

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  
(UNITED STATES OF AMERICA *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  
(ÉTATS-UNIS D'AMÉRIQUE *c.* BULGARIE)  
ORDONNANCE DU 26 NOVEMBRE 1957

This Order should be cited as follows :

*“Case concerning the Aerial Incident of July 27th, 1955  
(United States of America v. Bulgaria),  
Order of November 26th, 1957: I.C.J. Reports 1957, p. 186.”*

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La présente ordonnance doit être citée comme suit :

*« Affaire relative à l'incident aérien du 27 juillet 1955  
(États-Unis d'Amérique c. Bulgarie),  
Ordonnance du 26 novembre 1957: C.I. J. Recueil 1957, p. 186. »*

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INTERNATIONAL COURT OF JUSTICE

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November 26th, 1957

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CASE CONCERNING THE  
AERIAL INCIDENT OF  
JULY 27th, 1955

(UNITED STATES OF AMERICA *v.* BULGARIA)

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ORDER

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*Present: Vice-President* BADAWI, *Acting President*; *President* HACKWORTH; *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 28th, 1957, the Ambassador to the Netherlands of the United States of America transmitted to the Registrar an Application by the Government of the United States of America,

dated October 24th, 1957, instituting proceedings before the Court against the Government of the People's Republic of Bulgaria with regard to damage suffered by American nationals, passengers on board an aircraft of El Al Israel Airlines Ltd., which was destroyed on July 27th, 1955, by Bulgarian fighter aircraft;

Whereas the Application recites, on the one hand, that the United States of America submits to the Court's jurisdiction for the purposes of this case; and, on the other hand, that Bulgaria accepted the compulsory jurisdiction of the Court by virtue of the signature of its representative to the Protocol of Signature of the Statute of the Permanent Court of International Justice and that that acceptance became effective as to the jurisdiction of the Court by virtue of Article 36, paragraph 5, of the Statute of the Court, upon the date of admission of Bulgaria into the United Nations;

Whereas, by letter of October 28th, 1957, handed to the Registrar at the same time as the Application, the Ambassador to the Netherlands of the United States of America announced that Mr. Loftus E. Becker, the Legal Adviser of the Department of State, had been appointed as Agent for the Government of the United States and that his address for service was the Embassy of the United States at The Hague;

Whereas the Minister for Foreign Affairs of Bulgaria was, on October 28th, 1957, notified by telegram of the filing of the Application, a copy of which 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 telegram of November 14th, 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 the United States of America was notified by letter and the Minister for Foreign Affairs of Bulgaria by telegram that the Vice-President, Acting President in this case, 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, 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 Ambassador to the Netherlands of the United States of America 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 the United States of America 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 the United States of America;

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 the United States of America and to the Government of the People's Republic of Bulgaria, respectively.

(Signed) A. BADAWI,  
Vice-President.

(Signed) J. LÓPEZ OLIVÁN,  
Registrar.