

Uncorrected

Non-corrigé

CR 99/28 (translation)

CR 99/28 (traduction)

Wednesday 12 May at 3.35 p.m.

Mercredi 12 mai à 15 h 35

Le VICE-PRESIDENT, faisant fonction de président : La Cour va maintenant entendre l'affaire qui oppose la Yougoslavie à la France, et j'invite l'agent du Gouvernement français à présenter ses conclusions.

Mr. ABRAHAM: Mr. President, Members of the Court, I have listened carefully to the remarks made in reply this morning by the Agent and Counsel of the Federal Republic of Yugoslavia.

I could see in them no argument, no element, which might invalidate or gainsay, however slightly, the submissions which I had the honour to make on behalf of the French Republic in the hearing on Monday afternoon.

I thus found in them confirmation, by default, of the merits of the arguments which France presented to the Court.

I was struck in particular - as the Court will have certainly been - by the total silence of the applicant State on the central issue of the French pleadings, which was also at the centre of the observations of most of the Respondents, namely the manifest absence in this case of the element of intent, of the subjective criterion of the definition of genocide: the deliberate intention to destroy a group of human beings as such.

Without that element of intent, the notion of genocide would have no meaning, since it would become identical with the use of force causing loss of human life, and the 1948 Convention would therefore be devoid of purpose.

It is highly significant that again this morning, the other Party did not even seek to allege - not only not demonstrate, but, I would stress, not even seek to allege - that the Respondents have any such deliberate intention of destroying a group of human beings as such.

And we know why: the Applicant's audacity, which has led it to venture a number of dubious arguments, is not so great as to allow it to put forward such a manifestly absurd assertion - one which, coming from the Applicant, would have been particularly unseemly in the present context.

I therefore find in the latest remarks of the Federal Republic of Yugoslavia the tacit confession that the dispute lies outside the sphere of application of the 1948 Convention.

I can therefore do no more than reiterate the submissions which I had the honour to present to the Court on Monday.

On behalf of the French Republic, I request the Court to order that the Application submitted by the Federal Republic of Yugoslavia be removed from the General List.

Mr. President, Members of the Court, thank you for your attention.

Le VICE-PRESIDENT, faisant fonction de président : Merci infiniment, M. Abraham. Votre exposé met fin au second tour de plaidoiries dans l'affaire qui oppose la Yougoslavie et la France.

La Cour va maintenant se consacrer à l'affaire qui oppose la Yougoslavie et l'Allemagne. L'exposé des conclusions de cet Etat commence dans quelques minutes.

L'audience est levée à 15 h 40.