



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 authorizes the submission of an additional pleading by the Republic of Croatia

THE HAGUE, 26 January 2012. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, has authorized the submission by the Republic of Croatia of an additional pleading relating solely to the counter-claims submitted by the Republic of Serbia in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia).

By an Order dated 23 January 2012, the Court fixed 30 August 2012 as the time-limit for the filing of that pleading.

The Court made this Order following an indication by Croatia that it wished to present its views for a second time in writing, in an additional pleading, on Serbia's counter-claims, and taking account of the views of the Parties. The subsequent procedure has been reserved for further decision.

History of the proceedings

On 2 July 1999, Croatia instituted proceedings before the Court against Serbia (then known as the Federal Republic of Yugoslavia) with respect to a dispute concerning alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter "the Genocide Convention") committed between 1991 and 1995.

In its Application, Croatia contends, *inter alia*, that, "[b]y directly controlling the activity of its armed forces, intelligence agents, and various paramilitary detachments, on the territory of . . . Croatia, in the Knin region, eastern and western Slavonia, and Dalmatia", Serbia is liable for "ethnic cleansing" committed against Croatian citizens, "a form of genocide which resulted in large numbers of Croatian citizens being displaced, killed, tortured, or illegally detained, as well as extensive property destruction".

Accordingly, Croatia requests the Court to adjudge and declare that Serbia has "breached its legal obligations" to Croatia under the Genocide Convention and that it has "an obligation to pay to . . . Croatia, in its own right and as *parens patriae* for its citizens, reparations for damages to persons and property, as well as to the Croatian economy and environment . . . in a sum to be determined by the Court" (see Annual Report 1998-1999 et seq.).

As basis for the Court's jurisdiction, Croatia invokes Article IX of the Genocide Convention, to which, it claims, both States are parties.

By an Order of 14 September 1999, the Court fixed 14 March 2000 and 14 September 2000 as the respective time-limits for the filing of a Memorial by Croatia and a Counter-Memorial by Serbia. These time-limits were twice extended, by Orders of 10 March 2000 and 27 June 2000. Croatia filed its Memorial within the time-limit as extended by the latter Order.

On 11 September 2002, within the time-limit for the filing of its Counter-Memorial as extended by the Order of 27 June 2000, Serbia raised certain preliminary objections in respect of jurisdiction and admissibility. Pursuant to Article 79 of the Rules of Court, the proceedings on the merits were suspended. Croatia filed a written statement of its observations and submissions on Serbia's preliminary objections on 25 April 2003, within the time-limit fixed by the Court.

Public hearings on the preliminary objections in respect of jurisdiction and admissibility were held from 26 to 30 May 2008 (see [Annual Report 2007-2008](#)).

On 18 November 2008, the Court rendered its Judgment on the preliminary objections (see [Annual Report 2008-2009 et seq.](#)). In its Judgment the Court found *inter alia* that, subject to its statement concerning the second preliminary objection raised by the Respondent, it had jurisdiction, on the basis of Article IX of the Genocide Convention, to entertain Croatia's Application. The Court added that Serbia's second preliminary objection did not, in the circumstances of the case, possess an exclusively preliminary character. It then rejected the third preliminary objection raised by Serbia.

By an Order of 20 January 2009, the President of the Court fixed 22 March 2010 as the time-limit for the filing of the Counter-Memorial of Serbia. That pleading, containing counter-claims, was filed within the time-limit thus prescribed.

By an Order of 4 February 2010, the Court directed the submission of a Reply by the Republic of Croatia and a Rejoinder by the Republic of Serbia concerning the claims presented by the Parties. It fixed 20 December 2010 and 4 November 2011, respectively, as the time-limits for the filing of those written pleadings, which were filed within the time-limits thus prescribed.

The full text of the Court's Order will be available shortly on its website. However, written pleadings remain confidential until the Court decides to make them accessible to the public, generally at the opening of the oral proceedings.

Note: The Court's press releases do not constitute official documents.

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. It is assisted by a Registry, its international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English.

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 independent judicial institution composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an institution founded in 1899, which is independent of the United Nations).

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