



INTERNATIONAL COURT OF JUSTICE

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Legality of Use of Force

(Yugoslavia v. Belgium) (Yugoslavia v. Canada) (Yugoslavia v. France)
(Yugoslavia v. Germany) (Yugoslavia v. Italy) (Yugoslavia v. Netherlands)
(Yugoslavia v. Portugal) (Yugoslavia v. United Kingdom)

The Court fixes time-limits for the filing of written pleadings

THE HAGUE, 2 July 1999. The International Court of Justice (ICJ) has fixed time-limits for the filing of written pleadings in the above-mentioned cases.

By Orders of 30 June 1999, the Court decided that the Federal Republic of Yugoslavia (FRY) should submit a Memorial in each of the eight cases by 5 January 2000 and that the respondent States (Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom) should each submit a Counter-Memorial by 5 July 2000.

The Court fixed those time-limits taking into account the relevant provisions of its Rules, in particular Article 45, which provides that "the pleadings in a case begun by means of an application shall consist, in the following order, of a Memorial by the applicant and a Counter-Memorial by the respondent".

The Court further referred to the meeting held with the Parties on 28 June 1999 by Judge Weeramantry, Vice-President, Acting President. At that meeting the respondent States requested that the question of the jurisdiction of the Court — and, for certain States (Belgium, Canada, Netherlands and United Kingdom), the additional question of the admissibility of Yugoslavia's Applications — should be separately determined before any proceedings on the merits. Yugoslavia opposed those requests and stated that it wished to be permitted to submit a Memorial on the merits of the dispute. It pointed out that the respondent States would be entitled to raise preliminary objections (to the Court's jurisdiction and, if need be, to the admissibility of Yugoslavia's Applications) within the time-limit fixed for their Counter-Memorials. Yugoslavia envisaged a time-limit of approximately six months for the preparation of its written pleadings.

Background information

On 29 April 1999 the Federal Republic of Yugoslavia instituted proceedings before the Court against Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal, Spain, the United Kingdom and the United States of America, accusing those States of bombing Yugoslav territory in violation of their obligation not to use force against another State.

In its Applications, Yugoslavia maintained that the above-mentioned States had committed "acts by which [they] have violated [their] international obligation[s] not to use force against another State, not to intervene in [that State's] internal affairs" and "not to violate [its] sovereignty", "the obligation to protect the civilian population and civilian objects in wartime, [and] to protect

the environment; the obligation relating to free navigation on international rivers"; the obligation "regarding the fundamental rights and freedoms; and the obligation[s] not to use prohibited weapons [and] not to deliberately inflict conditions of life calculated to cause the physical destruction of a national group".

Accordingly, Yugoslavia requested the Court to adjudge and declare inter alia that the ten States against which it instituted proceedings were "responsible for the violation of the above[-mentioned] international obligations", that they were "obliged to stop immediately" that violation and that they were "obliged to provide compensation for the damage done".

On the same day Yugoslavia also filed, in each of the ten cases, a request for interim measures of protection (provisional measures), asking the Court to order the States involved to "cease immediately [their] acts of use of force" and to "refrain from any act of threat or use of force against the Federal Republic of Yugoslavia".

Hearings on provisional measures were held on 10 to 12 May 1999 and the Court handed down its decision in each of the cases on 2 June 1999. In two cases (Yugoslavia v. Spain and Yugoslavia v. United States of America), the Court held that it manifestly lacked jurisdiction and ordered that the cases be removed from its List. In the other eight (Yugoslavia v. Belgium; Yugoslavia v. Canada; Yugoslavia v. France; Yugoslavia v. Germany; Yugoslavia v. Italy; Yugoslavia v. Netherlands; Yugoslavia v. Portugal; Yugoslavia v. United Kingdom), the Court found that it lacked prima facie jurisdiction — which is a prerequisite for the issue of provisional measures — and that it therefore could not indicate such measures. The Court, however, said that it remained seised of those cases and stressed that its findings "in no way prejudice[d] the question of the jurisdiction of the Court to deal with the merits" of the cases and left "unaffected the right of the Governments of Yugoslavia and [of the respondent States] to submit arguments in respect of those questions".

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