



# INTERNATIONAL COURT OF JUSTICE

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**Communiqué**

unofficial  
for immediate release

No. 93/28  
13 September 1993

Application of the Convention on the Prevention  
and Punishment of the Crime of Genocide  
(Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))

Order of the Court on provisional measures

The Hague, September 13. The International Court of Justice today issued an interim order of provisional measures reaffirming the measures it ordered on April 8, 1993, when Bosnia-Herzegovina first moved in the Court against Yugoslavia (Serbia-Montenegro). It held that "the present perilous situation demands, not an indication of provisional measures additional to those indicated by the Court's Order of 8 April 1993, but immediate and effective implementation of those measures".

The Court declined to adopt more far-reaching injunctions requested by Bosnia as well as an injunction sought by Yugoslavia requiring Bosnia to take all measures within its power to prevent commission of the crime of genocide against the Serbs in Bosnia. In declining Bosnian requests, among others, to interdict plans to partition Bosnian territory, to declare annexation of Bosnian territory to be illegal, and to hold that Bosnia must have the means to prevent acts of genocide and partition by obtaining military supplies, the Court pointed out that it had prima facie jurisdiction in this case to order interim measures only within the scope of the jurisdiction conferred on it by the Convention on the Prevention and Punishment of the Crime of Genocide. It was not entitled to deal with broader claims.

At the same time, the Court recorded that, since its Order of April 8, and despite it and many resolutions of the United Nations Security Council, "great suffering and loss of life has been sustained by the population of Bosnia-Herzegovina in circumstances which shock the conscience of mankind and flagrantly conflict with moral law ..." It observed that the "grave risk" which the Court apprehended in April of the dispute over the commission of genocide in Bosnia being aggravated and extended "has been deepened by the persistence of conflicts" on its territory "and the commission of heinous acts in the course of those conflicts". The Court declared that it is "not satisfied that all that might have been done has been done" to prevent genocide in Bosnia, and reminded the parties to the case that they were obliged to take the Court's provisional measures "seriously into account".

At the stage of provisional measures - incidental and urgent proceedings which precede consideration of the merits - the Court cannot make definitive findings of fact or of law. That awaits the later stage of the merits.

The measures indicated in April and today reaffirmed are as follows:

"The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide;

The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, of direct and public incitement to commit genocide, or of complicity in genocide, whether directed against the Muslim population of Bosnia and Herzegovina or against any other national, ethnical, racial or religious group;

The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Bosnia and Herzegovina should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute over the prevention or punishment of the crime of genocide, or render it more difficult of solution."

In today's vote, Judge Nikolai Tarassov (Russia) was joined by the *ad hoc* Judge appointed by Yugoslavia, Milenko Kreća, in voting against the first two measures; Judge Kreća dissented from the third.

The Court, a 15-member body, is the principal judicial organ of the United Nations.