

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

AERIAL INCIDENT OF MARCH 10th, 1953

(UNITED STATES OF AMERICA
v. CZECHOSLOVAKIA)

ORDER OF MARCH 14th, 1956

1956

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

INCIDENT AÉRIEN DU 10 MARS 1953
(ÉTATS-UNIS D'AMÉRIQUE *c.* TCHÉCOSLOVAQUIE)

ORDONNANCE DU 14 MARS 1956

This Order should be cited as follows :

*“Aerial incident of March 10th, 1953,
Order of March 14th, 1956 : I.C.J. Reports 1956, p. 6.”*

La présente ordonnance doit être citée comme suit :

*« Incident aérien du 10 mars 1953,
Ordonnance du 14 mars 1956 : C. I. J. Recueil 1956, p. 6. »*

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INTERNATIONAL COURT OF JUSTICE

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 No. 25

AERIAL INCIDENT OF MARCH 10th, 1953
 (UNITED STATES OF AMERICA
 v. CZECHOSLOVAKIA)

ORDER

Present : Vice-President BADAWI, *Acting President ; President* HACKWORTH ; *Judges* BASDEVANT, WINIARSKI, KLAESTAD, READ, HSU MO, ARMAND-UGON, KOJEVNIKOV, Sir Muhammad ZAFRULLA KHAN, Sir Hersch LAUTERPACHT, MORENO QUINTANA, CÓRDOVA ; *Registrar* LÓPEZ OLIVÁN.

The International Court of Justice,

composed as above,

after deliberation,

having regard to Articles 36 and 48 of the Statute of the Court ;

Makes the following Order :

Whereas on March 29th, 1955, the Ambassador of the United States of America to the Netherlands filed in the Registry an Application dated March 22nd, 1955, and signed by the Agent of the Government of the United States of America instituting proceedings before the Court against the Government of the Czechoslovak Republic on account of "certain wrongful acts committed by MIG-type aircraft from Czechoslovakia within the United States zone of occupation in Germany on March 10, 1953" ;

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Whereas the Application was duly communicated by the Registry on March 29th, 1955, to the Minister of the Czechoslovak Republic to the Netherlands ;

Whereas the Application was also duly communicated by the Registry to the Members of the United Nations, through the Secretary-General of the United Nations, and to the other States entitled to appear before the Court ;

Whereas the Application contains the following paragraphs :

“The United States Government, in filing this application with the Court, submits to the Court’s jurisdiction for the purposes of this case. The Czechoslovak Government appears not to have filed any declaration with the Court thus far, although it was invited to do so by the United States Government in the note annexed hereto. The Czechoslovak Government, however, is 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.

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

Whereas the note annexed to the Application, which was addressed on August 18th, 1954, by the Government of the United States of America to the Czechoslovak Government, ends with the following passage :

“Since it appears that the Czechoslovak Government has thus far not filed with that Court any declaration of acceptance of the compulsory jurisdiction of that Court, the United States Government invites the Czechoslovak Government to file an appropriate declaration with that Court or to enter into a Special Agreement by which the Court may, in accordance with its Statute and Rules, proceed to a determination of the issues of fact and law which have been set forth herein ; and the Czechoslovak Government is requested to inform the United States Government in the reply to the present note of its intentions with respect to such a declaration or Special Agreement.”

Whereas in a letter dated May 6th, 1955, from the Minister of the Czechoslovak Republic in the Netherlands to the Registry it was stated that :

“As the Czechoslovak Government has already stated in its Notes to the Embassy of the United States of America in Prague of March 11th and 30th, 1953, the aerial incident of March 10th, 1953, occurred above Czechoslovak territory as the result of a violation of the Czechoslovak air space by American military aircraft, and all responsibility therefor lies solely upon the Government of the United States of America.

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The Czechoslovak Government would observe that the claims put forward by the Government of the United States in this connection against Czechoslovakia are without point and that the Application purporting to bring this matter before the International Court of Justice is totally unfounded. The Czechoslovak Government can see no reason why this case should be considered by the International Court of Justice and regards the Application of the United States instituting such proceedings before the International Court of Justice as unacceptable."

Whereas a certified true copy of the above-mentioned letter was communicated to the Agent of the Government of the United States of America on May 7th, 1955 ;

Whereas the said letter of May 6th, 1955, does not constitute on the part of the Government of Czechoslovakia either the appropriate declaration or consent to conclude a Special Agreement ;

Whereas, in these circumstances, the Court finds that it has not before it any acceptance by the Government of the Czechoslovak Republic of the jurisdiction of the Court to deal with the dispute which is the subject of the Application submitted to it by the Government of the United States of America and that therefore it can take no further steps upon this Application ;

THE COURT

orders that the case shall be removed from the list.

Done in English and French, the English text being authoritative, at the Peace Palace, The Hague, this fourteenth day of March, one thousand nine hundred and fifty-six, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the United States of America and to the Government of the Czechoslovak Republic, respectively.

(Signed) A. BADAWI,
Vice-President.

(Signed) J. LÓPEZ OLIVÁN,
Registrar.