



INTERNATIONAL COURT OF JUSTICE

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Legality of Use of Force

(Yugoslavia v. Belgium) (Yugoslavia v. Canada) (Yugoslavia v. France)
(Yugoslavia v. Germany) (Yugoslavia v. Italy) (Yugoslavia v. Netherlands)
(Yugoslavia v. Portugal) (Yugoslavia v. United Kingdom)

The respondent States challenge the Court's jurisdiction and the admissibility of Yugoslavia's Applications

THE HAGUE, 7 July 2000. On 5 July 2000, within the time-limit for the filing of their Counter-Memorials, the respondent States in the eight above-mentioned cases (Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom) raised certain preliminary objections of lack of jurisdiction and inadmissibility.

In each of the eight cases, the proceedings on the merits of the dispute are accordingly suspended pursuant to Article 79, paragraph 3, of the Rules of Court. The Court will decide on the preliminary objections at the end of a special procedure, which will comprise the filing of written observations by the Applicant (Yugoslavia) and an oral phase on the issues of jurisdiction and admissibility.

The time-limits for the filing of those written observations in each of the eight cases will be fixed later.

History of the proceedings

On 29 April 1999 the Federal Republic of Yugoslavia instituted proceedings before the Court against Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal, Spain, the United Kingdom and the United States of America, accusing those States of bombing Yugoslav territory in violation of their obligation not to use force against another State.

In its Applications, Yugoslavia maintained that the above-mentioned States had committed "acts by which [they] have violated [their] international obligation[s] not to use force against another State, not to intervene in [that State's] internal affairs" and "not to violate [its] sovereignty", "the obligation to protect the civilian population and civilian objects in wartime, [and] to protect the environment; the obligation relating to free navigation on international rivers"; the obligation "regarding the fundamental rights and freedoms; and the obligation[s] not to use prohibited weapons [and] not to deliberately inflict conditions of life calculated to cause the physical destruction of a national group".

Accordingly, Yugoslavia requested the Court to adjudge and declare *inter alia* that the ten States against which it instituted proceedings were "responsible for the violation of the above[-mentioned] international obligations", that they were "obliged to stop immediately" that violation and that they were "obliged to provide compensation for the damage done".

On the same day Yugoslavia also filed, in each of the ten cases, a request for interim measures of protection (provisional measures), asking the Court to order the States involved to "cease immediately [their] acts of use of force" and to "refrain from any act of threat or use of force against the Federal Republic of Yugoslavia".

Hearings on provisional measures were held on 10 to 12 May 1999 and the Court handed down its decision in each of the cases on 2 June 1999. In two cases (Yugoslavia v. Spain and Yugoslavia v. United States of America), the Court held that it manifestly lacked jurisdiction and ordered that the cases be removed from its List. In the other eight (Yugoslavia v. Belgium; Yugoslavia v. Canada; Yugoslavia v. France; Yugoslavia v. Germany; Yugoslavia v. Italy; Yugoslavia v. Netherlands; Yugoslavia v. Portugal; Yugoslavia v. United Kingdom), the Court found that it lacked prima facie jurisdiction — which is a prerequisite for the issue of provisional measures — and that it therefore could not indicate such measures. The Court, however, stated that it remained seised of those cases and stressed that its findings, at that stage, "in no way prejudge[d] the question of the jurisdiction of the Court to deal with the merits" of the cases and left "unaffected the right of the Governments of Yugoslavia and [of the respondent States] to submit arguments in respect of those questions.

By Orders of 30 June 1999, the Court decided that Yugoslavia should submit a Memorial in each of the eight cases by not later than 5 January 2000 and that the respondent States (Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom) should each submit a Counter-Memorial by not later than 5 July 2000 (see Press Communiqué 99/39).

Yugoslavia's Memorials were filed within the prescribed time-limits and, as stated above, the respondent States raised preliminary objections within the time-limit for the filing of the Counter-Memorial.

NOTE FOR THE PRESS

The preliminary objections filed by Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal and the United Kingdom in the eight above-mentioned cases are not yet in the public domain. They will be at the opening of the hearings on the issues of jurisdiction and admissibility if the Court so decides, after ascertaining the views of the Parties.

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