

2. APPLICATION INSTITUTING PROCEEDINGS AGAINST THE UNION OF SOVIET SOCIALIST REPUBLICS

THE AGENT OF THE UNITED STATES OF AMERICA TO THE
REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

DEPARTMENT OF STATE,
WASHINGTON.

February 16, 1954.

Sir :

1. This is a written application, in accordance with the Statute and Rules of the Court, submitted by the Government of the United States of America instituting proceedings against the Government of the Union of Soviet Socialist Republics on account of certain actions of the latter Government, in concert with the Government of the Hungarian People's Republic. A separate written application is being submitted by the Government of the United States of America simultaneously herewith instituting proceedings against the Government of the Hungarian People's Republic on account of the same matter. The Government of the United States of America requests that so far as it may be convenient and proper to do so the two applications and the proceedings thereon be considered and dealt with together.

The subject of the dispute and a succinct statement of the facts and grounds on which the claim of the Government of the United States of America is based are set forth in two notes, one delivered to the Soviet Government on March 17, 1953, and one delivered to the Hungarian Government on the same day ; the note to the Hungarian Government was incorporated by reference in the note to the Soviet Government, the note to the Soviet Government was incorporated by reference in the note to the Hungarian Government, and each of the two Governments received from the United States Government a copy of the note addressed by the United States Government to the other Government. Copies of both notes are attached to this application as an annex¹.

2. The United States Government notes that the present dispute concerns matters of the character specified in Article 36 (2) of

¹ See pp. 11-39 and 45-60.

the Statute of the Court, including subdivisions (a) through (d). As will be seen from the annex, the legal dispute of the United States Government with the Soviet Government involves the interpretation of the Treaty of Peace, signed at Paris February 10, 1947, to which the United States Government, the Soviet Government and the Hungarian Government are parties; the Treaty of Friendship, Commerce and Consular Rights, signed at Washington June 24, 1925, which was in effect during the period relevant to this dispute and to which the United States Government and the Hungarian Government are parties; numerous questions of international law, as set forth in Part II of each of the annexed notes; numerous issues of fact which if established would constitute breaches of international obligations by the Soviet Government; and questions of the nature and extent of reparation to be made to the United States Government by the Soviet Government for these breaches.

The United States Government, in filing this application with the Court, submits to the Court's jurisdiction for the purposes of this case. The Soviet Government appears not to have filed any declaration with the Court thus far, and although it was invited to do so by the United States Government in the Note annexed hereto¹ it has not made any responsive reply to the invitation. The Soviet Government is, however, qualified to submit to the jurisdiction of the Court in this matter and may upon notification of this application by the Registrar, in accordance with the Rules of the Court, take the necessary steps to enable the Court's jurisdiction over both parties to the dispute to be confirmed.

Thus the United States Government founds the jurisdiction of this Court on the foregoing considerations and on Article 36 (1) of the Statute.

3. The claim of the Government of the United States of America is briefly that the Government of the Union of Soviet Socialist Republics in concert with and aided and abetted by the Government of the Hungarian People's Republic on November 19, 1951, wilfully and unlawfully caused to be seized a United States Air Force C-47 type aircraft together with its crew of four American nationals and its contents, driven over Hungary by winds unknown to the crew; that thereafter both Governments engaged in unlawful actions against the crew and against the United States with respect to the incident, constituting both serious violations of existing treaties as well as manifest denials of justice and other international wrongs. For these breaches of international obligation the United States has demanded and demands monetary and other reparation from the Soviet Government. The Soviet Government has sought to justify some of its conduct by Article 22

¹ Annex 1, see pp. 45-60.

of the Treaty of Peace to which reference has been made, a contention which the United States Government denies.

As the United States Government, in further pleadings herein, will more fully set forth, the United States Government proposes that the issues of law and fact in this dispute be heard and decided by the Court in accordance with its Statute and Rules; that the Court decide that the accused Governments are jointly and severally liable to the United States for the damage caused; that the Court award damages in favor of the United States Government against the Soviet Government in the sum of \$637,894.11, with interest, as demanded in the annexed notes; that the Court determine the nature and extent of other reparation and redress, which the Court may deem fit and proper; and that the Court make the necessary orders and awards, including an award of costs, to effectuate its determinations.

4. The undersigned has been appointed by the Government of the United States of America as its Agent for the purpose of this application and all proceedings thereon.

Very truly yours,

(Signed) Herman PHLEGER,
The Legal Adviser of the
Department of State.

ANNEXES

*Annex I*NOTE TO THE SOVIET GOVERNMENT
OF MARCH 17, 1953

No. 682.

Excellency:

I have the honor to present to you, upon the instruction of my Government, the following communication:

The Government of the United States of America transmitted to the Government of the Union of Soviet Socialist Republics on December 10, 1952, a diplomatic note concerning the case of the four American Air Force personnel, Captain Dave H. Henderson, Captain John J. Swift, Sergeant Jess A. Duff and Sergeant James A. Elam, all nationals of the United States of America, who were brought down in Hungary by Soviet authorities on November 19, 1951. On December 11, 1952, the Acting Minister for Foreign Affairs of the Soviet Government returned the United States note to the American Chargé d'Affaires ad interim in Moscow, asserting that the note was "incorrectly addressed". The text of the United States note clearly called for a response from the Soviet Government and therefore could not possibly be considered "incorrectly addressed". To avoid any possibility that the Soviet Government by inadvertence had not considered the full contents of the note, the United States on December 17, 1952, again transmitted the December 10 note to the Soviet Government, pointing out by specific reference that the note clearly referred "to the instrumentalities of the Soviet Government which were involved in the detention of the United States plane and crew and concerns actions, material and information which only the Soviet Government can explain or provide". It asked that "due consideration be given to the note and an appropriate reply be transmitted as requested". The Soviet Government however on December 20, 1952, again returned the December 10 note "for reasons set forth in the letter of December 11, 1952".

The United States Government forbears at this time to comment upon or characterize the behavior of the Soviet Government in regard to the note of December 10. If the Soviet Government entertains any notion that by this conduct it can successfully relieve itself of liability for its actions in this matter or induce the United States Government to place upon the Hungarian Government alone a liability to the United States which in law and morals is borne by both the Soviet and Hungarian Governments, the Soviet Government is laboring under error.

The Soviet Government is informed that the United States Government has determined to proceed henceforth in this matter upon the factual and legal bases which were indicated in the notes

John J. Swift (U.S. Air Force Serial No. AO-7-42-797), the airborne radio operator, Sergeant James A. Elam (U.S. Air Force Serial No. AF-18-349-150), and the crew chief or engineer, Sergeant Jess A. Duff (U.S. Air Force Serial No. AF-39-450-853). The sole purpose and mission of the flight was to carry to the American Air Attaché attached to the American Embassy at Belgrade, Yugoslavia, various items of freight which that Air Attaché had from time to time ordered through normal channels to be supplied to him for the needs of his establishment in Belgrade. The United States Air Depot at Erding, Germany, was then and is now a supply and aircraft maintenance depot attending to the needs of American Air Attachés stationed at various American Embassies in Europe, Asia, and Africa, including the Embassy at Belgrade, Yugoslavia. The plane at no time had on board, nor was it at any time intended that there should be on board, any other persons than those above named. The aircraft and the crew were at all times, from their departure above noted until their landing, under circumstances to be described, at an air base situated near Papa in Hungary and controlled by the Soviet Government, unarmed, and the plane carried only its normal equipment, and the cargo to which reference has been made; when the sole mission, the delivery of the cargo, as stated above, was completed, the plane and crew were required to return to Erding as promptly as possible, expected to be the next day, November 20, 1951.

These facts were fully described in the usual air flight documents and official orders on board the plane from its departure and after its arrival at the Soviet-controlled base mentioned above. These documents and official orders came into the possession of the Soviet Government on November 19, 1951; their production was requested in the United States note of December 10, 1952, and was twice refused by the Soviet Government's replies of December 11 and December 20, 1952. They included the manifests of the cargo, the flight plan, the pilot's navigation log, the crew's official travel orders and other routine documents which the United States Government has described in the note of December 10, 1952.

As those documents show, the crew were instructed, and attempted, to follow a course from Erding to Munich, to Innsbruck, to Bolzano, to Venice, to Udine, to Ljubljana, to Zagreb, to Sela, to Sisak, thence to Belgrade. The course was a normal route for flight to Belgrade; it was determined by routine flying factors and, insofar as the Yugoslav portion was concerned, by the regulations of the Yugoslav Government with respect to international flights to Belgrade from the West.

2. The airplane and crew attempted at all times to follow the course so given for Belgrade, but while the crew, and in particular the pilots, believed that the plane was flying that course, it was actually blown by winds the existence and direction of which

the origination, planning or expediting of the flight had any intention that the plane should at any time fly, or any knowledge that it was at any point during the trip flying, within the territory of any country adjacent to Yugoslavia other than Italy, through which the plane had necessarily to fly after leaving Erding, Germany, and before returning to Erding, Germany.

At no time during the flight did any person aboard the plane entertain any intention or make any attempt, and at no time did he have any instruction, to engage in any act of sabotage, espionage or other illegal activity, to deviate in any way from the flight plan, as shown in the documents aboard the plane, or to attempt in any way to cross any frontier into any country, after leaving Italy, other than Yugoslavia as above noted ; specifically, no member of the crew nor of the United States personnel concerned with the flight had any knowledge that the plane was over or would cross into Hungary or Rumania. In view of the assertions made subsequently by the Soviet and Hungarian Governments, the United States Government declares categorically that the aircraft carried no equipment intended for any illegal purpose whether with respect to Hungary, the Soviet Union or any other country.

5. During the flight and thereafter both the Soviet Government and the Hungarian Government were fully aware, and neither the United States Government nor the crew in the airplane nor any other person associated with the United States Government then knew, that the airplane flew north of its fixed course in Yugoslavia on its trip eastward, had overflown Yugoslavia and entered Rumania, and had while attempting to return westward crossed the Hungarian frontier. The airplane was observed and monitored in its entire westward flight by Soviet and other Soviet-allied ground authorities from approximately 4 p.m. to 6 p.m. local time, first in Rumania and then in Hungary ; and when the plane was brought down at 6 p.m. by the Soviet aircraft it had almost reached the British occupied zone of Austria. Moreover the Hungarian authorities near the eastern border of Hungary had notified Soviet authorities in Hungary of the westward course of the plane and the Soviet and Hungarian Governments thereupon agreed that the plane should be permitted to overfly Hungary, be observed in its flight and then be brought down by the Soviet aircraft stationed near the western border of Hungary.

6. Thus the Soviet authorities, stationed in Rumania and in Hungary, watched the plane's flight, knew that it was lost and in distress and was seeking a landing place, but refused to come to the aid of the plane or the crew, either to aid them in finding their true course, or to show them a landing field at any place by lights or signals from the ground or in the air, or to respond to their radioed calls for assistance. The Soviet authorities and

10. The Soviet authorities interrogating the men announced to them on or about December 2, 1951, that the investigation had been satisfactorily concluded and that the men would be returned to their base ; but instead, deceiving the men, and without any notification to American authorities, the Soviet Government turned the men over on December 3, 1951, to the Hungarian authorities, with the purpose and intention of further depriving them of their liberty and the exercise of other legal rights, and otherwise denying justice to them and the United States.

11. The United States Government asserts that the Soviet Government had no legal right, title, or interest with respect to the plane or any color of legal authority to turn the plane, or the airmen, over to the Hungarian Government, for the Soviet conduct in this respect was without authorization, approval or condonation of the United States Government which was the only government from which the Soviet authorities could obtain lawful authority for their action. As above described, the United States Government in its note of December 10, 1952, formally requested the Soviet Government to return to the United States Government the airplane, its equipment, cargo and other contents or, in the event that for some valid reason the return was not possible, to pay the United States Government the value thereof. The United States Government asserts that the conduct of the Soviet Government in failing to respond to the note of December 10, 1952, constitutes a further and definitive refusal giving rise to a clear liability for damages to the United States Government and other remedial action as herein set forth. Furthermore, as has been stated above, the Soviet Government cannot discharge that liability by referring the United States Government to the Hungarian Government which was an accomplice of the Soviet Government in the conversion of the airplane, its equipment, cargo and other contents.

12. The investigation conducted by the United States Government compels the conclusion, which the United States Government herewith asserts, that the Soviet and Hungarian Governments aided and abetted each other in the interception and seizure of the plane, its contents and the crew, in the detention and interrogation of the crew while in Soviet custody, and in the actions which took place thereafter with respect to the matter and until the release of the airmen to American authorities on December 28, 1951.

The Soviet Government is fully and equally guilty with the Hungarian Government of the latter government's violations of international law and responsible for the damages suffered by the United States and by each of the airmen above named on account of all actions after these persons came into Hungarian custody beginning with December 3, 1951, as on account of those beginning with November 19, 1951. The unlawful actions since December 3, 1951, of which the Soviet Government is guilty, include the deten-

entering or overflying Hungary ; the flight plan and the navigation log, of which the Soviet Government had the original copies, on the contrary showed clearly that the plane was to fly to Belgrade and return home, never touching Hungary.

(c) Allegations in the same statement that the situation of the cargo and the equipment found on board the plane proved "pre-meditated violation of the Hungarian border". These allegations were false and were known by the Soviet Government to be false when made.

(i) As to the charts on board the plane, taken and examined by the Soviet authorities : Contrary to the Soviet Government's assertion, and as could be seen from their face, those which covered portions of the USSR were not "operational military charts", and they could not be used for navigation, while those which showed portions of Rumania, Hungary and Czechoslovakia were on the same charts as those covering the route from Germany to Belgrade ; all these charts were standard aeronautical charts such as any airman, military or civilian, would have for the purpose of the trip to and from Belgrade in any innocent flight.

(ii) Contrary to the statement of the Soviet Government, the plane did not carry "a portable radio station" but only an emergency SOS signal radio transmitter, a part of the standard equipment of every C-47.

(iii) Contrary to the statement of the Soviet Government, the parachutes were not kept in a peculiar place ; they were for personnel and not for baggage ; the two parachutes in excess of the number of crew were carried in accordance with the safety regulations of the United States Government against the contingency of a parachute being rendered useless by an inadvertent opening in the plane. This explanation had been fully made by the airmen to the Soviet interrogators and the Soviet authorities had themselves found out by actual tests that by inadvertently touching the handle of the parachute it may open in the plane and become unusable.

(iv) Contrary to the statement of the Soviet Government, the "twenty-one warm blankets" found on board were not part of the equipment of the plane or of the crew but solely one item in approximately 4,000 pounds of securely packed cargo, plainly appearing in the manifests as part of the cargo ordered by and directed to the Air Attaché in Belgrade ; it was false and there was no evidence to support a conclusion that such blankets were intended to be dropped from the airplane to the ground or that they were so packed as to be prepared for dropping to the ground.

(v) Finally, as the Soviet Government well knew, there was no evidence whatever to support the conclusion stated by it that the visit of the airplane to Yugoslavia had as its aim to take aboard "Yugoslav spies and diversionists in order later to drop them for

States Government had been denied access to the airmen during and after such interrogations.

The Soviet Government is reminded that upon that occasion the American representative stated to the Soviet Government through its representative, Mr. Zorin, referring to the detention and treatment of the airplane and the crew, "The Soviet Government cannot escape responsibility therefor."

14. The actions of the Soviet and Hungarian Governments with reference to this matter coincided in time with the meeting of the General Assembly of the United Nations in Paris. The Soviet Government, in prearranged concert with its allies (including the Hungarian Government), in and out of the United Nations, was engaged in a campaign of propaganda and vilification against the United States, seeking to make it appear that the United States Government had embarked on a program of subversion of the Soviet and allied governments under the authority of the Mutual Security Act enacted by the United States Congress. The United States Government believes, and asserts, that this campaign was intended by the Soviet Government to divert the minds of the international public and the member governments of the United Nations, then meeting in Paris, from the systematic operations of international subversion of established governments and social institutions throughout the world, and other misconduct, carried on by the Soviet Government and its allies, overtly and secretly.

Largely unsuccessful in this campaign, the Soviet and Hungarian Governments in concert seized upon the fortuitous and wholly innocent presence, within their physical power, of four American airmen whom they had caused to come down in Hungary and be detained there, in order to provide so-called evidence to prove the Soviet and Soviet-allied propaganda charges against the United States. Knowing at all times that the charges against the airmen, as against the United States, were false and unfounded and that a free and open hearing or investigation according to the practice of civilized and honorable governments would demonstrate the falsity of these charges, the Soviet and Hungarian Governments in concert deliberately denied the airmen access to American consular or diplomatic authorities, denied the airmen representation by independent legal counsel, subjected the airmen to a trial by a military court whose judgment was predetermined, held the trial *in camera* where no member of the public was present, kept the airmen continuously incommunicado, denied them and the United States Government access to judicial records and dossiers in the case, and in other ways attempted to conceal from the airmen, the United States Government, and the international public the manifest injustices deliberately perpetrated by the Soviet and Hungarian Governments upon these American nationals as upon the United States Government.

Specifically, and without limiting itself by the enumeration, the United States Government asserts that in the circumstances set forth above the Soviet Government is guilty of the wilful and intentional violation of its international legal obligations, and of the wilful and intentional commission of internationally unlawful acts, as follows :

(1) It was the legal duty of the Soviet Government, in the respect that it had the opportunity and authority to do so within the territory of Rumania and Hungary, to have shown the airplane 6026 to a safe landing place as soon as possible.

(2) Having belatedly intercepted the plane and shown it to a landing place, it was unlawful for the Soviet Government to arrest or detain the men or seize the plane. The Soviet Government was not justified by any provision of law in intercepting the plane for the purposes of arrest and detention of the crew or the plane, or in thereafter maintaining the men under arrest and detention, and specifically no provision of the Treaty of Peace with Hungary or any other valid treaty gave the Soviet Government such power or authority.

(3) Having brought the plane down, it was the legal duty of the Soviet Government to notify the United States Government representatives in Hungary, or the superior officers of the crew in Germany, or other appropriate American authorities, that the airplane and the crew were being held by the Soviet Government.

(4) It was the legal duty of the Soviet Government to have permitted the airmen access to American consular representatives when requested.

(5) Knowing that the United States Government was engaged in an expensive search for the plane, it was the legal duty of the Soviet Government, as of the Hungarian Government, by truthful and affirmative statements to inform the United States Government that the plane and the men were safe and that search was unnecessary.

(6) The Soviet interrogation of the men was excessive in length and in scope, and in those respects unlawful. Upon discovering the innocence of the flight, and at the latest upon termination of the interrogation, it was the legal duty of the Soviet Government to assist the plane and the crew to return promptly to their base in Germany. Specifically, it was unlawful to have delivered the crew into the custody of the Hungarian Government in the circumstances of the case.

(7) The Soviet Government's detention of the airmen for the secret purpose, undisclosed to them or to the United States Government, of a trial by Hungarian authorities, while pretending and representing to the men that they were being detained for another purpose, was improper and unlawful.

3. Damages to the four airmen, American nationals, in consequence of their unlawful detention and mistreatment and manifest denials of justice to them, \$200,000.00.

4. Damages to the United States by the wilful and unlawful conduct of the Soviet Government in concert with the Hungarian Government, \$215,509.67.

Total \$637,894.11, with interest at 6 per cent as indicated.

The United States Government declares that the figure of \$215,509.67, contained in paragraph 4 above, does not include any sum on account of the items of intangible injury deliberately and intentionally caused the United States Government and the American people by the wrongful actions of the Soviet and Hungarian Governments. Such injury is not easily calculable in money and money could not compensate for it. The United States Government has determined therefore, for the present, to defer the formulation of the kind and measure of redress or other action the Soviet Government and the Hungarian Government should take which would be appropriate in international law and practice to confirm the illegality of the actions directed by them against the United States Government and the American people.

IV

The Government of the United States calls upon the Government of the Union of Socialist Soviet Republics promptly to make its detailed answer to the allegations and demands made in this communication. Should the Soviet Government in its answer acknowledge its indebtedness to the United States on account of the foregoing and agree to pay the damages suffered, the United States Government is prepared, if requested, to present detailed evidence in support of its calculations of damages suffered and alleged.

In the event that the Soviet Government contests liability, it is requested so to state in its answer. In the latter event, the Soviet Government is hereby notified, the United States Government proposes that the dispute be presented for hearing and decision in the International Court of Justice. Since it appears that the Soviet Government has thus far not filed with that Court any declaration of acceptance of the compulsory jurisdiction of the Court, the United States Government invites the Soviet Government to file an appropriate declaration with the Court, or to enter into a Special Agreement, by which the Court may be empowered in accordance with its Statute and Rules to determine the issues of fact and law which have been set forth herein; and the Soviet Government is requested to inform the United States Government

Annex 2

NOTE FROM THE SOVIET GOVERNMENT
OF JUNE 19, 1953
(Translation)

MINISTRY OF FOREIGN AFFAIRS.
No. 16/SH.

The Ministry of Foreign Affairs of the Union of Soviet Socialist Republics, referring to the Embassy's Note of March 17, 1953, concerning the American military transport plane C-47 No. 316026, which violated the Hungarian state frontier on November 19, 1951, has the honor to state :

1. The Government of the USA in its note alleged that the violation of the State frontier of the Hungarian People's Republic by the American military transport plane on November 19, 1951, was accidental. The Government of the USA explains this allegedly accidental violation of the Hungarian frontier by the American military plane by the fact that the plane in question, in trying to follow a course from Erding to Belgrade, via Innsbruck, Udine, Ljubljana and Zagreb, was "blown by winds the existence and directions of which the pilots did not then know or have any warning of", and also that "in consequence of the effect of these unknown winds, the plane flew beyond Belgrade to the north and east and the crew was unable to find or descend at Belgrade".

The Government of the USA also finds it possible to assert that the plane crew had no illegal motives and that on board the plane allegedly "there was no equipment of any sort, intended for any kind of illegal use against Hungary, the Soviet Union or any other country".

However, this kind of attempt to justify the actions of the American military transport plane which violated the frontier of Hungary is artificial and groundless since it is in contradiction with the facts.

These are the facts disproving the version presented in the American note on the violation of the Hungarian frontier by the American military plane :

(a) The assertion that the plane violated the Hungarian frontier "accidentally", "was blown off its course" and "lost its way",

was not part of the airplane's equipment and it was adapted for dropping by parachute and for use in field conditions. The number of parachutes and blankets that were discovered are evidence of the fact that they were intended not for the plane crew's use, but for other purposes.

All of these circumstances testify to the fact that the version put forth in the U.S. note is inconsistent with, and contradicted by the above-mentioned facts which confirm that the American military transport plane C-47 No. 316026 intentionally violated the Hungarian frontier for illegal purposes.

2. In trying to shield those who bear the responsibility for the actions which took the form of a premeditated violation of the Hungarian State frontier by an American military transport plane, the Government of the U.S. also resorts to other equally groundless arguments.

The U.S. note asserts that the American plane allegedly was incorrectly stopped by the Soviet planes and that the place where the plane was stopped is not in the zone in which Soviet aircraft should be based according to Article 22 of the peace treaty with Hungary.

Such an assertion is groundless because the Soviet fighters in this case acted in strict accordance with the duty of protecting the regular supporting communication lines with the Soviet occupation Zone in Austria on the strength of Article 22 of the peace treaty with Hungary.

The Soviet flyers, in this case, acted in full accord with the standards of international law.

As to the statement in the U.S. note that allegedly the "Soviet authorities and their allies intentionally allowed the plane to cross the Hungarian frontier and fly over Hungarian territory", this, at the very least, is a strange argument, clearly without foundation and needing no rebuttal.

The observations in the U.S. note which allege that it was the "judicial obligation" of the Soviet Government to direct the violating aircraft to a safe place for landing are also without foundation.

3. In the U.S. note it is alleged that there were no legal bases for turning over of the plane and its crew to the Hungarian Government by the Soviet authorities and that this transfer was a violation of international law.

However, this argument is also without foundation, since the Soviet military authorities, in this case, only carried out their duty, acting in accordance with the principle of respect for the sovereignty of the Hungarian People's Republic. The transfer of the above-mentioned plane and its crew to the American military authorities would have been a clear violation of the sovereign rights of Hungary in the protection of its borders and thus a

[The two cases brought by the United States of America against the Hungarian People's Republic and the Union of Soviet Socialist Republics respectively, with regard to the Treatment in Hungary of an Aircraft and Crew of the United States of America, were removed from the list by Orders of July 12th, 1954 (*I.C.J. Reports 1954*, pp. 99 and 103) before the stage had been reached for the written and oral procedure.

The present volume accordingly does not include the following headings: *Part I, Section B, Pleadings; Part II, Oral Proceedings; Part III, Documents submitted to the Court after the closure of the written proceedings.*]

[Les deux affaires introduites par les États-Unis d'Amérique contre la République populaire de Hongrie et l'Union des Républiques socialistes soviétiques au sujet du traitement en Hongrie d'un avion des États-Unis d'Amérique et de son équipage ont été rayées du rôle par ordonnances du 12 juillet 1954 (*C. I. J. Recueil 1954*, pp. 99 et 103), sans qu'il y ait eu de procédure écrite ni orale.

En conséquence, le présent volume ne comporte pas les rubriques suivantes: *Première partie, Section B, Mémoires; Deuxième partie, Procédure orale; et Troisième partie, Documents présentés à la Cour après la fin de la procédure écrite.*]