



ARCHIVES

# INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel. 92 44 41. Cables: Intercourt, The Hague

Telex 32323

**Communiqué**

*unofficial  
for immediate release*

P.O.P. 6-1-86 AT 1300

TOGETHER WITH SUBMISSIONS MADE TO THE COURT

Last communiqué in 1985  
series was No. 85/21

No. 86/1  
6 January 1986

## Chamber of Court to hear Burkina Faso and Mali on possible indication of provisional measures

The following information is made available to the press by the Registry of the International Court of Justice:

On Thursday 9 January 1986, at 10 a.m., a public sitting is to be held at the Peace Palace, The Hague, for the purpose of hearing representatives of Burkina Faso and Mali. The Governments of those countries are parties to the Frontier Dispute case which at their request was referred to a Chamber of the Court by a Special Agreement jointly filed on 14 October 1983. It is accordingly the Chamber, not the Court, which will be sitting on Thursday.

The subject-matter of the hearing will be the possible application, following the grave incidents of last month, of Article 41 of the Statute of the Court, which provides as follows:

"1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council."

On 2 January Burkina Faso filed in the Registry of the Court a formal request for the application of this Article. A request of this kind has to be treated as a matter of priority under the Rules of Court, which also require a date to be fixed for a hearing. At the same time the Registry received from Mali a communication suggesting that, if the Chamber were to contemplate indicating provisional measures, it could most appropriately do so, in the circumstances, independently of any formal request. This possibility is also recognized by the Rules.

Article 41 of the Statute has been quite frequently invoked in cases unilaterally referred to the International Court of Justice. This is however the first occasion on which its application has been contemplated in a case brought jointly by both Parties. A decision on a request for provisional measures is normally given by the reading of an Order in open Court.

\*

The Chamber dealing with the Frontier Dispute case is composed as follows:

Judge Mohammed Bedjaoui, President of the Chamber,  
Judges Manfred Lachs  
José-Maria Ruda,  
Judges ad hoc François Luchaire  
Georges Abi-Saab.

In the main proceedings, the Parties filed Memorials on 3 October 1985 and are to file Counter-Memorials by 2 April 1986. These pleadings are not available to the public.

---

NOTE FOR THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace. Members of the press will be entitled to attend it after presentation of a press identification card or an admission card, which may be obtained upon application. The tables reserved for them are situated on the far left of the public entrance to the courtroom.

2. Photographs may be taken before the opening and during the first few minutes of the sitting. Filming for cinema or television purpose is however subject of special authorization.

3. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the oral proceedings will be relayed through a loudspeaker.

4. Members of the press may use only the public telephones in the Post Office in the basement of the Palace.

5. Mr. C. Poux, First Secretary of the Court (telephone extension 233), will be available to deal with any requests for information by members of the press.

---