

17 JUILLET 2025

ORDONNANCE

TRAFIC ILLICITE ALLÉGUÉ DE MIGRANTS

(LITUANIE c. BÉLARUS)

ALLEGED SMUGGLING OF MIGRANTS

(LITHUANIA v. BELARUS)

17 JULY 2025

ORDER

INTERNATIONAL COURT OF JUSTICE

YEAR 2025

**2025
17 July
General List
No. 200**

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(LITHUANIA v. BELARUS)

ORDER

Present: *President* IWASAWA; *Vice-President* SEBUTINDE; *Judges* TOMKA, ABRAHAM, XUE, BHANDARI, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDÓ, CLEVELAND, AURESCU, TLADI; *Registrar* GAUTIER.

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, 48, 79, 79*bis* and 79*ter* of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 19 May 2025, whereby the Republic of Lithuania (hereinafter “Lithuania”) instituted proceedings against the Republic of Belarus (hereinafter “Belarus”) with regard to a dispute concerning alleged violations by the latter of obligations arising under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000, in relation to “the large-scale smuggling of irregular migrants from Belarus into Lithuania”;

Whereas a signed copy of the Application was communicated to Belarus on the day it was filed;

Whereas the Applicant and the Respondent have each appointed an Agent for the purposes of the proceedings; whereas Lithuania has appointed Mr Ričard Dzikovič and Belarus has appointed Mr Andrey Popkov;

Whereas, on 14 July 2025, a meeting was held by the President of the Court with the Agents of the Parties, pursuant to Article 31 of the Rules of Court, in order to ascertain their views with regard to the time-limits for the filing of the initial written pleadings in the case;

Whereas, at this meeting, the Agent of Lithuania recalled that the Minister for Foreign Affairs of Belarus, in a letter addressed to the Registrar of the Court dated 17 June 2025, had expressed the intention of the Belarusian Government to raise objections not only to the jurisdiction of the Court but also to the admissibility of the Application in due course; whereas the Agent of Lithuania proposed, accordingly, that the procedure provided for in Article 79 of the Rules of Court be followed and that questions concerning the jurisdiction of the Court and the admissibility of the Application be determined separately and before any proceedings on the merits; whereas the Agent of Lithuania proposed that, in the event that this procedure were followed, Belarus would first present a Memorial dealing exclusively with questions of jurisdiction and admissibility within six months from the date of the Order fixing the relevant time-limits and that Lithuania would then have at its disposal a period of six months for the preparation of its Counter-Memorial limited to those same questions; and whereas the Agent of Belarus stated that his Government did not object to the adoption of the procedure provided for in Article 79 of the Rules of Court nor to the time-limits proposed by Lithuania;

Whereas the Agent of Lithuania indicated that, in the alternative, in the event that the Court were to decide that the initial pleadings should address the merits of the case, his Government would require a period of 12 months for the preparation of its Memorial; whereas the Agent of Belarus stated that, in such a situation, his Government would need 14 months for the preparation of its Counter-Memorial; whereas counsel for Lithuania noted that Lithuania, in such a scenario, had no objection to both Parties being granted 14 months each for the elaboration of their respective pleadings; and whereas the Agent of Belarus added that, should the Court decide not to proceed in accordance with Article 79 of the Rules of Court, his Government reserved the right to raise preliminary objections to the jurisdiction of the Court and the admissibility of the Application;

Whereas the Court considers, pursuant to Article 79 of the Rules of Court, that, in the circumstances of the case, it must resolve first of all the question of the jurisdiction of the Court and that of the admissibility of the Application, and that these questions should accordingly be separately determined before any proceedings on the merits,

Decides that the written pleadings shall first be addressed to the question of the jurisdiction of the Court and that of the admissibility of the Application;

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

19 January 2026 for the Memorial of the Republic of Belarus;

20 July 2026 for the Counter-Memorial of the Republic of Lithuania; 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 seventeenth day of July, two thousand and twenty-five, 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 Lithuania and the Government of the Republic of Belarus, respectively.

(Signed) IWASAWA Yuji,
President.

(Signed) Philippe GAUTIER,
Registrar.
