



# INTERNATIONAL COURT OF JUSTICE

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**Communiqué**

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## New cases submitted by Libya

The following information is communicated to the Press by the Registry of the International Court of Justice:

In disputes concerning the interpretation or application of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, arising out of the crash of Pan-Am flight 103 at Lockerbie (United Kingdom) on 21 December 1988, the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court, on 3 March 1992, two separate Applications instituting proceedings against the United Kingdom of Great Britain and Northern Ireland and the United States of America respectively.

In each Application Libya contends that, "it has not been possible to settle this dispute by negotiations" and that "the Parties have also been unable to agree on the organisation of an arbitration to hear the matter". It has accordingly submitted the disputes to the Court on the basis of Article 14, paragraph 1, of the Montreal Convention.

In the Applications, Libya refers to the charging of two Libyan nationals by the Lord Advocate of Scotland and by a Grand Jury of the United States respectively, with having caused a bomb to be placed aboard the Pan-Am flight, which bomb subsequently exploded, causing the aeroplane to crash.

Libya contends that the United Kingdom and the United States respectively, rejecting the Libyan efforts to resolve the matter within the framework of international law, including the Montreal Convention, are pressuring it into surrendering the two Libyan nationals for trial.

In this connection Libya refers to Article 1 of the Montreal Convention according to which the charge constitutes an offence and to the several other Articles of that Convention dealing with Libya's alleged jurisdiction over the matter and its prosecution thereof, which Libya alleges are breached by the United Kingdom and the United States respectively.

Libya accordingly requests the Court to adjudge and declare as follows:

- (a) That Libya has fully complied with all of its obligations under the Montreal Convention;
- (b) That the United Kingdom and the United States respectively have breached, and are continuing to breach, their legal obligations to Libya under Articles 5(2), 5(3), 7, 8(2) and 11 of the Montreal Convention; and
- (c) That the United Kingdom and the United States respectively are under a legal obligation immediately to cease and desist from such breaches and from the use of any and all force or threats against Libya, including the threat of force against Libya, and from all violations of the sovereignty, territorial integrity, and the political independence of Libya.

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On the same day, Libya made two separate requests to the Court to indicate forthwith the following provisional measures:

- (a) To enjoin the United Kingdom and the United States respectively from taking any action against Libya calculated to coerce or compel Libya to surrender the accused individuals to any jurisdiction outside of Libya; and
- (b) to ensure that no steps are taken that would prejudice in any way the rights of Libya with respect to the legal proceedings that are the subject of Libya's Applications.

In view of the seriousness of the situation, Libya has also requested that, pending the meeting of the Court, the President exercise his power under Article 74, paragraph 4, of the Rules of Court to call upon the Parties to act in such a way as to enable any Order the Court may make on Libya's request for provisional measures to have its appropriate effects.

Libya finally asked the Court to set a date for hearings on its requests at the earliest possible time.

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