



# INTERNATIONAL COURT OF JUSTICE

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

Lockerbie: conclusion of the hearings on the issue of the jurisdiction of the ICJ  
the Court ready to consider its judgment

THE HAGUE, 22 October 1997. The public hearings regarding the present phase of the Lockerbie cases at the International Court of Justice (ICJ), which started on 13 October, were concluded today, enabling the Judges to start their deliberations. The Judges have to decide whether the Court has jurisdiction to deal with the merits of the cases and whether the Libyan complaints against the United Kingdom and the United States are admissible.

Libya accuses both States of attempting to compel it to surrender two Libyan nationals charged with having caused the destruction of PanAm flight 103 over Lockerbie, Scotland, on 21 December 1988, in which 270 people died (all 259 passengers and crew, as well as 11 inhabitants).

The United Kingdom and the United States maintain that the ICJ has no jurisdiction in the matter and that the Libyan complaints are inadmissible.

During the hearings of 13-22 October, the delegation of the Libyan Arab Jamahiriya was led by His Excellency Hamed Ahmed Elhouderi, Ambassador; the delegation of the United Kingdom by Sir Franklin Berman, Legal Adviser of the Foreign Office; and the delegation of the United States by Mr David R. Andrews, Legal Adviser of the Department of State.

The Vice-President of the Court, Judge Christopher G. Weeramantry (Sri Lanka), exercised the functions of President. The President of the Court, Judge Stephen M. Schwebel (United States), could not do so, being a national of one of the parties.

The judgment concerning the preliminary objections of the United Kingdom and the United States, which is final and without appeal, will be delivered in approximately four months. It will be read during a public hearing at a date which will be announced in a forthcoming press release.

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### The history of the dispute

Investigations in the United Kingdom and the United States after the explosion of the PanAm aircraft led, in November 1991, to allegations that two Libyan nationals (reportedly members of the Libyan intelligence service) had caused a bomb to be placed aboard. Both States then demanded that Libya surrender the accused for trial in either Scotland or the United States.

The UN Security Council adopted afterwards three resolutions (731, 748 and 883, two of which imposed sanctions) urging Libya "to provide a full and effective response to those requests so as to contribute to the elimination of international terrorism".

In its requests to the Court on 3 March 1992, Libya argued that there was no extradition treaty between itself and the United Kingdom, nor itself and the United States, and that according to the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (to which all three States are parties), it was entitled to take measures to exercise its criminal jurisdiction and to prosecute the accused.

Provisional measures (interim injunction) requested by Libya at that same date to prevent further action by the United Kingdom and the United States, including action in the UN Security Council, to compel it to surrender the accused were not ordered by the Court on 14 April 1992.

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### Internal Judicial Practice of the Court with respect to deliberations

As outlined in the Internal Judicial Practice of the Court with respect to deliberations, the Judges will soon hold a preliminary discussion. Some time later, a full deliberation will be held.

On the basis of the views expressed, a drafting committee will be chosen consisting of two Judges holding the majority view, and the President if he shares that view.

The draft text will go through two readings. Meanwhile Judges who wish to do so, may prepare a separate or dissenting opinion.

The final vote will be taken after the adoption of the final text in the second reading.

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### Note to the press

The full transcripts of the hearings of 13-22 October can be found on the Internet site of the Court at the following address: <http://www.icj-cij.org>.

Mr. Arthur Witteveen, Secretary of the Court (tel.: 31-70-302 2336), or Mrs. Laurence Blairon, Information Officer (tel.: 31-70-302 2337), are available to deal with any requests for information.