



# INTERNATIONAL COURT OF JUSTICE

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Communiqué  
unofficial  
for immediate release

No. 2001/17  
29 June 2001

**Arrest Warrant of 11 April 2000**  
**(Democratic Republic of the Congo v. Belgium)**

**The Court rejects a request by Belgium seeking to derogate from the agreed procedure in the case, extends the time-limit for the filing of Belgium's Counter-Memorial and fixes 15 October 2001 as the date for the opening of the hearings**

THE HAGUE, 29 June 2001. The International Court of Justice (ICJ) has rejected, by an Order of 27 June 2001, a request by Belgium seeking to derogate from the agreed procedure in the case concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) and has extended to 28 September 2001 the time-limit for the filing by the latter of a Counter-Memorial addressing both questions of jurisdiction and admissibility and the merits of the dispute.

The Court has further fixed 15 October 2001 as the date for the opening of the hearings in the case.

By a letter dated 14 June 2001 Belgium observed that the fact that Mr. Yerodia Ndombasi no longer held any office in the Government of the Democratic Republic of the Congo (DRC) constituted a "new fact" which raised questions of jurisdiction and admissibility. According to Belgium, the case was "now moot" and "the need for expedition [was] less pressing". Belgium added that it was currently undertaking a review of the legislation at issue in the case. It therefore requested the Court to derogate from the procedure fixed with the agreement of the Parties by an Order of 13 December 2000, indicating that it wished to be permitted to file objections to jurisdiction and admissibility as a preliminary to any debate on the merits.

By a letter dated 22 June 2001 the DRC informed the Court that it did not accept Belgium's proposals and in no case wished to see a derogation from the procedure as fixed by the Court with the agreement of the Parties. It pointed out that in its Order of 8 December 2000 on the DRC's request for the indication of provisional measures, the Court had already had occasion to dismiss Belgium's argument that the change in Mr. Yerodia's ministerial responsibilities rendered the DRC's Application without object. According to the DRC, "nor can the fact that Mr. Yerodia currently has no ministerial responsibility deprive the Application of the [DRC] of its object, since the Application concerns redress for a previous unlawful act". The DRC however stated that it had no objection to the Court extending to 28 September 2001 the time-limit granted to Belgium for the submission of its Counter-Memorial, "on condition that the latter addresses all questions relating to jurisdiction, to admissibility and to the merits".

**History of the proceedings**

On 17 October 2000 the Democratic Republic of the Congo filed in the Registry an Application instituting proceedings against Belgium in respect of a dispute concerning an "international arrest warrant issued on 11 April 2000 by a Belgian investigating judge . . . against

Mr. Abdulaye Yerodia Ndombasi", the then Minister for Foreign Affairs of the DRC, for "serious violations of international humanitarian law".

On the same day the DRC also filed a request for the indication of a provisional measure, asking the Court *inter alia* to make an order for the immediate discharge of the disputed arrest warrant. Hearings were held from 20 to 23 November 2000. By an Order of 8 December 2000, the Court unanimously rejected Belgium's request that the case be removed from the List and found by 15 votes to 2 that the circumstances, as they then presented themselves to it, were not such as to require the exercise of its power to indicate provisional measures, as the DRC had wished; it added that "it [was] desirable that the issues before the Court should be determined as soon as possible" and that "it [was] therefore appropriate to ensure that a decision on the Congo's Application be reached with all expedition".

By an Order of 13 December 2000, the President of the Court, taking into account the agreement of the Parties, initially fixed 15 March 2001 as the time-limit for the filing of a Memorial by the DRC and 31 May 2001 as the time-limit for the filing of a Counter-Memorial by Belgium. Those time-limits were extended twice at the request of the DRC by Orders of 14 March 2001 and 12 April 2001. The Memorial of the DRC was filed within the time-limit as thus extended. The time-limit for the filing of Belgium's Counter-Memorial was fixed at 17 September 2001. It has now been extended to 28 September 2001.

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The full text of the Order will shortly be available on the Court's website at the following address: <http://www.icj-cij.org>.

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