



INTERNATIONAL COURT OF JUSTICE

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**Difference Relating to Immunity from Legal Process
of a Special Rapporteur of the Commission on Human Rights**

Court to give its Advisory Opinion on Thursday 29 April 1999

THE HAGUE, 22 April 1999. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, will give its Advisory Opinion in the case concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights on Thursday 29 April 1999.

A public sitting will take place at 10.00 a.m. in the Peace Palace at The Hague, during which the President of the Court, Judge Stephen M. Schwebel, will read the Advisory Opinion.

Background information

The request for an advisory opinion was presented to the Court in August 1998 by the Economic and Social Council (ECOSOC), one of the six principal organs of the United Nations. The case relates to Dato' Param Cumaraswamy, a Malaysian jurist who in 1994 was appointed Special Rapporteur on the independence of judges and lawyers by the Commission on Human Rights, an organ of ECOSOC.

Mr. Cumaraswamy currently faces several lawsuits filed in Malaysian courts by different plaintiffs for damages in a total amount of US\$ 112 million. The plaintiffs assert that he used defamatory language in an interview he gave in 1995 to International Commercial Litigation magazine.

However, according to the United Nations Secretary-General, Mr. Kofi Annan, Mr. Cumaraswamy spoke in his official capacity of Special Rapporteur and was thus immune from legal process by virtue of the Convention on the Privileges and Immunities of the United Nations.

Moves by the United Nations Secretary-General to ensure respect for this immunity did not lead, in his view, to appropriate intervention by the Malaysian Government in the Malaysian courts.

By an Order dated 10 August 1998, Judge Shigeru Oda, the senior judge, acting as President of the Court, decided that the United Nations and the States parties to the Convention on the Privileges and Immunities of the United Nations (the interpretation or application of which is the source of the difference) were likely to be able to furnish information on the question submitted to the Court by ECOSOC. He fixed 7 October 1998 as the time-limit within which written statements on the question could be submitted to the Court.

Besides the United Nations Secretary-General, the following States submitted written statements within the time-limit fixed: Costa Rica, Germany, Italy, Malaysia, Sweden, the United Kingdom and the United States of America. Greece submitted a written statement after expiry of the time-limit, but its filing was authorized. A written communication was also received from Luxembourg.

Further, as provided by the Order of 10 August 1998, the United Nations Secretary-General and the above-mentioned eight States were given until 6 November 1998 to file written comments on the other written statements. Besides the United Nations Secretary-General, the following States submitted such written comments: Costa Rica, Malaysia and the United States of America.

Hearings were held from 7 to 10 December 1998, during which the United Nations, Costa Rica, Italy and Malaysia made oral submissions.

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NOTE FOR THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, the Netherlands. Mobile telephones and beepers are allowed in the courtroom **provided they are turned off or set on silent mode**. Any offending device will be temporarily retained.

2. Members of the Press will be entitled to attend on presentation of a press card. The tables reserved for them are situated on the far left of the public entrance of the courtroom.

3. Photographs may be taken for a few minutes at the opening and at the end of the sitting. Television crews may film, but advance notice should be given to the Information Office (see paragraph 8).

4. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the reading of the Advisory Opinion will be relayed through a loudspeaker.

5. At the end of the sitting, a press release, a summary of the Advisory Opinion and the full text of it will be distributed in the Press Room.

6. The above-mentioned documents will be simultaneously available on the Court's website (<http://www.icj-cij.org>).

7. Members of the Press who wish to make telephone calls may use the phone located in the Press Room for collect calls or the public telephones in the Post Office in the basement of the Peace Palace.

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