



INTERNATIONAL COURT OF JUSTICE

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The Republic of Equatorial Guinea seeks to institute proceedings against France before the International Court of Justice. It requests France to accept the Court's jurisdiction.

THE HAGUE, 26 September 2012. The Republic of Equatorial Guinea yesterday filed in the Registry of the International Court of Justice (ICJ) a document, with annexes, entitled "Application instituting proceedings including a request for provisional measures", seeking the annulment by the Government of the French Republic of the proceedings and investigative measures against Mr. Teodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea, and Mr. Teodoro Nguema Obiang Mangue, Guinean Minister of Agriculture and Forestry, the current Vice-President of the Republic of Equatorial Guinea.

In this document, Equatorial Guinea asserts that those procedural actions violate the principles of equality between States, non-intervention, sovereignty and respect for immunity from criminal jurisdiction. The Republic of Equatorial Guinea therefore asks the Court "to put an end to these breaches of international law" by ordering France, *inter alia*, to "bring a halt to [the] criminal proceedings" and to "take all measures necessary to nullify the effects of the arrest warrant issued against the Second Vice-President of Equatorial Guinea and of its circulation". In its "request for provisional measures", Equatorial Guinea requests the Court, in particular, to "order . . . the return . . . of the property and premises . . . belonging to the Republic of Equatorial Guinea" and seized by the French judges in the context of the investigation.

Equatorial Guinea proposes to found the Court's jurisdiction to settle this dispute "on the consent of the French Republic, which will certainly be given", pursuant to Article 38, paragraph 5, of the Rules of Court. Under the terms of that provision:

"When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

In accordance with Article 38, paragraph 5, of the Rules of Court, a copy of the above-mentioned document received from the Republic of Equatorial Guinea has been transmitted to the French Government. No action shall be taken in the proceedings unless and until France consents to the Court's jurisdiction in this case.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the "World Court", it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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