

COUR INTERNATIONALE DE JUSTICE

RECUEIL

DES ARRÊTS, AVIS CONSULTATIFS ET ORDONNANCES

ORDONNANCE DU 31 JUILLET 1947
ORDONNANCE DU 10 DÉCEMBRE 1947
ORDONNANCE DU 12 DÉCEMBRE 1947

1947

INTERNATIONAL COURT OF JUSTICE

REPORTS

OF

JUDGMENTS, ADVISORY OPINIONS AND ORDERS

ORDER OF JULY 31st, 1947
ORDER OF DECEMBER 10th, 1947
ORDER OF DECEMBER 12th, 1947

Les ordonnances doivent être citées comme suit :

« *Affaire du détroit de Corfou, Ordonnance du 31 juillet 1947 :*
C. I. J. Recueil 1947, p. 4. »

« *Affaire du détroit de Corfou, Ordonnance du 10 décembre 1947 :*
C. I. J. Recueil 1947, p. 7. »

« *Admission d'un État aux Nations unies (Charte, art. 4),*
Ordonnance du 12 décembre 1947 : C. I. J. Recueil 1947, p. 9. »

The Orders should be cited as follows :

“*Corfu Channel case, Order of July 31st, 1947 :*
I.C.J. Reports 1947, p. 4.”

“*Corfu Channel case, Order of December 10th, 1947 :*
I.C.J. Reports 1947, p. 7.”

“*Admission of a State to the United Nations (Charter, Art. 4),*
Order of December 12th, 1947 : I.C.J. Reports 1947, p. 9.”

<p>N° de vente : Sales number 5</p>
--

INTERNATIONAL COURT OF JUSTICE

YEAR 1947.

1947.
 July 31st.
 General List:
 No. 1.

Order of July 31st, 1947.

THE CORFU CHANNEL CASE

The President of the International Court of Justice,

Having regard to Articles 35, 36, 40 and 48 of the Statute of the Court,

Having regard to Articles 32, 35, 36, 38 and 41 of the Rules of Court,

Makes the following Order :

Whereas, by a letter dated May 22nd, 1947, and filed in the Registry of the Court on the same date, the Ambassador of the United Kingdom of Great Britain and Northern Ireland at The Hague, by order of his Government, has transmitted to the Court an Application dated May 13th, 1947, instituting proceedings against the Government of the People's Republic of Albania in respect of injury caused by mines to British ships in the Strait of Corfu and of resulting loss of life, for which injury and loss the Government of the United Kingdom claims that the Albanian Government is internationally responsible ;

Whereas the said letter gives notice of the appointment as Agent for the Government of the United Kingdom of Mr. W. E. Beckett, Legal Adviser to the Foreign Office, and of his address for service at The Hague ;

Whereas the Application, which bears the signature of Mr. Beckett, duly certified by the Ambassador of the United Kingdom at The Hague, invokes Article 36, paragraph 1, of the Statute of the

Court, thus specifying the provision on which the Applicant founds the jurisdiction of the Court ;

Whereas the Application also states the nature of the claim and gives a succinct statement of the facts and grounds on which the claim is based ;

Whereas, therefore, the Application fulfils the formal conditions laid down by the Rules of Court ;

Whereas on May 22nd, 1947, the Albanian Government was duly informed of the filing of the Application of which a certified true copy was despatched to it on the same date ;

Whereas on July 23rd, 1947, a note signed by the Deputy-Minister for Foreign Affairs was filed with the Registry, on behalf of the Government of the People's Republic of Albania, in response to the Application of the Government of the United Kingdom ;

Whereas in this note the Albanian Government declares *inter alia* that the Government of the United Kingdom, in bringing the case before the Court by unilateral application, has not proceeded in conformity with the recommendation of the Security Council of April 9th, 1947, or with the Statute of the Court or the recognized principles of international law, and that, accordingly, the Albanian Government would be within its rights in holding that the Government of the United Kingdom was not entitled to bring the case before the Court without first concluding a special agreement with the Albanian Government ; but whereas the Albanian Government, fully accepting for its part the recommendation of the Security Council, is prepared, notwithstanding this irregularity and in evidence of its devotion to the principles of friendly collaboration between nations and of the pacific settlement of disputes, to appear before the Court ;

Whereas the note above mentioned gives notice of the appointment as Agent for the Albanian Government of M. Kahreman Ylli, Minister Plenipotentiary of Albania in Paris, and of his address for service at The Hague ;

Whereas, having regard to the Resolution of the Security Council of April 9th, 1947, the said note of the Albanian Government may be regarded as constituting the document mentioned in Article 36 of the Rules of Court ;

The President of the Court, as the Court is not sitting, after ascertaining the views of the Parties with regard to questions of procedure,

(1) fixes as follows the time-limits for the presentation by the Parties of the first two pleadings :

for the Memorial of the Government of the United Kingdom :
Wednesday, the 1st of October, 1947 ;

for the Counter-Memorial of the Albanian Government : Wednesday, the 10th of December, 1947 ;

(2) will, if need be, make a subsequent order fixing the time-limits for the presentation of a Reply by the Government of the United Kingdom and of a Rejoinder by the Albanian Government.

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this thirty-first day of July, one thousand nine hundred and forty-seven, in three copies, one of which shall be placed in the archives of the Court and the others, shall be transmitted to the Government of the People's Republic of Albania and to the Government of the United Kingdom of Great Britain and Northern Ireland respectively.

(Signed) J. G. GUERRERO,

President.

(Signed) GARNIER-COIGNET,

Deputy-Registrar.
