



# INTERNATIONAL COURT OF JUSTICE

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**Communiqué**  
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**Arrest Warrant of 11 April 2000**  
**(Democratic Republic of the Congo v. Belgium)**

**Court to deliver its Judgment on Thursday 14 February 2002 at 3 p.m.**

THE HAGUE, 7 February 2002. The International Court of Justice (ICJ), principal judicial organ of the United Nations, will on Thursday 14 February 2002 deliver its Judgment in the case concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium).

A public sitting will take place at 3 p.m. in the Peace Palace in The Hague, at which the President of the Court, Judge Gilbert Guillaume, will read the Court's Judgment, which is binding and not subject to appeal.

History of the proceedings

On 17 October 2000 the Democratic Republic of the Congo filed in the Registry an Application instituting proceedings against Belgium in respect of a dispute concerning an "international arrest warrant issued on 11 April 2000 by a Belgian investigating judge . . . against Mr. Abdulaye Yerodia Ndombasi", the then Minister for Foreign Affairs of the DRC, for "serious violations of international humanitarian law".

On the same day the DRC also filed a request for the indication of a provisional measure, asking the Court *inter alia* to make an order for the immediate discharge of the disputed arrest warrant. Hearings were held from 20 to 23 November 2000. By an Order of 8 December 2000, the Court unanimously rejected Belgium's request that the case be removed from the List and found by 15 votes to 2 that the circumstances, as they then presented themselves to it, were not such as to require the exercise of its power to indicate provisional measures, as the DRC had wished; it added that "it [was] desirable that the issues before the Court should be determined as soon as possible" and that "it [was] therefore appropriate to ensure that a decision on the Congo's Application be reached with all expedition".

By an Order of 13 December 2000, the President of the Court, taking into account the agreement of the Parties, initially fixed 15 March 2001 as the time-limit for the filing of a Memorial by the DRC and 31 May 2001 as the time-limit for the filing of a Counter-Memorial by Belgium. Those time-limits were extended twice at the request of the DRC by Orders of 14 March 2001 and 12 April 2001. The Memorial of the DRC was filed within the time-limit as thus extended. The time-limit for the filing of Belgium's Counter-Memorial was extended to 17 September 2001.

By an Order of 27 June 2001, the Court subsequently rejected a request by Belgium seeking to derogate from the agreed procedure in the case and extended to 28 September 2001 the time-limit for the filing by Belgium of a Counter-Memorial addressing both questions of jurisdiction and admissibility and the merits of the dispute. That Counter-Memorial was filed within the time-limit as thus extended.

Public hearings, at which the Parties presented their oral arguments, were held from 15 to 19 October 2001. At the close of the oral proceedings, the Parties presented the following submissions to the Court:

On behalf of the Government of the Congo.

“In light of the facts and arguments set out during the written and oral proceedings, the Government of the Democratic Republic of the Congo requests the Court to adjudge and declare that:

1. by issuing and internationally circulating the arrest warrant of 11 April 2000 against Mr. Abdulaye Yerodia Ndombasi, Belgium committed a violation in regard to the Democratic Republic of the Congo of the rule of customary international law concerning the absolute inviolability and immunity from criminal process of incumbent foreign ministers; in so doing, it violated the principle of sovereign equality among States;
2. a formal finding by the Court of the unlawfulness of that act constitutes an appropriate form of satisfaction, providing reparation for the consequent moral injury to the Democratic Republic of the Congo;
3. the violations of international law underlying the issue and international circulation of the arrest warrant of 11 April 2000 preclude any State, including Belgium, from executing it;
4. Belgium shall be required to recall and cancel the arrest warrant of 11 April 2000 and to inform the foreign authorities to whom the warrant was circulated that Belgium renounces its request for their co-operation in executing the unlawful warrant.”

On behalf of the Government of Belgium.

“For the reasons stated in the Counter-Memorial of Belgium and in its oral submissions, Belgium requests the Court, as a preliminary matter, to adjudge and declare that the Court lacks jurisdiction in this case and/or that the Application by the Democratic Republic of the Congo against Belgium is inadmissible.

If, contrary to the submissions of Belgium with regard to the Court’s jurisdiction and the admissibility of the Application, the Court concludes that it does have jurisdiction in this case and that the Application by the Democratic Republic of the Congo is admissible, Belgium requests the Court to reject the submissions of the Democratic Republic of the Congo on the merits of the case and to dismiss the Application.”

**NOTE FOR THE PRESS**

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, 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 removed.

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 the whole sitting, 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 Court's Judgment will be relayed by loudspeaker.

5. At the end of the sitting, a press release, a summary of the Court's Judgment and the full text of the Judgment 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, First 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.

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