

Case Comments

Decisions of International and Foreign Tribunals

International Court of Justice

AUSTRALIA AND NEW ZEALAND v. FRANCE (Nuclear Tests)¹

In early August, 1973, the Court announced its "regrets" that before its Orders indicating interim measures were rendered by the Court in public session, statements were published in the press as to the probable decision, including in particular, a statement made in Australia as to the precise majority by which it was expected the Court would decide. It was mentioned that the Government of Australia had furnished to the Court an explanation and had stated that the press reports did not represent correctly the nature of the statement to which reference had been made, and had conveyed its regrets at any embarrassment which might have been caused to the Court.

The Communiqué concluded:

"The Court considers that any publication concerning a future decision of a court, domestic or international, is incompatible with the fundamental principles governing the good administration of justice. The Court therefore remains seriously concerned with the matter."

Subsequently, based on a request of Australia, the President of the Court entered an Order extending the times for filing of pleadings on the jurisdiction of the Court and the admissibility of the Application in the case, 23 November 1973 being fixed for the Memorial of Australia and 19 April 1974 being fixed for France's Counter-Memorial.

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¹See also 7 INT'L. LAW. 762 (July 1973) and 918 (Oct. 1973).

PAKISTAN v. INDIA (Trial of Pakistani Prisoners of War)²

At the request of the Government of Pakistan, the President of the Court entered an Order dated 29 September 1973, extending the time limits for filing pleadings on the question of the jurisdiction of the Court, the Memorial of the Government of Pakistan now being due 15 December 1973, and India's Counter-Memorial being due 17 May 1974.

²See also 7 INT'L. LAW. 727 (July 1973) and 919 (Oct. 1973).