



INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel. (070 - 392 44 41). Cables: Intercourt, The Hague.

Telefax (070 - 364 99 28). Telex 32323.

Communiqué

unofficial
for immediate release

Members of the Court + Staff 30-3-92
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No. 92/6
30 March 1992

Questions of Interpretation and Application of the 1971 Montreal
Convention arising from the Aerial Incident at Lockerbie

(Libyan Arab Jamahiriya v. United Kingdom) and
(Libyan Arab Jamahiriya v. United States of America)

Progress and conclusion of public hearings

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

The public hearings held by the Court on the requests for indication of provisional measures made by Libya in the above two cases, which opened on Thursday 26 March 1992, were concluded on Saturday 28 March 1992.

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At the opening sitting of 26 March Mr. Ahmed Sadek El-Kosheri, who was chosen by Libya to sit as judge *ad hoc* in each of the above two cases, made the solemn declaration provided for in Article 20 of the Statute of the Court.

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During the first round of oral arguments, held on 26 and 27 March, statements were made:

- on behalf of Libya, by H.E. Mr. Al Faitouri Sh. Mohamed, Agent of Libya; and by Mr. Ian Brownlie, Mr. Jean Salmon and Mr. Eric Suy, Counsel and Advocates;
- on behalf of the United Kingdom, by Mr. F.D. Berman, Agent of the United Kingdom; and by Mr. Alan Rodger and Ms Rosalyn Higgins, Counsel;
- on behalf of the United States, by The Hon. Edwin D. Williamson, Agent and Counsel of the United States; by Mr. Alan J. Kreczko, Deputy Agent and Counsel; and by Mr. Charles N. Brower, Mr. Bruce C. Rashkow and Mr. Jonathan B. Schwartz, Counsel and Advocates.

The second round took place on 28 March. The speakers were:

- on behalf of Libya, H.E. Mr. Al Faitouri Sh. Mohamed, Agent of Libya; and Mr. Ian Brownlie, Mr. Jean Salmon and Mr. Eric Suy, Counsel and Advocates;
- on behalf of the United Kingdom, Mr. F.D. Berman, Agent of the United Kingdom; and Mr. Alan Rodger and Ms Rosalyn Higgins, Counsel;
- on behalf of the United States, The Hon. Edwin D. Williamson, Agent and Counsel of the United States;

On 28 March Judge Schwebel put three questions to both the Agents in each of the two cases; Judge ad hoc El-Kosheri put a question to the Agent of Libya.

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The hearings now being completed, the Court will begin to consider its decision.

The date of the public sitting at which the Orders on the requests for the indication of provisional measures are to be read will be announced in a Press Communiqué.



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No. 92/6 Corr.
1 April 1992

In Press Communiqué of 30 March 1992, the following text should be inserted after the first paragraph:

The Vice-President of the Court, Judge Shigeru Oda, is presiding in both of the cases submitted by the Libyan Arab Jamahiriya against, respectively, the United Kingdom and the United States of America. As far as the case against the United Kingdom is concerned, this is explained by the fact that the President of the Court, Judge Sir Robert Jennings, is of British nationality and is therefore precluded from presiding, by the effect of Article 32 of the Rules of Court, which begins:

"If the President of the Court is a national of one the parties in a case he shall not exercise the functions of the presidency in respect of that case."

In these circumstances, President Sir Robert Jennings decided that for him to attempt to preside solely in the case against the United States would be mistaken, as well as inconvenient for all concerned.

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COUR INTERNATIONALE DE JUSTICE

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N° 92/6 Corr.
Le 1^{er} avril 1992

Dans le communiqué de presse 92/6 du 30 mars 1992, le texte suivant devrait être inséré après le premier alinéa :

Le Vice-Président de la Cour, M. Shigeru Oda, exerce la présidence dans les deux instances introduites par la Jamahiriya arabe libyenne contre le Royaume-Uni et les Etats-Unis respectivement. Pour l'affaire engagée contre le Royaume-Uni, la raison en est que le Président de la Cour, sir Robert Jennings, est de nationalité britannique et se trouve empêché de présider par l'effet de l'article 32 du Règlement de la Cour, dont la disposition liminaire est ainsi libellée :

"Si le Président de la Cour est ressortissant de l'une des parties dans une affaire, il n'exerce pas la présidence pour cette affaire."

En de telles circonstances, le Président sir Robert Jennings a décidé qu'il serait malavisé de sa part, en même temps que gênant pour tous les intéressés, d'essayer de présider dans le seul cas de l'instance contre les Etats-Unis.