

No. 99/23
2 June 1999

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. Spain) (Yugoslavia v. United Kingdom)
(Yugoslavia v. United States of America)

**The Court rejects the requests for the indication of provisional measures
submitted by Yugoslavia**

THE HAGUE, 2 June 1999. Today, the International Court of Justice (ICJ) gave its decisions on the requests for the indication of provisional measures submitted by the Federal Republic of Yugoslavia (FRY) in the above-mentioned cases.

In its requests, Yugoslavia had asked 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 FRY.

In two of the ten cases (Yugoslavia v. Spain and Yugoslavia v. United States of America), the Court held that it manifestly lacked jurisdiction and ordered that the cases be removed from its List.

In eight of the ten cases (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 a prerequisite for the issue of provisional measures, and that it therefore could not indicate such measures. A fuller consideration of the question of jurisdiction will take place later. The Court accordingly remains seized of those cases and has reserved the subsequent procedure for further decision.

In its reasoning, the Court expresses its deep concern "with the human tragedy, the loss of life, and the enormous suffering in Kosovo which form the background" of the dispute and "with the continuing loss of life and human suffering in all parts of Yugoslavia". It sets out its profound concern with the use of force in Yugoslavia, which "under the present circumstances . . . raises very serious issues of international law", and emphasizes that "all parties before it must act in conformity with their obligations under the United Nations Charter and other rules of international law, including humanitarian law".

The Court explains that its jurisdiction depends upon consent, for there must be acceptance by a State of the Court's jurisdiction before the Court can determine whether particular acts are compatible with international law. "The latter question can only be reached when the Court deals with the merits having established its jurisdiction and having heard full legal arguments by both parties". The Court stresses however that, "whether or not States accept the jurisdiction of the Court, they remain in any event responsible for acts attributable to them that violate international law,

including humanitarian law", and that "any disputes relating to the legality of such acts are required to be resolved by peaceful means, the choice of which, pursuant to Article 33 of the Charter, is left to the parties". In this context, "the parties should take care not to aggravate or extend the dispute". The Court reaffirms that "when such a dispute gives rise to a threat to the peace, breach of the peace or act of aggression, the Security Council has special responsibilities under Chapter VII of the Charter".

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NOTE FOR THE PRESS

Press Communiqués setting out more fully the reasoning and decisions of the Court are available for each of the cases. These Communiqués and the full text of the Orders are featured on the Court's website (address: <http://www.icj-cij.org>).

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