



INTERNATIONAL COURT OF JUSTICE

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Questions of Interpretation and Application of the 1971 Montreal Convention
arising from the Aerial Incident at Lockerbie
(Libyan Arab Jamahiriya v. United Kingdom)
(Libyan Arab Jamahiriya v. United States of America)

Extension of the time-limit for the filing of the Counter-Memorials
of the United Kingdom and of the United States

THE HAGUE, 18 December 1998. The Senior Judge of the International Court of Justice (ICJ), Judge Shigeru Oda, acting President, has extended by three months the time-limit for the filing of the Counter-Memorials of the United Kingdom and of the United States of America in the cases concerning the aerial incident at Lockerbie brought against them by Libya.

By Orders dated 17 December 1998, the new time-limit has been fixed at 31 March 1999.

In letters dated 8 December 1998, the United Kingdom and the United States, referring to recent diplomatic initiatives, had invited the Court to extend this time-limit.

Judge Oda took the above-mentioned decision after the views of Libya had been ascertained and taking into account the preliminary exchange of views held by the Court on the matter.

The subsequent procedure was reserved for further decision.

Background information

On 3 March 1992, Libya filed in the Registry of the Court two Applications instituting proceedings against the United Kingdom and the United States of America concerning disputes on the interpretation or application of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed in Montreal on 23 September 1971.

Libya referred to charges made by the Lord Advocate of Scotland and an American Grand Jury against two Libyan nationals suspected of having caused the destruction of Pan Am flight 103 over the town of Lockerbie, Scotland, on 21 December 1988, in which 270 people died.

Following these charges, the United Kingdom and the United States had demanded that Libya surrender the suspects for trial either in Scotland or in the United States.

The Security Council of the United Nations for its part adopted three resolutions (731, 748 and 883, two of which imposed sanctions) urging Libya "to provide a full and effective response" to the requests of the United Kingdom and the United States "so as to contribute to the elimination of international terrorism".

In its Applications, Libya argued that there was no extradition treaty between itself and the United Kingdom, nor between itself and the United States, and that according to the Montreal Convention it was entitled to try the suspects itself.

On 3 March 1992, Libya also asked the Court to indicate provisional measures to prevent further action by the United Kingdom and the United States to compel it to surrender the accused before any examination of the cases on the merits. However, by Orders dated 14 April 1992, the Court found that the circumstances were not such as to require the exercise of its power to indicate such measures.

After Libya filed its written pleadings, the United Kingdom and the United States raised objections to the Court's jurisdiction and to the admissibility of the Libyan claims.

In two separate Judgments handed down on 27 February 1998 on these preliminary objections, the Court declared that it had jurisdiction to deal with the merits of the disputes between Libya and the United Kingdom, and between Libya and the United States. It based its jurisdiction on Article 14, paragraph 1, of the Montreal Convention, which concerns the settlement of disputes on the interpretation or application of the provisions of that Convention. The Court also found the Libyan claims admissible and stated that it was not appropriate, at this stage of the proceedings, to make a decision on the arguments of the United Kingdom and the United States that resolutions of the United Nations Security Council have rendered these claims without object.

By Orders dated 30 March 1998, the Court fixed 30 December 1998 as the time-limit for the filing of the Counter-Memorials of the United Kingdom and of the United States on the merits of the dispute.

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