



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections (Yugoslavia v. Bosnia and Herzegovina)

Court to deliver its Judgment on Monday 3 February 2003 at 3 p.m.

THE HAGUE, 27 January 2003. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, will deliver its Judgment in the case concerning the Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections (Yugoslavia v. Bosnia and Herzegovina), on Monday 3 February at 3 p.m. at the Peace Palace in The Hague, the seat of the Court.

This judgment will address the question of the admissibility of the Application for revision filed by Yugoslavia.

History of the Proceedings

On 24 April 2001, the Federal Republic of Yugoslavia (FRY) filed an Application for revision of the Judgment delivered by the International Court of Justice on 11 July 1996 in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections.

In that case, Bosnia and Herzegovina on 20 March 1993 instituted proceedings before the Court against Yugoslavia concerning a series of alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and concerning various questions which were, in the Applicant's view, linked to these violations. In its Application, Bosnia and Herzegovina relied upon Article IX of that convention as the basis for the jurisdiction of the Court. Article IX reads as follows: "Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute." Bosnia and Herzegovina subsequently invoked additional bases for jurisdiction. On 26 June 1995, Yugoslavia filed preliminary objections challenging the jurisdiction of the Court and the admissibility of the Application. In the above-mentioned Judgment of 11 July 1996 (see Press Release No. 96/25), the Court rejected the preliminary objections raised by Yugoslavia. It found that it had jurisdiction to deal with the case on the basis of Article IX of the Genocide Convention, dismissing the additional bases of jurisdiction invoked by Bosnia and Herzegovina. The Court further found that the Application filed by Bosnia and Herzegovina was admissible.

Yugoslavia based its Application for revision of 24 April 2001 on Article 61 of the Statute of the Court, which provides that:

“1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.”

In its Application, the FRY contended that a revision of the Judgment of 11 July 1996 was necessary since it was clear that it had never continued the legal personality of the Socialist Federal Republic of Yugoslavia; that at the time of the reading of this Judgment, it was not a Member of the United Nations, an organization it had joined on 1 November 2000; and that it was not a State party to the Statute of the Court, and was also not a State party to the Genocide Convention, which is only open to United Nations Members or to non-member States to which an invitation to sign or accede has been addressed by the General Assembly. In the submissions in its Application, Yugoslavia requested the Court to declare that “there [was] a new fact of such a character as to lay the case open to revision under Article 61 of the Statute of the Court”.

On 3 December 2001, within the time-limit fixed by the Court for this purpose, Bosnia and Herzegovina filed written observations on the admissibility of the Application for revision made by the FRY. In its observations, Bosnia and Herzegovina contended that the conditions set under Article 61 of the Statute of the Court were not met in this instance; it consequently requested the Court “to adjudge and declare that the Application for Revision of the Judgment of 11 July 1996, submitted by . . . Yugoslavia . . . [was] not admissible”.

Hearings were held from 4 to 7 November 2002. As provided in Article 61 of the Statute, they have been devoted to the question of the admissibility of the Application for revision filed by Yugoslavia. At the conclusion of the oral proceedings the Parties presented their final submissions to the Court. The FRY has requested the Court to adjudge and declare that “there are newly discovered facts of such a character as to lay the 11 July 1996 Judgment open to revision under Article 61 of the Statute of the Court; and that the Application for Revision of the Federal Republic of Yugoslavia [was] therefore admissible.” Bosnia and Herzegovina has requested the Court to adjudge and declare “that the application for revision submitted by . . . Yugoslavia on 23 April 2001 [was] not admissible”.

NOTE TO THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. Mobile telephones and beepers are allowed in the courtroom **provided they are turned off or set on silent mode**. Any offending device will be temporarily retained.

2. Members of the Press may attend on presentation of a press card. The tables reserved for them are situated to the far left of the public entrance to the courtroom.

3. **Photographs and TV shots may be taken for a few minutes only at the opening of the sitting.** The Court's proceedings will be displayed live on a large TV screen in the Press Room, located on the ground floor of the Peace Palace (Room 5). In the Press Room, it will be possible for TV crews to connect recording equipment directly to the Court's new video system, but advance notice of this should be given to the Information Department. There is also a facility for the connection of sound-only equipment to the Court's audio system during the proceedings.

4. At the end of the sitting, a press release, a summary of the Court's Judgment and the full text of the Judgment will be distributed in the Press Room.

5. All the above-mentioned documents will also be available at that time on the Court's website (www.icj-cij.org).

6. Members of the Press who wish to make telephone calls may use the phone located in the Press Room for collect calls or the public telephones in the Post Office in the basement of the Peace Palace.

7. Mr. Arthur Witteveen, First Secretary of the Court (tel: +31-70-302 2336), and Mrs. Laurence Blairon and Mr. Boris Heim, Information Officers, are available to deal with any requests from the Press and for the requirements of TV crews (tel: +31-70-302 2337; e-mail address: information@icj-cij.org).
