

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

DIFFERENCE RELATING TO IMMUNITY FROM
LEGAL PROCESS OF A SPECIAL RAPPORTEUR
OF THE COMMISSION ON HUMAN RIGHTS

(REQUEST FOR ADVISORY OPINION)

ORDER OF 10 AUGUST 1998

1998

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

DIFFÉREND RELATIF À L'IMMUNITÉ
DE JURIDICTION D'UN RAPPORTEUR SPÉCIAL
DE LA COMMISSION DES DROITS DE L'HOMME

(REQUÊTE POUR AVIS CONSULTATIF)

ORDONNANCE DU 10 AOÛT 1998

Official citation:

*Difference Relating to Immunity from Legal Process of a
Special Rapporteur of the Commission on Human Rights,
Order of 10 August 1998, I.C.J. Reports 1998, p. 423*

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The senior judge, acting President of the International Court of Justice under Article 13, paragraph 3, of the Rules of Court,

Having regard to Article 66, paragraphs 2 and 4, of the Statute of the Court,

Whereas on 5 August 1998 the United Nations Economic and Social Council adopted the following decision (decision 1998/297):

“The Economic and Social Council,

Having considered the note by the Secretary-General on the privileges and immunities of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers¹,

Considering that a difference has arisen between the United Nations and the Government of Malaysia, within the meaning of Section 30 of the Convention on the Privileges and Immunities of the United Nations, with respect to the immunity from legal process of Dato’ Param Cumaraswamy, the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers,

Recalling General Assembly resolution 89 (I) of 11 December 1946,

1. *Requests on a priority basis, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with*

¹ E/1998/94.

General Assembly resolution 89 (I), an advisory opinion from the International Court of Justice on the legal question of the applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Dato' Param Cumaraswamy as Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, taking into account the circumstances set out in paragraphs 1 to 15 of the note by the Secretary-General¹, and on the legal obligations of Malaysia in this case;

2. *Calls upon* the Government of Malaysia to ensure that all judgements and proceedings in this matter in the Malaysian courts are stayed pending receipt of the advisory opinion of the International Court of Justice, which shall be accepted as decisive by the parties.

¹ E/1998/94”;

Whereas certified true copies of the English and French texts of that decision, of the note by the Secretary-General referred to therein, and of the Addendum thereto (E/1998/94 and Add.1) were transmitted to the Court by a letter from the Secretary-General of the United Nations dated 7 August 1998 and received in the Registry by facsimile on 10 August 1998;

Whereas in fixing time-limits for the proceedings, it is necessary to bear in mind that the request for opinion was expressed to be made “on a priority basis”;

Decides that the United Nations and the States which are parties to the Convention on the Privileges and Immunities of the United Nations are likely to be able to furnish information on the question submitted to the Court for advisory opinion;

Fixes 7 October 1998 as the time-limit within which written statements on the question may be submitted to the Court in accordance with Article 66, paragraph 2, of its Statute;

Fixes 6 November 1998 as the time-limit within which States and organizations having presented written statements may submit written comments on 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 English and in French, the English text being authoritative, at the Peace Palace, The Hague, this tenth day of August, one thousand nine hundred and ninety-eight.

(Signed) Shigeru ODA,
Senior Judge.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.