

16 NOVEMBRE 2010

ORDONNANCE

CERTAINES PROCÉDURES PÉNALES ENGAGÉES EN FRANCE

(RÉPUBLIQUE DU CONGO c. FRANCE)

CERTAIN CRIMINAL PROCEEDINGS IN FRANCE

(REPUBLIC OF THE CONGO v. FRANCE)

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ORDER

INTERNATIONAL COURT OF JUSTICE

YEAR 2010

**2010
16 November
General List
No. 129**

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CERTAIN CRIMINAL PROCEEDINGS IN FRANCE

(REPUBLIC OF THE CONGO *v.* FRANCE)

ORDER

Present: *President* OWADA; *Vice-President* TOMKA; *Judges* KOROMA, AL-KHASAWNEH, SIMMA, KEITH, SEPÚLVEDA-AMOR, BENNOUNA, SKOTNIKOV, CANÇADO TRINDADE, YUSUF, GREENWOOD, XUE, DONOGHUE; *Registrar* COUVREUR.

The International Court of Justice,

Composed as above,

Having regard to Article 48 of the Statute of the Court and to Article 89, paragraph 2, of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 9 December 2002, whereby the Republic of the Congo, referring to Article 38, paragraph 5, of the Rules of Court, sought to institute proceedings against the French Republic in respect of a dispute arising out of certain criminal proceedings in France,

Having regard to the letter from the Minister for Foreign Affairs of France, dated 8 April 2003 and received in the Registry on 11 April 2003, whereby France expressly consented to the jurisdiction of the Court to entertain the Application,

Having regard to the entering of the case in the General List of the Court on 11 April 2003,

Having regard to the Order of 17 June 2003 whereby the Court adjudicated upon the request for the indication of a provisional measure submitted by the Republic of the Congo on 9 December 2002,

Having regard to the Order of 11 July 2003 whereby the President of the Court, taking account of the agreement of the Parties, fixed 11 December 2003 and 11 May 2004 as the respective time-limits for the filing of the Memorial of the Republic of the Congo and the Counter-Memorial of the French Republic,

Having regard to the Memorial and the Counter-Memorial duly filed by the Parties within those time-limits,

Having regard to the Order of 17 June 2004 whereby the Court, taking account of the agreement of the Parties and of the particular circumstances of the case, authorized the filing of a Reply by the Republic of the Congo and a Rejoinder by the French Republic, and fixed 10 December 2004 and 10 June 2005, respectively, as the time-limits for the filing of those pleadings,

Having regard to the Orders of 8 December 2004, 29 December 2004, 11 July 2005 and 11 January 2006 whereby those time-limits, taking account of the reasons given by the Republic of the Congo and of the agreement of the Parties, were successively extended to 10 January 2005, 11 July 2005, 11 January 2006 and 11 July 2006 for the filing of the Reply, and to 10 August 2005, 11 August 2006, 10 August 2007 and 11 August 2008 for the filing of the Rejoinder,

Having regard to the Reply and the Rejoinder duly filed by the Parties within those time-limits, as last extended,

Having regard to the Order of 16 November 2009 whereby the Court, referring to Article 101 of the Rules of Court and taking account of the agreement of the Parties and of the exceptional circumstances of the case, authorized the submission of an additional pleading by the Republic of the Congo followed by an additional pleading by the French Republic, and fixed 16 February 2010 and 17 May 2010 as the respective time-limits for the filing of those pleadings,

Having regard to the additional pleadings duly filed by the Parties within the time-limits so prescribed,

Having regard to the letters dated 9 February 2010 whereby the Registrar, *inter alia*, informed the Parties that the Court, acting in accordance with Article 54, paragraph 1, of the Rules of Court, had fixed Monday 6 December 2010 as the date for the opening of the oral proceedings in the case;

Whereas, by letter dated 5 November 2010 and received in the Registry the same day by facsimile, the Agent of the Republic of the Congo, referring to Article 89 of the Rules of Court, informed the Court that his Government “withdraws its Application instituting proceedings” and requested the Court “to make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the list”;

Whereas a copy of that letter was immediately communicated to the Government of the French Republic, which was informed that the time-limit provided for in Article 89, paragraph 2, of the Rules of Court, within which the French Republic could state whether it opposed the discontinuance of the proceedings, had been fixed as 12 November 2010;

Whereas, by letter dated 8 November 2010 and received in the Registry the same day by facsimile, the Agent of the French Republic informed the Court that her Government “has no objection to the discontinuance of the proceedings by the Republic of the Congo”,

Places on record the discontinuance by the Republic of the Congo of the proceedings; and
Orders that the case be removed from the List.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this sixteenth day of November, two thousand and ten, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of the Congo and the Government of the French Republic, respectively.

(Signed) Hisashi OWADA,
President.

(Signed) Philippe COUVREUR,
Registrar.
