



# INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

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**Certain Criminal Proceedings in France**  
**(Republic of the Congo v. France)**

**Request for the indication of a provisional measure**

**Programme of hearings**

THE HAGUE, 23 April 2003. The programme of the hearings on the request for the indication of a provisional measure submitted by the Republic of the Congo in the case concerning Certain Criminal Proceedings in France (Republic of the Congo v. France), which will open on Monday 28 April 2003 before the International Court of Justice (ICJ), will be the following:

Monday 28 April 2003 (first round of oral argument)

Republic of the Congo	10 a.m.-12 noon
France	4-6 p.m.

Tuesday 29 April 2003 (second round of oral argument)

Republic of the Congo	9.30-10.30 a.m.
France	12 noon-1 p.m.

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History of the proceedings

On 9 December 2002, the Republic of the Congo filed in the Registry of the Court an Application instituting proceedings against France seeking the annulment of the investigation and prosecution measures taken by the French judicial authorities further to a complaint for crimes against humanity and torture filed by various associations against the President of the Republic of the Congo, Mr. Denis Sassou Nguesso, the Congolese Minister of the Interior, Mr. Pierre Oba, and other individuals including General Norbert Dabira, Inspector-General of the Congolese Armed Forces. The Application further states that, in connection with these proceedings, an investigating judge of the Meaux tribunal de grande instance issued a warrant for the President of the Republic of the Congo to be examined as witness.

The Republic of the Congo contends that by "attributing to itself universal jurisdiction in criminal matters and by arrogating to itself the power to prosecute and try the Minister of the Interior of a foreign State for crimes allegedly committed by him in connection with the exercise of his powers for the maintenance of public order in his country", France violated "the principle that a State may not, in breach of the principle of sovereign equality among all Members of the United Nations . . . exercise its authority on the territory of another State". The Congo further submits that, in issuing a warrant instructing police officers to examine the President of the Republic of the

Congo as witness in the case, France violated “the criminal immunity of a foreign Head of State, an international customary rule recognized by the jurisprudence of the Court”.

In its Application, the Republic of the Congo indicated that it sought to found the jurisdiction of the Court, pursuant to Article 38, paragraph 5, of the Rules of Court, “on the consent of the French Republic, which will certainly be given”. In accordance with this provision, the Application by the Republic of the Congo was transmitted to the French Government and no action was taken in the proceedings (see Press Release 2002/37).

By a letter dated 8 April 2003 and received on 11 April 2003 in the Registry, the French Republic stated that it “consent[ed] to the jurisdiction of the Court to entertain the Application pursuant to Article 38, paragraph 5”. This consent made it possible to enter the case in the Court’s List and to open the proceedings. In its letter, France added that its consent to the Court’s jurisdiction applied strictly within the limits “of the claims formulated by the Republic of the Congo” and that “Article 2 of the Treaty of Co-operation signed on 1 January 1974 by the French Republic and the People’s Republic of the Congo, to which the latter refers in its Application, does not constitute a basis of jurisdiction for the Court in the present case”.

The Application of the Republic of the Congo was accompanied by a request for the indication of a provisional measure “seek[ing] an order for the immediate suspension of the proceedings being conducted by the investigating judge of the Meaux tribunal de grande instance”. According to the request,

“[t]he two essential preconditions for the indication of a provisional measure, according to the Court’s jurisprudence, namely urgency and irreparable harm, are manifestly satisfied in the present case. The proceedings in question are perturbing the international relations of the Republic of the Congo as a result of the publicity accorded, in flagrant breach of French law governing the secrecy of criminal investigations, to the actions of the investigating judge, which impugn the honour and reputation of the Head of State, of the Minister of the Interior and of the Inspector-General of the Army and, in consequence, the international standing of the Congo. Furthermore, those proceedings are damaging to the traditional links of Franco-Congolese friendship. If these injurious proceedings were to continue, that damage would become irreparable.”

Taking into account the consent given by France and in accordance with Article 74, paragraph 3, of the Rules of Court, the President of the Court fixed 28 April 2003 as the date for the opening of the public hearings on the request for the indication of a provisional measure submitted by the Republic of the Congo.

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#### NOTE TO THE PRESS

1. The public hearings 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 may attend on presentation of a press card. The tables reserved for them are situated to the far left of the public entrance to the courtroom.

3. Photographs and TV shots may be taken for a few minutes at the opening of each sitting. The Court’s proceedings will be displayed live on a large TV screen in the Press Room, located on the ground floor of the Peace Palace (Room 5). **In the Press Room, it will be possible for TV crews to connect recording equipment directly to the Court’s new video system,** but advance

notice of this should be given to the Information Department. There is also a facility for the connection of sound-only equipment to the Court's audio system during the proceedings.

4. Telephone calls may be made from the phone located in the Press Room (collect calls only) or from the public payphones in the Post Office in the basement of the Peace Palace.

5. Verbatim records of the hearings will be published daily on the Court's website ([www.icj-cij.org](http://www.icj-cij.org)), with translations to follow as soon as practicable thereafter.

6. Mr. Arthur Witteveen, First Secretary of the Court (tel: +31-70-302 2336), as well as Mrs. Laurence Blairon and Mr. Boris Heim, Information Officers, are available to deal with any requests from the Press (tel: +31-70-302 2337; e-mail address: [information@icj-cij.org](mailto:information@icj-cij.org)).

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