

## CORFU CHANNEL CASE (ASSESSMENT OF AMOUNT OF COMPENSATION)

Judgment of 15 December 1949

In a Judgment given on April 9th, 1949, the Court held Albania responsible, under international law, for the explosions which occurred on October 22nd, 1946, in Albanian waters, and for the damage and loss of human life that resulted to the United Kingdom. In the same Judgment, the Court concluded that it had jurisdiction to assess the amount of the compensation, but it was not able to do so immediately, as certain information was lacking.

There were therefore further proceedings to enable the two parties to investigate, prove or dispute the sums claimed as compensation.

During these proceedings, Albania announced its view that, in accordance with the terms of the Special Agreement signed by the two parties, the Court had solely to consider the question of principle whether Albania was, or was not, obliged to pay compensation to the United Kingdom, and that, in Albania's view, the Court had no jurisdiction to fix what the amount of compensation should be. Consequently, Albania decided not to take any further part in the proceedings.

At a public hearing on November 17th, 1949, the Court, after hearing the representatives of the United Kingdom, ordered an examination of the figures and estimates produced by the United Kingdom to be entrusted to experts, owing to the technical nature of the question raised.

These experts, who were two specialists in naval construction and in warships, of Netherlands nationality, handed in

their report on December 2nd; at a subsequent meeting of the Court, they answered questions put to them by certain Judges who desired further enlightenment.

In the Judgment summarized here the Court states that, as the Albanian Government has failed to defend its case, procedure in default of appearance is brought into operation. The Court having given a decision in its Judgment of April 9th that it has jurisdiction to assess the compensation, the matter is *res judicata* and no longer in discussion.

But even in procedure in default of appearance, the Court is bound to satisfy itself that the claim is well founded in fact and law.

The Court therefore considers successively the three heads of compensation in the United Kingdom claim: for the replacement of the destroyer *Saumarez*, which became a total loss as the result of the explosions in the Corfu Channel; for the damage sustained by the destroyer *Volage*; and finally in respect of the deaths and injuries of naval personnel.

On the first two heads of the claim the Court states that, in the view of the experts appointed by it, the figures given by the United Kingdom Government may be held to be an exact and reasonable estimate of the damage sustained.

As regards the claim for compensation in respect of naval personnel, the Court considers that the documents produced by the United Kingdom Government are sufficient proof.

The Court therefore gives judgment in favour of the claim of the United Kingdom and condemns Albania to pay to that country a total compensation of £843,947.