



INTERNATIONAL COURT OF JUSTICE

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

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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)

Fixing of the time-limits within which Yugoslavia may present written statements on the preliminary objections made by the Respondent States

THE HAGUE, 14 September 2000. The Vice-President of the International Court of Justice (ICJ), Judge Shi Jiuyong, Acting President 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), has fixed the time-limits within which Yugoslavia may present written statements on the preliminary objections raised by the Respondent States in the said cases.

By Orders of 8 September 2000, the Vice-President, 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 those written statements.

The subsequent procedure was reserved for further decision in each case.

The Respondent States had raised certain preliminary objections on 5 July 2000, stating that the Court had no jurisdiction to examine the merits of the cases and that Yugoslavia's claims were inadmissible.

At a meeting held on 6 September 2000 between the Vice-President and the Parties, Yugoslavia had indicated that it would require nine months for the preparation of written statements of its observations and submissions on those preliminary objections. The Respondent States had not objected to such a time-limit being fixed, but stressed that they expected that Yugoslavia would provide specific answers to the preliminary objections raised by them.

Vice-President Shi Jiuyong exercises the functions of the presidency in the eight cases, President Gilbert Guillaume being a national of one of the Parties and having decided not to exercise the functions of the presidency in any of those cases.

History of the proceedings

On 29 April 1999 the Federal Republic of Yugoslavia instituted proceedings before the Court against Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal, Spain, the United Kingdom and the 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"; "the obligation to protect the civilian population and civilian objects in wartime [and] to protect the environment"; "the obligation relating to free navigation on international rivers"; "the obligation regarding fundamental human rights and freedoms"; and "the 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 on 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, stated that it remained seized 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 by not 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.

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, Information Officer (+ 31 70 302 23 37)

E-mail address: information@icj-cij.org