



INTERNATIONAL COURT OF JUSTICE

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**Application of the Convention on the Prevention and Punishment
of the Crime of Genocide (Croatia v. Serbia)**

**The Court directs the submission of a Reply by the Republic of Croatia
and a Rejoinder by the Republic of Serbia and fixes time-limits
for the filing of these pleadings**

THE HAGUE, 18 February 2010. The International Court of Justice (ICJ), principal judicial organ of the United Nations, has directed the submission of a Reply by the Republic of Croatia and a Rejoinder by the Republic of Serbia in respect of the claims presented by the Parties in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia).

In an Order dated 4 February 2010, the Court fixed 20 December 2010 and 4 November 2011 as the respective time-limits for the filing of these written pleadings.

The Court took account of the fact that the Counter-Memorial filed by Serbia on 4 January 2010 contains counter-claims in the form of the following submissions:

“On the basis of the facts and legal arguments presented in this Counter-Memorial, the Republic of Serbia respectfully requests the International Court of Justice to adjudge and declare:

.....

4. That the Republic of Croatia has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by committing, during and after the operation Storm in August 1995, the following acts with intent to destroy as such the part of the Serb national and ethnical group living in the Krajina Region (UN Protected Areas North and South) in Croatia:

- killing members of the group;
- causing serious and bodily or mental harm to members of the group; and
- deliberately inflicting on the group conditions of life calculated to bring about its partial physical destruction.

5. Alternatively, that the Republic of Croatia has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by conspiring to commit genocide against the part of the Serb national and ethnical group living in the Krajina Region (UN Protected Areas North and South) in Croatia.

6. As a subsidiary finding, that the Republic of Croatia has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by having failed and by still failing to punish acts of genocide that have been committed against the part of the Serb national and ethnical group living in the Krajina Region (UN Protected Areas North and South) in Croatia.

7. That the violations of international law set out in paragraphs 4, 5 and 6 above constitute wrongful acts attributable to the Republic of Croatia which entail its international responsibility, and, accordingly,

- (1) that the Republic of Croatia shall immediately take effective steps to ensure full compliance with its obligation to punish acts of genocide as defined by Article II of the Convention, or any other acts proscribed by Article III of the Convention committed on its territory before, during and after operation Storm; and
- (2) that the Republic of Croatia shall redress the consequences of its international wrongful acts, that is, in particular:
 - (a) pay full compensation to the members of the Serb national and ethnic group from the Republic of Croatia for all damages and losses caused by the acts of genocide;
 - (b) establish all necessary legal conditions and secure environment for the safe and free return of the members of the Serb national and ethnical group to their homes in the Republic of Croatia, and to ensure conditions of their peaceful and normal life including full respect for their national and human rights;
 - (c) amend its Law on Public Holidays, Remembrance Days and Non-Working Days, by way of removing the 'Day of Victory and Homeland Gratitude' and the 'Day of Croatian Defenders', celebrated on the 5th of August, as a day of the triumph in the genocidal operation Storm, from its list of public holidays."

Given the absence of objections by Croatia to the admissibility of the above-mentioned counter-claims, the Court did not consider that it was required to rule definitively at this stage on the question of whether the said claims fulfilled the conditions set forth in Article 80, paragraph 1, of the Rules of Court.

The Court stated that it was also appropriate, "in order to ensure strict equality between the Parties, to reserve the right for Croatia to express its views for a second time in writing within a reasonable time-limit on Serbia's counter-claims, in an additional pleading whose submission may be dealt with in a subsequent Order".

In order to protect the rights which third States entitled to appear before the Court derive from the Statute, the Court instructed the Registrar to transmit to them a copy of the Order.

The subsequent procedure was reserved for further decision.

History of the proceedings

For the history of the proceedings, please see Press Releases Nos. 2008/7, 2008/12, 2008/41 and 2009/7, which are available on the Court's website (www.icj-cij.org).

The full text of the Court's Order will soon be available on its website. Readers are reminded that written pleadings remain confidential until such time as the Court decides to make them accessible to the public, generally at the opening of the oral proceedings.

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