



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Legality of Use of Force

(Serbia and Montenegro v. Belgium); (Serbia and Montenegro v. Canada); (Serbia and Montenegro v. France); (Serbia and Montenegro v. Germany); (Serbia and Montenegro v. Italy); (Serbia and Montenegro v. Netherlands); (Serbia and Montenegro v. Portugal); and (Serbia and Montenegro v. United Kingdom)

Preliminary Objections

The Court will hold public hearings from 19 to 23 April 2004

THE HAGUE, 16 March 2004. The International Court of Justice (ICJ), principal judicial organ of the United Nations, will hold public hearings in the eight cases concerning Legality of Use of Force (Serbia and Montenegro v. Belgium); (Serbia and Montenegro v. Canada); (Serbia and Montenegro v. France); (Serbia and Montenegro v. Germany); (Serbia and Montenegro v. Italy); (Serbia and Montenegro v. Netherlands); (Serbia and Montenegro v. Portugal); and (Serbia and Montenegro v. United Kingdom) from Monday 19 to Friday 23 April 2004 at the Peace Palace, seat of the Court.

It should be pointed out that, following preliminary objections to jurisdiction and admissibility raised on 5 July 2000 by Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal and the United Kingdom, the proceedings on the merits concerning those eight States were suspended pursuant to Article 79 of the Rules of Court. The purpose of the public sittings to be held from 19 to 23 April is thus to hear the Parties' oral statements on the preliminary objections. A detailed schedule of these hearings will be provided in a forthcoming press release.

History of the proceedings

On 29 April 1999 Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) filed Applications instituting proceedings against Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal, Spain, the United Kingdom and the United States of America, "for violation of the obligation not to use force".

In those Applications, Serbia and Montenegro, referring to the bombings of its territory by Member States of the North Atlantic Treaty Organization (NATO) in 1999 following the Kosovo crisis, contended 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”. Serbia and Montenegro 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”.

As a basis for the jurisdiction of the Court, Serbia and Montenegro referred, in its Applications against Belgium, Canada, the Netherlands, Portugal, Spain and the United Kingdom, to Article 36, paragraph 2, of the Statute of the Court and to Article IX of the Genocide Convention; and, in its Applications against France, Germany, Italy and the United States of America, it referred to Article IX of the Genocide Convention and to Article 38, paragraph 5, of the Rules of Court.

On the same day, 29 April 1999, Serbia and Montenegro also submitted a request for the indication of provisional measures in each of these cases.

After public hearings between 10 and 12 May 1999 on the requests for the indication of provisional measures, the Court, on 2 June 1999, delivered eight Orders whereby, in the cases Serbia and Montenegro v. Belgium, Serbia and Montenegro v. Canada, Serbia and Montenegro v. France, Serbia and Montenegro v. Germany, Serbia and Montenegro v. Italy, Serbia and Montenegro v. Netherlands, Serbia and Montenegro v. Portugal and Serbia and Montenegro v. United Kingdom, having found that it had no prima facie jurisdiction, it rejected the requests for the indication of provisional measures submitted by Serbia and Montenegro and reserved the subsequent procedure for further decision. In the cases Yugoslavia v. Spain and Yugoslavia v. United States of America, the Court, having found that it manifestly lacked jurisdiction, ordered that those cases be removed from the List.

After the filing of a Memorial by Serbia and Montenegro, in each of the eight cases maintained on the Court’s List, within the time-limit of 5 January 2000, each of the respondent States (Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal and the United Kingdom) raised preliminary objections to jurisdiction and to admissibility, on 5 July 2000, within the time-limit fixed for the filing of a Counter-Memorial. The proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court). In each of the cases, a written statement by Serbia and Montenegro on the preliminary objections raised by the respondent State was filed on 20 December 2002, within the time-limit as extended by the Court.

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