



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org

Press Release

Unofficial

No. 2008/7
10 April 2008

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

Preliminary Objections

Schedule of the public hearings to be held from 26 to 30 May 2008

THE HAGUE, 10 April 2008. The International Court of Justice (ICJ), principal judicial organ of the United Nations, will hold public hearings in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia and Montenegro) from Monday 26 to Friday 30 May 2008, at the Peace Palace in The Hague, seat of the Court.

The hearings will concern solely the preliminary objections to jurisdiction and admissibility raised by Serbia and Montenegro.

Schedule for the hearings

— First round of oral argument

Monday 26 May 2008 10 a.m. - 1 p.m. and 3 p.m. - 4.30 p.m.: Serbia and Montenegro

Tuesday 27 May 2008 4.30 p.m. - 6 p.m.: Croatia

Wednesday 28 May 2008 10 a.m. - 1 p.m.: Croatia

— Second round of oral argument

Thursday 29 May 2008 10 a.m. - 1 p.m.: Serbia and Montenegro

Friday 30 May 2008 10 a.m. - 1 p.m.: Croatia

History of the proceedings

On 2 July 1999, Croatia instituted proceedings before the Court against Serbia and Montenegro (then known as the Federal Republic of Yugoslavia, FRY) with respect to a dispute concerning alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide committed between 1991 and 1995.

In its Application, Croatia contended inter alia that, “[b]y directly controlling the activity of its armed forces, intelligence agents, and various paramilitary detachments, on the territory of . . . Croatia, in the Knin region, eastern and western Slavonia, and Dalmatia”, Serbia and Montenegro was liable for “ethnic cleansing” committed against Croatian citizens, “a form of genocide which resulted in large numbers of Croatian citizens being displaced, killed, tortured, or illegally detained, as well as extensive property destruction”.

Accordingly, Croatia requested the Court to adjudge and declare that Serbia and Montenegro “has breached its legal obligations” to Croatia under the Genocide Convention and that it “has an obligation to pay to . . . Croatia, in its own right and as parens patriae for its citizens, reparations for damages to persons and property, as well as to the Croatian economy and environment . . . in a sum to be determined by the Court”.

As basis for the jurisdiction of the Court, Croatia relies on Article IX of the Genocide Convention, to which, it asserts, both States are parties.

By an Order of 14 September 1999, the Court fixed 14 March 2000 and 14 September 2000 as the respective time-limits for the filing of a Memorial by Croatia and a Counter-Memorial by Serbia and Montenegro. These time-limits were twice extended, by Orders of 10 March 2000 and 27 June 2000. Croatia filed its Memorial within the time-limit as extended by the latter Order.

On 11 September 2002, within the time-limit for the filing of its Counter-Memorial as extended by the Order of 27 June 2000, Serbia and Montenegro raised preliminary objections to jurisdiction and admissibility. It maintained in particular that the Court lacked jurisdiction over the dispute because the FRY was not party to the Genocide Convention on 2 July 1999, the date proceedings were instituted before the Court. Serbia and Montenegro contended that it did not become party to the Convention until 10 June 2001, after its admission to the United Nations on 1 November 2000, and, in addition, that it never became bound by Article IX of the Genocide Convention because it entered a reservation to that article when it acceded to the Convention. Serbia and Montenegro further argued that Croatia’s Application was inadmissible insofar as the most serious incidents and omissions described therein occurred prior to 27 April 1992, the date on which the FRY came into being, and could not therefore be attributed to it. Lastly, it asserted that certain specific claims made by Croatia were inadmissible or moot.

Pursuant to Article 79 of the Rules of Court, the proceedings on the merits were suspended. Croatia filed a written statement of its observations and submissions on Serbia and Montenegro’s preliminary objections on 25 April 2003, within the time-limit fixed by the Court.

Since the Court included upon the Bench no judge of the nationality of either of the Parties, each Party proceeded to exercise its right conferred by Article 31, paragraph 3, of the Statute to choose a judge ad hoc to sit in the case. Croatia chose Mr. Budislav Vukas and Serbia and Montenegro chose Mr. Milenko Kreća.

NOTE TO THE PRESS AND PUBLIC

1. The public hearings will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. Mobile telephones and beepers are permitted in the courtroom provided they are switched off. Any offending device will be temporarily retained.

2. **Media representatives** are subject to an **accreditation procedure**, the details of which can be found in the Media Advisory attached to this Press Release.

3. Individual visitors (members of the Diplomatic Corps and the general public) are not subject to an admission procedure. However, groups of **five or more** are kindly requested to **give advance notification of their attendance** by filling out the relevant form on the Court's website (to the right of the screen under Calendar, click on "Attending a Hearing", then under Admission for Groups, click on "Online Application Form").

4. Verbatim records of the hearings will be published daily on the Court's website, with translations to follow as soon as practicable thereafter.

Information Department:

Mrs. Laurence Blairon, Secretary of the Court, Head of Department (+31 (0)70 302 2336)
Messrs. Boris Heim and Maxime Schoupe, Information Officers (+31 (0)70 302 2337)
Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)