



INTERNATIONAL COURT OF JUSTICE

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**Questions of Interpretation and Application of the 1971 Montreal Convention
arising from the Aerial Incident at Lockerbie
(Libyan Arab Jamahiriya v. United Kingdom)
(Libyan Arab Jamahiriya v. United States of America)**

**Fixing of the time-limits for the filing of Rejoinders by the United Kingdom
and the United States**

THE HAGUE, 13 September 2000. The President of the International Court of Justice (ICJ), Judge Gilbert Guillaume, has fixed the time-limits for the filing of Rejoinders by the United Kingdom and the United States of America in the cases concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) (Libyan Arab Jamahiriya v. United States of America).

By Orders dated 6 September 2000, the President, taking account of the views of the Parties, fixed 3 August 2001 as the time-limit for the filing of the Rejoinders.

The subsequent procedure was reserved for further decision in the two cases.

History of the proceedings

On 3 March 1992, Libya filed in the Registry of the Court two separate Applications instituting proceedings against the United Kingdom and the United States of America with regard to "dispute[s] . . . concerning the interpretation or application of the Montreal Convention» of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

In its Applications, Libya referred to charges made by the Lord Advocate of Scotland and an American Grand Jury against two Libyan nationals suspected of having caused the destruction of Pan Am Flight 103 over the town of Lockerbie, Scotland, on 21 December 1988, in which 270 people died. Following these charges, the United Kingdom and the United States had demanded that Libya surrender the alleged offenders for trial either in Scotland or in the United States and had seized the Security Council of the United Nations. Libya maintained that, by doing so, the United Kingdom and the United States had breached their legal obligations under the Montreal Convention and had to cease those breaches. It added that the Montreal Convention was the only instrument applicable to the destruction of the Pan Am aircraft over Lockerbie, that there was no other convention concerning international criminal law in force which was applicable to such issues between itself and the United Kingdom, nor between itself and the United States, and that, in accordance with the Montreal Convention, it was entitled to try the alleged offenders itself.

On 3 March 1992, Libya also asked the Court to indicate provisional measures to prevent further action by the United Kingdom and the United States to compel it to surrender the alleged offenders before any examination of the merits of the cases. However, by Orders of 14 April 1992, the Court, referring to resolution 748 which had been adopted in the meantime by the Security

Council under Chapter VII of the United Nations Charter, found that the circumstances were not such as to require the exercise of its power to indicate such measures.

By Orders of 19 June 1992 the Court fixed 20 December 1993 as the time-limit for the filing of Memorials by Libya and 20 June 1995 as the time-limit for the filing of Counter-Memorials by the United Kingdom and the United States.

Within the prescribed time-limits, Libya filed its Memorials, and the United Kingdom and the United States then raised objections to the Court's jurisdiction and to the admissibility of the Libyan claims. They *inter alia* denied the existence of disputes between the Parties concerning the interpretation or application of the Montreal Convention and contended that, even if Libya could make valid claims under that Convention, they were "superseded" by the resolutions of the Security Council which, by virtue of the United Nations Charter, take precedence over all rights and obligations arising out of the Montreal Convention. Libya presented written statements of its observations and submissions on the preliminary objections within the time-limits fixed by the Court and public sittings were held from 13 to 22 October 1997 to hear the oral arguments of the Parties. In two separate Judgments of 27 February 1998 on the preliminary objections, the Court found that there existed disputes between the Parties concerning the interpretation or application of the Montreal Convention and that it had jurisdiction to hear the disputes on the basis of Article 14, paragraph 1, of the Montreal Convention, which concerns the settlement of disputes over the interpretation or application of the provisions of the Convention. The Court also found the Libyan claims admissible and stated that it was not appropriate, at that stage of the proceedings, to make a decision on the arguments of the United Kingdom and the United States that resolutions of the United Nations Security Council had rendered these claims without object.

By Orders dated 30 March 1998, the Court fixed 30 December 1998 as the time-limit for the filing of the Counter-Memorials of the United Kingdom and of the United States. The time-limit was subsequently extended to 31 March 1999 at the request of the United Kingdom and of the United States. The Counter-Memorials were filed within the time-limit thus extended.

By Orders of 29 June 1999, the Court authorized the submission of Replies by Libya and Rejoinders by the United Kingdom and the United States, fixing 29 June 2000 as the time-limit for the filing of Libya's Replies. Libya's Replies were filed within the prescribed time-limit.

The full text of the Orders will shortly be available on the Court's website at the following address: <http://www.icj-cij.org>

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