

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

TREATMENT IN HUNGARY OF
AIRCRAFT AND CREW OF
UNITED STATES OF AMERICA
(UNITED STATES OF AMERICA *v.* UNION OF
SOVIET SOCIALIST REPUBLICS)
ORDER OF JULY 12th, 1954

1954

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

TRAITEMENT EN HONGRIE
D'UN AVION DES ÉTATS-UNIS
D'AMÉRIQUE ET DE SON ÉQUIPAGE
(ÉTATS-UNIS D'AMÉRIQUE *c.* UNION DES
RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES)
ORDONNANCE DU 12 JUILLET 1954

This Order should be cited as follows :

*“Case of the treatment in Hungary of aircraft of
United States of America,
Order of July 12th, 1954 : I. C. J. Reports 1954, p. 103.”*

La présente ordonnance doit être citée comme suit :

*«Affaire du traitement en Hongrie d'un avion
des États-Unis d'Amérique,
Ordonnance du 12 juillet 1954 : C. I. J. Recueil 1954, p. 103.»*

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INTERNATIONAL COURT OF JUSTICE

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July 12th, 1954

TREATMENT IN HUNGARY
OF AIRCRAFT AND CREW OF
UNITED STATES OF AMERICA

(UNITED STATES OF AMERICA *v.* UNION
OF SOVIET SOCIALIST REPUBLICS)

ORDER

Present : *President* Sir Arnold McNAIR ; *Vice-President* GUERRERO ;
Judges ALVAREZ, BASDEVANT, HACKWORTH, WINIARSKI,
KLAESTAD, BADAWI, READ, HSU MO, LEVI CARNEIRO,
ARMAND-UGON, KOJEVNIKOV ; *Deputy-Registrar* GARNIER-
COIGNET.

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 3rd, 1954, the Ambassador of the United States of America to the Netherlands filed in the Registry an Application dated February 16th, 1954, and signed by the Agent of the Government of the United States of America instituting proceedings before the Court against the Government of the Union

of Soviet Socialist Republics "on account of certain actions of the latter Government, in concert with the Government of the Hungarian People's Republic";

Whereas on the same day the Ambassador of the United States of America to the Netherlands filed in the Registry another Application dated February 16th, 1954, and signed by the Agent of the Government of the United States of America instituting proceedings before the Court against the Government of the Hungarian People's Republic in respect of the same question, and the Government of the United States of America expressed a wish that the two Applications should be considered and dealt with together;

Whereas the Application instituting proceedings against the Union of Soviet Socialist Republics was duly communicated by the Registry of the Court on March 3rd, 1954, to the Ambassador of the Union of Soviet Socialist Republics to the Netherlands;

Whereas both Applications were duly communicated by the Registry of the Court to all the Members of the United Nations, through the Secretary-General of the United Nations, and to all other States entitled to appear before the Court;

Whereas the Application instituting proceedings against the Union of Soviet Socialist Republics was communicated by the Registry on March 3rd, 1954, to the Minister for Foreign Affairs of the Hungarian People's Republic and the Application of the United States of America instituting proceedings against the Hungarian People's Republic was communicated on the same day to the Ambassador of the Union of Soviet Socialist Republics to the Netherlands;

Whereas the Application instituting proceedings against the Union of Soviet Socialist Republics contains the following paragraph:

"The United States Government, in filing this application with the Court, submits to the Court's jurisdiction for the purposes of this case. The Soviet Government appears not to have filed any declaration with the Court thus far, and although it was invited to do so by the United States Government in the Note annexed hereto, it has not made any responsive reply to the invitation. The Soviet Government is, however, 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.

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

Whereas in a letter from the Ambassador of the Union of Soviet Socialist Republics to the Netherlands, dated April 30th, 1954, and

received in the Registry on May 3rd, 1954, it was stated that the Government of the Union of Soviet Socialist Republics

“regards as unacceptable the proposal of the Government of the United States of America that the International Court of Justice should examine the case concerning the American aircraft which violated the State frontier of the Hungarian People’s Republic”,

and that

“there exists no subject for consideration by the International Court of Justice”

and further that

“having regard to the foregoing the Soviet Government can see no reason why this question should be examined by the International Court of Justice”;

Whereas a copy of the above-mentioned letter was communicated to the Agent of the Government of the United States of America by a letter dated May 5th, 1954 ;

Whereas, in these circumstances, the Court finds that it has not before it any acceptance by the Government of the Union of Soviet Socialist Republics 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 twelfth day of July, one thousand nine hundred and fifty-four, 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 Union of Soviet Socialist Republics, respectively.

(Signed) Arnold D. McNAIR,
President.

(Signed) GARNIER-COIGNET,
Deputy-Registrar.