

INTERNATIONAL COURT OF JUSTICE

YEAR 2019

**2019
24 January
General List
No. 163**

24 January 2019

IMMUNITIES AND CRIMINAL PROCEEDINGS

(EQUATORIAL GUINEA *v.* FRANCE)

ORDER

Present: President YUSUF; Vice-President XUE; Judges TOMKA, CAÑADO TRINDADE, DONOGHUE, GAJA, SEBUTINDE, CRAWFORD, GEVORGIAN, SALAM, IWASAWA; Registrar COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45, paragraph 2, 48 and 49 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 13 June 2016, whereby the Republic of Equatorial Guinea (hereinafter “Equatorial Guinea”) instituted proceedings against the French Republic (hereinafter “France”) with regard to a dispute concerning “the immunity from criminal jurisdiction of the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security [Mr. Teodoro Nguema Obiang Mangue], and the legal status of the building which houses the Embassy of Equatorial Guinea in France, both as premises of the diplomatic mission and as State property”,

Having regard to the Order of 1 July 2016, whereby the Court fixed 3 January 2017 and 3 July 2017 as the respective time-limits for the filing of a Memorial by Equatorial Guinea and a Counter-Memorial by France,

Having regard to the Memorial of Equatorial Guinea filed within the time-limit thus prescribed,

Having regard to the preliminary objections to the jurisdiction of the Court raised by France on 31 March 2017, within the time-limit set by Article 79, paragraph 1, of the Rules of Court,

Having regard to the Order of 5 April 2017, whereby the Court recorded that, under the provisions of Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were suspended,

Having regard to the Judgment of 6 June 2018, whereby the Court declared that it had jurisdiction, on the basis of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes, to entertain the Application filed by Equatorial Guinea on 13 June 2016, in so far as it concerns the status of the building located at 42 avenue Foch in Paris as premises of its mission, and that this part of the Application was admissible,

Having regard to the Order of 6 June 2018, whereby the Court fixed 6 December 2018 as the time-limit for the filing of the Counter-Memorial of France,

Having regard to the Counter-Memorial of France filed within the time-limit thus fixed;

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 17 January 2019, the Agent of Equatorial Guinea, referring to the Counter-Memorial of France, and, in particular, arguments contained therein in relation to alleged abuse of rights by Equatorial Guinea and certain inconsistencies in its Memorial, indicated that his Government wished to be able to respond to those arguments in a Reply and to present new documents in support of its case; whereas, the Agent of Equatorial Guinea further requested a time-limit of six months for the preparation by his Government of a Reply; whereas the Agent of France stated that his Government did not consider a second round of written pleadings necessary, in particular, given that the scope of the case had been reduced pursuant to the Court's Judgment of 6 June 2018 on preliminary objections, and that the Applicant had already had various opportunities to address the issues in dispute in its Application, Memorial and Written Statement on the preliminary objections raised by France; whereas the Agent of France added that, in the event of the Court nevertheless deciding to direct the Applicant to submit a Reply and the Respondent to submit a Rejoinder, his Government proposed that equal time-limits of three months should be fixed for the filing of those pleadings; whereas the Agent of Equatorial Guinea expressed his Government's willingness to accept the shortened time-limits proposed by France for the preparation of a Reply by the Applicant and a Rejoinder by the Respondent, in the event that the Court were to allow a second round of written pleadings;

Taking into account the views of the Parties,

Directs the submission of a Reply by the Republic of Equatorial Guinea and a Rejoinder by the French Republic;

Fixes the following time-limits for the filing of those written pleadings:

24 April 2019 for the Reply of the Republic of Equatorial Guinea;

24 July 2019 for the Rejoinder of the French Republic; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-fourth day of January, two thousand and nineteen, 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 Equatorial Guinea and the Government of the French Republic, respectively.

(Signed) Abdulqawi Ahmed YUSUF,
President.

(Signed) Philippe COUVREUR,
Registrar.
