



АМБАСАДА САВЕЗНЕ РЕПУБЛИКЕ ЈУГОСЛАВИЈЕ

EMBASSY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA  
DE AMEASSADE VAN BONDSREPUBLICK JOEGOSLAVIE

The Hague, **20 APR. 2001**  
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Sir,

On behalf of the Government of the Federal Republic of Yugoslavia, I am hereby withdrawing the counterclaims contained in the Counter-Memorial of 23 July 1997 submitted by the Federal Republic of Yugoslavia (paragraphs 3-6, pages 1084-1085) in the Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia-Herzegovina v. Yugoslavia).

The Judgment of July 11 1996 on Preliminary Objections in the Case *Bosnia-Herzegovina v. Yugoslavia* overruled the objections to jurisdiction then presented by the Federal Republic of Yugoslavia. This ruling left no other choice and allowed no other party conduct but to take a position regarding the substance of the claim. The Federal Republic of Yugoslavia did so by submitting a counter-memorial on 23 July 1997, in which it contested the allegations of the claim and presented counterclaims. The same course of action would have to be followed if the ruling on jurisdiction were confirmed. It is the conviction of the Federal Republic of Yugoslavia, however, that new facts have put the issue of jurisdiction into a different perspective and introduced conclusive evidence to the effect that this Court did not have and does not have jurisdiction over the Federal Republic of Yugoslavia *rationae personae*. The withdrawal of the counterclaims is consistent with this conviction, and it is based on the perception that the Court has no jurisdiction over the Federal Republic of Yugoslavia in this case. The Federal Republic of Yugoslavia notes that it intends to submit an application for revision of the Judgment of 11 July 1996.

The withdrawal of the counterclaims is further supported by the fact that the new Government of the Federal Republic of Yugoslavia strongly believes that the period of conflicts and disputes must be left behind, and that the two countries have to move toward an era of cooperation and amicable resolution of pending disputes.

Furthermore, the point of view of the new Government of the Federal Republic of Yugoslavia is that the tragedies of Bosniacs, Serbs, Croats and others in Bosnia and Herzegovina do require a response of the machinery of justice, but it might be more appropriate to seek justice through national and international proceedings, which would yield punishment of individual perpetrators, rather than punishment of the collectives to which the perpetrators belong.

  
Professor Tibor Varady

Agent of the Federal Republic of Yugoslavia

Mr. Philippe Couvreur  
Registrar  
International Court of Justice  
The Hague