

23 JANVIER 2012

ORDONNANCE

**APPLICATION DE LA CONVENTION POUR LA PRÉVENTION
ET LA RÉPRESSION DU CRIME DE GÉNOCIDE**

(CROATIE c. SERBIE)

**APPLICATION OF THE CONVENTION ON THE PREVENTION
AND PUNISHMENT OF THE CRIME OF GENOCIDE**

(CROATIA v. SERBIA)

23 JANUARY 2012

ORDER

INTERNATIONAL COURT OF JUSTICE

YEAR 2012

**2012
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No. 118**

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**APPLICATION OF THE CONVENTION ON THE PREVENTION
AND PUNISHMENT OF THE CRIME OF GENOCIDE**

(CROATIA *v.* SERBIA)

ORDER

Present: President OWADA; Vice-President TOMKA; Judges KOROMA, SIMMA, ABRAHAM, KEITH, SEPÚLVEDA-AMOR, BENNOUNA, SKOTNIKOV, CANÇADO TRINDADE, YUSUF, GREENWOOD, XUE, DONOGHUE; Registrar COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44 and 80 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 2 July 1999, whereby the Republic of Croatia instituted proceedings against the Federal Republic of Yugoslavia “for violations of the Convention on the Prevention and Punishment of the Crime of Genocide”,

Having regard to the Order dated 14 September 1999, whereby the Court fixed 14 March 2000 and 14 September 2000 respectively as the time-limits for the filing of the Memorial of the Republic of Croatia and the Counter-Memorial of the Federal Republic of Yugoslavia,

Having regard to the Order dated 10 March 2000, whereby the President of the Court, at the request of Croatia, extended until 14 September 2000 and 14 September 2001 respectively the time-limits for the filing of the Memorial and the Counter-Memorial, and to the Order dated 27 June 2000, whereby the Court, at the request of Croatia, extended those time-limits until 14 March 2001 and 16 September 2002 respectively,

Having regard to the Memorial of Croatia, filed within the time-limit as extended,

Having regard to the preliminary objections to the jurisdiction of the Court and the admissibility of the Application which were submitted by the Federal Republic of Yugoslavia within the time-limit fixed for the filing of the Counter-Memorial, as extended,

Having regard to the Judgment of 18 November 2008, whereby the Court ruled on the preliminary objections raised by the Respondent,

Having regard to the Order dated 20 January 2009, whereby the Court fixed 22 March 2010 as the new time-limit for the filing of the Counter-Memorial of Serbia,

Having regard to the Counter-Memorial of Serbia, filed on 4 January 2010, and to the counter-claims submitted therein,

Having regard to the Order dated 4 February 2010, in which the Court stated that in these proceedings, and taking account of the absence of objections by Croatia to the admissibility of the above-mentioned counter-claims, it did not consider that it was required to rule definitively at that stage on the question of whether the said claims fulfil the conditions set forth in Article 80, paragraph 1, of the Rules of Court,

Having regard to that same Order of 4 February 2010, whereby the Court directed Croatia to submit a Reply and Serbia to submit a Rejoinder relating to the claims of both Parties in the current proceedings, stated that

“it is also appropriate, in order to ensure strict equality between the Parties, to reserve the right for Croatia to express its views for a second time in writing within a reasonable time-limit on Serbia’s counter-claims, in an additional pleading whose submission may be dealt with in a subsequent Order”,

and fixed 20 December 2010 and 4 November 2011 respectively as the time-limits for the filing of the Reply and the Rejoinder;

Having regard to the Reply filed by Croatia and the Rejoinder filed by Serbia within the time-limits thus fixed;

Whereas, at a meeting held by the President of the Court with the representatives of the Parties on 16 January 2012, H.E. Ms Andreja Metelko-Zgombić, Co-Agent of Croatia, indicated that her Government wished to present its views in writing a second time on the Serbian counter-claims, in an additional pleading, and requested a time-limit of eleven months from the date of the filing of the Rejoinder for the filing of that additional pleading; whereas Mr. Saša Obradović, Agent of Serbia, indicated *inter alia* that his Government had no objection to Croatia’s request to be permitted to file an additional pleading but considered that a time-limit of eight months would be sufficient to allow Croatia to prepare the said pleading;

Taking account of the views of the Parties,

Authorizes the submission by the Republic of Croatia of an additional pleading relating solely to the counter-claims submitted by the Republic of Serbia;

Fixes 30 August 2012 as the time-limit for the filing of that pleading; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-third day of January, two thousand and twelve, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Croatia and the Government of the Republic of Serbia, respectively.

(Signed) Hisashi OWADA,
President.

(Signed) Philippe COUVREUR,
Registrar.
