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THE DATE OF ELECTION TO FILL A VACANCY IN  
THE INTERNATIONAL COURT OF JUSTICE

The President of the International Court of Justice, by a communication dated 6 August 1965, informed the Secretary-General of the death on 4 August of Judge Abdel Hamid Badawi. It will be recalled that Judge Badawi was re-elected to the International Court of Justice by the Security Council and the General Assembly on 1 October 1957 for a term to expire on 5 February 1967. Thus a vacancy in the Court has occurred and it must be filled in accordance with the terms of the Statute of the International Court of Justice.

Article 14 of the Statute provides:

"Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Paragraph 1 of Article 5 of the Statute provides:

"At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of a person in a position to accept the duties of a member of the Court."

Since, under Article 14 of the Statute, the Security Council has to fix the date of the election, it is suggested that the Council might consider this question at an early meeting. In accordance with the practice followed by the Security Council in 1951, 1954, 1956, 1958 and 1960, the Council may wish to decide that the election to fill the vacancy shall take place during the twentieth session of the General Assembly. This would be done on the understanding that the actual election would be held on a date subsequent to the expiry of the three-month time-limit specified in paragraph 1 of Article 5 of the Statute. The communications referred to in that paragraph inviting nominations for the vacancy caused by the death of Judge Badawi will be dispatched within a few days.

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