

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

LICÉITÉ DE LA MENACE OU DE L'EMPLOI
D'ARMES NUCLÉAIRES

(REQUÊTE POUR AVIS CONSULTATIF)

ORDONNANCE DU 1^{ER} FÉVRIER 1995

1995

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

LEGALITY OF THE THREAT OR USE
OF NUCLEAR WEAPONS

(REQUEST FOR ADVISORY OPINION)

ORDER OF 1 FEBRUARY 1995

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INTERNATIONAL COURT OF JUSTICE

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General List
No. 95LEGALITY OF THE THREAT OR USE
OF NUCLEAR WEAPONS

(REQUEST FOR ADVISORY OPINION)

ORDER

Present: President BEDJAOUI; *Vice-President* SCHWEBEL; *Judges* ODA, Sir Robert JENNINGS, GUILLAUME, SHAHABUDDEEN, AGUILAR MAWDSLEY, WEERAMANTRY, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 48, 65, 66 and 68 of the Statute of the Court and Articles 103, 104 and 105 of the Rules of Court,

Whereas on 15 December 1994 the General Assembly of the United Nations adopted resolution 49/75 K whereby it decided, pursuant to Article 96, paragraph 1, of the Charter of the United Nations, to request the Court for an advisory opinion on the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?";

Whereas the text of this resolution was transmitted to the Court by a letter from the Secretary-General of the United Nations dated 19 December 1994, received in the Registry by facsimile on 20 December 1994 and filed in the original on 6 January 1995;

Whereas the General Assembly requested that the advisory opinion of the Court be rendered “urgently”;

Whereas by resolution WHA46.40 dated 14 May 1993 the Forty-sixth World Health Assembly asked the Court to give an advisory opinion on the following question:

“In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?”;

Whereas by Order dated 20 June 1994 the President of the Court fixed 20 June 1995 as the time-limit within which States and organizations having presented written statements on the question submitted to the Court by the World Health Assembly might submit written comments on the other written statements,

1. *Decides* that States entitled to appear before the Court and the United Nations may furnish information on the question submitted to the Court by the United Nations General Assembly for advisory opinion;

2. *Fixes* 20 June 1995 as the time-limit within which written statements relating to the question may be submitted to the Court in accordance with Article 66, paragraph 2, of its Statute;

3. *Fixes* 20 September 1995 as the time-limit within which States and organizations having presented written statements may submit written comments on the other written statements in accordance with Article 66, paragraph 4, of the Statute of the Court; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this first day of February, one thousand nine hundred and ninety-five.

(*Signed*) Mohammed BEDJAOU,
President.

(*Signed*) Eduardo VALENCIA-OSPINA,
Registrar.