



# INTERNATIONAL COURT OF JUSTICE

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**Communiqué**  
unofficial  
for immediate release

No. 97/12  
1 October 1997

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

**Hearings on Preliminary Objections to open on 13 October 1997**

The Hague, 1 October. Disputes between Libya and the United Kingdom and Libya and the United States over the surrender and prosecution of two Libyan nationals in regard to the destruction of PanAm flight 103 over Lockerbie, Scotland on 21 December 1988, will be the object of public hearings in the International Court of Justice to begin on Monday 13 October 1997, at 10.00 a.m. The competence of the Court is the immediate issue.

Investigations of the aircraft's destruction in the United Kingdom and the United States led, in November 1991, to allegations that two Libyan nationals "had caused a bomb to be placed aboard [that flight] . . . which bomb had exploded, causing the aeroplane to crash". The two States then demanded, *inter alia*, that Libya surrender the accused for trial. The UN Security Council adopted a resolution in January 1992 urging Libya "immediately to provide a full and effective response to those requests so as to contribute to the elimination of international terrorism".

In bringing the two cases to the Court on 3 March 1992, Libya argued that, because the alleged acts constituted an offence within the meaning of Article 1 of the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, the Court had jurisdiction in terms of Article 14, paragraph 1, of that Convention over a dispute concerning its interpretation or application. Libya claimed that that Convention was the governing agreement between the Parties and that Libya had fully complied with its own obligations under it by taking measures to exercise its criminal jurisdiction and to prosecute the accused, but that the other Party in each of the cases had breached its obligations by refusing to co-operate with Libya within the framework of the Montreal Convention.

On 3 March 1992, Libya had requested the Court to indicate provisional measures — an *interim injunction* — preventing further action by the other two Parties aimed at forcing Libya to surrender the accused, and ordering that these two Parties refrain from any actions, or initiatives within the Security Council which would prejudice the Court's decision on the merits or Libya's right to exercise its own criminal jurisdiction. The Court held, however, that the circumstances of the case did not require the exercise of its power to order provisional measures.

The United Kingdom and the United States thereafter filed objections to the Court's jurisdiction and the admissibility of the claims, which is the matter now coming before the Court.

The oral proceedings, opening on 13 October and concluding on 22 October, will be confined to these questions.

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Vice-President Christopher G. Weeramantry will preside in each of the two cases. President Stephen M. Schwebel will sit as a member of the bench.

Libya has chosen Mr. Ahmed Sadek El Kosheri to sit as Judge ad hoc in each of the two cases. After Judge Rosalyn Higgins had informed the Court that she should not take part in either of the two cases, the United Kingdom chose Sir Robert Jennings, former President of the Court, to sit as Judge ad hoc in the case brought by Libya against the United Kingdom.

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#### NOTE FOR THE PRESS

1. The public sittings will be held in the Great Hall of Justice of the Peace Palace, The Hague, The Netherlands. Members of the Press will be entitled to attend on presentation of an admission card, which may be obtained upon application. The tables reserved for them are situated on the far left of the public entrance of the courtroom. Please note that no portable telephones or other audible electronic devices are allowed in the Great Hall of Justice.

2. Photographs may be taken at the opening, during the first five minutes of the sittings and also for a few minutes towards their end. Filming for television purposes is authorized; advance notice to be given as per paragraph 5 below.

3. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the Court's proceedings will be relayed through a loudspeaker.

4. Members of the Press who wish to make phone calls may use the public telephones in the Post Office in the basement of the Palace.

5. Mr. Arthur Witteveen, Secretary of the Court (Press and Information Matters) (tel. No. 31-70-302 2336), or Mrs. Laurence Blairon, Information Officer (tel. No. 31-70-302 2337) will be available to deal with any requests for information by members of the Press or for making arrangements for television coverage.

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