

**REQUEST FOR THE INDICATION OF PROVISIONAL MEASURES SUBMITTED BY THE  
GOVERNMENT OF THE KINGDOM OF BELGIUM**

*[Translation]*

Pursuant to Article 41 of the Statute of the Court and Articles 73-75 of the Rules of Court, the Government of the Kingdom of Belgium has the honour to request the International Court of Justice to indicate provisional measures in the case filed today by Belgium against the Republic of Senegal.

The Court has jurisdiction to indicate such measures since Senegal and Belgium have recognized its jurisdiction pursuant to Article 36, paragraph 2, of the Statute of the Court, by unilateral declarations dated 17 June 1958 (Belgium) and 2 December 1985 (Senegal).

Moreover, as this dispute relates to the interpretation and application of the United Nations Convention against Torture of 10 December 1984, which has been binding on the two States since 21 August 1986 (Senegal) and 25 June 1999 (Belgium), the Court's jurisdiction is also founded on the compromissory clause included in Article 30 of that Convention.

The jurisdiction of the Court in the present case is therefore not in question.

According to its jurisprudence, the Court indicates provisional measures in order to preserve the rights of a party pending its decision on the merits, so as to avoid "irreparable prejudice" being caused to the rights of one of the parties in contention<sup>1</sup>.

As stated in the Application instituting proceedings, Belgium requests the Court to adjudge and declare that Senegal must prosecute Mr. H. Habré for the acts including crimes of torture and crimes against humanity which are alleged against him, failing his extradition to Belgium, where the Belgian courts have brought proceedings against him on the same grounds as a result of complaints filed in particular by a Belgian victim of Chadian origin.

At present, Mr. H. Habré is under house arrest in Dakar, but it transpires from an interview which the President of Senegal, A. Wade, gave to Radio France International that Senegal could lift his house arrest if it fails to find the budget which it regards as necessary in order to hold the trial of Mr. H. Habré. In such an event, it would be easy for Mr. H. Habré to leave Senegal and avoid any prosecution. That would cause irreparable prejudice to the rights conferred on Belgium by international law (the right to bring criminal proceedings for crimes against international humanitarian law) and also violate the obligations which Senegal must fulfil (the obligation to prosecute or extradite Mr. H. Habré for the crimes under international law which are alleged against him).

---

<sup>1</sup>See for example the *LaGrand* case, Order of 3 March 1999, *I.C.J. Reports 1999*, p. 15, paras. 22-23 and references.

For these reasons, Belgium respectfully requests the Court to indicate, pending a final judgment on the merits, provisional measures requiring Senegal to take all the steps within its power to keep Mr. H. Habré under the control and surveillance of the judicial authorities of Senegal so that the rules of international law with which Belgium requests compliance may be correctly applied.

*(Signed)* Paul RIETJENS,  
Director-General of Legal Affairs,  
Federal Public Service for Foreign Affairs,  
Foreign Trade and Development Co-operation,  
Agent of the Government of  
the Kingdom of Belgium.

*(Signed)* Gérard DIVE,  
Head of the International Humanitarian  
Law Division,  
Federal Public Service for Justice,  
Co-Agent of the Government of  
the Kingdom of Belgium.

---