

INTERNATIONAL COURT OF JUSTICE

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REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

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CASE CONCERNING THE  
AERIAL INCIDENT OF

JULY 27th, 1955

(ISRAEL *v.* BULGARIA)

ORDER OF NOVEMBER 26th, 1957

**1957**

COUR INTERNATIONALE DE JUSTICE

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RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

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AFFAIRE RELATIVE A  
L'INCIDENT AÉRIEN DU

27 JUILLET 1955

(ISRAËL *c.* BULGARIE)

ORDONNANCE DU 26 NOVEMBRE 1957

This Order should be cited as follows :

*“Case concerning the Aerial Incident of July 27th, 1955  
(Israel v. Bulgaria),  
Order of November 26th, 1957: I.C.J. Reports 1957, p. 182.”*

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La présente ordonnance doit être citée comme suit :

*« Affaire relative à l'incident aérien du 27 juillet 1955  
(Israël c. Bulgarie),  
Ordonnance du 26 novembre 1957: C. I. J. Recueil 1957, p. 182. »*

<b>Sales number</b> <b>N° de vente:</b>	<b>172</b>
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INTERNATIONAL COURT OF JUSTICE

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1957  
November 26th  
General List:  
No. 35

YEAR 1957

November 26th, 1957

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CASE CONCERNING THE  
AERIAL INCIDENT OF  
JULY 27th, 1955  
(ISRAEL *v.* BULGARIA)

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ORDER

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*Present: President* HACKWORTH; *Vice-President* BADAWI; *Judges* GUERRERO, BASDEVANT, WINIARSKI, ZORIČIĆ, KLAESTAD, READ, ARMAND-UGON, KOJEVNIKOV, Sir Muhammad ZAFRULLA KHAN, Sir Hersch LAUTERPACHT, MORENO QUINTANA, CÓRDOVA, WELLINGTON KOO; *Registrar* LÓPEZ OLIVÁN.

The International Court of Justice,  
composed as above,  
after deliberation,  
having regard to Article 48 of the Statute of the Court,  
having regard to Article 37 of the Rules of Court,

*Makes the following Order:*

Whereas, on October 16th, 1957, the Minister of Israel to the Netherlands handed to the Registrar an Application by the Government of Israel, dated October 9th, 1957, instituting proceedings before the Court against the Government of the People's Republic

of Bulgaria with regard to the destruction, on July 27th, 1955, by the Bulgarian anti-aircraft defence forces, of an aircraft belonging to El Al Israel Air-lines Ltd.;

Whereas the Application recites, on the one hand, that Israel has accepted the compulsory jurisdiction of the Court by its Declaration of October 3rd, 1956, replacing the previous Declaration of September 4th, 1950, and covering disputes arising after October 25th, 1951; and, on the other hand, that Bulgaria accepted the compulsory jurisdiction of the Court on July 29th, 1921, on the occasion of the deposit of the instrument of that country's ratification of the Protocol of Signature of the Statute of the Permanent Court of International Justice;

Whereas, by letter of October 16th, 1957, handed to the Registrar at the same time as the Application, the Minister of Israel to the Netherlands announced that Mr. Shabtai Rosenne, the Legal Adviser to the Ministry for Foreign Affairs, had been appointed as Agent for the Government of Israel and that his address for service was the Israel Legation at The Hague;

Whereas the Minister for Foreign Affairs of Bulgaria was, on October 16th, 1957, notified by telegram of the filing of the Application, of which a copy was at the same time transmitted to him by letter in accordance with Article 40, paragraph 2, of the Statute, and Article 33, paragraph 1, of the Rules;

Whereas, by a telegram of November 5th, 1957, the Minister for Foreign Affairs of Bulgaria acknowledged receipt of the Application and stated that, while reserving the right to raise the preliminary question of the jurisdiction of the Court, he would inform the Court without delay of the name of the Agent for his Government and of his address for service at the seat of the Court;

Whereas, on November 15th, 1957, the Agent for the Government of Israel was notified by letter and the Minister for Foreign Affairs of Bulgaria by telegram that the President proposed, pursuant to Article 37, paragraph 1, of the Rules, to receive the Agents or their representatives on November 20th, 1957, for the purpose of ascertaining their views with regard to questions of procedure and, in particular, with regard to the time-limits to be fixed for the filing of the Pleadings;

Whereas the Minister of Israel to the Netherlands stated on November 18th, 1957, that he had been requested by the Agent for the Government of Israel to represent him at that meeting;

Whereas, by telegram of November 18th, 1957, the Minister for Foreign Affairs of Bulgaria requested the postponement of the meeting;

Whereas, on November 19th, 1957, the Minister of Israel to the Netherlands was notified by letter and the Minister for Foreign

Affairs of Bulgaria by telegram that the meeting would be postponed until November 25th, 1957;

Whereas, by telegram of November 23rd, 1957, the Minister for Foreign Affairs of Bulgaria acknowledged receipt of the telegram of November 19th and stated that the Bulgarian Government had appointed as its representative Dr. Nissim Mevorah, Professor, whose address for service was the Czechoslovak Legation at The Hague; and that, since Professor Mevorah was temporarily absent from Bulgaria, the Minister for Foreign Affairs would be grateful to the Court for a postponement of the meeting of the representatives;

Whereas, in these circumstances, only the representative of the Government of Israel was able to be present at the meeting on November 25th, 1957;

THE COURT,

After ascertaining the views of the Applicant,

fixes June 2nd, 1958, as the time-limit for the filing of the Memorial of the Government of Israel;

reserves for a subsequent Order the fixing of the time-limit for the filing by the Respondent of its Counter-Memorial.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-sixth day of November, one thousand nine hundred and fifty-seven, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of Israel and to the Government of the People's Republic of Bulgaria, respectively.

*(Signed)* GREEN H. HACKWORTH,  
President.

*(Signed)* J. LÓPEZ OLIVÁN,  
Registrar.