



РЕПУБЛИКА СРБИЈА

REPUBLIC OF SERBIA

UNITED NATIONS -INTERNATIONAL COURT OF JUSTICE

-Registrar of the International Court of Justice Mr. Philippe Gautier-

Application of the Convention on the Prevention and Punishment of the Crime of Genocide in
Sudan (Sudan v. United Arab Emirates)

*DECLARATION OF INTERVENTION UNDER ARTICLE 63 OF THE STATUTE
OF THE INTERNATIONAL COURT OF JUSTICE OF THE REPUBLIC OF
SERBIA*

THE HAGUE, 16 April 2025

DECLARATION OF INTERVENTION UNDER ARTICLE 63 OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

I have the honour to submit to the International Court of Justice (the Court) a Declaration of intervention on behalf of the Republic of Serbia, pursuant to Article 63 (2) of the Statute of the Court in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Sudan (Sudan v. United Arab Emirates)*.

Article 82, paragraph 2, of the Rules of the Court provides that a State that wishes to avail itself of intervention conferred upon it by Article 63 of the Statute shall file a declaration specifying the name of an agent, the case and the convention to which the declaration relates, and which contains:

- a) particulars of the basis on which the declarant State considers itself a party to the convention;
- b) identification of the particular provisions of the convention the construction of which it considers to be in question;
- c) a statement of the construction of those provisions for which it contends;
- d) a list of documents in support, which documents shall be attached.

1) The Legal Proceedings

On 5 March 2025. Sudan filed an Application instituting proceedings against the United Arab Emirates before the Court with regarding a dispute concerning alleged violations by the United Arab Emirates of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), accompanied by a request for the indication of provisional measures submitted pursuant to Article 41 of the Statute.

2) The name of an Agent of the Republic of Serbia

In these proceedings the Republic of Serbia shall be represented by its agent Prof. Aleksandar Gajić (PhD), Chief Legal Advisor at the Ministry of Foreign Affairs of the Republic of Serbia.

3) The convention to which this declaration relates. The Republic of Serbia as a contracting party to the Genocide Convention

This declaration relates to the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention). The Republic of Serbia as a party to the Genocide Convention has a direct interest in the construction that might be placed upon the provisions of the Convention by the Court in these proceedings, and for that reason, the Republic of Serbia intends to exercise its right to intervene in accordance with Article 63 of the Statute.

The Republic of Serbia's intervention is directed toward the construction of the Genocide Convention and, particularly, to issues that relates to the construction of Article 9 of the Genocide Convention.

The Republic of Serbia is a contracting party to the Genocide Convention. The Republic of Serbia undoubtedly continues the legal personality of the Federal Republic of Yugoslavia, and become a contracting party to the Genocide Convention by accession on 12 March 2001 (effective 10 June 2001). The Federal Republic of Yugoslavia (now Republic of Serbia) sent a notification of accession to the Genocide Convention on 8 March 2001, together with the following reservation to Article IX of the Convention

“The Federal Republic of Yugoslavia does not consider itself bound by Article IX of the Convention on the Prevention and punishment of the Crime of Genocide, and, therefore, before any dispute to which the Federal Republic of Yugoslavia is a party may be validly

submitted to the jurisdiction of the International Court of Justice under this Article, the specific and explicit consent of the FRY is required in each case”.¹

4) Provisions of the Convention that are in Question in the Case

At present, the Republic of Serbia is particularly interested in the proper construction of Article IX of the Genocide Convention. This compromissory clause is subject to reservations by a variety of States (including the Republic of Serbia). The Statute of the Court and the Rules of the Court provide no limitation that would prevent the Republic of Serbia from exercising its right to intervene in the construction of the provisions of the Genocide Convention pertaining to issues of jurisdiction.

5) A statement of the construction of those provisions for which it contends;

The Republic of Serbia considers that reservations to Article IX of the Convention are permissible under Articles 19-23 of the Vienna Convention on the Law of Treaties.

The reservation of the United Arab Emirates is undisputably valid and prevents the Court to establish jurisdiction in the present case. It reads as follows:

“The Government of the State of the United Arab Emirates, having considered the aforementioned Convention and approved the contents thereof, formally declares its accession to the Convention and makes a reservation with respect to article 9 thereof concerning the submission of disputes arising between the Contracting Parties relating to the interpretation, application or fulfilment of this Convention, to the International Court of Justice, at the request of any of the parties to the dispute.”

¹ UNTS, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4#4

The position of the Republic of Serbia is that in the present case, taking into account the reservation of the United Arab Emirates to Article IX of the Genocide Convention the Court's lack of jurisdiction is manifest.

The Republic of Serbia reserves its right to further elaborate its position concerning the construction of the Article IX of the Genocide Convention when it is subject to a reservation, as well as its impact on the Court's jurisdiction or its manifest lack thereof.

6) Provisional measures

The Republic of Serbia shall be afforded the right to participate in the interlocutory proceedings on the request for indication of provisional measures, since it also concerns the construction of Article IX of the Genocide Convention.

In the jurisprudence of the Court, it is undisputed that:

“on a request for the indication of provisional measures the Court need not, before deciding whether or not to indicate such measures, finally satisfy itself that it has jurisdiction on the merits of the case, yet it may not indicate them unless the provisions invoked by the Applicant appear, *prima facie*, to afford a basis on which the jurisdiction of the Court might be founded”

In the present case, a valid reservation to Article IX of the Genocide Convention manifestly prevents the Court from exercising its power to indicate provisional measures.

In the present case, having in mind the reservation to Article IX of the Genocide Convention, the Court manifestly lacks jurisdiction. In other words, the provisions invoked by the Applicant do not appear *prima facie* to afford a basis on which the jurisdiction of the Court might be founded.

Agent of the Republic of Serbia

Prof. Aleksandar V. Gajić (PhD)

Chief Legal Advisor at the Ministry of Foreign Affairs of
the Republic of Serbia