privileges are instrumental.
2. They may be differentiated by category.
3. Waiver belongs to the Court.

ARTICLE 76 – Waiver of immunity

Normative text

Immunity may be waived by the competent authority when the waiver is necessary for justice and does not compromise the independence of the Court.

Ratio

The article regulates the waiver of immunity, balancing the needs of justice with the protection of independence.

International sources of reference

- ICJ Statute, Art. 19.
- Rome Statute, Art. 48.
- UN Convention on Privileges and Immunities (1946).

Addressees

- CIAP.
- States.

Obligations

- Motivate the waiver.
- Not compromise independence.

Procedures

- Request.
- Decision.
- Communication.

Sanctions

None.

Cross-references

- Art. 73.
- Art. 74.

- Art. 30.

Interpretative notes

1. Waiver is exceptional.
 2. It must be express.
 3. It cannot be imposed by States.
-

TITLE XIII – DIGITAL REGISTRY

ARTICLE 77 – CIAP Digital Justice System

Normative text

The CIAP DIGITAL JUSTICE SYSTEM – CDJS is established as the official digital system of the Court.

Ratio

The article establishes the Court’s IT system, which constitutes the technological infrastructure for the management of proceedings.

International sources of reference

- EU e-Evidence Regulation.
- UN guidelines on digital justice.
- ICC practice (e-Court).
- ECHR Rules (e-filing).

Addressees

- CIAP.
- Registry.
- Parties.

Obligations

- Use the system.
- Guarantee security.
- Ensure accessibility.

Procedures

- Electronic filing.
- Authentication.
- Notifications.

Sanctions

- Nullity if the act is not registered.

Cross-references

- Art. 50 (Registration).
- Arts. 78–80.
- Arts. 127–144 (Digital Charter).

Interpretative notes

1. The CDJS is mandatory.
 2. It does not replace legal validation.
 3. It must guarantee accessibility.
-

ARTICLE 78 – Digital functions

Normative text

The CDJS enables:

- a) electronic filing;
- b) authentication;
- c) digital signature;
- d) notifications;
- e) document management;
- f) procedural calendar;
- g) publication of decisions;
- h) access to digital hearings;
- i) judicial archive.

Ratio

The article lists the functionalities of the system, which cover the entire life-cycle of the proceedings.

International sources of reference

- EU e-Evidence Regulation.
- UN guidelines.
- ICC practice.
- ECHR Rules.

Addressees

- CIAP.
- Parties.
- Public.

Obligations

- Use the functions.
- Respect the technical rules.

Procedures

- Filing.
- Notification.
- Publication.

Sanctions

- Nullity of non-compliant acts.

Cross-references

- Art. 77.
- Art. 79.
- Art. 80.
- Arts. 127–144.

Interpretative notes

1. The functions are exhaustive.
 2. They may be implemented gradually.
 3. Access is controlled.
-

ARTICLE 79 – Documentary integrity

Normative text

The system may use cryptographic technologies and distributed ledgers to certify:

- a) existence;
- b) integrity;
- c) provenance;
- d) dating;
- e) version of the acts.

Ratio

The article guarantees the reliability of digital documents through cryptographic tools.

International sources of reference

- Budapest Convention (2001).
- eIDAS Regulation (EU).
- UN guidelines.
- ICC practice.

Addressees

- CIAP.
- Registry.
- Parties.

Obligations

- Guarantee integrity.
- Document.
- Preserve.

Procedures

- Hash.
- Timestamp.
- Blockchain.

Sanctions

- Exclusion if not integral.

Cross-references

- Art. 56 (Digital evidence).
- Art. 57 (Authenticity).
- Arts. 132–133 (Hash and blockchain).

Interpretative notes

1. Blockchain does not replace legal evaluation.
2. The hash is technical evidence.
3. The chain of custody is essential.

ARTICLE 80 – Security

Normative text

The digital system must guarantee:

- a) encryption;
- b) strong authentication;
- c) data segregation;
- d) operational continuity;
- e) backup;
- f) independent audits;
- g) protection of personal data.

Ratio

The article regulates IT security, for the protection of confidentiality, integrity and availability of data.

International sources of reference

- GDPR (Reg. EU 2016/679).
- Budapest Convention (2001).

- NIS 2 Directive (EU).
- UN guidelines.

Addressees

- CIAP.
- Registry.
- Staff.

Obligations

- Adopt technical measures.
- Train staff.
- Update systems.

Procedures

- Audit.
- Penetration test.
- Continuity plan.

Sanctions

- Disciplinary responsibility.
- Civil responsibility.

Cross-references

- Art. 77.
- Art. 78.
- Art. 137 (Privacy).

Interpretative notes

1. Security is mandatory.
2. The audit is independent.
3. Continuity is guaranteed.

TITLE XIV – INTERNATIONAL COOPERATION

ARTICLE 81 – General principle

Normative text

The CIAP cooperates with international and regional institutions in respect of their respective competences.

Ratio

The article enounces the principle of cooperation, which inspires all relations with other jurisdictions.

International sources of reference

- UN Charter, Arts. 1(3), 33.
- ICJ Statute, Art. 34.
- Practice of international courts.

Addressees

- CIAP.
- International organisations.

Obligations

- Cooperate.
- Respect competences.

Procedures

- Agreements.
- Memoranda.
- Exchange of information.

Sanctions

None.

Cross-references

- Arts. 82–88.
- Arts. 93–104 (Cooperation Protocol).

Interpretative notes

1. Cooperation is voluntary.
2. It does not imply subordination.
3. It respects the competences of others.

ARTICLE 82 – Cooperation with the International Court of Justice**Normative text**

The CIAP promotes cooperation with the International Court of Justice. Cooperation may include:

- a) exchange of public information;
- b) legal research;
- c) comparative studies;
- d) conferences;

- e) training;
- f) technical cooperation;
- g) participation in proceedings exclusively when permitted by the Statute and Rules of the ICJ.

The CIAP does not unilaterally attribute to itself the power to seize the ICJ.

Ratio

The article regulates cooperation with the ICJ, without attributing to the CIAP powers that do not belong to it. The ICJ is an organ of the United Nations and has its own Statute.

International sources of reference

- ICJ Statute, Arts. 34, 65.
- UN Charter, Art. 96.
- Practice of international courts.

Addressees

- CIAP.
- ICJ.

Obligations

- Respect the ICJ Statute.
- Not seize unilaterally.

Procedures

- Agreements.
- Exchange of information.
- Permitted participation.

Sanctions

- Inadmissibility of unilateral initiatives.

Cross-references

- Art. 81.
- Arts. 93–104.
- Art. 28 (Seising the ICJ).

Interpretative notes

1. The CIAP cannot seize the ICJ without a title.
2. It may participate if permitted.
3. Cooperation is on an equal footing.

Normative text

The CIAP promotes cooperation with the International Criminal Court in respect of the Rome Statute. Cooperation may include:

- a) training;
- b) protection of victims;
- c) preservation of information;
- d) technical cooperation;
- e) legal research;
- f) assistance in the forms permitted by applicable law.

Ratio

The article regulates cooperation with the ICC, with respect for the Rome Statute.

International sources of reference

- Rome Statute, Arts. 86–102.
- UN Charter, Chapter VII.
- ICC practice.

Addressees

- CIAP.
- ICC.

Obligations

- Respect the Statute.
- Cooperate.

Procedures

- Agreements.
- Assistance.
- Exchange of information.

Sanctions

None direct.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. The CIAP is not a criminal court.
2. Cooperation is functional.
3. There is no overlap.

ARTICLE 84 – Cooperation with ITLOS

Normative text

The CIAP promotes cooperation with the International Tribunal for the Law of the Sea on issues relating to Peoples, the oceans, marine resources and the protection of the marine environment, in respect of the UNCLOS Convention and the competence of the Tribunal.

Ratio

The article regulates cooperation with ITLOS, with respect for UNCLOS.

International sources of reference

- UNCLOS (1982), Part XV.
- ITLOS Statute.
- ITLOS practice.

Addressees

- CIAP.
- ITLOS.

Obligations

- Respect UNCLOS.
- Cooperate.

Procedures

- Agreements.
- Exchange of information.
- Research.

Sanctions

None.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. Cooperation is sectoral.
2. It does not modify competences.
3. It respects UNCLOS.

ARTICLE 85 – Cooperation with the ECtHR

Normative text

The CIAP promotes judicial dialogue with the European Court of Human Rights, with particular reference to fundamental rights, minorities and the protection of communities.

Ratio

The article regulates cooperation with the ECtHR, through dialogue and exchange of good practices.

International sources of reference

- ECHR (1950).
- ECHR Protocols.
- ECtHR practice.

Addressees

- CIAP.
- ECtHR.

Obligations

- Respect the ECHR.
- Cooperate.

Procedures

- Dialogue.
- Training.
- Research.

Sanctions

None.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. Cooperation is dialogical.
2. There is no subordination.
3. It respects competences.

ARTICLE 86 – Cooperation with the CJEU

Normative text

The CIAP promotes judicial dialogue with the Court of Justice of the European Union in areas of common interest, without interfering in the competences attributed by the Treaties of the Union.

Ratio

The article regulates cooperation with the CJEU, with respect for the EU Treaties.

International sources of reference

- TFEU, Art. 19.
- TEU, Art. 19.
- CJEU practice.

Addressees

- CIAP.
- CJEU.

Obligations

- Respect the Treaties.
- Cooperate.

Procedures

- Dialogue.
- Training.
- Research.

Sanctions

None.

Cross-references

- Art. 81.
- Arts. 93–104.

Interpretative notes

1. Cooperation is dialogical.
2. There is no overlap.
3. It respects EU competences.

ARTICLE 87 – Cooperation agreements

Normative text

The CIAP may conclude agreements and protocols with:

- a) the United Nations;
- b) regional organisations;

- c) international courts;
- d) regional courts;
- e) international tribunals;
- f) academic institutions;
- g) organisations representative of Peoples.

Ratio

The article lists the subjects with which the CIAP may conclude agreements, broadening cooperation.

International sources of reference

- Vienna Convention on the Law of Treaties (1969).
- Practice of international organisations.

Addressees

- CIAP.
- Third subjects.

Obligations

- Respect the treaties.
- Cooperate.

Procedures

- Negotiation.
- Signature.
- Ratification.

Sanctions

- Nullity if contrary to *jus cogens*.

Cross-references

- Arts. 81–86.
- Arts. 93–104.

Interpretative notes

1. Agreements are binding.
2. They must respect *jus cogens*.
3. They are published.

ARTICLE 88 – World Council for Dialogue among Courts

Normative text

The World Council for Dialogue among Courts is established. It fosters:

- a) exchange of case-law;
- b) training;
- c) research;
- d) comparison of procedures;
- e) technological cooperation;
- f) prevention of conflicts of jurisdiction.

Ratio

The article establishes a coordination body among international and regional courts, to foster dialogue and prevent conflicts.

International sources of reference

- Practice of international courts.
- Global judicial dialogue.

Addressees

- CIAP.
- International courts.
- Regional courts.

Obligations

- Participate.
- Cooperate.

Procedures

- Periodic meetings.
- Working groups.
- Publications.

Sanctions

None.

Cross-references

- Arts. 81–87.
- Arts. 93–104.

Interpretative notes

1. The Council is consultative.
2. It has no decision-making powers.
3. It fosters harmonisation.

Interpretative notes

1. The principles are binding on the organs of the CIAP.
2. They constitute interpretative criteria.
3. They may be integrated by the Rules.

FINAL COORDINATING PROVISION

Normative text

The present package constitutes an integrated normative system.

- The Constitutive Treaty defines the foundational basis.
- The Statute defines the legal order of the Court.
- The Rules of Procedure and Evidence regulate the process.
- The Protocol on Peoples and Future Generations regulates the special guarantees.
- The Protocol on International Cooperation regulates dialogue and any instruments of cooperation with other jurisdictions.
- The Headquarters Agreement Venice–Geneva regulates the territorial and operational structure.
- The Code of Ethics regulates the independence and conduct of the judges.
- The Digital Charter of the Registry regulates the electronic system of CIAP justice.

No provision of the present corpus unilaterally attributes to the CIAP the competence of other courts or international organisations: every cooperation, transfer of competence, mutual recognition or extraterritorial effect requires the relevant legal title.

Ratio

The final article coordinates the different instruments of the package, clarifying hierarchical and functional relationships. It reaffirms the principle of attribution.

International sources of reference

- Vienna Convention on the Law of Treaties (1969).
- UN Charter, Art. 102.
- ICJ Statute.
- Rome Statute.

Addressees

- CIAP.
- States.
- Peoples.
- Internal organs.

Obligations

- Respect the coordination.
- Not attribute competences not provided for.

- Cooperate according to the titles.

Procedures

- Systematic interpretation.
- Resolution of conflicts through general principles.

Sanctions

- Nullity of acts contrary to the coordination.
- International responsibility.

Cross-references

- All articles of the corpus.
- Annexes I–VI.

Interpretative notes

1. Coordination is hermeneutic, not hierarchical in the strict sense.
2. The Treaty prevails in case of conflict with derived acts.
3. The Protocols are integrative.

CLAUSE OF DEPOSIT AND PUBLICITY

Normative text

The authentic text of the present Treaty, together with the annexes, protocols, declarations and constitutive acts, shall be conserved in the Official Archive of the General Assembly of Peoples and made available through the official documentary system of SIPSE.

The institutional portal of SIPSE – System of the Institutions of Peoples for Economic Sovereignty constitutes the point of institutional publication and consultation of the text adopted by the Assembly.

Digital publication does not replace the formal procedures of deposit, registration, ratification, accession or notification that may be required by applicable international legal orders.

Ratio

It regulates the publicity and deposit of the Treaty, guaranteeing transparency and accessibility.

Cross-references

- Art. 91 (Deposit).
- Art. 92 (Entry into force).
- Art. 50 (Digital registration).

Interpretative notes

1. Digital publication is integrative, not substitutive.
2. UN registration is required for opposability.
3. The archive is official.

FINAL FORMULA

APPROVED

by the GENERAL ASSEMBLY OF PEOPLES
in the solemn session of
19 SEPTEMBER 2026
Venice – Geneva

For the General Assembly of Peoples
Presidency of the General Assembly of Peoples
General Secretariat
Registry / Office of the Depositary

Institutional formula

“The Peoples, in their dignity and in their responsibility towards present and future generations, affirm justice, peace, freedom and self-determination as principles of an international cooperation founded on law.”

UNIVERSAL PRINCIPLE OF THE CIAP

A PEOPLE HAS THE RIGHT TO DIGNITY.
EVERY GENERATION HAS THE RIGHT TO THE FUTURE.
EVERY DISPUTE HAS THE RIGHT TO JUSTICE.
EVERY JUSTICE NEEDS INDEPENDENCE.
EVERY LASTING PEACE NEEDS LAW.

SIGNATURES

Venice – Geneva

Constitutive Treaty of the International Court for the Self-Determination of Peoples

C.I.A.P.

International Court for the Self-Determination of Peoples

Palazzo Ducale – Venice

Geneva – International Centre of Justice and Cooperation

Page 125 – Official Seal and Filing Stamp

(Official seal of the International Court for the Self-Determination of Peoples – CIAP – Venice – Geneva, with the inscription “Iustitia pro Populis – Pax pro Generationibus Futuris” and the scales of justice.)

Filing stamp:

INTERNATIONAL COURT FOR THE SELF-DETERMINATION OF PEOPLES
REGISTRY

FILED

Date: _____

Reg. No.: _____

The Registrar: _____



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