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Le-The 23-8-93

Entrée-In 101343

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To the Judges of the International Court of Justice  
The Peace Palace  
The Hague  
The Netherlands

22 August 1993

Your Excellencies:

In his "Observations" of 9 August 1993, the Agent for the rump Yugoslavia (Serbia and Montenegro), once again attacks the legitimacy of the Government of the Republic of Bosnia and Herzegovina, which is a Member in good standing of the United Nations Organization, unlike the Respondent in this case which is not. In order to put this matter to rest once and for all, I hereby transmit to the Court an official text of Article 220 of the Constitution of the Republic of Bosnia and Herzegovina, taken from our Official Gazette, and dated as recently as 14 March 1993, a copy of which is attached. A rough translation of the relevant portions of Constitution Article 220 reads as follows:

Article 220

The Members of the Presidency are elected by the citizens of the Republic by direct, universal and secret suffrage, in accordance with the law.

The Members of the Presidency are elected for a four-year mandate. They can be re-elected for the following term once.

The Presidency, the mandate of which has come to an end, shall remain in office until the new Presidency has been elected.

The Presidency is made up of seven Members.

The President of the Presidency is elected by the Members of the Presidency and is one of their number. He is elected for one year and can be re-elected for the following term once.

In case of war or state of emergency, the mandate of the Members of the Presidency and of the President shall be continued until such time as the conditions for new elections for the Presidency be met.

....

Because of the barbaric aggression and ruthless acts of genocide perpetrated by the rump Yugoslavia against the People and State of Bosnia and Herzegovina, the conditions for such new elections have obviously not been met. Therefore, in accordance with Article 220 of the Constitution, the mandate of the Members of the current Presidency and of the current President, His Excellency Alija Izetbegovic, continue "until such time as the conditions for new elections for the Presidency be met."

I hereby submit Constitution Article 220 and the above translation thereof--which I believe to be valid and authentic-- to the Court in support of our Application of 20 March 1993 and in support of our second Request for provisional measures of 27 July 1993.

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

*Francis A. Boyle*

Professor Francis A. Boyle  
General Agent for the Republic of Bosnia and  
Herzegovina before the International Court of  
Justice  
Hotel Ambassade/ Amsterdam  
via fax

Attachment

Copy and orig of annex: ELXIX/1/26