



INTERNATIONAL COURT OF JUSTICE

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**Difference Relating to Immunity from Legal Process
of a Special Rapporteur of the Commission on Human Rights**

Request for an advisory opinion by ECOSOC

Public sittings to be held on 7 and 8 December 1998

THE HAGUE, 13 November 1998. The International Court of Justice (ICJ) will hold public sittings on Monday 7 December and Tuesday 8 December 1998, from 10 a.m. to 1 p.m., in order to hear oral statements in the case concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (request for an advisory opinion).

The United Nations will be the first to speak. Costa Rica, Italy and Malaysia will follow.

The Court may also, if it considers it necessary, hold a public sitting on Thursday 10 December 1998, from 10 a.m. to 1 p.m., in order to hear any replies to the oral arguments.

By an Order dated 10 August 1998, Judge Shigeru Oda, the Senior Judge, decided that the United Nations and the States parties to the Convention on the Privileges and Immunities of the United Nations (the interpretation or application of which is the source of the difference) might furnish information on the question submitted to the Court by Economic and Social Council of the United Nations (ECOSOC). He fixed 7 October 1998 as the time-limit within which written statements on the question could be submitted to the Court.

Besides the United Nations Secretary-General, Mr. Kofi Annan, the following States submitted written statements within the time-limit fixed: Costa Rica, Germany, Italy, Malaysia, Sweden, United Kingdom and United States of America. Greece submitted a written statement after expiry of the time-limit, but the President of the Court gave leave for this late filing.

Further, as provided by the Order of 10 August 1998, the United Nations Secretary-General and the above-mentioned eight States had until 6 November 1998 to file written comments on the other written statements. Besides the United Nations Secretary-General, the following States submitted such written comments: Costa Rica, Malaysia and United States of America.

A written communication was also received from Luxembourg.

The written statements and the written comments are not yet available to the press and public. They may be made public after the opening of the oral proceedings.

Background information

The request for an advisory opinion was made last August by the Economic and Social Council (ECOSOC), one of the six principal organs of the United Nations. The case relates to Mr. Dato' Param Cumaraswamy, a Malaysian jurist who in 1994 was appointed Special Rapporteur on the independence of judges and lawyers by the Commission on Human Rights, an organ of ECOSOC.

Mr. Cumaraswamy currently faces several lawsuits filed in Malaysian courts by different plaintiffs for damages in a total amount of 112 million US dollars. The plaintiffs assert that he used defamatory language in an interview he gave in 1995 to International Commercial Litigation magazine.

However, according to the United Nations Secretary-General, Mr. Cumaraswamy spoke in his official capacity of Special Rapporteur and was thus immune from legal process by virtue of the Convention on the Privileges and Immunities of the United Nations.

Moves by the United Nations Secretary-General to ensure respect for this immunity did not lead, in his view, to any appropriate intervention by the Malaysian Government in the Malaysian courts.

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NOTE FOR THE PRESS

1. The public sittings will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. Mobile telephones and beepers are allowed in the courtroom **provided they are turned off or set on silent mode**. Any offending device will be temporarily retained.

2. Members of the Press will be entitled to attend on presentation of an admission card, which may be obtained upon application. The tables reserved for them are situated on the far left of the public entrance of the courtroom.

3. Photographs may be taken for a few minutes at the opening and at the end of the sittings. Television crews may film, but advance notice should be given to the Information Office (see paragraph 7).

4. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the Court's proceedings will be relayed through a loudspeaker.

5. The verbatim records of the oral proceedings will be available on a daily basis on the Website of the Court (<http://www.icj-cij.org>).

6. Members of the Press who wish to make telephone calls may use the phone located in the Press Room or the public telephones in the Post Office in the basement of the Peace Palace.

7. Mr. Arthur Witteveen, Secretary of the Court (tel: 31-70-302 2336), and Mrs. Laurence Blairon, Information Officer (tel: 31-70-302 2337), are available to deal with any requests for information and for making arrangements for television coverage.