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INTERNATIONAL COURT OF JUSTICE

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First-ever request by the Economic and Social Council of the
United Nations for an advisory opinion of the Court

The following information is communicated to the Press by the Registry of the International Court of Justice:

The Secretary-General of the United Nations has informed the International Court of Justice that on 24 May 1989 the Economic and Social Council adopted a resolution calling for the Court to give, on a priority basis, an advisory opinion:

"on the legal question of the applicability of Article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, in the case of Mr. Dumitru Mazilu, as Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities."

The history of the request is as follows:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights urgently needed the completion and presentation of a report on "human rights and youth" by a former member of the Sub-Commission, Mr. Dumitru Mazilu, a Romanian citizen. The Sub-Commission failed, however, to establish contact with Mr. Mazilu, and the Government of Romania is reported to have declined to assist in the matter. When the Secretary-General invoked in this regard the above-mentioned provisions of the Convention on Privileges and Immunities, the Government of Romania denied their applicability.

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Article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations reads, in part:

"Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions."

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The Economic and Social Council, of which the Commission on Human Rights is an organ, was in 1946 authorized by the General Assembly to request advisory opinions of the Court on legal questions arising within the scope of its activities. It has not, however, made use of this authorization before.
