



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: [www.icj-cij.org](http://www.icj-cij.org)

## Press Release

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### **Certain Questions of Mutual Assistance in Criminal Matters** **(Djibouti v. France)**

#### **Public hearings to open on Monday 21 January 2008**

THE HAGUE, 2 October 2007. The public hearings in the case concerning Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France) will open on Monday 21 January 2008 before the International Court of Justice (ICJ), principal judicial organ of the United Nations.

The detailed schedule for the hearings will be published at a later date.

#### History of the proceedings

On 9 January 2006 the Republic of Djibouti filed an Application instituting proceedings against France, referring to “the refusal by the French governmental and judicial authorities to execute an international letter rogatory regarding the transmission to the judicial authorities in Djibouti of the record relating to the investigation in the Case against X for the murder of Bernard Borrel”. In its Application Djibouti maintained that the refusal constituted a violation of France’s international obligations both under the Treaty of Friendship and Co-operation signed by the two States on 27 June 1977 and the Convention on Mutual Assistance in Criminal Matters between France and Djibouti dated 27 September 1986. Djibouti further asserted that, in summoning certain internationally protected nationals of Djibouti, including the Head of State, as témoins assistés [legally represented witnesses] in connection with a criminal complaint for subornation of perjury against X in the Borrel case, France had violated its obligation to prevent attacks on the person, freedom or dignity of individuals enjoying such protection.

In its Application, the Republic of Djibouti stated that it intended to found the jurisdiction of the Court on Article 38, paragraph 5, of the Rules of Court, adding that it was “confident that the French Republic w[ould] agree to submit to the jurisdiction of the Court to settle the present dispute”. In accordance with that Article, the Application by the Republic of Djibouti was transmitted to the French Government.

In a letter dated 25 July 2006 and received in the Registry on 9 August 2006, the French Republic specified that it “consent[ed] to the Court’s jurisdiction to entertain the Application pursuant to, and solely on the basis of, said Article 38, paragraph 5”. That consent made it possible to enter the case in the Court’s List on 9 August 2006 and to open the proceedings.

By an Order of 15 November 2006, the Court fixed the time-limits for the filing of a Memorial by Djibouti and a Counter-Memorial by France. Those pleadings were submitted within the prescribed time-limits, i.e. 15 March and 13 July 2007 respectively.

Neither Party wishing to submit further written pleadings, and the Court seeing no need for them to do so, the case was ready for hearing.

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Information Department:

Mrs. Laurence Blairon, Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Messrs. Boris Heim and Maxime Schouppe, Information Officers (+31 (0)70 302 2337)

Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)