



INTERNATIONAL COURT OF JUSTICE

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Yugoslavia requests a revision of the Judgment of 11 July 1996 by which the Court declared that it had jurisdiction to adjudicate in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)

THE HAGUE, 24 April 2001. Today the Federal Republic of Yugoslavia (FRY) filed an Application for revision of the Judgment delivered by the International Court of Justice (ICJ) on 11 July 1996 in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections.

In that Judgment (see Press Release No. 96/25), the Court rejected the preliminary objections raised by Yugoslavia and found that it had jurisdiction to deal with the case on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, dismissing the additional bases of jurisdiction invoked by Bosnia and Herzegovina. The Court further found that the Application filed by Bosnia and Herzegovina was admissible.

Yugoslavia contends that a revision of the Judgment is necessary now that it has become clear that, before 1 November 2000 (the date on which it was admitted as a new Member of the United Nations), Yugoslavia did not continue the international legal and political personality of the Socialist Federal Republic of Yugoslavia, was not a Member of the United Nations, was not a State party to the Statute of the Court, and was not a State party to the Genocide Convention (which is only open to United Nations Member States or to non-Member States to which an invitation to sign or accede has been addressed by the General Assembly).

Yugoslavia bases its Application for revision on Article 61 of the Statute of the Court, which provides in its first paragraph that "an application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence".

Yugoslavia states that its admission to the United Nations as a new Member on 1 November 2000 constitutes "a new fact", which was "obviously unknown to both the Court and to [Yugoslavia] at the time of the 1996 Judgment". It adds that "since membership in the United Nations, combined with the status of a party to the Statute [of the Court] and to the Genocide Convention represent the only basis on which jurisdiction over the FRY was assumed, and could be assumed, the disappearance of this assumption . . . [is] clearly of such a nature [as] to be a decisive factor".

Yugoslavia asserts that no alternative basis for the Court's jurisdiction existed or could have existed in the case. Yugoslavia further notes that, while on 8 March 2001 it submitted to the United Nations Secretary-General a notification seeking accession to the Genocide Convention, that instrument includes a reservation to Article IX. Moreover, according to Yugoslavia, "accession has no retroactive effect. Even if it had [retroactive effect] this cannot possibly encompass the compromissory clause in Article IX of the Genocide Convention, because the FRY never accepted Article IX and the FRY's accession [to the Convention] did not encompass Article IX."

For all these reasons, Yugoslavia requests the Court to declare that "there is a new fact of such a character as to lay the case open to revision under Article 61 of the Statute of the Court". It further asks the Court to suspend proceedings regarding the merits of the case until a decision on the Application for revision is rendered.

The full text of Yugoslavia's Application for revision will shortly be available on the Court's website at the following address: <http://www.icj-cij.org>.

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