



INTERNATIONAL COURT OF JUSTICE

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Press Release

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

Fixing of time-limits for the filing of written pleadings

THE HAGUE, 16 July 2003. The President of the International Court of Justice (ICJ) has fixed time-limits for the filing of written pleadings in the case concerning Certain Criminal Proceedings in France (Republic of the Congo v. France).

By Order of 11 July 2003, President Shi decided that the Republic of the Congo would file a Memorial no later than 11 December 2003 and that France would then file a Counter-Memorial no later than 11 May 2004.

The President of the Court fixed the time-limits taking into account the agreement of the Parties.

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 investigations and prosecution measures taken by the French judicial authorities further to a complaint concerning crimes against humanity and torture allegedly committed in the Congo against individuals of Congolese nationality filed by various human rights associations against the President of the Republic of the Congo, Mr. Denis Sassou Nguesso, the Congolese Minister of the Interior, General Pierre Oba, and other individuals including General Norbert Dabira, Inspector-General of the Congolese Armed Forces, and General Blaise Adoua, Commander of the Presidential Guard.

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 Congo indicated that it proposed 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 Congo’s Application was transmitted to the French Government and no action was taken in the proceedings. By a letter dated 8 April 2003 and received in the Registry on 11 April 2003, France 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.

The Congo's Application 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". Public hearings were held on 28 and 29 April 2003. At those hearings, the Congo confirmed its request for the indication of a provisional measure while France asked the Court to reject that request and not to indicate any such measure. By Order of 17 June 2003 the Court found, by fourteen votes to one, that the circumstances were not such as to require the exercise of its power to indicate provisional measures.

Procedure

Contentious proceedings before the Court consist of two parts: written and oral. During the first phase, written pleadings are exchanged. The applicant State files a Memorial to which the respondent State replies in a Counter-Memorial. In certain cases the Court may further authorize or direct a Reply by the Applicant and a Rejoinder by the Respondent. Upon the closure of the written phase, public hearings are organized. The Court then delivers its Judgment.

The pleadings remain confidential during the written phase of the proceedings. They are made accessible to the public only on or after the opening of the oral proceedings, subject to a decision to that effect by the Court after it has consulted the parties.

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

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