

PART IV

CORRESPONDENCE

QUATRIÈME PARTIE

CORRESPONDANCE

SECTION C.—CORRESPONDENCE
(UNITED KINGDOM *v.* BULGARIA)

SECTION C. — CORRESPONDANCE
(ROYAUME-UNI *c.* BULGARIE)

I. THE AMBASSADOR TO THE NETHERLANDS OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND TO THE REGISTRAR

21 November 1957.

Sir,

I am directed by Her Majesty's Principal Secretary of State for Foreign Affairs to notify you, in accordance with Article 35 (2) of the Court's Rules, of the appointment of Miss J. A. C. Gutteridge, one of the Assistant Legal Advisers to the Foreign Office, as Agent for the purpose of the proceedings which are now being instituted before the Court by the Government of the United Kingdom of Great Britain and Northern Ireland against the Government of the People's Republic of Bulgaria by means of a written Application¹ under Article 40 (1) of the Statute and Article 32 (2) of the Rules of Court in respect of the shooting down on July 27, 1955, of an unarmed civil aircraft by Bulgarian fighter aircraft, which incident resulted in the deaths of four British subjects, citizens of the United Kingdom and Colonies.

I certify that the signature on the Application is the signature of Miss J. A. C. Gutteridge, one of the Assistant Legal Advisers to the Foreign Office.

In accordance with Article 35 (5) of the Rules of Court, I have the honour to state that the address for service of the Agent of Her Majesty's Government is this Embassy.

I am, etc.

(Signed) Paul MASON.

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

21 November 1957.

With reference Article forty paragraph three Statute have honour inform you that United Kingdom filed this day Application instituting proceedings against Bulgaria in dispute concerning aerial incident of July twentyseventh 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 by Israel against Bulgaria.

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

21 novembre 1957.

Ai honneur faire connaître Votre Excellence que l'ambassadeur Royaume-Uni Grande-Bretagne 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

¹ See Part I, pp. 34-37.

déclarations acceptation juridiction Cour aux termes article 36 Statut par Grande-Bretagne et par Bulgarie.

4. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE

21 novembre 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 du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord 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 du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord 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.

Veuillez agréer, etc.

5. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE ¹ (télégramme)

22 novembre 1957.

Me référant mon télégramme et ma lettre 21 novembre relatifs requête Royaume-Uni Grande-Bretagne concernant incident aérien 27 juillet 1955 ai honneur informer Votre Excellence que question délais à fixer en cette affaire sera traitée vingt-cinq novembre dix heures trente.

¹ La même notification a été faite à l'agent du Gouvernement du Royaume-Uni.

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

*[Voir correspondance relative à l'affaire
entre Israël et la Bulgarie, nos 15 et 17.]*

7. ENTRETIEN DU PRÉSIDENT AVEC L'AGENT DU GOUVERNEMENT DU
ROYAUME-UNI, EN PRÉSENCE DU GREFFIER

25 novembre 1957.

Miss Gutteridge déclare que le Gouvernement britannique souhaiterait disposer de deux mois pour la préparation de son mémoire.

Il est donné connaissance du télégramme reçu le 19 novembre du ministre des Affaires étrangères de Bulgarie.

8. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE
BULGARIE

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

9. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE
UNITED KINGDOM

26 November 1957.

Madam,

I have the honour to refer to the Application filed in the Registry on 21 November 1957 by which the Government of the United Kingdom of Great Britain and Northern Ireland instituted proceedings before the Court against Bulgaria with regard to the Aerial Incident of 27 July 1955, and to inform you that, by Order 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 Kingdom of Great Britain and Northern Ireland 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 Kingdom of Great Britain and Northern Ireland, of the above-mentioned Order.

I have, etc.

10. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

26 November 1957.

Sir,

With reference to my cable of 21 November 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 Kingdom of Great Britain and Northern Ireland, 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.

11. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE AU GREFFIER

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

12. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE

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

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

2 December 1957.

Sir,

With reference to my letter of 26 November 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 21 November 1957 by the Government of the United Kingdom of Great-Britain and Northern Ireland instituting proceedings against the Government of Bulgaria in the case relating to the Aerial Incident of 27 July 1955.

I have, etc.

14. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DE BULGARIE

2 décembre 1957.

Monsieur le Ministre,

Me référant à ma lettre du 21 novembre 1957, j'ai l'honneur de transmettre ci-joint à Votre Excellence sept exemplaires, dont deux certifiés conformes, de l'édition bilingue établie par le Greffe de la requête du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord introduisant devant la Cour une affaire relative à l'incident aérien du 27 juillet 1955.

Veillez agréer, etc.

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

2 décembre 1957.

Monsieur le Ministre,

Le 21 novembre 1957, l'ambassadeur du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord aux Pays-Bas a transmis au Greffe de la Cour internationale de Justice une requête datée du 19 novembre 1957 par laquelle le Gouvernement du Royaume-Uni a introduit contre la République populaire de Bulgarie une instance relative à un incident aérien survenu le 27 juillet 1955.

J'ai l'honneur, à toutes fins utiles, de transmettre ci-joint à Votre Excellence un exemplaire de cette requête.

Veillez agréer, etc.

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

2 décembre 1957.

Monsieur le Ministre,

Le 21 novembre 1957, l'ambassadeur du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord aux Pays-Bas a transmis au Greffe de la Cour internationale de Justice une requête datée du 19 novembre 1957 par laquelle le Gouvernement du Royaume-Uni a introduit contre la République populaire de Bulgarie une instance relative à un incident aérien survenu le 27 juillet 1955.

Me référant à l'article 40, paragraphe 3, du Statut de la Cour, j'ai l'honneur de transmettre ci-joint à Votre Excellence un exemplaire de cette requête.

Veillez agréer, etc.

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.

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

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

18. LE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

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

19. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED
KINGDOM ¹

20 December 1957.

Madam,

With reference to my letter No. 26687 of 26 November 1957, I have the honour to send you herewith the official copy for your Government of the Order of 26 November 1957², 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 Kingdom of Great Britain and Northern Ireland in the case concerning the Aerial Incident of 27 July 1955 (United Kingdom v. Bulgaria).

I have, etc.

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

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

21. L'AGENT DU GOUVERNEMENT BULGARE AU PRÉSIDENT DE LA COUR

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

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

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

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

² See *I.C.J. Reports 1957*, pp. 190-192.

23. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM

*[Voir correspondance relative à l'affaire
entre Israël et la Bulgarie, n° 39.]*

24. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM ¹

18 February 1958.

Madam,

With reference to my letter No. 26988 of 28 January 1958, I have the honour to send you herewith the official copy for your Government of the Order of 27 January 1958², by which the President of the Court 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 (United Kingdom *v.* Bulgaria).

I have, etc.

25. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER

*[Voir correspondance relative à l'affaire
entre Israël et la Bulgarie, n° 42.]*

26. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM

7 March 1958.

Madam,

I have the honour to inform you that the Agent for the Government of Bulgaria in the cases concerning the Aerial Incident of 27 July 1955, after having been advised by me that the Government of Israel had chosen a Judge *ad hoc* in the case between Israel and Bulgaria, stated in a letter of 21 February 1958 that, with regard to the right of his Government under Article 31 of the Statute, he reserves his right to revert to the matter subsequently.

Please find herewith a certified copy of the above-mentioned letter.
I have, etc.

27. THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM TO THE REGISTRAR

6 May 1958.

Sir,

I have the honour to refer to the Application by the Government of the United Kingdom of Great Britain and Northern Ireland filed on

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

² See *I.C.J. Reports 1958*, pp. 13-14.

November 22, 1957, instituting proceedings against the Government of Bulgaria in the case concerning the Aerial Incident of July 27, 1955, and to the Order of the Court made on November 26, 1957, by which June 2, 1958, was fixed as the time-limit for the filing of the Memorial of the Government of the United Kingdom.

Although it was anticipated that it would be possible to prepare and to file the Memorial within a period considerably less than that allowed by the Court, and every effort has been made to comply with the time-limit fixed, it has not proved possible to complete the preparation of the Memorial. The reason for the delay is that there have been unexpected difficulties in obtaining evidence of the facts so as to enable these to be accurately and sufficiently stated in the Memorial. Extensive enquiries have been instituted and information is still being received on certain essential aspects of the case. The collection of evidence has proved particularly difficult because direct evidence of certain matters is solely within the control of the Government of Bulgaria and it is, therefore, necessary to seek evidence from sources which are not readily accessible.

As far as can be foreseen at present, sufficient information should have been received to enable the Memorial of the United Kingdom Government to be filed by September 2, 1958. Accordingly, I respectfully request the Court, acting in accordance with Article 48 of its Statute and Articles 37 (4) and 38 of the Rules of the Court, to grant an extension of the time-limit for the filing of the Memorial of the United Kingdom Government until that date.

I further have the honour to inform you that I have consulted the Agents of the Governments of Israel and the United States which have also instituted proceedings by filing applications against the Government of Bulgaria, with respect to the Aerial Incident of July 27, 1955. I understand that the Agent of the United States Government is also making application to the Court for an extension of the time-limit for the filing of the Memorial of the United States Government, and that the Agent of the Government of Israel has no objection to the submission of the present Application. The Agent of the Israel Government has intimated that whilst they will not themselves be making any similar Application, they are willing for the Court to be informed that, should the Court or its President feel that extension of the time-limit in their case would also be desirable in the circumstances mentioned, they would be content to place themselves in the hands of the President of the Court or the entire Court in this matter.

I have, etc.

(Signed) Joyce A. GUTTERIDGE.

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

7 mai 1958.

Ai honneur faire connaître Votre Excellence que agent Gouvernement Royaume-Uni dans l'affaire de l'incident aérien par lettre datée 6 mai demande à la Cour que date fixant dépôt du mémoire du Gouvernement du Royaume-Uni 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.

29. 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 6 mai 1958 par laquelle l'agent du Gouvernement du Royaume-Uni 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 du Royaume-Uni 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 les vues de votre Gouvernement sur cette demande.

Veuillez agréer, etc.

30. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM¹

19 May 1958.

Madam,

By my letter of 7 May 1958 I had the honour to acknowledge receipt of your letter of 6 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 Kingdom of Great Britain and Northern Ireland in the case concerning the Aerial Incident of 27 July 1955 (United Kingdom v. Bulgaria). In my letter I had the further honour to inform you that a copy of your letter of 6 May 1958 had been transmitted to the Agent of the Government of the People's Republic of Bulgaria for his 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 Order² 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 Kingdom of Great Britain and Northern Ireland, 2 September 1958;

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

² See *I.C.J. Reports 1958*, pp. 25-26.

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 Kingdom of Great Britain and Northern Ireland of the above-mentioned Order.

I have, etc.

31. 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 dixhuit 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.

32. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM ¹

27 May 1958.

Madam,

With reference to my letter No. 27576 of 19 May 1958, I have the honour to send you herewith, for your Government, the official copy of the Order 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 Kingdom *v.* Bulgaria).

I have, etc.

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

3 June 1958.

Madam,

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 Kingdom *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 Kingdom on this request.

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

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.

34. THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM TO THE REGISTRAR

9 June 1958.

Sir,

I have the honour to refer to your letter of June 3, 1958, informing me that the Government of the French Republic has requested that the Pleadings in the case concerning the Aerial Incident of July 27, 1955 (United Kingdom *v.* Bulgaria), be made available to it, and requesting, in accordance with Article 44, paragraph 2, of the Rules of Court, the views of the Government of the United Kingdom on this request.

I am instructed to state that the Government of the United Kingdom has no objection to the Pleadings in the above-mentioned case being made available to the Government of the French Republic.

I have, etc.

(Signed) Joyce A. C. GUTTERIDGE.

35. LE GREFFIER A L'AGENT DU GOUVERNEMENT BULGARE

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

36. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER

[*Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 53.*]

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

[*Voir correspondance relative à l'affaire entre Israël et la Bulgarie, n° 54.*]

38. 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

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.

to the Government of Israel the written pleadings in the cases concerning the aerial incident of July 1955, United States *versus* Bulgaria and United Kingdom *versus* Bulgaria.

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

The Hague, 4 August 1958.

39. THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM TO THE REGISTRAR

28 August 1958.

Sir,

In accordance with the Order made by the President of the Court on May 19, 1958, I have the honour to transmit to you herewith two signed copies and seventy-five other copies of the Memorial of the United Kingdom in the case of the Aerial Incident of July 27, 1955 (United Kingdom *v.* Bulgaria). In each copy of the Memorial there is a corrigenda slip which is inserted for the purpose of correcting some minor errors which were not detected before copies of the Memorial were bound.

I am to express, on behalf of Her Majesty's Government of the United Kingdom, appreciation of the extension of the time-limit for filing the United Kingdom Memorial which was granted by the President of the Court in the Order dated May 19, 1958. I am to state that the extension of time so granted has been used to obtain further information about the case of which use has been made in the United Kingdom Memorial. Although it has not been possible, as shown in the United Kingdom Memorial, to elucidate all the facts concerning the Aerial Incident of July 27, 1955, it is the belief of the Government of the United Kingdom that the essential facts of the case are set out in that Memorial, and Her Majesty's Government did not therefore wish to apply for any further extension of the time-limit granted to them by the Order of May 19, 1958.

It is, however, the understanding of the United Kingdom Government that the Government of the United States have applied for a further extension of the time-limit for the submission of their Memorial in the case of the Aerial Incident of July 27, 1955 (United States of America *v.* Bulgaria) and I am therefore to state that Her Majesty's Government would have no objection to a further extension of time being granted to the Government of the United States.

I am also to state, in relation to Annex 13 to the Memorial of the United Kingdom, that the text of this Annex which has been compiled from coded messages is now believed not to be wholly correct. As it will be impossible to amend the text before September 2, 1958, the Government of the United Kingdom may later apply, under paragraph 5 of Article 40 of the Rules of Court, for leave to amend this Annex.

I have, etc.

(Signed) J. A. C. GUTTERIDGE.

40. LE PREMIER SECRÉTAIRE DE LA COUR FAISANT FONCTION DE GREFFIER
A L'AGENT DU GOUVERNEMENT BULGARE

2 septembre 1958.

Monsieur l'Agent,

J'ai l'honneur de vous transmettre ci-joint, en sept exemplaires dont deux certifiés conformes, le mémoire¹ du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord en l'affaire relative à l'incident aérien du 27 juillet 1955 (Royaume-Uni c. Bulgarie). Ce document a été enregistré au Greffe dans le délai fixé par l'ordonnance du 19 mai 1958, délai qui expire aujourd'hui.

Vous voudrez bien trouver également ci-joint une copie certifiée conforme de la lettre par laquelle l'agent du Gouvernement du Royaume-Uni a transmis ce document.

Veuillez agréer, etc.

41. THE AGENT 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) TO THE REGISTRAR²

[Extract from a letter]

The United States Government requests that, similarly, the Pleadings in the case of Israel against Bulgaria, as well as the Pleadings in the case of the United Kingdom against Bulgaria, relating to the Aerial Incident of July 27, 1955, be made equally available to the United States Government by the Court, or the President, in accordance with the same provisions of the Rules of Court.

42. THE REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE
UNITED KINGDOM³

15 October 1958.

Madam,

I have the honour to inform you that the Registry has prepared for the use of Members of the Court a French translation⁴ of the Memorial submitted by the Government of the United Kingdom in the case concerning the Aerial Incident of 27 July 1955 (United Kingdom 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

¹ Voir Première Partie, pp. 331-370.

² 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 States of America.

³ A similar communication was sent to the Agent of the Government of Bulgaria.

⁴ Not reproduced.

of the pleadings or any documents annexed thereto" and emphasize that the translation in question has no official character whatsoever.

I have, etc.

43. THE ACTING REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM ¹

16 January 1959.

Madam,

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 your Government in the Aerial Incident case of 27 July 1955 (United Kingdom 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.

44. L'AGENT DU GOUVERNEMENT BULGARE AU PRÉSIDENT

14 mai 1959.

Monsieur le Président,

Le délai fixé par la Cour pour la production du mémoire du Gouvernement bulgare en réponse à la requête introductive d'instance présentée par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, le 19 novembre 1957, vient à expiration le 9 juin 1959.

Le Gouvernement bulgare se propose de présenter à la Cour un certain nombre d'exceptions préliminaires, tendant au rejet de la requête présentée par le Gouvernement du Royaume-Uni. Conformément à l'ordonnance de la Cour, fixant les délais de la procédure écrite, il devrait le faire avant le 9 juin. Il sollicite un délai supplémentaire de deux mois. Sa demande est fondée sur les arguments suivants:

A l'issue des débats oraux qui ont eu lieu, du 17 mars au 3 avril 1959, devant la Cour internationale de Justice, à propos du différend opposant le Gouvernement d'Israël au Gouvernement de Bulgarie, la Cour doit rendre son arrêt sur la compétence. L'intérêt de la Cour et des parties en cause, dans l'affaire opposant la Bulgarie au Royaume-Uni, est de connaître cet arrêt avant de poursuivre la procédure fixée par la Cour.

Bien que la situation du Royaume-Uni, à l'égard de la juridiction de la Cour internationale de Justice, ne soit pas la même que celle d'Israël, le Gouvernement bulgare a l'intention de présenter certaines exceptions semblables à celles qu'il a déjà utilisées dans sa controverse avec le Gouvernement d'Israël sur la compétence— se réservant de les soutenir par de nouveaux moyens, ou d'ajouter à son argumentation d'autres exceptions. Il ne saurait utilement et efficacement le faire sans tenir compte de l'arrêt actuellement en cours de délibéré, dans l'affaire contre

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

Israël. En exposant ses exceptions avant de connaître cet arrêt, le Gouvernement bulgare risquerait d'importuner la Cour, par des redites inutiles, ou bien au contraire de se mettre en contradiction avec ce que la Cour va juger. L'intérêt d'une bonne justice est d'éviter de semblables éventualités.

Le Gouvernement de la République populaire de Bulgarie estime avoir besoin de cinq à six semaines après le prononcé de l'arrêt à intervenir dans l'affaire contre Israël. Ne sachant pas quand la Cour sera en mesure de rendre cet arrêt, il sollicite un délai supplémentaire de deux mois, à compter du 9 juin 1959. Il laisse à la Cour, mieux informée que lui à cet égard, le soin de fixer ce délai, au mieux de ses convenances, mais en tenant compte du désir qu'il vient d'exprimer et des faits ci-dessus exposés.

L'Agent du Gouvernement bulgare,
(Signé) Professeur Nissim MÉVORAH.

45. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM

21 May 1959.

Madam,

I have the honour to send you herewith a certified true copy of a letter, dated 14 May 1959 (with an English translation prepared by the Registry), from the Agent of Bulgaria in the case concerning the *Aerial Incident of 27 July 1955* (United Kingdom *v.* Bulgaria).

I should be most grateful if you would transmit to me the views of your Government on the request submitted in the aforementioned letter.

I have, etc.

46. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM

27 May 1959.

Madam,

With reference to our conversation by telephone concerning your answer to my letter of 21 May 1959, I have the honour to inform you that I reported to the Court that you made no objection to the two months' extension of the time-limit for the filing of the Counter-Memorial of the Bulgarian Government in the case concerning the *Aerial Incident of 27 July 1955* (United Kingdom *v.* Bulgaria).

I have the further honour to inform you that by Order¹ of to-day's date, the Court has decided to extend that time-limit to 10 August 1959.

I shall in due course send you the official copy for the Government of the United Kingdom of Great Britain and Northern Ireland of the above-mentioned Order.

I have, etc.

¹ See *I.C.J. Reports 1959*, pp. 206-207.

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

27 mai 1959.

Monsieur l'Agent,

Comme suite à ma lettre du 20 mai 1959, j'ai l'honneur de porter à votre connaissance que M^{me} l'agent du Gouvernement du Royaume-Uni a fait savoir qu'elle n'avait pas d'objection à une prorogation de deux mois du délai pour la production de la pièce de procédure qu'il vous appartient de déposer en l'affaire de l'incident aérien du 27 juillet 1955 (Royaume-Uni c. Bulgarie).

J'ai également l'honneur de porter à votre connaissance que, par ordonnance de ce jour, la Cour a décidé de reporter la date d'expiration de ce délai au 10 août 1959.

Je ne manquerai pas de vous faire tenir incessamment l'expédition officielle, destinée au Gouvernement de la Bulgarie, de l'ordonnance rendue ce jour par la Cour.

Veillez agréer, etc.

48. THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM TO THE DEPUTY-REGISTRAR

28 May 1959.

Sir,

I have the honour to acknowledge receipt of your letter of May 21, 1959, enclosing a certified true copy of a letter dated May 14, 1959 (with an English translation prepared by the Registry of the Court), from the Agent of Bulgaria in the case concerning the Aerial Incident of July 27, 1955 (United Kingdom v. Bulgaria).

On the instructions of the United Kingdom Government I am to confirm that, as stated in a telephone conversation which I had with you on May 27, 1959, there was no objection on the part of the United Kingdom Government to the extension of the time-limit fixed by Order of the Court dated May 19, 1958, for the filing of the Bulgarian Counter-Memorial in the case concerning the Aerial Incident of July 27, 1955 (United Kingdom v. Bulgaria).

I have, etc.

(Signed) Joyce A. C. GUTTERIDGE.

49. THE DEPUTY-REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM ¹

8 June 1959.

Madam,

With reference to my letter No. 29689 of 27 May 1959, I have the honour to send you herewith, for your Government, the official copy of the Order of 27 May 1959, extending the time-limit for the filing of the Counter-Memorial in the case concerning the Aerial Incident of 27 July 1955 (United Kingdom v. Bulgaria).

I have, etc.

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

50. THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM TO THE REGISTRAR

8 July 1959.

Sir,

I have the honour to refer to the proceedings instituted by the United Kingdom against Bulgaria in the case of the Aerial Incident of July 27, 1955, by means of an Application dated November 19, 1957, addressed by the Agent of the Government of the United Kingdom of Great Britain and Northern Ireland to the Registrar of the International Court of Justice.

By direction of Her Majesty's Principal Secretary of State for Foreign Affairs, and in accordance with Article 69 of the Rules of Court, I have the honour to request you to inform the Court of the decision of the Government of the United Kingdom to discontinue the proceedings instituted by means of the Application dated November 19, 1957.

I am also to state that the decision of the United Kingdom Government to discontinue the present proceedings has been reached having regard to the decision of the Court of May 26, 1959, that it had no jurisdiction in respect of the case concerning the Aerial Incident of July 27, 1955 (*Israel v. Bulgaria*); and that in discontinuing the present proceedings the Government of the United Kingdom fully reserve all their rights in connection with the claim of the United Kingdom against Bulgaria arising out of the Aerial Incident of July 27, 1955.

I am to request that a copy of this letter, constituting, under Article 69 of the Rules of Court, a notice of discontinuance, be transmitted to the Government of the People's Republic of Bulgaria.

I have, etc.

(Signed) Joyce A. C. GUTTERIDGE.

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

10 juillet 1959.

Monsieur l'Agent,

J'ai l'honneur de vous transmettre ci-joint la copie certifiée conforme d'une lettre du 8 juillet 1959, par laquelle l'agent du Gouvernement du Royaume-Uni en l'affaire relative à l'incident aérien du 27 juillet 1955 (Royaume-Uni c. Bulgarie) me fait savoir que son Gouvernement renonce à poursuivre la procédure en cette affaire.

J'ai également l'honneur de vous faire connaître que le Président de la Cour a, en application de l'article 69, paragraphe 2, du Règlement, décidé qu'un délai expirant le vendredi 7 août 1959 est accordé à votre Gouvernement pour pouvoir déclarer s'il s'oppose au désistement et que, s'il n'y est pas fait opposition dans ce délai, le désistement sera réputé acquis.

Veuillez agréer, etc.

52. L'AGENT DU GOUVERNEMENT BULGARE AU GREFFIER

25 juillet 1959.

Monsieur le Greffier,

J'ai l'honneur d'accuser réception de votre lettre n° 29962, accompagnée de la copie certifiée conforme d'une lettre du 8 juillet 1959, par laquelle l'agent du Gouvernement du Royaume-Uni fait connaître à la Cour que son Gouvernement renonce à poursuivre la procédure en l'affaire relative à l'incident aérien du 27 juillet 1955 (Royaume-Uni c. Bulgarie).

J'ai également l'honneur de vous faire savoir que le Gouvernement de la République populaire de Bulgarie ne s'oppose pas à ce désistement. Veuillez agréer, etc.

(Signé) D^r N. MÉVORAH.53. THE ACTING REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM ¹

3 August 1959.

Madam,

With reference to my letter of 10 July 1959, I have the honour to inform you that, by a letter of 25 July 1959, the Agent for the Government of the People's Republic of Bulgaria has informed the Registrar of the Court that this Government does not oppose the discontinuance of the proceedings instituted by the Application dated 19 November 1957 in the case concerning the Aerial Incident of 27 July 1955 (United Kingdom v. Bulgaria).

By an Order ² of today's date, the President of the Court has accordingly ordered that this case should be removed from the List.

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

I have, etc.

54. THE ACTING REGISTRAR TO THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM ¹

11 August 1959.

Madam,

With reference to my letter of 10 July 1959, 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 Kingdom v. Bulgaria) was removed from the Court's List.

I have, etc.

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

² See *I.C.J. Reports 1959*, pp. 264-265.

55. LE GREFFE AU MINISTÈRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN ¹

Le Greffe de la Cour internationale, se référant à sa lettre du 2 décembre 1957 au sujet de l'affaire relative à l'incident aérien du 27 juillet 1955 (Royaume-Uni c. Bulgarie), a l'honneur de transmettre ci-joint une copie de l'ordonnance par laquelle, le 3 août 1959, le Président a décidé de rayer ladite affaire du rôle de la Cour.

La Haye, le 11 août 1959.

¹ La même communication a été adressée à tous les États admis à ester en justice devant la Cour.