



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### **The Republic of the Congo seises the International Court of Justice of a dispute with France**

THE HAGUE, 9 December 2002. The Republic of the Congo today seised the International Court of Justice (ICJ) of a dispute between itself and France with regard to proceedings for crimes against humanity and torture commenced inter alia against the Congolese Minister of the Interior, Mr. Pierre Oba, in connection with which a warrant was issued for the witness hearing of the President of the Republic of the Congo, Mr. Denis Sassou Nguesso.

In its Application the Republic of the Congo contends that “in attributing to itself universal jurisdiction in criminal matters and arrogating to itself the power to prosecute and try the Minister of the Interior of a foreign State for crimes allegedly committed in connection with the exercise of his powers for the maintenance of public order in his country”, France violated “the principle that a State may not, in breach of the principle of sovereign equality among all Members of the United Nations . . . exercise its authority on the territory of another State”. It further states that, in issuing a warrant instructing police officers to examine the President of the Republic of the Congo as witness in the case, France violated “the criminal immunity of a foreign Head of State, an international customary rule recognized by the jurisprudence of the Court”. The Republic of the Congo accordingly asks the Court to declare that the French Republic shall “cause to be annulled the measures of investigation and prosecution taken” by the French judicial officers concerned.

The Republic of the Congo seeks to found the jurisdiction of the Court, pursuant to Article 38, paragraph 5, of the Rules of Court, “on the consent of the French Republic, which will certainly be given”. That paragraph provides:

“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, the Application by the Republic of the Congo, to which was appended a request for the indication of a provisional measure, has been transmitted to the French Government. However, no action will be taken in the proceedings unless and until France consents to the Court's jurisdiction in the case.

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