



COUR INTERNATIONALE DE JUSTICE

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RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS  
ET ORDONNANCES

**1999**

**(I)**

INTERNATIONAL COURT OF JUSTICE

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REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS  
AND ORDERS



COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DE LA DÉLIMITATION MARITIME  
ET DES QUESTIONS TERRITORIALES  
ENTRE QATAR ET BAHREÏN

(QATAR c. BAHREÏN)

ORDONNANCE DU 17 FÉVRIER 1999

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CASE CONCERNING MARITIME DELIMITATION  
AND TERRITORIAL QUESTIONS  
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(QATAR v. BAHRAIN)

ORDER OF 17 FEBRUARY 1999

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## INTERNATIONAL COURT OF JUSTICE

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General List  
No. 87CASE CONCERNING MARITIME DELIMITATION  
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(QATAR v. BAHRAIN)

## ORDER

*Present:* President SCHWEBEL; Vice-President WEERAMANTRY; Judges ODA, BEDJAoui, GUILLAUME, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, HIGGINS, PARRA-ARANGUREN, KOOLJMANS, REZEK; Judge ad hoc TORRES BERNÁRDEZ; Registrar VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 48 and 49 of the Statute of the Court and to Articles 44, 49 and 50 of the Rules of Court,

Having regard to the Order dated 30 March 1998, whereby the Court, taking into account the views of the Parties,

“*Fix[ed]* 30 September 1998 as the time-limit for the filing by Qatar of an interim report, to be as comprehensive and specific as possible, on the question of the authenticity of each of the documents challenged by Bahrain in the case;

*Direct[ed]* the submission of a Reply on the merits by each of the Parties, and *decide[d]* that the Reply of Qatar [would] contain its

detailed and definitive position on the question of the authenticity of each of the documents challenged by Bahrain and that the Reply of Bahrain [would] contain its observations on the interim report of Qatar; and *fix[ed]* 30 March 1999 as the time-limit for the filing of [those] pleadings”;

Whereas, on 30 September 1998, Qatar, referring to the above-mentioned Order, submitted an “Interim Report”, to which were appended, *inter alia*, four experts’ reports prepared in the summer of 1998, the first two of which concerned the material authenticity of the Qatari documents, while the other two dealt with the historical consistency of the content of those documents; whereas, in that Report, Qatar, after explaining the origin of the documents in question and the reasons which had led it to submit those documents to the Court, stated on the one hand that, on the question of the material authenticity of the documents, there were differing views not only between the respective experts of the Parties, but also between its own experts, and on the other hand that, as far as the historical aspects were concerned, the experts that it had consulted considered that Bahrain’s assertions showed exaggerations and distortions; and whereas Qatar ended its Report with a conclusion in the following terms:

“As indicated above, after receiving its various expert’s reports and in the light of the conflicting views amongst the Parties’ experts, Qatar has decided that it will disregard all the 82 challenged documents for the purposes of the present case so as to enable the Court to address the merits of the case without further procedural complications. It does so, however, with the proviso that it does not accept Bahrain’s distortions of the historical facts or its exaggerations of the effect of the challenged documents on Qatar’s case”;

and whereas, on the same day, the Registrar transmitted a certified copy of the said Report and its annexes to the Agent of Bahrain;

Whereas, under cover of a letter with annexes dated 27 November 1998, the Agent of Bahrain, referring to the “Interim Report” of Qatar, supplied the Court with a list of the 82 documents challenged by its Government, together with certain comments which it wished to submit “on the insufficiency of Qatar’s explanations”; and whereas, in that letter, the Agent expressed himself as follows:

“The Order [of 30 March 1998] does not require Bahrain to submit its observations on that Report before its Reply. However, in view of the effective abandonment by Qatar of all of the impeached documents in the face of Bahrain’s proof of forgery, Bahrain considers it appropriate even now to note the situation resulting from the terms of that Report.

.....

Although the Court's Order contemplated that Qatar could make known its 'definitive' position in regard to the 82 documents in the Reply due on 30 March 1999, the fact is that Qatar has already taken a position which is as 'definitive' as it can possibly be. There is thus no scope for any further definition of Qatar's position in its Reply. The status of documents explicitly declared to be non-existent leaves no room for amplification or qualification by any subsequent statement.

It follows that Qatar cannot make any further reference to the 82 forged documents, that it will not adduce the content of these documents in connection with any of its arguments and that, in general, the merits of the case will be adjudicated by the Court without regard to these documents. (A list of the documents thus excluded appears as Annex 1 to this letter.)";

and whereas a copy of this letter and its annexes was duly transmitted to the Agent of Qatar by the Deputy-Registrar;

Whereas, by a letter dated 11 December 1998, the Agent of Qatar informed the Court that its Government

"[was] . . . preparing its Reply on the merits [but that], in view of the fact that until 30 September 1998 its attention had been directed principally to the preparation of its Interim Report on the documents challenged by Bahrain, Qatar consider[ed] that it [would] not be possible to finalize its Reply by 30 March 1999"

and accordingly requested "a two-month extension of the time-limit for the filing of a Reply by each of the Parties, to 30 May 1999"; and whereas the Registrar, referring to Article 44, paragraph 3, of the Rules of Court, transmitted a copy of this letter to the Agent of Bahrain;

Whereas, by a letter dated 15 December 1998, the Agent of Qatar, referring to the letter with annexes, dated 27 November 1998, from the Agent of Bahrain, stated the following:

"by setting out in its Interim Report the results of its forensic and historical examination of all of the documents in question and by indicating its decision to disregard all the challenged documents for the purposes of the present case, Qatar has given its position with regard to those documents in advance of the time-limit of 30 March 1999 that was fixed by the Court's Order. In effectively removing the documents from consideration in the case, Qatar's intention was to enable the Court to address the merits of the case and the Parties to prepare their replies without further procedural complications";

and whereas, after challenging the terms of the letter from the Agent of Bahrain, the Agent of Qatar concluded his letter as follows:

“As Qatar pointed out in its Interim Report, it goes without saying that if Qatar had had doubts as to the authenticity of these documents, it would not have introduced them into evidence in these proceedings. However, so that there be no misunderstanding on this point, Qatar would like to express here its regret at the situation that has arisen and the inconvenience that this has caused to the Court and Bahrain”;

and whereas a copy of this letter was duly transmitted to the Agent of Bahrain by the Deputy-Registrar;

Whereas, by a letter dated 13 January 1999, the Agent of Bahrain, acknowledging receipt of the letters of 11 and 15 December 1998 from the Agent of Qatar, stated that his Government “appreciate[d] Qatar’s expression of regret for the situation resulting from the submission of the forged documents”, and that, with regard to the request by Qatar for an extension of the time-limit, its position was as follows:

“Bahrain has no objection to the modification of the Court’s Order of 30 March 1998 to accommodate Qatar’s request for a two-month extension of the time-limit for the Replies. In connection therewith, Bahrain recalls that the final paragraph of the Order called for Qatar to provide its ‘definitive position’ on the documents in its Reply, due on 30 March 1999. Since Qatar states that it has ‘given its position with regard to these documents in advance of the time-limit’ to the effect that it is ‘removing the documents from consideration in the case’, Bahrain respectfully requests that any modification of the Order take note of this development”;

and whereas a copy of this letter was duly transmitted to the Agent of Qatar by the Deputy-Registrar;

Whereas, in a letter dated 1 February 1999, the Agent of Qatar stated that he was pleased to note that Bahrain had no objection to the two-month extension of the time-limit for the filing of the Replies; whereas he stressed that his Government could not accept the description of the documents challenged by Bahrain as “forged”; whereas, referring to the position adopted by Qatar with regard to those documents in its Interim Report of 30 September 1998, he added:

“This is Qatar’s definitive position. Qatar hereby confirms that it will not rely on any of those documents in its Reply; nor will it make any further observations as to their authenticity. In its Reply Qatar will, however, address the consequences of Qatar’s decision to disregard the challenged documents with respect to its previous written pleadings, and will provide a document to illustrate such consequences”;

and whereas, as far as the Order to be issued by the Court was concerned, the Agent stated that his Government took the view that “the question of the nature and substance of such an Order is a matter for the Court alone”; and whereas a copy of this letter was duly transmitted to the Agent of Bahrain by the Registrar;

Taking into account the concordant views of the Parties on treatment of the disputed documents and their agreement on the extension of time-limits for the filing of Replies,

*Places on record* the decision of Qatar to disregard, for the purposes of the present case, the 82 documents challenged by Bahrain;

*Decides* that the Replies whose submission was directed by the Order of 30 March 1998 will not rely on these documents;

*Extends* to 30 May 1999 the time-limit for the submission of those Replies; and

*Reserves* the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this seventeenth day of February, one thousand nine hundred and ninety-nine, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the State of Qatar and the Government of the State of Bahrain, respectively.

*(Signed)* Stephen M. SCHWEBEL,  
President.

*(Signed)* Eduardo VALENCIA-OSPINA,  
Registrar.