

Wednesday 4th August 1993

TO: The Judges of the International Court of Justice
The Peace Palace,
The Hague,
The Netherlands.

YOUR EXCELLENCIES:

I hereby amend;

Our Second Request for an Indication of Provisional Measures of 27th July 1993 ("The Second Request"), and our outstanding Request for an immediate hearing thereof;

by submitting a request for an immediate Order without hearing pursuant to the Second Request, in accordance with Article 75(1) of the Rules of the International Court of Justice. This exceptional request is made in the light of the dire urgency of the situation facing the Applicant State.

- (1). On 8th April 1993, the Court ordered Provisional Measures ("The Order"), pursuant to the Applicant's Application, made on 20th March 1993 ("The Application"). Since that date, the Respondent State and its surrogates and agents have flagrantly violated the terms of the Order, and the fundamental principles of International Law which the Order sought to uphold. Accordingly, the Second Request was filed on 27th July 1993. The Second Request emphasised the urgency of the situation, and stressed that any delay in granting the relief sought could render such relief futile and meaningless.
- (2). The Applicant State has been subjected to the continuous use of force and genocide by the Respondent State and its surrogates and agents since April 1992. This use of force and genocide has been unabated, and has recently been heavily intensified. This is widespread, but has recently focussed upon the towns of Brcko, Maglaj, Tesanj, and Olovo. More particularly, Sarajevo, the capital city of the Applicant State is now in real imminent danger of falling to the forces of the Respondent State and its surrogates and agents.
- (3). By letter dated 2nd August 1993, Mr. Bernard Noble, the learned Deputy Registrar of the Honourable Court replied to the Applicant States' request for an urgent hearing. He stated

that His Excellency the President of the Court had considered the matter, pursuant to his power under Article 74(3) of the Statute [sic - Rules]. The date set for a hearing of the Second Request is 25th August 1993.

- (4). The Applicant State expresses its gratitude for the consideration given to its request by His Excellency The President of the Court. However, we respectfully request the Court to consider the exceptional circumstances which the Applicant State is facing.
- (5). There is a real likelihood that aggressor forces will forcibly gain control of the Applicant States' Capital City, Sarajevo before the proposed hearing date for the Second Request. Since the beginning of this aggression, nearly a quarter of a million of the Applicants States' People have been killed. More than 1 million have been injured, and over 2 million have been forced to flee their homes. If Sarajevo falls into the hands of the aggressors, there is a real danger that its inhabitants will be completely exterminated by means of genocide.
- (6). The Court has before it the evidence filed in support of the Application and the Second Request, which clearly shows that the Respondent State and its surrogates and agents have carried out genocide and genocidal acts and have continued to do so, in blatant violation of the Court's Order dated 8th April 1993. There is a grave danger that, unless the Court grants a further Order immediately, Sarajevo will be the scene of immense carnage if it falls to the aggressor forces.

The Applicant State recognises that this Request made to the Court is an exceptional one. However, the Applicant State is appealing to the Court to exercise the powers it possesses, in order to prevent further genocide. In the light of the rapidly deteriorating circumstances, especially the situation concerning the capital city of Sarajevo, the Applicant would respectfully urge the Court to exercise its powers before it is too late.

The Court has the fate of the Applicant State and its People before it. The Court is presented with clear evidence of an aggression whose aim and purpose is to completely eliminate the Applicant State and its inhabitants by means of genocide. This will happen unless the Court grants the measures requested immediately. The Applicant State and its People appeal to the Court to do so.

Attached to this communication is a letter written by President Izetbegovic dated 3rd August 1993, addressed to their Excellencies Boutros Boutros Ghali and Willy Claes. We hereby submit the aforesaid letter in support of this Request.

Respectfully submitted by,

Francis A. Boyle

Francis A. Boyle
Professor of International Law
General Agent for the Republic of
Bosnia and Herzegovina before
the International Court of
Justice

President Hotel
Geneva

17:25 hours.



REPUBLIC OF BOSNIA AND HERZEGOVINA

P R E S I D E N C Y

United Nations Secretary General Boutros Boutros Ghali
President of the Council of Ministers of the European
Communities, Minister of Foreign Affairs of Belgium, Mr. Willy
Claes

3rd August 1993

Sirs,

The Delegation of The Republic of Bosnia and Herzegovina is here in Geneva negotiating in good faith in order to seek a settlement in accordance with the United Nations Charter, the relevant Security Council Resolutions, and the Principles of the London Conference. Despite the prior assurances we received from the United Nations and the European Community before coming here, we have just now received information that yesterday, the aggressor forces launched repeated attacks against the towns of Brcko, Maglaj, Tesanj, Olovo, and upon the mountains around the capital of our State, Sarajevo. In the town of Tesanj, the aggressors used ground to ground missiles of the Luna type, with devastating effect upon the civilian population. Moreover, the humanitarian situation for the civilian population living in these areas has deteriorated to sub-human conditions. There is no water, food, or gas supplies for tens of thousands of human beings.

We wish to draw to your attention that here at United Nations Headquarters in Geneva we are repeatedly confronted with diktats and ultimatums that we accept faits accomplis based upon the illegal use of force, war crimes, ethnic cleansing and genocide. This is in explicit violation of the United Nations Charter, the relevant Security Council Resolutions, and the Principles of the London Conference.

The recent initiatives by President Clinton and NATO upholding the Principles of the United Nations Charter and the London Conference have encouraged us to remain here despite all these difficulties. However, in the light of these recent developments, we are asking you to take urgent and necessary action to terminate and reverse these results of aggression and genocide for the purpose of promoting a settlement here in Geneva, and to alleviate the catastrophic suffering of our people at home. On our part, this is to inform you that the Presidency of the Republic of Bosnia and Herzegovina has today issued an Order to our Armed Forces to use force strictly in self-defence.

Please accept the expressions of my highest consideration.

Alija Izetbegovic
President of the Presidency

Copies:
Co-Chairmen of the ICFY
Mr. D. Owen and Mr. T. Stoltenberg



PHONE: 38 71 61 03 40; 66 49 41; 66 48 97; fax 66 49 42