



# Research Report

## International Court of Justice

Application of the Convention on the Prevention and  
Punishment of the Crime of Genocide  
(Croatia v. Serbia)

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## **Introduction**

This case is about the application filed by Croatia against the Federal Republic of Yugoslavia (FRY) on the 2<sup>nd</sup> of July 1999 'for violations of the Convention on the Prevention and Punishment of the Crime of Genocide'. Serbia's counterclaim over the expulsion of more than 200,000 Serbs from Croatia is also included.

## **The Committee**

The International Court of Justice is the principal judicial organ of the United Nations. Established in 1945 by the UN Charter, the court began to work in 1946 as the successor to the Permanent Court of International Justice. The ICJ settles legal disputes between member states and gives advisory opinions to authorised UN organs and specialised agencies. It comprises a panel of 15 judges elected by the General Assembly and Security Council for nine-year terms. During the MUNA conference the ICJ will consist of 16 delegates, of which 8 are judges and 8 are advocates. The ICJ is seated in the Peace Palace in The Hague, Netherlands.

The rules of procedure of the ICJ are quite distinct from the other committees in the MUNA conference. It is therefore important for the advocates to go over the rules of procedure of the ICJ, which can be found under conference → downloads on the MUNA website. Important to note from this document is that the four advocates of a state create a charge or a few clauses before the conference so that they can be discussed during the indoor lobbying. In this document a sample charge can also be found. As the ICJ is not part of the General Assembly there will not be a plenary session.

## **Keywords**

*Genocide*: any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group.

*Federal Republic of Yugoslavia (FRY)*: was a federal state made up of Serbia and Montenegro, which existed in the period 1992-2003. After the dissolution of Serbia and Montenegro in 2006, Serbia is considered the legal successor and therefore continued with this case.

## **Overview**

Historically, there has been discord between the people of Croatia and Serbia. They have had several wars, religious conflicts, border disputes and country dissolutions. After Croatia declared its independence in 1991, the Croatian War of Independence commenced (1991-1995). The Croatian government later alleged that Serbia committed genocide in the town of Vukovar and elsewhere in 1991. This resulted in Croatia accusing Serbia of genocide and submitting the application of the Convention on the Prevention and Punishment of the Crime of Genocide against Serbia in 1999. Serbia later filed a counter-claim, stating that Croatia was responsible for the expulsion of more than 200,000 Serbs from Croatia during Operation Storm (1995), which bombarded the majority of the ethnic-Serb Krajina area located in Croatia.

## **Arguments**

Croatian argument: the large number of deaths during the war of independence, which they claim to be the action of genocide. The main cause of this claim was the battle of Vukovar.

Serbian argument: the expulsion of Serbs from Croatia during Operation Storm in 1995.

### Timeline of events

Date	Event
26 <sup>th</sup> of June 1991	Croatia declares its independence against Yugoslavia's rule
Aug – Nov 1991	Battle of Vukovar
Mar 1991 - Nov 1995	Croatian War of Independence
Aug 1995	Operation Storm
2 <sup>nd</sup> of July 1999	Croatia files application against Serbia for violations of the Convention on the Prevention and Punishment of the Crime of Genocide
4 <sup>th</sup> of January 2010	Serbia files counterclaim against Croatia

### Resolutions

During the conference there will be time for indoor lobbying. During this time it is suggested that the advocates of the states merge their clauses into one single charge. In this charge the punishments for the opposing countries should be presented, if enough evidence of the crimes has been provided.

### Links and sources

<https://www.icj-cij.org/en/case/118>

<https://www.icj-cij.org/en/case/118/judgments>

<https://www.icj-cij.org/files/case-related/118/118-20081118-JUD-01-00-EN.pdf>

<https://www.cambridge.org/core/journals/international-legal-materials/article/application-of-the-convention-on-the-prevention-and-punishment-of-the-crime-of-genocide-croatia-v-serbia-icj/8C4846F8953BE223DB1605F82D3437CB>

[https://en.wikipedia.org/wiki/Croatia%E2%80%93Serbia\\_genocide\\_case](https://en.wikipedia.org/wiki/Croatia%E2%80%93Serbia_genocide_case)

<https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>

[https://en.wikipedia.org/wiki/Serbia\\_and\\_Montenegro](https://en.wikipedia.org/wiki/Serbia_and_Montenegro)

<https://www.bbc.com/news/world-europe-31104973>

<https://www.youtube.com/watch?v=TbNdMnSpZ30>

<https://borgenproject.org/top-10-croatian-war-facts/>

<http://news.bbc.co.uk/2/hi/europe/2988304.stm>