



INTERNATIONAL COURT OF JUSTICE

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Aerial incident of 10 August 1999
(Pakistan v. India)

Hearings on the issue of the Court's jurisdiction to open
on Monday 3 April 2000 at 10 a.m.

THE HAGUE, 24 February 2000. Public hearings in the case concerning the Aerial incident of 10 August 1999 (Pakistan v. India) will open on Monday 3 April 2000 at 10 a.m. before the International Court of Justice (ICJ).

The hearings, which will last a week, will be dedicated exclusively to the issue of the Court's jurisdiction to deal with the dispute.

The Court had wished to hold hearings in March, but, at the pressing request of the Parties, it has exceptionally agreed to open them later.

Background information

On 21 September 1999, the Islamic Republic of Pakistan instituted proceedings before the Court against the Republic of India in respect of a dispute concerning the destruction on 10 August 1999 of a Pakistani aircraft.

In its Application, Pakistan contends that the unarmed Atlantique aircraft of the Pakistan navy was on a routine training mission with 16 personnel on board when while flying over Pakistan air space it was fired upon with air-to-air missiles by Indian air force planes, without warning, resulting in the death of all 16 personnel, mostly young naval trainees. It maintains that the aircraft, when shot down, was in an area situated approximately 70 to 90 miles east of Karachi and that it was carrying out various training exercises and manoeuvres of instrument. According to Pakistan, after radar contact was lost with the aircraft at 12.06 p.m., an intensive search was undertaken by Pakistani aircraft and helicopters and the wreckage was discovered around 2.55 p.m., 2 km inside Pakistan territory.

Pakistan further maintains that in the two and a half hours which elapsed between the shooting down and the discovery of the wreckage, Indian helicopters sneaked into Pakistan's territory to pick up a few items from the debris in order to produce "evidence" for India's initial claim that the Atlantique had been shot down over Indian air space. However, according to Pakistan, "because of the overwhelming evidence . . . Indian officials were obliged to admit that the Atlantique had indeed been shot down over Pakistan's air space".

Pakistan maintains that the above-mentioned acts constitute breaches of the obligation to refrain from the threat or use of force under Article 2, paragraph 4, of the Charter of the United Nations; of the provisions of the Agreement of 6 April 1991 between Pakistan and India on Prevention of Air Space Violations; and of the obligations under customary international law not to use force against another State and not to violate the sovereignty of another State.

Pakistan therefore requests the Court to judge and declare that the acts of India constitute breaches of these various obligations for which India bears exclusive legal responsibility and that India is under an obligation to make reparations to Pakistan for the loss of the aircraft and as compensation to the heirs of those killed.

As a basis for the Court's jurisdiction, Pakistan invoked in its Application Article 36, paragraphs 1 and 2, of the Statute of the Court and the declarations whereby both States have accepted the compulsory jurisdiction of the Court.

In a letter dated 2 November 1999, India stated that it had "preliminary objections to the assumption of jurisdiction by the . . . Court . . . on the basis of Pakistan's Application".

At a meeting held on 10 November 1999 by the then President of the Court, Judge Schwebel, with the Parties, the latter provisionally agreed to request the Court to determine separately the question of the Court's jurisdiction before any proceedings on the merits of the case. That agreement was later confirmed in writing by Pakistan.

By an Order of 19 November 1999, the Court fixed 10 January 2000 and 28 February 2000 respectively as the time-limits for the filing of a Memorial by Pakistan and a Counter-Memorial by India on the question of the Court's jurisdiction.

NOTE TO 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 a press card. 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 Department (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 public sittings will be published daily on the Court's website (<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 for collect calls or the public telephones in the Post Office in the basement of the Peace Palace.

7. Mr. Arthur Witteveen, First 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.
