

TO: The Judges of the International Court of Justice
The Peace Palace,
The Hague,
The Netherlands.

Amsterdam, 26 August 1993

YOUR EXCELLENCIES:

In answer to the question put by HE Judge Bola Ajibola, without prejudice to other submissions concerning jurisdiction made already by the Applicant, and reserving the right to supplement this answer with further written submissions, as provided for in the statement of the President of the Court, I have the honor to state the following:

The Government of Bosnia and Herzegovina has been complying with section B of the Court Order ever since it was given and, furthermore, did so even before it was given.

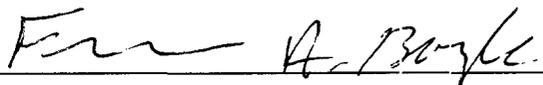
The Government of Bosnia and Herzegovina never had, let alone expressed, any territorial claims reaching beyond the well established borders of the Republic of Bosnia and Herzegovina. The Government of Bosnia and Herzegovina entered and conducted in good faith negotiations aimed at ending the ongoing genocide and at preserving Bosnia and Herzegovina as a sovereign State and Member of the United Nations.

The Government of Bosnia and Herzegovina has taken the position to conduct relations with the Respondent State on the basis of mutual recognition, which has been systematically refused by the Respondent.

The Government of Bosnia and Herzegovina has been, and still is, in strong support of monitoring the borders between the Respondent State and the Republic of Bosnia and Herzegovina. This monitoring initially was accepted by the Respondent, but was then refused when it came to the point of materializing.

I, the undersigned, while being in Geneva as legal advisor of President Izetbegovic (28 July - 10 August 1993), personally assisted with the translation into English of the Order that the Presidency issued to the Army of the Republic of Bosnia and Herzegovina, instituting a cease fire, stating that the military should refrain from any military action except when in self-defence, and confirming that any use of military force against civilians would immediately lead to disciplinary action for the commanders involved.

Please accept, Excellencies, the renewed assurance of my highest consideration.



Professor Francis A. Boyle
General Agent for the Republic of
Bosnia and Herzegovina before the
International Court of Justice

TO: The Judges of the International Court of Justice
The Peace Palace,
The Hague,
The Netherlands.

Amsterdam, 26 August 1993

YOUR EXCELLENCIES:

In answer to the questions put by HE Judge ad hoc Lauterpacht, without prejudice to other submissions concerning jurisdiction made already by the Applicant, and reserving the right to supplement this answer with further written submissions, as provided for in the statement of the President of the Court, I have the honor to state the following:

In the letter from Vladislav Jovanovic, Federal Minister for Foreign Affairs for the Respondent, dated 1 April 1993, the Respondent has accepted and/or confirmed its acceptance of jurisdiction of this Court, both with respect to the subject matter of Article II of the Genocide Convention, and with respect to other matters as put forward in our initial Application dated 20 March 1993.

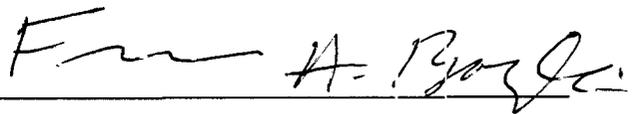
The letter only contests jurisdiction "with regard to the legitimacy of the Applicant". As we have exhaustively demonstrated, the identity and legitimacy of the Applicant is simply beyond question. The Republic of Bosnia and Herzegovina and the government through which it acts is widely recognized by states and international organizations, including the United Nations, of which this Court is the principal judicial organ.

Rather than reserving its right to add further preliminary objections, the government of the Respondent actually broadens jurisdiction beyond the subject matter covered by Articles II and IX of the Genocide Convention. The letter "welcomes the readiness of the International Court of Justice to discuss the need of ordering provisional measures to bring to an end inter-ethnic and inter-religious armed conflicts within the territory of the 'Republic of Bosnia and Herzegovina'". Clearly, this "discussion" will take place within the jurisdictional context as set forward in our initial Application dated 20 March 1993. The Respondent's acceptance of this jurisdictional setting for the first round of provisional measures (leading to this Court's Order of 8 April 1993) logically extends to any following provisional measures

which are requested within the framework of the proceedings instituted by the 20 March 1993 Application.

In line with established jurisprudence of this Court, it is clear that this statement establishes jurisdiction with respect to all aspects of the situation in the Republic of Bosnia and Herzegovina connected with armed conflicts concerning the territory of the Republic of Bosnia and Herzegovina.

Please accept, Excellencies, the renewed assurance of my highest consideration.

A handwritten signature in black ink, appearing to read "Francis A. Boyle". The signature is written in a cursive style and is positioned above a horizontal line.

Professor Francis A. Boyle
General Agent for the Republic of
Bosnia and Herzegovina before the
International Court of Justice