



**FEDERAL REPUBLIC OF YUGOSLAVIA
FEDERAL MINISTRY OF FOREIGN AFFAIRS**

On 20 March 2002, responding to a request submitted by the Government of the Federal Republic of Yugoslavia, the Court extended to 7 April 2003 the time limit within which the Federal Republic of Yugoslavia may present written statements of its observations and submissions on preliminary objections made by Belgium, Canada, France, Germany, Italy the Netherlands, Portugal, and the United Kingdom, in the cases concerning 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); and (Yugoslavia v. United Kingdom). Having taken advantage of a substantial part of the extension granted by the Court, the Government of the Federal Republic of Yugoslavia submits the following

WRITTEN OBSERVATIONS

The Federal Republic of Yugoslavia is supplementing its earlier communications on the ground of newly discovered facts which have emerged since earlier pleadings were filed. These facts have been revealed in the light of the acceptance of the Federal Republic of Yugoslavia as a new member of the United Nations on 1 November 2000. The Federal Republic of Yugoslavia submits that it is now clear that:

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a) ***With regard to Article 35 and 36 of the Statute of the Court, with regard to the Genocide Convention (and with regard to bilateral conventions in the cases against Belgium and The Netherlands)***

As the Federal Republic of Yugoslavia became a new member of the United Nations on 1 November 2000, it follows that it was not a member before that date. Accordingly, it became an established fact that before 1 November 2000, the Federal Republic of Yugoslavia was not and could not have been a party to the Statute of the Court by way of UN membership.

b) ***With regard to the Genocide Convention.***

The Federal Republic of Yugoslavia did not continue the personality and treaty membership of the former Yugoslavia, and thus specifically, it was not bound by the Genocide Convention until it acceded to that Convention (with a reservation to Article IX) in March 2001.

SUBMISSIONS

The Federal Republic of Yugoslavia requests the Court to decide on its jurisdiction considering the pleadings formulated in these Written Observations.

18 December 2002


Professor Tibor Varady

Agent of the Federal Republic of Yugoslavia