

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE RELATIVE À CERTAINES
PROCÉDURES PÉNALES ENGAGÉES
EN FRANCE

(RÉPUBLIQUE DU CONGO c. FRANCE)

ORDONNANCE DU 16 NOVEMBRE 2009

2009

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING CERTAIN
CRIMINAL PROCEEDINGS
IN FRANCE

(REPUBLIC OF THE CONGO v. FRANCE)

ORDER OF 16 NOVEMBER 2009

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General List
No. 129CASE CONCERNING CERTAIN
CRIMINAL PROCEEDINGS
IN FRANCE(REPUBLIC OF THE CONGO *v.* FRANCE)

ORDER

Present: President OWADA; *Vice-President* TOMKA; *Judges* SHI, KOROMA, AL-KHASAWNEH, SIMMA, KEITH, BENNOUNA, SKOTNIKOV, CANÇADO TRINDADE, YUSUF, GREENWOOD; *Registrar* COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, paragraphs 1 and 2, 48 and 101 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 9 December 2002, whereby the Republic of the Congo, referring to Article 38, paragraph 5, of the Rules of Court, sought to institute proceedings against the French Republic in respect of a dispute arising out of certain criminal proceedings in France,

Having regard to the letter from the Minister for Foreign Affairs of France, dated 8 April 2003 and received in the Registry on 11 April 2003, whereby France expressly consented to the jurisdiction of the Court to entertain the Application,

Having regard to the Order of 17 June 2003 whereby the Court adjudicated upon the request for the indication of a provisional measure submitted by the Republic of the Congo on 9 December 2002,

Having regard to the Order of 11 July 2003 whereby the President of the Court fixed 11 December 2003 and 11 May 2004 as respective time-limits for the filing of the Memorial of the Republic of the Congo and the Counter-Memorial of the French Republic,

Having regard to the Memorial and the Counter-Memorial duly filed by the Parties within those time-limits,

Having regard to the Order of 17 June 2004 whereby the Court authorized the filing of a Reply by the Republic of the Congo and a Rejoinder by the French Republic, and fixed 10 December 2004 and 10 June 2005, respectively, as the time-limits for the filing of those pleadings,

Having regard to the Orders of 8 December 2004, 29 December 2004, 11 July 2005 and 11 January 2006 whereby those time-limits, taking account of the reasons given by the Republic of the Congo and of the agreement of the Parties, were successively extended to 10 January 2005, 11 July 2005, 11 January 2006 and 11 July 2006 for the filing of the Reply, and to 10 August 2005, 11 August 2006, 10 August 2007 and 11 August 2008 for the filing of the Rejoinder,

Having regard to the Reply and the Rejoinder duly filed by the Parties within those time-limits, as last extended;

Whereas, by letters dated 2 October 2008, the Registrar informed the Parties that the Court was of the opinion, taking account of certain developments before the French courts, that it was premature at that stage to contemplate holding hearings in the case; whereas no communication from the Parties was received by the Registry further to this correspondence;

Whereas, by letter dated 23 July 2009, the Registrar, taking account of the time that had elapsed since the filing of the Reply of the Republic of the Congo and the Rejoinder of the French Republic, requested the Agent of the Congo to inform the Court of his Government's views on the further proceedings; whereas, by letter of the same date, the Registrar invited the Agent of France, should she also wish to express observations on the matter, to communicate these to the Court;

Whereas, by letter dated 19 October 2009, the Agent of France informed the Court that her Government "believes that it is first for the Congo, the Applicant, to inform the Court of its views as to the further proceedings"; whereas she added that "[i]f the Congo wished to supplement the observations made in its Memorial or Reply, the French Government would not object to the granting of such a request"; and whereas she stated that "France should then be given the same amount of time to

respond to the Congo's additional observations as that accorded the Congo";

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 10 November 2009, the Republic of the Congo gave a number of explanations concerning the state of the judicial proceedings in France and as regards the legal questions which, in its opinion, would still have to be decided by the Court, and indicated that it wished to be able to express its views in a further pleading which it required three months to prepare; whereas the French Republic referred to the letter from its Agent dated 19 October 2009 and confirmed that it saw no objection to the submission of supplementary observations by the Congo, provided France was given the same period of three months in which to respond;

Taking account of the agreement of the Parties and of the exceptional circumstances of the case,

Authorizes the submission of an additional pleading by the Congo, followed by an additional pleading by France;

Fixes the following time-limits for the filing of those pleadings:

16 February 2010 for the additional pleading of the Republic of the Congo;

17 May 2010 for the additional pleading of the French Republic; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this sixteenth day of November, two thousand and nine, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of the Congo and the Government of the French Republic, respectively.

(Signed) Hisashi OWADA,
President.

(Signed) Philippe COUVREUR,
Registrar.

