

**SUPPLEMENTARY SUBMISSION IN SUPPORT OF
THE APPLICATION OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA
INSTITUTING LEGAL PROCEEDINGS AGAINST YUGOSLAVIA (SERBIA
AND MONTENEGRO) ON THE BASIS OF THE 1948 GENOCIDE
CONVENTION AND IN THE SUPPORT OF ITS REQUEST FOR AN
INDICATION OF PROVISIONAL MEASURES OF PROTECTION.**

1 April 1993

To His Excellency, the President, to the Judges of the International Court of Justice, the undersigned being duly authorized by the Republic of Bosnia and Herzegovina:

I have the honor to refer to the Application Instituting Proceedings that was submitted to the Court by the Republic of Bosnia and Herzegovina on 20 March 1993 against Yugoslavia (Serbia and Montenegro) on the basis of Article IX of the Genocide Convention of 9 December 1948 and the accompanying request for the provisional measures of protection that was also submitted to the Court on that date. In Section IV of that Application ("IV. Judgement Requested") Bosnia and Herzegovina reserved its "right to revise, supplement or amend this Application." Since the Application was filed, additional evidence has come to the attention of the Agent for the Republic of Bosnia and Herzegovina that he would like to draw to the attention of the Court and hereby submit in support of our Application and Request for Provisional Measures of Protection. This additional evidence is as follows:

APPLICATION INSTITUTING PROCEEDINGS

SUBMITTED BY

THE REPUBLIC OF BOSNIA AND HERZEGOVINA

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I. STATEMENT OF FACTS

I. SPECIFIC FACTUAL ALLEGATIONS RELATING TO THE CONDUCT OF THE FORMER YUGOSLAVIA AND/OR YUGOSLAVIA (SERBIA AND MONTENEGRO).

Chronology of the Serbian Invasion of Bosnia and Herzegovina

I

March 23 1993: The BBC reported that the Sarajevo districts of Stup and Stup Hill were attacked by artillery from the Serbs. In Eastern Bosnia, Serbs attacked using tanks, artillery, and infantry on Bosnian positions in Kovacevici and Selimovioci. The BBC report also spoke on incendiary attacks at Brcko, which were burning down whole districts. There was also pressure on the fronts of Tesanj, Maglaj, Dobo, and Teslic, with Serbian helicopters joining the Serbian offensive at Tesanj. (BBC, "Heavy Clashes on south-western Sarajevo front; Eastern and Northern Bosnia")

March 23, 1993: The commander of UN peacekeepers in Sarajevo, Col. Marcel Valentin of France, accused Serbian forces targeting non-strategic civilian areas in a March 22 artillery attack. (Los Angeles Times, "Sarajevo Suffers Heavy Shelling; Serbs Accused by U.N.; Balkans: Head of Peacekeepers Says Civilian Areas Are Targeted in the Bosnian Capital" p. 9)

March 29, 1993: Radio Bosnia-Herzegovina reported attacks by Serbs in Teocak, Srebrenica, Gradacac, Tesanj, Maglaj, and Dobo.

March 30, 1993: Radio Bosnia-Herzegovina reports that in the Goradze area, nine people, including five children, died due to starvation.

II

13 April 1992: During a State Department Daily Briefing, Spokeswoman Margaret Tutwiler stated that "Serbian paramilitary forces in Bosnia could not operate without the support of the Serbian government and the JNA" and that the United States "hold[s] Serbian civilian and military

authorities in Belgrade accountable for these aggressive acts". (Legi-slate Transcript ID: 821006)

1 May 1992: During a State Department Daily Briefing, Spokesman Richard Boucher noted that the United States was "gravely concerned" at the fact that there had been joint JNA and Serbian regular force attacks (Legi-slate Transcript ID: 830016).

6 May 1992: During another State Department Daily Briefing, Spokesman Richard Boucher stated the United States did not consider the Yugoslav National Army to be an "independent actor" but rather was under the control of the authorities in Belgrade. (Legi-slate Transcript ID: 830383).

15 May 1992: During a State Department Daily Briefing, Spokeswoman Margaret Tutwiler stated that joint Serb-JNA forces shelled Sarajevo (Legi-slate Transcript ID: 831126).

10 September 1992: During a State Department Daily Briefing, Spokesman Richard Boucher noted that the United States had "always stated" the Bosnian Serb forces were created out of the Yugoslav army and that these forces continued "to get support [from Yugoslavia (Serbian and Montenegro)]". (Legi-slate Transcript ID: 870547).

22 March 1993: Roger Cohen, in a special to the New York Times, noted the coordination between the Serbs operating around Srebrenica and the Yugoslav (Serbia and Montenegro) Army. Cohen writes:

"Bosnian Serbs have sealed off the main bridge here over the Drina River at the Bosnian border to prevent people from reaching the Srebrenica area. A Yugoslav Army blockade has been mounted about 15 miles south of here [Zvornik] on the Serbian side of the Drina to prevent any approach to the area via another bridge just north of Ljubovija in Serbia...."

While it is common to see men on buses transforming themselves from civilians into heavily armed soldiers as they cross into Bosnia, it is rare to witness an operation so prominently coordinated between Yugoslav and Bosnian Serb forces as the offensive now under way in the Srebrenica area..."

(New York Times, "Yugoslav Role in Bosnia" p. 6).

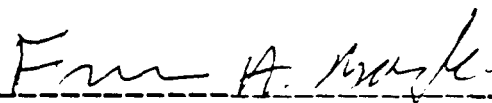
23 March 1993: The BBC reports that Serbian attacks on the Bosnian towns of Kovacevici and Selimovici were backed up by long range artillery

from Yugoslavian Serbia and Montenegro) territory. (BBC, "Heavy Clashes on south-western Sarajevo front; Eastern and Northern Bosnia")

CONCLUSION

The Republic of Bosnia and Hercegovina hereby respectfully requests the Court to consider this additional evidence during the course of these proceedings and in support of its request for an Indication of Provisional Measures of Protection.

Respectfully submitted by,



Francis A. Boyle,
Professor of International Law
Agent for the Republic of Bosnia and Hercegovina