

PART IV

CORRESPONDENCE

QUATRIÈME PARTIE

CORRESPONDANCE

SECTION B.—CORRESPONDENCE
(UNITED STATES OF AMERICA *v.* BULGARIA)

SECTION B. — CORRESPONDANCE
(ÉTATS-UNIS D'AMÉRIQUE *c.* BULGARIE)

I. THE AMBASSADOR TO THE NETHERLANDS OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

The Hague, October 28, 1957.

Excellency:

Upon the instruction of my Government, I have the honor to transmit to you herewith, in accordance with the Statute and Rules of the International Court of Justice, an application¹ to the Court instituting proceedings on behalf of my Government against the Government of Bulgaria. My Government has appointed Mr. Loftus E. Becker, the Legal Adviser of the Department of State, as its Agent in this case. I certify that the signature upon the application transmitted herewith is the signature of Mr. Becker. The address for service to which all communications relating to the application should be sent is this Embassy.

For the purposes of the provisions of the Statute and the Rules of Court, particularly Article 40 (2) and (3) and Article 63 of the Statute, and Article 33 (1) and Article 34 of the Rules of the Court, I have the honor, on behalf of my Government, to transmit the original of this application.

Enclosure: one original application.

(Signed) Philip YOUNG.

2. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS
(telegram)

28 October 1957.

With reference Article forty paragraph three Statute have honour inform you that United States of America filed this day application instituting proceedings against Bulgaria in dispute concerning aerial incident of July twenty seven 1955 *Stop* Am airmailing for your information one copy application which relates to same aerial incident as that referred to in application introduced on 16 October 1957 by Israel against Bulgaria.

3. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE (télégramme)

28 octobre 1957.

Ai honneur faire connaître Votre Excellence que l'ambassadeur États-Unis d'Amérique aux Pays-Bas a déposé ce jour au Greffe une requête introduisant instance contre République populaire Bulgarie au sujet incident aérien 27 juillet 1955 *Stop* Requête se réfère déclarations acceptation juridiction Cour aux termes article 36 Statut par États-Unis et par Bulgarie.

¹ See Part I, pp. 22-24.

4. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE

28 octobre 1957.

Monsieur le Ministre,

Me référant à mon télégramme de ce jour dont une copie est jointe à la présente lettre, j'ai l'honneur de confirmer à Votre Excellence que S. Exc. l'ambassadeur des États-Unis aux Pays-Bas a remis aujourd'hui au Greffe une requête introduisant au nom de son Gouvernement devant la Cour internationale de Justice contre la République populaire de Bulgarie une instance relative à l'incident aérien survenu le 27 juillet 1955.

Copie certifiée conforme de la lettre de transmission de l'ambassadeur des États-Unis ainsi que de la requête est jointe au présent pli. Je vous en ferai prochainement parvenir d'autres exemplaires, dans l'édition imprimée en anglais et en français qui sera établie par les soins du Greffe aux fins des communications à effectuer en conformité de l'article 40, paragraphes 2 et 3, du Statut.

Je saisis cette nouvelle occasion d'attirer l'attention de Votre Excellence sur l'article 35 du Règlement de la Cour, qui dispose (paragraphe 3) que la Partie contre laquelle une requête est présentée et à laquelle elle est communiquée doit, en accusant la réception de cette communication ou, sinon, le plus tôt possible, faire connaître à la Cour le nom de son agent et (paragraphe 5) que la désignation de l'agent doit être accompagnée de l'indication du domicile élu au siège de la Cour et auquel seront adressées toutes les communications relatives à l'affaire en cause.

J'ai également l'honneur de vous faire connaître que la question de la fixation des délais pour la présentation des pièces de la procédure écrite en cette affaire formera l'objet de communications ultérieures. A ce propos, je signale à votre attention l'article 37, paragraphe 1, du Règlement de la Cour.

Veuillez agréer, etc.

5. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

29 October 1957.

Sir,

With reference to my cable of 28 October 1957, a copy of which is enclosed herewith, I have the honour to confirm that an Application was filed on that date, in the Registry of the Court, on behalf of the United States of America, instituting proceedings before the Court against the People's Republic of Bulgaria concerning the Aerial incident of 27 July 1955.

I am enclosing herewith for your information an advance copy of this Application.

I should be grateful if, in accordance with Article 40, paragraph 3, of the Statute of the Court, you would be good enough to notify the Members of the United Nations of the submission of this Application

For this purpose, I shall forward to you as soon as possible one hundred certified true copies and four hundred uncertified copies of the Application.

I have, etc.

6. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

6 November 1957.

Sir,

With reference to my letter of 29 October 1957, I have the honour to forward to you, under separate cover, one hundred certified true copies (by air) and four hundred uncertified copies (by surface mail) of the Application filed on 28 October 1957 by the Government of the United States of America instituting proceedings against the Government of Bulgaria in the case relating to the aerial incident of 27 July 1955.

I have, etc.

7. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN ¹

6 novembre 1957.

Monsieur le Ministre,

J'ai l'honneur de porter à la connaissance de Votre Excellence que, le 28 octobre 1957, l'ambassadeur des États-Unis d'Amérique aux Pays-Bas a transmis au Greffe de la Cour internationale de Justice une requête, datée du 24 octobre 1957, par laquelle le Gouvernement des États-Unis d'Amérique a introduit contre la République populaire de Bulgarie une instance relative à l'incident aérien survenu le 27 juillet 1955.

Votre Excellence voudra bien trouver ci-joint un exemplaire de cette requête, que je lui transmets à toutes fins utiles.

Veuillez agréer, etc.

8. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE ²

6 novembre 1957.

Monsieur le Ministre,

J'ai l'honneur de porter à la connaissance de Votre Excellence que, le 28 octobre 1957, l'ambassadeur des États-Unis d'Amérique aux Pays-Bas a transmis au Greffe de la Cour internationale de Justice une requête, datée du 24 octobre 1957, par laquelle le Gouvernement des États-Unis d'Amérique a introduit contre la République populaire de Bulgarie une instance relative à l'incident aérien survenu le 27 juillet 1955.

¹ La même communication a été adressée à tous les autres États Membres des Nations Unies ainsi qu'aux États non membres qui sont Parties au Statut.

² La même communication a été adressée aux autres États, non membres des Nations Unies et non parties au Statut de la Cour, auxquels la Cour est ouverte aux termes de l'article 35, paragraphe 2, du Statut.

Votre Excellence voudra bien trouver ci-joint un exemplaire de cette requête que je lui transmets en me référant à l'article 40, paragraphe 3, du Statut de la Cour.

Veuillez agréer, etc.

9. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE AU GREFFIER
(télégramme)

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 12.]

10. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE
(télégramme)

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 13.]

11. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE AU GREFFIER
(télégramme)

14 novembre 1957.

Accuse réception du texte bilingue de la requête introductive d'instance du Gouvernement des USA relativement à l'incident aérien du 27 juillet 1955 en se réservant le droit de poser la question préalable de la compétence de la Cour *Stop* Le ministère ne tardera pas de communiquer à la Cour le nom de l'agent gouvernemental bulgare et le domicile judiciaire élu conformément aux exigences de l'article 35 alinéas 3 et 5 du Règlement de la Cour *Stop*.

12. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

15 November 1957.

Sir,

Upon the instructions of the Vice-President, Acting President in the case concerning the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria), I have the honour to refer to Article 37 of the Rules of Court and to inform you that the Acting President proposes to confer with the Agents of the Parties in that case or other duly authorized representatives of the Parties, on 20 November at 10.15 o'clock in the forenoon, for the purpose of ascertaining the views of the Parties with regard to questions of procedure and, in particular, with regard to the time-limits to be fixed by the Court for the filing of the pleadings of the Parties.

I have, etc.

13. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE
(*télégramme*)

15 novembre 1957.

Sur instructions du Vice-Président faisant fonction de Président dans affaire introduite contre Bulgarie par Gouvernement États-Unis Amérique ai l'honneur me référer à article 37 Règlement et vous informer qu'il se propose rencontrer agents des Parties *Virgule* ou tous autres représentants dûment autorisés *virgule* vingt novembre dix heures quinze du matin pour se renseigner auprès Parties sur questions de procédure et notamment sur délais à fixer par Cour pour dépôt des pièces écrites *Stop* Vice-Président vous serait reconnaissant télégraphier nom du représentant Bulgarie.

14. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE AU GREFFIER
(*télégramme*)

[*Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 17.*]

15. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE ¹
(*télégramme*)

Me référant votre télégramme ai honneur porter votre connaissance que Vice-Président Cour faisant fonction Président dans affaire introduite contre Bulgarie par Gouvernement États-Unis d'Amérique a décidé *virgule* faisant droit à votre demande *virgule* d'ajourner réunion avec les Parties prévue pour demain mercredi *Stop* Celle-ci aura lieu lundi vingt-cinq novembre dix heures quinze du matin.

16. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE AU GREFFIER
(*télégramme*)

[*Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 20.*]

17. ENTRETIEN DU VICE-PRÉSIDENT AVEC L'AMBASSADEUR DES ÉTATS-UNIS
AUX PAYS-BAS, EN PRÉSENCE DU GREFFIER ET DU GREFFIER ADJOINT

L'ambassadeur des États-Unis déclare se présenter au nom de M. Loftus E. Becker. Celui-ci souhaiterait disposer de six mois pour la préparation de son mémoire.

Il est donné connaissance du télégramme reçu le 23 novembre du ministre des Affaires étrangères de Bulgarie.

25 novembre 1957.

¹ La même notification a été faite à l'agent du Gouvernement des États-Unis d'Amérique.

18. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 23.]

19. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

26 November 1957.

Sir,

I have the honour to refer to the Application filed in the Registry on 28 October 1957, by which the Government of the United States of America instituted proceedings before the Court against Bulgaria with regard to the Aerial Incident of 27 July 1955, and to inform you that, by Order¹ of to-day's date, the Court fixed 2 June 1958 as the time-limit for the filing of the Memorial of the Government of the United States of America and reserved for a subsequent Order the fixing of the time-limit for the filing by the Respondent of its Counter-Memorial.

I shall in due course send you the official copy, for the Government of the United States of America, of the above-mentioned Order.

I have, etc.

20. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE AU GREFFIER
(*télégramme*)

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 25.]

21. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE (*télégramme*)

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 26.]

22. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE AU GREFFIER
(*télégramme*)

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 29.]

23. LE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 30.]

¹ See *I.C.J. Reports 1957*, pp. 186-188.

24. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

20 December 1957.

Sir,

With reference to my letter No. 26688 of 26 November 1957, I have the honour to send you herewith the official copy for your Government of the Order of 26 November 1957, by which the Court has fixed 2 June 1958 as the time-limit for the filing of the Memorial of the Government of the United States of America in the case concerning the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria).

I have, etc.

25. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE LA RÉPUBLIQUE FRANÇAISE
AU GREFFIER

[*Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 35.*]

26. L'AGENT DU GOUVERNEMENT DE BULGARIE AU PRÉSIDENT DE LA COUR

[*Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 36.*]

27. LE GREFFIER ADJOINT A L'AGENT DU GOUVERNEMENT BULGARE

[*Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 38.*]

28. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

28 January 1958.

Sir,

I have the honour to inform you that on 22 January 1958 I received from the Agent of the Bulgarian Government in the cases concerning the Aerial Incident of 27 July 1955 a note dated 18 January 1958, by which he informed me *inter alia* that he considered that, in accordance with the provisions of Article 37 and in connection with Article 62 of the Rules of Court, the Court ought to fix at least the same time-limit for the filing of the Bulgarian pleading as was fixed for the filing of the Memorial.

I have the further honour to inform you that having thus ascertained the views of the Respondent with regard to the time-limit for the filing of the Counter-Memorial, the Vice-President, Acting President in the case between the United States of America and Bulgaria, has by an

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

Order¹ of 27 January 1958 decided to fix 9 December 1958 as the time-limit for the filing of the Counter-Memorial of the Bulgarian Government, the rest of the procedure being reserved for further decision.

I shall in due course send you the official copy for the Government of the United States of America of the above-mentioned Order.

I have, etc.

29. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA²

18 February 1958.

Sir,

With reference to my letter No. 26987 of 28 January 1958, I have the honour to send you herewith the official copy for your Government of the Order of 27 January 1958 by which the Vice-President, Acting President, has fixed 9 December 1958 as the time-limit for the filing of the Counter-Memorial of the Government of the People's Republic of Bulgaria in the case concerning the Aerial Incident of 27 July 1955 (U.S.A. v. Bulgaria).

I have, etc.

30. THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

2 May 1958.

Sir,

The undersigned Agent of the Government of the United States of America has the honour to refer to the proceedings pending in the Court instituted by the United States Government by application filed 28 October 1957 against the Government of Bulgaria on account of the destruction on 27 July 1955, by Bulgarian fighter aircraft, of an El Al Israel Airlines aircraft, killing, among others, nine American nationals and destroying their property. On 26 November 1957 the Court fixed 2 June 1958 as the time-limit for the filing of a Memorial by the United States Government.

The United States Government has been diligently engaged in the preparation of a Memorial complying with the high standards of international legal practice and the Statutes and Rules of this Court. It must state, however, that facts and documents which may seriously affect the final formulation of the Memorial are still coming in and are being studied by appropriate officers and experts of the United States Government, and many more are expected. The Court's attention is respectfully called to the serious difficulties which are inherent in obtaining evidence suitable for the proof of the issues in this case; for the place where the incident occurred is not available for investigation by United States Government representatives, and the Bulgarian Government has made

¹ See *I.C.J. Reports 1958*, pp. 10-11.

² A similar communication was addressed to the Agent of the Government of Bulgaria.

no effort to assist any of the Governments, or the persons, who suffered from the disaster which underlies this case, in the finding of evidence. These factors make the preparation of a suitable Memorial especially difficult.

The United States Government must, reluctantly, inform the Court that the date of 2 June 1958 is too early to enable the United States Government to make an adequate study and review of the incoming evidentiary material and to formulate an appropriate Memorial to this Court. It is estimated that at least three months additional time is required for this purpose; and it is not unlikely that the United States Government may even be compelled by circumstances beyond its control to request a further extension of three months thereafter.

Accordingly, the United States Government respectfully requests that this Court, under the authority of Article 48 of the Statute and Articles 37 (4) and 38 of the Rules of the Court, extend the time-limit for the filing of the Memorial by the United States Government to September 2, 1958. Of course the United States Government will concede to the respondent Bulgarian Government an extension of time-limit sufficient to file a Counter-Memorial.

The undersigned has consulted the Agents for the Governments of the United Kingdom and Israel, which also have pending in this Court proceedings against Bulgaria on account of the same actions committed by the Bulgarian Government on 27 July 1955. If it is relevant to the consideration of the Court, the Government of Israel has expressed no objections to the presentation of this Application and has authorized the United States Government to state to the Court that the Government of Israel places itself in the hands of the President of the Court or the entire Court in this matter. The United States Government has been informed by the Government of the United Kingdom that it has no objections to the presentation of this Application and that the Government of the United Kingdom is preparing to apply to this Court for a similar extension of time to file its Memorial.

Very truly yours,

(Signed) Loftus E. BECKER.

31. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE
(télégramme)

7 mai 1958.

Ai honneur faire connaître Votre Excellence que agent Gouvernement États-Unis dans l'affaire de l'incident aérien par lettre datée du 2 mai demande à la Cour que date fixant dépôt du mémoire du Gouvernement des États-Unis au 2 juin soit prolongée de trois mois et rapportée en conséquence au 2 septembre 1958 *Stop* Je transmets aujourd'hui à l'agent Gouvernement bulgare au domicile judiciaire à La Haye copie certifiée conforme de ladite lettre *Stop* Serais reconnaissant à Votre Excellence de prier l'agent bulgare de me faire part des vues de ce Gouvernement le plus tôt possible.

32. LE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

7 mai 1958.

Monsieur l'Agent,

J'ai l'honneur de vous transmettre ci-joint copie certifiée conforme d'une lettre datée du 2 mai 1958 par laquelle l'agent du Gouvernement des États-Unis d'Amérique en l'affaire relative à l'incident aérien du 27 juillet 1955 sollicite de la Cour la prorogation jusqu'au 2 septembre 1958 du délai fixé par l'ordonnance du 26 novembre 1957 pour la présentation du mémoire du Gouvernement des États-Unis en cette affaire.

J'avertis en même temps par télégramme le ministre des Affaires étrangères de la République populaire de Bulgarie de la teneur de cette lettre et je vous serais très obligé de vouloir bien me faire connaître le plus tôt possible les vues de votre Gouvernement sur cette demande.

Veillez agréer, etc.

33. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

19 May 1958.

Sir,

By my letter of 7 May 1958 I had the honour to acknowledge receipt of your letter of 2 May 1958, in which you requested an extension to 2 September 1958 of the time-limit fixed by the Order of 26 November 1957 for the filing of the Memorial of the Government of the United States of America in the case concerning the Aerial Incident of 27 July 1955 (United States of America v. Bulgaria). In my letter I had the further honour to inform you that a copy of your letter of 2 May 1958 had been transmitted to the Agent of the Government of the People's Republic of Bulgaria for observations.

No reply to this communication having yet reached the Registry, I have the honour to inform you that on today's date, with reference on the one hand to your request for an extension and on the other to the letter of 18 January 1958 by which the Agent for the Government of the People's Republic of Bulgaria stated that he considered that, in accordance with Article 37 of the Rules and in connection with Article 62 of the Rules, the Court should fix a time-limit for the Counter-Memorial at least equal to that fixed for the Memorial, the President of the Court has made an Order extending as follows the time-limits fixed by the Orders made in this case on 26 November 1957 and 27 January 1958:

for the Memorial of the Government of the United States of America, 2 September 1958;

for the Counter-Memorial of the Government of the People's Republic of Bulgaria, 9 June 1959,

the subsequent procedure remaining reserved for further decision.

I shall in due course send you the official copy for the Government of the United States of America of the above-mentioned Order.

I have, etc.

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

34. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE
BULGARIE (*télégramme*)

19 mai 1958.

Référence mes lettres et télégrammes sept mai restés sans réponse ainsi que lettre agent bulgare dix-huit janvier 1958 *Stop* Ai honneur informer Votre Excellence que en les affaires incident aérien vingt-sept juillet 1955 entre d'une part États-Unis et Bulgarie d'autre part Royaume-Uni et Bulgarie Président Cour internationale Justice a rendu ce jour deux ordonnances accordant prolongation délai demandé par demandeurs et prolongeant d'autant délai contre-mémoires *Stop* Dates fixées en ces deux affaires sont désormais deux septembre 1958 pour mémoires et neuf juin 1959 pour contre-mémoires *Stop* Agent bulgare a été informé à son domicile La Haye.

35. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE
UNITED STATES OF AMERICA ¹

28 May 1958.

Sir,

With reference to my letter No. 27577 of 19 May 1958, I have the honour to send you herewith, for your Government, the official copy of the Order ² of 19 May 1958, extending the time-limits for the filing of the Memorial and of the Counter-Memorial in the case concerning the Aerial Incident of 27 July 1955 (*United States of America v. Bulgaria*).

I have, etc.

36. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE
UNITED STATES OF AMERICA ¹

3 June 1958.

Sir,

I have the honour to inform you that the Government of the French Republic has requested that the Pleadings in the case concerning the Aerial Incident of 27 July 1955 (*United States of America v. Bulgaria*) be made available to it.

In accordance with Article 44, paragraph 2, of the Rules of Court, I should be grateful to have the views of the Government of the United States of America on this request.

I may add that a similar communication is being addressed to the Agent of the Government of the People's Republic of Bulgaria in this case. I shall not fail in due course to inform you of his reply and of the decision which the Court, or the President, will take in accordance with Article 44, paragraph 2, of the Rules of Court.

I have, etc.

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

² See *I.C.J. Reports 1958*, pp. 22-23.

37. THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA
TO THE REGISTRAR

16 June 1958.

Sir,

I have the honor to respond to your communication of June 3, 1958. You state that in accordance with Article 44, paragraph 2, of the Rules of the Court, you would be grateful to have the views of the United States of America on the subject of a request of the Government of the French Republic that the Pleadings in the case of the United States of America *v.* Bulgaria be made available to the Government of the French Republic.

I have the honor to reply that the United States Government is pleased to consent to this request and has no objection to the Court's making the Pleadings so available, in accordance with the above-mentioned Rule.

Very truly yours,

(Signed) Loftus E. BECKER.

38. LE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 52.]

39. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER

*[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 53.]*40. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE LA
RÉPUBLIQUE FRANÇAISE*[Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 54.]*41. THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA
TO THE REGISTRAR

21 July 1958.

Sir,

I have the honor to refer to the case of the United States of America against Bulgaria arising out of the aerial incident of July 27, 1955, now pending before the Court. I wish to inform the Court that the Government of the United States has designated as Counsel in this matter, Mr. Samuel Klaus, Special Assistant to the Legal Adviser in the Department of State.

Very truly yours,

(Signed) Loftus E. BECKER.

42. THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA
TO THE REGISTRAR

21 July 1958.

Sir,

The undersigned Agent of the Government of the United States of America has the honor to refer again to the proceedings pending in this Court instituted by the United States Government by an Application filed October 28, 1957, against the Government of Bulgaria. On May 19, 1958, the Court, upon the request of the United States Government, under the authority of Article 38 of the Statute and Articles 37 (4) and 38 of the Rules of the Court, extended the time-limit for filing of the Memorial of the United States Government to September 2, 1958.

In the United States Government's request for the extension of time, it will be recalled, the United States Government stated: "It is estimated that at least three months additional time is required ... and it is not unlikely that the United States Government may even be compelled by circumstances beyond its control to request a future extension of three months thereafter."

The United States Government is compelled to inform the Court that despite strenuous efforts to complete the Memorial it appears clear that by force of circumstances beyond its control, it will not be possible to do so by September 2, 1958. Important evidentiary material has not been received, and the review of experts has not been completed. However, the United States Government feels confident that such evidence will have been received and reviewed, and the necessary printing and the other necessary work in connection with the preparation and filing of the Memorial will be completed before December 2, 1958.

Accordingly, the United States Government respectfully requests that this Court, under the authority of Article 48 of the Statute and Articles 37 (4) and 38 of the Rules of the Court further extend the time-limit for the filing of the Memorial by the United States Government to December 2, 1958.

Very truly yours,

(Signed) Loftus E. BECKER.

43. LE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

31 juillet 1958.

Monsieur l'Agent,

J'ai l'honneur de vous transmettre ci-joint copie certifiée conforme d'une lettre datée du 21 juillet 1958 par laquelle l'agent du Gouvernement des États-Unis d'Amérique en l'affaire relative à l'incident aérien du 27 juillet 1955 sollicite de la Cour la prorogation jusqu'au 2 décembre 1958 du délai fixé par l'ordonnance du 19 mai 1958 pour la présentation du mémoire du Gouvernement des États-Unis en cette affaire.

J'ai avisé par la voie télégraphique le ministre des Affaires étrangères de la République populaire de Bulgarie de la teneur de cette lettre et je vous serais très obligé de vouloir bien me faire connaître le plus tôt possible les vues de votre Gouvernement sur cette demande.

Veuillez agréer, etc.

44. THE EMBASSY OF ISRAEL TO THE NETHERLANDS TO THE REGISTRAR ¹

The Embassy of Israel presents its compliments to the Registrar of the *International Court of Justice* and, on instructions of the Israel Ministry for Foreign Affairs, has the honour to refer to Article 44 of the Rules of the Court and to request the Registrar kindly to make available to the Government of Israel the written pleadings in the cases concerning the aerial incident of July 1955, United States versus Bulgaria and the United Kingdom versus Bulgaria.

The Embassy of Israel takes advantage of this occasion, etc.

The Hague, 4 August 1958.

45. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ²

12 August 1958.

Sir,

I have the honour to refer to my letter of 31 July 1958, in which I informed you that a copy of your letter of 21 July, requesting an extension of the time-limit fixed for the filing of the Memorial of the Government of the United States of America in the proceedings instituted against the Government of the People's Republic of Bulgaria, had been transmitted to the Agent of the Respondent Government for his *observations upon your request*.

No reply to this communication having as yet been received from the Agent for the Government of the People's Republic of Bulgaria, the President has decided to grant the request contained in your letter of 21 July 1958, and by an Order ³ of today's date has fixed the following time-limit in this case:

for the Memorial of the Government of the United States of America: 2 December 1958;

for the Counter-Memorial of the Government of the People's Republic of Bulgaria: 9 June 1959;

the subsequent procedure remaining reserved for further decision.

I shall in due course send you the official copy for the Government of the United States of America of the above-mentioned Order.

I have, etc.

¹ The Parties having been consulted and having made no objection, it was decided that the relevant pleadings would be sent to the Government of Israel.

² A similar communication was addressed to the Agent of the Government of Bulgaria.

³ See *I.C.J. Reports 1958*, pp. 37-38.

46. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

18 August 1958.

Sir,

With reference to my letter No. 28048 of 12 August 1958, I have the honour to send you herewith, for your Government, the official copy of the Order of 12 August 1958, by which the President of the Court has extended to 2 December 1958 the time-limit for the filing of the Memorial of the Government of the United States of America in the case concerning the Aerial Incident of 27 July 1955.

I have, etc.

47. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER
(télégramme)

25 août 1958.

Ai reçu votre lettre n° 27975 du 31 juillet 1958 ai l'honneur de communiquer que je n'ai pas d'objections contre la demande Gouvernement USA de prolonger jusqu'au 2 décembre le délai pour présentation des mémoires sur affaire relative avion israélien *Stop* Sans doute le susdit prolongement amènerait prolongement correspondant de notre délai *Stop* MÉVORAH.

48. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER

2 septembre 1958.

Monsieur le Greffier,

Le 16 août a. c. j'ai reçu votre lettre du 31 juillet a. c. avec laquelle vous m'avez envoyé la lettre de l'agent des États-Unis d'Amérique du 21 juillet a. c. demandant la prolongation du délai pour la présentation des mémoires dans l'affaire concernant l'avion israélien jusqu'au 2 décembre a. c.

Le 22 août a. c., j'ai communiqué par télégramme à l'honorable Cour que mon Gouvernement ne s'opposait pas à la prolongation dudit délai et que notre délai pour la présentation des contre-mémoires devait être respectivement prolongé. Le même jour, après avoir envoyé le télégramme, j'ai reçu votre lettre n° 28.048 du 12 août a. c. par laquelle vous m'avez communiqué que par ordonnance de Monsieur le Président de la Cour, le délai pour la présentation des mémoires des USA avait été prolongé jusqu'au 2 décembre 1958, tandis que notre délai restait le même — le 9 juin 1959. J'ai reçu ensuite l'ordonnance elle-même à ce sujet. Il est évident, en l'occurrence, qu'en émettant son ordonnance, Monsieur le Président de la Cour n'a pas pris en considération mon télégramme et plus spécialement notre demande d'une prolongation respective de notre délai aussi.

Indépendamment de ce fait, conformément à la pratique de la Cour jusqu'à ce moment, dans des cas pareils chaque fois lors de la prou-

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

gation du délai de la partie adverse notre délai aussi a été prolongé. Il y a deux cas pareils, et notamment lors de l'ordonnance du 19 mai a. c. concernant la prolongation du délai des USA jusqu'au 2 septembre et lors de l'ordonnance de la même date concernant la prolongation du délai du Royaume-Uni jusqu'au 2 septembre également. Dans les deux cas, notre délai fut respectivement prolongé du 9 décembre 1958 au 9 juin 1959.

C'est pourquoi je m'adresse à l'honorable Cour avec la prière de bien vouloir prolonger, dans le cas ci-dessus indiqué aussi, le délai respectif pour la présentation des contre-mémoires de la part du Gouvernement de la République populaire de Bulgarie.

Veuillez agréer, etc.

(Signé) Dr N. MÉVORAH.

49. THE FIRST SECRETARY, ACTING REGISTRAR, TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

9 September 1958.

Sir,

I have the honour to send you herewith a certified true copy of a letter dated 2 September 1958, by which the Agent for the Court of the People's Republic of Bulgaria in the case concerning the Aerial Incident of 27 July 1955 (U.S.A. v. Bulgaria) has requested an extension of the time-limit fixed for the filing of its Counter-Memorial in that case.

I shall be grateful if you will be good enough to communicate to us as soon as possible the view of your Government on the request of the Bulgarian Government.

I have, etc.

50. THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

29 September 1958.

Sir,

I have received your communication of September 9, 1958, numbered 28241, with which you enclosed a certified copy of a communication from the Agent of the Bulgarian Government dated September 2, 1958.

It has been noted that in the Order of the Court, communicated by the Registrar on August 12, 1958, extending the time-limits for the filing of the Memorial of the Government of the United States to December 2, 1958, as requested by this Government, it was also stated that the Registrar had received no reply from the Agent of the Bulgarian Government respecting the United States Government's request. It appears now that a telegram was sent to the Registrar by the Bulgarian Agent on August 22, 1958, interposing no objection to the extension of time-limits for this Government's Memorial, but apparently asking for an extension of time-limits for the Counter-Memorial, giving no stated date. Attention is called to Article 38 of the Rules of Court

which provides that definite dates must be fixed in assigning time-limits.

The United States Government will interpose no objection to the setting of September 2, 1959, as the time-limit for the filing of a Counter-Memorial by the Government of Bulgaria in this matter.

Very truly yours,

(Signed) Loftus E. BECKER.

51. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

10 October 1958.

Sir,

I have the honour to acknowledge receipt of your letter of 29 September 1958, in which you make known the views of your Government on the request submitted by the Agent for the Government of the People's Republic of Bulgaria for an extension of the time-limit fixed for the filing of the Counter-Memorial in the case concerning the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria).

I have the further honour to inform you that by an Order ² of 8 October 1958 the Court has decided to extend to 9 September 1959 the time-limit for the filing of the Counter-Memorial of the Government of the People's Republic of Bulgaria.

I shall in due course send you the official copy for the Government of the United States of America of the above-mentioned Order.

I have, etc.

52. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

14 October 1958.

Sir,

With reference to my letter No. 28440 of 10 October 1958, I have the honour to send you herewith, for your Government, the official copy of the Order of 8 October 1958, by which the Court has extended to 9 September 1959 the time-limit for the filing of the Counter-Memorial of the Government of the People's Republic of Bulgaria in the case concerning the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria).

I have, etc.

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

² See *I.C.J. Reports 1958*, pp. 46-47.

53. LE GREFFIER EN EXERCICE A L'AGENT DU GOUVERNEMENT BULGARE

2 décembre 1958.

Monsieur l'Agent,

J'ai l'honneur de vous transmettre ci-joint, en sept exemplaires dont deux certifiés conformes, le mémoire¹ du Gouvernement des États-Unis d'Amérique en l'affaire relative à l'incident aérien du 27 juillet 1955 (États-Unis d'Amérique c. Bulgarie). Ce document a été enregistré au Greffe dans le délai fixé par l'ordonnance du 12 août 1958, délai qui expire aujourd'hui.

Veuillez agréer, etc.

54. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA²

23 December 1958.

Sir,

I have the honour to inform you that the Registry of the International Court of Justice has made a translation into French of the Memorial of the Government of the United States of America in the case of the Aerial Incident of 27 July 1955 (United States v. Bulgaria) for the use of the Members of the Court. For your information, I enclose herewith one copy of this translation.

Referring to Article 39, paragraph 4, of the Rules of Court to the effect that "The Registrar is under no obligation to make translations of the pleadings or any documents annexed thereto", I would emphasize that this translation has no official character whatsoever.

I have, etc.

55. THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM TO THE REGISTRAR³

9 January 1959.

Sir,

I have the honour to request, on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, that the pleadings filed by the Government of the United States of America in the case concerning the Aerial Incident of July 27, 1955 (United States of America v. Bulgaria) may be made available to the Government of the United Kingdom, in accordance with Article 44, paragraph 2, of the Rules of Court.

I have, etc.

(Signed) Joyce A. C. GUTTERIDGE.

¹ Voir Première Partie, p. 167.

² A similar communication was addressed to the Agent of the Government of Bulgaria.

³ The Parties having been consulted and having made no objection, it was decided that the relevant pleadings would be sent to the Government of the United Kingdom.

56. THE CHARGÉ D'AFFAIRES OF THE UNITED STATES OF AMERICA TO THE NETHERLANDS TO THE DEPUTY-REGISTRAR

3 February 1959.

Dear Mr. Garnier-Coignet,

With reference to the letter of December 2, 1958, from Ambassador Philip Young to the Acting Registrar, Mr. S. Aquarone, I have the honour to request that the International Court of Justice accept the attached errata and addenda list as part of the Memorial of the Government of the United States of America in the case concerning the Aerial Incident of July 27, 1955 (United States of America vs. Bulgaria).

Sincerely yours,

(Signed) Herbert P. FALES.

57. THE DEPUTY-REGISTRAR TO THE CHARGÉ D'AFFAIRES OF THE UNITED STATES OF AMERICA TO THE NETHERLANDS

6 February 1959.

Dear Mr. Fales,

I have the honour to acknowledge receipt of the letter of 3 February 1959, in which you requested that the errata and addenda list, which you enclosed, should be accepted as part of the Memorial filed by the Government of the United States of America in the case concerning the Aerial Incident of 27 July 1955 (United States of America v. Bulgaria).

On the instructions of the President, I have transmitted to the Agent for Bulgaria in this case a copy of your letter, together with the errata and addenda list, referring in this connection to Article 37, paragraph 4, and to Article 40, paragraph 5, of the Rules of Court.

Sincerely yours, etc.

58. LE GREFFIER ADJOINT A L'AGENT DU GOUVERNEMENT BULGARE

7 février 1959.

Monsieur l'Agent,

Comme suite à ma lettre n° 28761 du 2 décembre 1958 et me référant d'une part à l'article 37, paragraphe 4, et d'autre part à l'article 40, paragraphe 5, du Règlement de la Cour, j'ai l'honneur de vous communiquer ci-joint, sur instruction du Président, la photocopie d'une lettre que le chargé d'affaires p. i. des États-Unis d'Amérique aux Pays-Bas m'a adressée le 3 février 1959, ainsi que des annexes à cette lettre. Ces documents concernent des errata et addenda que le Gouvernement des États-Unis d'Amérique désire apporter à son mémoire en l'affaire relative à l'incident aérien du 27 juillet 1955 (États-Unis d'Amérique c. Bulgarie).

Veuillez agréer, etc.

59. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

4 March 1959.

Sir,

I have the honour to inform you that the Registry has prepared for the use of Members of the Court a French translation of the Annexes to the Memorial submitted by the Government of the United States of America in the case concerning the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria).

I am enclosing one copy of this translation for your information but would refer to Article 39, paragraph 4, of the Rules of Court which provides that "the Registrar is under no obligation to make translations of the pleadings or any documents annexed thereto" and emphasize that the translation in question has no official character whatsoever.

I have, etc.

60. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER

9 mars 1959.

Monsieur le Greffier,

En réponse à vos lettres nos 28761 du 2 décembre 1958 et 29128 du 7 février 1959, j'ai l'honneur de vous communiquer que le Gouvernement bulgare n'a aucune objection en ce qui concerne les errata, même celui de la page 37, volume I du mémoire des États-Unis d'Amérique.

Mais notre Gouvernement ne saurait reconnaître la présentation par le Gouvernement des États-Unis d'Amérique, sous forme d'« errata », après le terme de rigueur déjà écoulé, de nouveaux moyens de preuves, tels que la déclaration de l'ancien ressortissant bulgare Yordan At. Konov ou surtout l'annexe 64 A.

Le Gouvernement bulgare se réserve le droit de se prononcer sur le mémoire des États-Unis d'Amérique dans le délai prévu.

Veillez agréer, etc.

(Signé) D^r N. MÉVORAH.

61. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

18 March 1959.

Sir,

By letter of 3 February 1959, the Chargé d'affaires a.i. of the United States of America in the Netherlands transmitted to me on your behalf a list of errata and addenda, requesting that it be accepted by the Court as part of the Memorial of the United States of America in the case concerning the Aerial incident of 27 July 1955 (U.S.A. *v.* Bulgaria). In answer, I informed the Chargé d'affaires that I had

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

transmitted his letter and the list to the Agent for Bulgaria, referring in this connection to Article 37, paragraph 4, and to Article 40, paragraph 5, of the Rules of Court.

I have now the honour to inform you that on 17 March I received a letter from the Agent for Bulgaria, dated 9 March, in which he states his views on that matter. Please find herewith a certified copy of that letter.

As concerns the modifications to which the Agent for Bulgaria does not object, I am transmitting them to the Members of the Court.

I have, etc.

62. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER

31 août 1959.

Monsieur le Greffier,

J'ai l'honneur de porter à votre connaissance que le Gouvernement de la République populaire de Bulgarie, se prévalant du droit prévu à l'article 31 (2) du Statut de la Cour internationale de Justice, prie que Monsieur Jaroslav Jourek soit admis de siéger à la Cour en qualité de juge *ad hoc* dans l'affaire relative à l'incident aérien du 27 juillet 1955 (États-Unis d'Amérique contre Bulgarie), la Cour comptant sur le siège un juge de la nationalité de la Partie adverse.

Monsieur Jourek a l'adresse suivante: Prague 5, Lomena 5, Tchécoslovaquie.

Veuillez agréer, etc.

(Signé) D^r N. MÉVORAH.

63. LE PREMIER SECRÉTAIRE FAISANT FONCTION DE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

5 septembre 1959.

Monsieur l'Agent,

J'ai l'honneur d'accuser la réception de l'exemplaire dactylographié, signé par vous et daté du 3 septembre 1959, de l'exception préliminaire¹ déposée au nom du Gouvernement de la République populaire de Bulgarie en l'affaire relative à l'incident aérien du 27 juillet 1955 (États-Unis d'Amérique c. Bulgarie).

Ce document m'a été remis le 5 septembre 1959 par M. Stoyan Konstantinov, conseiller de légation près la légation de la République populaire de Bulgarie.

Le document en question a été déposé dans le délai fixé par l'ordonnance du 8 octobre 1958. A ce document étaient joints onze annexes dactylographiées en langue française ainsi que sept volumes et une brochure en langue bulgare.

J'ai en outre l'honneur de vous faire connaître qu'à la suite du dépôt de ce document, la procédure sur le fond est suspendue. Je vous ferai connaître le plus tôt possible le délai qui sera fixé par le Président,

¹ Voir Première Partie, pp. 265-300.

conformément aux dispositions de l'article 62, paragraphe 3, du Règlement, pour la présentation par le Gouvernement des États-Unis d'Amérique de l'exposé écrit de ses observations et conclusions sur l'exception préliminaire.

Je vous prie d'agréer, etc.

64. LE GREFFIER ADJOINT A L'AGENT DU GOUVERNEMENT BULGARE

10 septembre 1959.

Monsieur l'Agent,

J'ai l'honneur d'accuser réception de cent exemplaires imprimés du document intitulé « Exceptions préliminaires du Gouvernement de la République populaire de Bulgarie (déclinatoire de compétence) » qui m'ont été remis le 9 septembre 1959 dans le délai fixé par l'ordonnance du 8 octobre 1958.

Je vous prie d'agréer, etc.

65. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

10 September 1959.

Sir,

I have the honour to send you herewith seven copies, of which two are certified true copies, of a document entitled: « *Exceptions préliminaires du Gouvernement de la République populaire de Bulgarie (déclinatoire de compétence)* » which was filed in the Registry within the time-limit expiring 9 September 1959 fixed by the Order of 8 October 1958 for the filing of a Counter-Memorial by the Government of the People's Republic of Bulgaria.

I have the further honour to inform you that by Order¹ of 9 September 1959, the President has fixed 9 November 1959 as the time-limit for the filing of the Observations and Submissions of the Government of the United States of America on the Preliminary Objections of the Government of Bulgaria.

I shall in due course send you the official copy for your Government of the above-mentioned Order.

I have, etc.

66. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

14 September 1959.

Sir,

I have the honour to inform you that by a letter dated 31 August 1959, the Agent for the Government of the People's Republic of Bul-

¹ See *I.C.J. Reports 1959*, pp. 270-271.

garia has informed me that his Government has chosen M. Yaroslav Jourek to sit as Judge *ad hoc* in the case concerning the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria).

I have the further honour to inform you that the President of the Court has fixed 14 October 1959 as the time-limit within which the Government of the United States of America may submit its views to the Court, in accordance with the provisions of Article 3 of the Rules of Court.

I have, etc.

67. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

14 September 1959.

Sir,

With reference to my letter of 10 September 1959, I have the honour to send you herewith for your Government the official copy of the Order of 9 September 1959 by which the President of the Court has fixed the time-limit for the filing of the Observations and Submissions of the Government of the United States of America on the Preliminary Objections of the Government of Bulgaria in the case concerning the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria).

I have, etc.

68. L'AMBASSADEUR D'ESPAGNE AUX PAYS-BAS AU GREFFIER ADJOINT ²

22 septembre 1959.

Monsieur le Greffier adjoint,

J'ai l'honneur de porter à votre connaissance que le Gouvernement espagnol attacherait du prix à recevoir une documentation complète sur l'affaire relative à l'incident aérien du 27 juillet 1955 (États-Unis *c.* Bulgarie).

A l'appui de cette demande je me permets d'invoquer l'article 44 du Règlement de la Cour.

Je vous prie, etc.

(Signé) BAENA.

69. THE CHARGÉ D'AFFAIRES *a. i.* OF THE UNITED STATES OF AMERICA TO THE NETHERLANDS TO THE REGISTRAR

29 September 1959.

Sir,

Upon the instructions of my Government I inform you herewith that in the case now pending in this Court, entitled "Case concerning the

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

² Les Parties ayant été consultées et n'ayant pas fait d'objection, il a été décidé que les pièces dont il s'agit seraient communiquées au Gouvernement espagnol.

Aerial Incident of July 27, 1955 (United States of America v. Bulgaria)", the Agent of the United States, Mr. Loftus E. Becker, has resigned. My Government has appointed Mr. Eric H. Hager, the present Legal Adviser of the Department of State, as its Agent in this case as to all future proceedings therein.

Very truly yours,

(Signed) Herbert P. FALES.

70. THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA
TO THE REGISTRAR

23 September 1959.

Sir,

I acknowledge the receipt of your communication 30253 of September 14, 1959, in which you inform my predecessor, The Honorable Loftus E. Becker, that the Agent for Bulgaria has informed you that his Government has chosen M. Yaroslav Jourek to sit as Judge *ad hoc* in the case concerning the Aerial Incident of 27 July 1955 (United States of America v. Bulgaria). You state that the President of the Court has fixed 14 October 1959 as the time-limit within which the Government of the United States of America may submit its views to the Court on this designation, in accordance with Article 3 of the Rules of Court.

The Government of the United States of America takes this opportunity to inform you that it has no views to submit to the Court with respect to this designation.

Very truly yours,

(Signed) Eric H. HAGER.

71. LE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

30 septembre 1959.

Monsieur l'Agent,

Me référant à ma lettre du 14 septembre 1959, j'ai l'honneur de vous faire connaître que M. l'agent du Gouvernement des États-Unis m'a fait savoir que la désignation par le Gouvernement bulgare de M. Yaroslav Zourek comme juge *ad hoc* en l'affaire de l'incident aérien du 27 juillet 1955 (États-Unis d'Amérique c. Bulgarie) ne suscitait aucune observation de la part de son Gouvernement.

Dans ces conditions, il m'incombe de faire tenir à M. Zourek le dossier de cette affaire.

Je vous prie d'agréer, etc.

72. THE AGENT FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
TO THE REGISTRAR

30 September 1959.

Sir,

I have, as the Court has been informed, recently been designated Agent of the United States of America in the case of the Aerial Incident

of 27 July 1955 (*United States of America v. Bulgaria*). I have received notice from the Court that the Bulgarian Government has filed preliminary objections to the jurisdiction of the Court. Because of circumstances beyond my control the objections did not arrive here until September 28, 1959.

In these circumstances, and above all because I have just recently assumed the duties of Legal Adviser of the Department of State, much more time will be required for a study of the problems involved in the presentation to the Court of observations on the preliminary objections by the Bulgarian Government. I must, therefore, respectfully request the Court, on behalf of the United States Government, for an extension of the time-limit from November 9, 1959, to February 9, 1960.

Very truly yours,

(Signed) Eric H. HAGER.

73. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

6 October 1959.

Sir,

I have the honour to acknowledge receipt of the letter of 30 September 1959, in which you request, on the grounds set out in your said letter, that the time-limit for the filing of the Observations and Submissions of the United States Government on the Preliminary Objection filed by the Government of Bulgaria in the case of the Aerial Incident of 27 July 1955 (*United States of America v. Bulgaria*) be extended to 9 February 1960.

Copy of your letter has been transmitted to the Members of the Court and to the Agent for the Government of the People's Republic of Bulgaria for his observations. I shall not fail to communicate to you the decision which will be taken by the Court.

I have, etc.

74. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA¹

13 October 1959.

Sir,

I have the honour to inform you that the Registry has prepared for the use of Members of the Court an English translation of the Preliminary Objections submitted by the Government of the People's Republic of Bulgaria in the case concerning the Aerial Incident of 27 July 1955 (*U.S.A. v. Bulgaria*).

I am enclosing seven copies of this translation for your information but would refer to Article 39, paragraph 4, of the Rules of Court which provides that "the Registrar is under no obligation to make translations of the pleadings or any documents annexed thereto" and emphasize that the translation in question has no official character whatsoever.

I have, etc.

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

75. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER (*télégramme*)

Ai l'honneur vous communiquer que mon Gouvernement ne fait pas d'objection à la demande du Gouvernement USA relative à la prorogation du délai en affaire incident aérien. Nissim MÉVORAH.

76. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

24 October 1959.

Sir,

Following my letter of 6 October 1959 in the case of the Aerial Incident of 27 July 1955 (United States of America *v.* Bulgaria), I have the honour to inform you that by an Order ² dated 23 October 1959, the International Court of Justice has decided to extend the time-limit for the filing of the Observations and Submissions of the United States Government in this case to 9 February 1960.

I shall in due course send you the official copy of the order for your Government.

I have, etc.

77. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

30 October 1959.

Sir,

I have the honour to inform you that the Registry has prepared for the use of Members of the Court an English translation of the Annexes to the Preliminary Objections submitted by the Government of the People's Republic of Bulgaria in the Aerial Incident case of 27 July 1955.

I am enclosing seven copies of this translation for your information but would refer to Article 39, paragraph 4, of the Rules of Court which provides that "the Registrar is under no obligation to make translations of the pleadings or any documents annexed thereto" and emphasize that the translation in question has no official character whatsoever.

I have, etc.

78. LE GREFFIER EN EXERCICE A L'AGENT DU GOUVERNEMENT BULGARE

8 février 1960.

Monsieur,

Me référant à ma lettre du 11 juillet 1958, j'ai l'honneur de vous transmettre ci-joint deux exemplaires des observations écrites ³ du Gouvernement des États-Unis d'Amérique sur les exceptions prélimi-

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

² See *I.C.J. Reports 1959*, pp. 283-284.

³ Voir Première Partie, pp. 301-330.

naires du Gouvernement de la République populaire de Bulgarie en l'affaire relative à l'incident aérien du 27 juillet 1955 (États-Unis d'Amérique c. Bulgarie).

Je me permets d'appeler votre attention sur le caractère confidentiel des pièces de la procédure écrite relatives à une affaire pendante devant la Cour.

Veillez agréer, etc.

79. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

26 February 1960.

Sir,

I have the honour to inform you that the Registry has prepared for the use of Members of the Court a French translation of the Written Observations submitted by the Government of the United States on the Preliminary Objections of the Government of Bulgaria in the Aerial Incident case of 27 July 1955 (*United States of America v. Bulgaria*).

I am enclosing one copy of this translation for your information, but would refer to Article 39, paragraph 4, of the Rules of Court which provides that "the Registrar is under no obligation to make translations of the pleadings or any documents annexed thereto" and emphasize that the translation in question has no official character whatsoever.

I have, etc.

80. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ¹

18 March 1960.

Sir,

I have the honour to refer to my letter of 8 February 1960 and to inform you that the Court has decided to begin on 1 June 1960 at 10.30 a.m. the oral proceedings on the Preliminary Objections of the Government of the People's Republic of Bulgaria in the case concerning the Aerial Incident of 27 July 1955 (*United States of America v. Bulgaria*).

I have, etc.

81. THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

13 May 1960.

Sir,

I refer to the case concerning the Aerial Incident of 27 July 1955 (*United States v. Bulgaria*), General List No. 36, the proceedings in which were instituted by the filing in the Registry of the International Court of Justice on October 28, 1957, of an Application by the Govern-

¹ A similar communication was addressed to the Agent of the Government of Bulgaria.

ment of the United States of America against the People's Republic of Bulgaria. Pursuant to Orders of the Court, the Memorial of the Government of the United States was filed on December 2, 1958. Subsequently, the Government of Bulgaria filed a Statement of Preliminary Objections to the jurisdiction of the Court in this case, and the Government of the United States thereafter filed Written Observations and Submissions in response to such preliminary objections.

In accordance with Article 69 of the Rules of Court, I ask that you advise the Court that the Government of the United States requests the discontinuance of the proceedings and the removal of the case from the Court's List.

This request is made as a result of further consideration of questions of jurisdiction raised by the foregoing Statement of Preliminary Objections and the Written Observations filed in response thereto. In that part of the Written Observations which relates to the second preliminary objection of Bulgaria, a contention was advanced on behalf of the United States with respect to reservation (*b*) attached to the acceptance by the United States of the jurisdiction of the Court. That contention was to the effect that reservation (*b*) did not authorize or empower Bulgaria to make an arbitrary determination that a particular matter was essentially within its domestic jurisdiction. The necessary premise of the argument was that the Court must have jurisdiction for the limited purpose of deciding whether a determination under reservation (*b*) is arbitrary and without foundation. On the basis of further study and consideration of the history and background of reservation (*b*) and the position heretofore taken by the United States with respect to reservation (*b*) in litigation before the Court, it has been concluded that the premise of the argument is not valid and that the argument must therefore be withdrawn. As it was declared by the United States to this Court in the *Interhandel Case (Switzerland v. United States)*, when the United States has made a determination under reservation (*b*) that a particular matter is essentially within its domestic jurisdiction, that determination is not subject to review or approval by any tribunal, and it operates to remove definitively from the jurisdiction of the Court the matter which it determines. A determination under reservation (*b*) that a matter is essentially domestic constitutes an absolute bar to jurisdiction irrespective of the propriety or arbitrariness of the determination. Although the United States has adhered to the policy of not making any arbitrary determination under reservation (*b*), the pursuit of that policy does not affect the legal scope of the reservation. Under the rule of reciprocity applied by the Court in the case concerning *Certain Norwegian Loans (France v. Norway)*, Bulgaria is accorded the same rights and powers with respect to reservation (*b*) as the United States. Accordingly, the Government of the United States withdraws that part of its Written Observations and Submissions which relates to the second preliminary objection of Bulgaria.

Very truly yours,

(Signed) ERIC H. HAGER.

82. LE GREFFIER ADJOINT A L'AGENT DU GOUVERNEMENT BULGARE

17 mai 1960.

Monsieur l'Agent,

Me référant à mon télégramme du 16 mai 1960, j'ai l'honneur de porter à votre connaissance que j'ai reçu à cette même date l'acte, annoncé par M. l'agent du Gouvernement des États-Unis d'Amérique, portant désistement de ce Gouvernement en l'affaire de l'incident aérien du 27 juillet 1955 (États-Unis d'Amérique c. Bulgarie). J'ai l'honneur de vous en envoyer la copie certifiée conforme, avec une traduction en français faite par le Greffe, en me référant au Règlement, art. 69, § 2.

Je me permets de vous confirmer que la Cour apprécierait que vous télégraphiez que vous n'avez pas d'objection à formuler au désistement des États-Unis d'Amérique.

Veuillez agréer, etc.

83. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER (*télégramme*)

17 mai 1960.

Ai l'honneur d'accuser réception votre télégramme du 16 mai 1960¹ communiquant que l'agent Gouvernement États-Unis a fait connaître à la Cour la renonciation de ce dernier à poursuivre la procédure en affaire États-Unis Bulgarie relative incident avion israélien du 27 juillet 1955 *Stop* Ai l'honneur vous communiquer également que le Gouvernement RP Bulgarie ne s'oppose pas à ce désistement et n'a pas objection à formuler.

84. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

19 May 1960.

Sir,

I have the honour to enclose a copy (with an English translation prepared by the Registry) of a telegram received from the Agent for the Government of the People's Republic of Bulgaria in the case concerning the Aerial Incident of 27 July 1955 (United States of America v. Bulgaria).

I have, etc.

85. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA²

1 June 1960.

Sir,

I have the honour to inform you that, on 30 May 1960, the International Court of Justice ordered that the case concerning the Aerial

¹ Un télégramme avait été adressé directement à Sofia à l'agent du Gouvernement bulgare pour l'avertir du dépôt de l'acte portant renonciation des États-Unis d'Amérique à poursuivre la procédure.

² A similar letter was addressed to the Agent of the Government of Bulgaria.

Incident of 27 July 1955 (United States of America *v.* Bulgaria), brought before it by means of an Application filed in the Registry on 28 October 1957, should be removed from its List.

I shall in due course send you the official copy for the Government of the United States of America of the above-mentioned Order ¹.

I have, etc.

86. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ²

13 June 1960.

Sir,

With reference to my letter of 1 June 1960, I have the honour to send you herewith an official copy for your Government of the Order by which the case concerning the Aerial Incident of 27 July 1955 (United States *v.* Bulgaria) was removed from the Court's List.

I have, etc.

¹ See *I.C.J. Reports 1960*, pp. 146-148.

² A similar communication was addressed to the Agent of the Government of Bulgaria.