



INTERNATIONAL COURT OF JUSTICE

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

The President of the Court places on record the withdrawal by Yugoslavia
of the counter-claims submitted by that State

THE HAGUE, 13 September 2001. In an Order of 10 September 2001, the President of the International Court of Justice (ICJ), Judge Gilbert Guillaume, placed on record the withdrawal by Yugoslavia of the counter-claims submitted by that State in its Counter-Memorial in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia).

The Order was made after Yugoslavia informed the Court that it intended to withdraw its counter-claims and that Bosnia and Herzegovina had indicated to the latter that it had no objection to that withdrawal.

History of the proceedings

On 20 March 1993, Bosnia and Herzegovina filed an Application instituting proceedings against Yugoslavia in respect of a dispute concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948. As the basis of the jurisdiction of the Court, Bosnia and Herzegovina invoked Article IX of that Convention.

In its Application, Bosnia and Herzegovina requested, *inter alia*, that the Court adjudge and declare that Yugoslavia, through its agents and surrogates, "has killed, murdered, wounded, raped, robbed, tortured, kidnapped, illegally detained, and exterminated the citizens of Bosnia and Herzegovina", that it must immediately cease the systematic practice of "ethnic cleansing" and pay reparations.

In the Counter-Memorial filed on 22 July 1997, Yugoslavia submitted counter-claims requesting the Court to adjudge and declare that "Bosnia and Herzegovina [was] responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina" and that it "ha[d] the obligation to punish the persons held responsible" for these acts. It also asked the Court to rule that "Bosnia and Herzegovina [was] bound to take necessary measures so that the said acts would not be repeated in future" and "to eliminate all consequences of the violation of the obligations established by the . . . [Genocide] Convention".

By an Order of 17 December 1997, the Court then held that Yugoslavia's counter-claims were "admissible as such" and that they formed "part of the current proceedings" in the case; the Court also directed the Parties to submit further written pleadings on the merits of their respective claims and fixed time-limits for the filing of a Reply by Bosnia and Herzegovina and of a Rejoinder by Yugoslavia. Those time-limits having been extended at the request of each of the Parties, the Reply of Bosnia and Herzegovina was eventually filed on 23 April 1998 and the Rejoinder of Yugoslavia on 22 February 1999. In these pleadings, each of the Parties contested the allegations made by the other.

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