



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org Twitter Account: @CIJ_ICJ

Press Release

Unofficial

No. 2017/12

9 March 2017

Document entitled “Application for revision of the Judgment of 26 February 2007 in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia)”

Statement by H.E. Judge Ronny Abraham, President of the International Court of Justice

THE HAGUE, 9 March 2017. H.E. Judge Ronny Abraham, President of the International Court of Justice, has today made the following statement.

“On 23 February 2017, a document (with Annexes) of the same date and entitled “Application for revision of the Judgment of 26 February 2007 in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia)” was handed in to the Registry. This document was signed by Mr. Sakib Softić, with the title “Agent of Bosnia and Herzegovina”, by Mr. Phon van den Biesen, with the title “Deputy-Agent of Bosnia and Herzegovina” and by Mr. David J. Scheffer, with the title “Deputy-Agent of Bosnia and Herzegovina”.

Previously, however, the Registry had received a letter from Mr. Softić, dated 25 May 2016, in which he enquired whether his appointment as the Agent of Bosnia and Herzegovina in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia) was valid for the initiation of proceedings for revision of the Judgment of 26 February 2007 in that case. By letter dated 26 May 2016, the Registrar informed Mr. Softić that a new appointment would be required. No document attesting to the appointment of Mr. Softić for the purposes of proceedings for the revision of the 2007 Judgment has been received by the Court. The Registry had also received a letter dated 13 July 2016 from H.E. Mr. Mladen Ivanić, Member of the Presidency of Bosnia and Herzegovina, and a letter dated 3 February 2017 from H.E. Mr. Igor Crnadak, Minister for Foreign Affairs of Bosnia and Herzegovina. In their communications, Mr. Ivanić and Mr. Crnadak gave their views on the possible filing of an Application for revision of the Court’s Judgment of 26 February 2007. In particular, they both noted that “there is no decision adopted by the Presidency of Bosnia and Herzegovina” regarding the institution of new proceedings before the Court, or a decision to provide new authorization to Mr. Sakib Softić, the former Agent in the Bosnia and Herzegovina v. Serbia and Montenegro case, “or anybody else to act as an Agent of [Bosnia and Herzegovina] before the International Court of Justice”.

In light of this apparent uncertainty surrounding the intentions of Bosnia and Herzegovina regarding a request for revision, the Registrar of the Court was instructed on 24 February 2017 to ask the Presidency of Bosnia and Herzegovina to provide clarification on the matter. In response to

the Registrar's letter to the Presidency of Bosnia and Herzegovina, three letters were handed in separately to the Registry on 2 March 2017: a letter from H.E. Mr. Mladen Ivanić, Chairman of the Presidency of Bosnia and Herzegovina, dated 28 February 2017, a letter from H.E. Mr. Dragan Čović, Member of the Presidency of Bosnia and Herzegovina, dated 1 March 2017 and a letter from H.E. Mr. Bakir Izetbegović, Member of the Presidency of Bosnia and Herzegovina, dated 2 March 2017.

In his letter, H.E. Mr. Mladen Ivanić, Chairman of the Presidency of Bosnia and Herzegovina, stated, *inter alia*, that “[n]o official institution of Bosnia and Herzegovina made a decision to initiate the revision of the Judgment of the International Court of Justice.” H.E. Mr. Dragan Čović, Member of the Presidency of Bosnia and Herzegovina, explained in his letter that “the issues [referred to in the Registrar's] letter . . . have not been discussed nor decided on by the Presidency of Bosnia and Herzegovina, as a collective head of State of Bosnia and Herzegovina”. H.E. Mr. Bakir Izetbegović, Member of the Presidency of Bosnia and Herzegovina, stated that the Decision taken on 4 October 2002 to appoint Mr. Softić as the Agent of Bosnia and Herzegovina in the case of Bosnia and Herzegovina v. Yugoslavia “remains valid and in force” and that “the Application for Revision, which was delivered . . . on 23 February 2017, squarely falls within the mandate granted to Mr. Softić as . . . Agent”.

The Court duly examined the various communications described above. The Court considered that their content demonstrates that no decision has been taken by the competent authorities, on behalf of Bosnia and Herzegovina as a State, to request the revision of the Judgment of 26 February 2007 in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia), and that it is therefore not properly seised of the matter. Accordingly, no action can be taken with regard to the document entitled “Application for revision of the Judgment of 26 February 2007 in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia)”.

A letter was sent by the Registrar to the Presidency of Bosnia and Herzegovina on 8 March 2017 informing the latter of the Court's position.”

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an *ad hoc* court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special

Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Mr. Boris Heim and Ms Joanne Moore, Information Officers (+31 (0)70 302 2337)

Mr. Avo Sevag Garabet, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)