



# 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

Unofficial

No. 2008/3

30 January 2008

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

#### Conclusion of the public hearings

#### Court begins its deliberation

THE HAGUE, 30 January 2008. The public hearings in the case concerning Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France) were concluded yesterday. The Court has started its deliberation.

During the hearings, which opened on 21 January 2008 at the Peace Palace, seat of the Court, the delegation of Djibouti was led by H.E. Mr. Siad Mohamed Doualeh, Ambassador of the Republic of Djibouti to the Swiss Confederation, as Agent. The delegation of France was led by Ms Edwige Belliard, Director of Legal Affairs, Ministry of Foreign and European Affairs, as Agent.

The Court's Judgment will be rendered at a public sitting, the date of which will be announced in due course.

#### Final submissions of the Parties

At the end of the oral proceedings, the Agents of the Parties presented the following final submissions to the Court:

#### For Djibouti:

“The Republic of Djibouti requests the Court to adjudge and declare:

1. that the French Republic has violated its obligations under the 1986 Convention:
  - (i) by not acting upon its undertaking of 27 January 2005 to execute the letter rogatory addressed to it by the Republic of Djibouti dated 3 November 2004;
  - (ii) in the alternative, by not performing its obligation pursuant to Article 1 of the aforementioned Convention following its wrongful refusal given in the letter of 6 June 2005;

- (iii) in the further alternative, by not performing its obligation pursuant to Article 1 of the aforementioned Convention following its wrongful refusal given in the letter of 31 May 2005;
2. that the French Republic shall immediately after the delivery of the Judgment by the Court:
  - (i) transmit the “Borrel file” in its entirety to the Republic of Djibouti;
  - (ii) in the alternative, transmit the “Borrel file” to the Republic of Djibouti within the terms and conditions determined by the Court;
3. that the French Republic has violated its obligation pursuant to the principles of customary and general international law not to attack the immunity, honour and dignity of the President of the Republic of Djibouti:
  - (i) by issuing a witness summons to the President of the Republic of Djibouti on 17 May 2005;
  - (ii) by repeating such attack or by attempting to repeat such attack on 14 February 2007;
  - (iii) by making both summonses public by immediately circulating the information to the French media;
  - (iv) by not responding appropriately to the two letters of protest from the Ambassador of the Republic of Djibouti in Paris dated 18 May 2005 and 14 February 2007 respectively;
4. that the French Republic has violated its obligation pursuant to the principles of customary and general international law to prevent attacks on the immunity, honour and dignity of the President of the Republic of Djibouti;
5. that the French Republic shall immediately after the delivery of the Judgment by the Court withdraw the witness summons dated 17 May 2005 and declare it null and void;
6. that the French Republic has violated its obligation pursuant to the principles of customary and general international law not to attack the person, freedom and honour of the Public Prosecutor of the Republic of Djibouti and the Head of National Security of Djibouti;
7. that the French Republic has violated its obligation pursuant to the principles of customary and general international law to prevent attacks on the person, freedom and honour of the Public Prosecutor of the Republic of Djibouti and the Head of National Security of the Republic of Djibouti;
8. that the French Republic shall immediately after the delivery of the Judgment by the Court withdraw the summonses to attend as témoins assistés [legally represented witnesses] and the arrest warrants issued against the Public Prosecutor of the Republic of Djibouti and the Head of National Security of the Republic of Djibouti and declare them null and void;
9. that the French Republic by acting contrary to or by failing to act in accordance with Articles 1, 3, 4, 6 and 7 of the Treaty of Friendship and Co-operation of 1977

individually or collectively has violated the spirit and purpose of that Treaty, as well as the obligations deriving therefrom;

10. that the French Republic shall cease its wrongful conduct and abide strictly by the obligations incumbent on it in the future;

11. that the French Republic shall provide the Republic of Djibouti with specific assurances and guarantees of non-repetition of the wrongful acts complained of.”

For France:

“The French Republic requests the Court:

1. (a) to declare that it lacks jurisdiction to rule on those claims presented by the Republic of Djibouti upon completion of its oral argument which go beyond the subject of the dispute as set out in its Application, or to declare them inadmissible;  
  
(b) in the alternative, to declare those claims to be unfounded;
2. to reject all the other claims made by the Republic of Djibouti.”

---

The verbatim records of the hearings held between 21 and 29 January 2008 are available on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)). The history of the proceedings can be found in Press Release No. 2007/27 of 2 November 2007.

---

Information Department:

Mrs. Laurence Blairon, Secretary of the Court, Head of Department (+31 (0)70 302 2336)  
Messrs. Boris Heim and Maxime Schoupe, Information Officers (+31 (0)70 302 2337)  
Ms Joanne Moore, Assistant Information Officer (+31 (0)70 302 2394)