

3 March 1992

REQUEST FOR THE INDICATION OF
PROVISIONAL MEASURES OF PROTECTION
SUBMITTED BY THE GOVERNMENT OF THE
SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

1. I have the honour to refer to the Application submitted to the Court this day instituting proceedings in the name of the Socialist People's Libyan Arab Jamahiriya against the United States of America and to submit, in accordance with Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court, an urgent request that the Court indicate provisional measures which ought to be taken promptly to preserve the rights of Libya.

2. As set out in the Statement of Facts in the Application of Libya, the United States is actively seeking to bypass the provisions of the Montreal Convention by threatening various actions against Libya in order to compel Libya, in contravention of the Montreal Convention, to surrender two Libyan nationals accused by the United States of being responsible for the destruction of Pan American Flight 103 on 21 December 1988.

3. To this end, the United States has indicated that 'standard procedures are clearly inapplicable', and that it may seek or impose economic, air and other sanctions against Libya

if Libya does not comply with the United States' demands. While such actions are clearly illegal and inappropriate under the applicable provisions of the Montreal Convention, particularly when Libya is complying in full with that Convention, of cause for even greater concern is the United States' refusal to rule out the use of armed force against Libya if the accused are not surrendered.

4. In as much as the present dispute involves the interpretation or application of the Montreal Convention, Libya submits that it is for the Court alone to rule on validity of Libya's, and the United States', actions under that Convention.

Pending the Court's decision, it is imperative that a situation not be permitted to arise whereby Libya's rights would be irreparably damaged either in fact or in law. Only by granting provisional measures enjoining the United States from taking such actions against Libya can Libya's rights be preserved.

5. By the same reasoning, interim measures are urgently required in order to cause the United States to abstain from any action capable of having a prejudicial effect on the Court's decision in the case and to refrain from taking any step that might aggravate or extend the dispute as would surely happen if sanctions are imposed against Libya or force employed.

6. Given that the Court's jurisdiction in the case is prima facie established under the Montreal Convention, Libya submits that there are no impediments to indicating provisional measures.
7. Accordingly, pending final judgment in the case, Libya respectfully requests the Court to indicate forthwith the following provisional measures:
- (a) To enjoin the United States from taking any action against Libya calculated to coerce or compel Libya to surrender the accused individuals to any jurisdiction outside of Libya; and
 - (b) to ensure that no steps are taken that would prejudice in any way the rights of Libya with respect to the legal proceedings that are the subject of Libya's Application.
8. In view of the seriousness of the present situation and the fact that the United States is threatening Libya with impending economic sanctions and other actions, including the possibility of recourse to the use of armed force, Libya urges that this request be treated as a matter of extreme urgency. In this connection, Libya refers to Article 74(4) of the Rules of Court and respectfully requests the President, pending the meeting of the Court, to exercise the power conferred by that Article to call

upon the Parties to act in such a way as to enable any Order the Court may make on Libya's request for provisional measures to have its appropriate effects.

9. Libya further respectfully requests the Court, pursuant to Articles 74(1) and 74(3) of the Rules of the Court, to set a hearing for this request at the earliest possible date.
10. Libya has designated the undersigned as its Agent for the purposes of any proceedings relating to this request.

Respectfully submitted,



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