



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org

Press Release

Unofficial

No. 2006/1
10 January 2006

The Republic of Djibouti seises the International Court of Justice of a dispute with France

THE HAGUE, 10 January 2006. The Republic of Djibouti has seised the International Court of Justice (ICJ) of a dispute between itself and France regarding the alleged violation by France of its “international obligations in respect of mutual assistance in criminal matters” in the context of the investigation into the death of the French judge Bernard Borrel in Djibouti in 1995.

In an Application filed in the Registry of the Court on 9 January 2006, Djibouti states that the subject of the dispute concerns “the refusal by the French governmental and judicial authorities to execute an international letter rogatory regarding the transmission to the judicial authorities in Djibouti of the record relating to the investigation in the ‘Case against X for the murder of Bernard Borrel’”. Djibouti maintains that the refusal constitutes a violation of France’s international obligations under the Treaty of Friendship and Co-operation signed by the two States on 27 June 1977 and the Convention on Mutual Assistance in Criminal Matters between France and Djibouti, dated 27 September 1986. Djibouti further asserts that, in summoning certain internationally protected nationals of Djibouti (including the Head of State) as *témoins assistés* [legally represented witnesses] in connection with a criminal complaint for subornation of perjury against X in the Borrel case, France has violated its obligation to prevent attacks on the person, freedom or dignity of persons enjoying such protection.

The Republic of Djibouti seeks to found the jurisdiction of the Court on Article 38, paragraph 5, of the Rules of Court and is “confident that the French Republic will agree to submit to the jurisdiction of the Court to settle the present dispute”. Under that Article:

“When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court’s jurisdiction for the purposes of the case.”

In accordance with Article 38, paragraph 5, of the Rules of Court, the Application by the Republic of Djibouti has been transmitted to the French Government. However, no action will be taken in the proceedings unless and until France consents to the Court’s jurisdiction in the case.

Information Department:

Mrs. Laurence Blairon, Head of the Department (+ 31 70 302 23 36)
Messrs. Boris Heim and Maxime Schouppe, Information Officers (+ 31 70 302 23 37)
E-mail address: information@icj-cij.org