

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING THE
AERIAL INCIDENT OF

JULY 27th, 1955

(UNITED KINGDOM *v.* BULGARIA)

ORDER OF NOVEMBER 26th, 1957

1957

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE RELATIVE A
L'INCIDENT AÉRIEN DU

27 JUILLET 1955

(ROYAUME-UNI *c.* BULGARIE)

ORDONNANCE DU 26 NOVEMBRE 1957

This Order should be cited as follows:

*“Case concerning the Aerial Incident of July 27th, 1955
(United Kingdom v. Bulgaria),
Order of November 26th, 1957: I.C.J. Reports 1957, p. 190.»*

La présente ordonnance doit être citée comme suit:

*« Affaire relative à l'incident aérien du 27 juillet 1955
(Royaume-Uni c. Bulgarie),
Ordonnance du 26 novembre 1957: C. I. J. Recueil 1957, p. 190.»*

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INTERNATIONAL COURT OF JUSTICE

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November 26th, 1957

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

ORDER

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 November 21st, 1957, the Ambassador to the Netherlands of the United Kingdom of Great Britain and Northern Ireland transmitted to the Registrar an Application by the Government of the United Kingdom, dated November 19th, 1957, instituting

proceedings before the Court against the Government of the People's Republic of Bulgaria with regard to the losses sustained by citizens of the United Kingdom and Colonies by reason of the destruction, on July 27th, 1955, by the Bulgarian anti-aircraft defence forces, of an aircraft belonging to El Al Israel Airlines Ltd. ;

Whereas the Application recites, on the one hand, that the United Kingdom has accepted the compulsory jurisdiction of the Court by its Declaration of April 18th, 1957, replacing the previous Declaration of October 31st, 1955, and covering disputes arising after February 5th, 1930, with regard to situations and facts subsequent to that date, and, alternatively, that the United Kingdom submit unconditionally to the jurisdiction of the Court for all the purposes of the present dispute; and, on the the other hand, that Bulgaria accepted the compulsory jurisdiction of the Court on July 29th, 1921, when the instrument of Bulgaria's ratification of the Protocol of Signature of the Permanent Court of International Justice was deposited, and that, by virtue of Article 93, paragraph 1, of the Charter of the United Nations and Article 36, paragraph 5, of the Statute of the Court, that acceptance became effective as to the jurisdiction of the Court on the date of Bulgaria's admission to membership of the United Nations;

Whereas, by letter of November 21st, 1957, handed to the Registrar at the same time as the Application, the Ambassador of the United Kingdom to the Netherlands announced that Miss J. A. C. Gutteridge, Assistant Legal Adviser to the Foreign Office, had been appointed as Agent for the United Kingdom Government and that her address for service was the British Embassy at The Hague;

Whereas the Minister for Foreign Affairs of Bulgaria was, on November 21st, 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, on November 22nd, 1957, the Agent for the Government of the United Kingdom and the Minister for Foreign Affairs of Bulgaria were notified that the President proposed, pursuant to Article 37, paragraph 1, of the Rules, to receive the Agents or their representatives on November 25th, 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 23rd, 1957, the Minister for Foreign Affairs of Bulgaria 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 United Kingdom Government 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 Kingdom of Great Britain and Northern Ireland;

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 Kingdom of Great Britain and Northern Ireland and to the Government of the People's Republic of Bulgaria, respectively.

(Signed) GREEN H. HACKWORTH,
President.

(Signed) J. LÓPEZ OLIVÁN,
Registrar.