



INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel: +31 (0)70 302 23 23. Cables: Intercourt,
The Hague. Fax: +31 (0)70 364 99 28. Telex: 32323. E-mail address:
mail@icj-cij.org. Internet address: <http://www.icj-cij.org>.

Press Release

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Legality of Use of Force
(Yugoslavia v. Belgium) (Yugoslavia v. Canada) (Yugoslavia v. France)
(Yugoslavia v. Germany) (Yugoslavia v. Italy) (Yugoslavia v. Netherlands)
(Yugoslavia v. Portugal) (Yugoslavia v. United Kingdom)

At the request of Yugoslavia the Court again extends the time-limits for the filing
by that State of written statements on the preliminary objections
made by the respondent States

THE HAGUE, 22 March 2002. The International Court of Justice (ICJ) has extended by another year the time-limits originally fixed for the filing by Yugoslavia of written statements of its observations and submissions on the preliminary objections raised by the eight respondent States in the cases concerning Legality of Use of Force (Yugoslavia v. Belgium) (Yugoslavia v. Canada) (Yugoslavia v. France) (Yugoslavia v. Germany) (Yugoslavia v. Italy) (Yugoslavia v. Netherlands) (Yugoslavia v. Portugal) (Yugoslavia v. United Kingdom).

By letter dated 8 February 2002, Yugoslavia, referring to “dramatic” and “ongoing” changes in Yugoslavia which it claimed have put the case “in a quite different perspective”, as well as to the decision to be taken by the Court in another case involving Yugoslavia, requested the Court “for a stay of proceedings or . . . for an extension by twelve months of the time period for the submission of observations on the preliminary objections raised by . . . [the respondent State]” in each case. The respondent States indicated that they were not opposed to a stay of proceedings or to an extension of the time-limit for the filing of the observations and submissions of Yugoslavia on their preliminary objections.

By Orders of 20 March 2002, the Court, taking account of the agreement of the Parties and the circumstances of the cases, fixed 7 April 2003 as the new time-limit. The subsequent procedure was reserved for further decision in each case.

History of the proceedings

On 29 April 1999, the Federal Republic of Yugoslavia instituted proceedings before the Court against Belgium, Canada, France, Germany, Italy, Netherlands, Portugal, Spain, United Kingdom and United States of America, accusing those States of bombing Yugoslav territory in violation of their international obligations.

In its Applications, Yugoslavia pointed out that the above-mentioned States had committed “acts . . . by which [they] have violated [their] international obligation[s] banning the use of force against another State, not to intervene in the internal affairs of [that State]” and “not to violate [its]

sovereignty”; “[their] obligation[s] to protect the civilian population and civilian objects in wartime [and] to protect the environment”; “[their] obligation[s] relating to free navigation on international rivers”; “[their] obligation[s] regarding fundamental human rights and freedoms”; and “[their] obligation[s] not to use prohibited weapons [and] not to deliberately inflict conditions of life calculated to cause the physical destruction of a national group”. Yugoslavia requested the Court to adjudge and declare *inter alia* that the States referred to above were “responsible for the violation of the above[-mentioned] international obligations” and that they were “obliged to provide compensation for the damage done”.

On the same day Yugoslavia also filed, in each of the ten cases, a request for interim measures of protection (provisional measures), asking the Court to order the States involved to “cease immediately [their] acts of use of force” and to “refrain from any act of threat or use of force against the Federal Republic of Yugoslavia”. Hearings on provisional measures were held from 10 to 12 May 1999 and the Court handed down its decision in each of the cases on 2 June 1999. In two cases (Yugoslavia v. Spain and Yugoslavia v. United States of America), the Court concluded that it manifestly lacked jurisdiction and it accordingly ordered that the cases be removed from its List. In the other eight (Yugoslavia v. Belgium; Yugoslavia v. Canada; Yugoslavia v. France; Yugoslavia v. Germany; Yugoslavia v. Italy; Yugoslavia v. Netherlands; Yugoslavia v. Portugal; Yugoslavia v. United Kingdom), the Court found that it lacked *prima facie* jurisdiction — which is one of the prerequisites for the indication of provisional measures — and that it therefore could not indicate such measures; the Court, however, added that it remained seised of those cases and stressed that its findings, at that stage, “in no way prejudge[d] the question of the jurisdiction of the Court to deal with the merits” of the cases and left “unaffected the right of the Governments of Yugoslavia and [of the respondent States] to submit arguments in respect of those questions”.

By Orders of 30 June 1999, the Court decided that Yugoslavia should submit a Memorial in each of the eight cases no later than 5 January 2000 and that the respondent States (Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom) should each submit a Counter-Memorial by not later than 5 July 2000.

Within the time-limits thus fixed, Yugoslavia filed its Memorials and the eight respondent States then raised preliminary objections to jurisdiction and admissibility. By Orders of 8 September 2000, the Vice-President of the Court, Acting President in the eight proceedings, taking account of the views of the Parties and the special circumstances of the cases, fixed 5 April 2001 as the time-limit for the filing of written statements of its observations and submissions on those preliminary objections. The Court, by Orders of 21 February 2001, extended that time-limit to 5 April 2002.

The full text of the eight Orders will shortly be available on the Court's website at the following address: <http://www.icj-cij.org>

Information Department:
Mr. Arthur Witteveen, First Secretary (+ 31 70 302 23 36)
Mrs. Laurence Blairon and Mr. Boris Heim, Information Officers (+ 31 70 302 23 37)
E-mail address: information@icj-cij.org