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## HAGUE INTERNATIONAL TRIBUNALS

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- I. International Court of Justice
- II. International Criminal Tribunal  
for the Former Yugoslavia

Subsections are, in principle, divided into the categories (a) List of Current Proceedings, (b) Constitutional and Institutional Developments, and (c) Case Analysis.

### I. INTERNATIONAL COURT OF JUSTICE

#### (a) List of Current Proceedings: Update<sup>1</sup>

##### 1. CONTENTIOUS CASES BEFORE THE FULL COURT

##### 1.1. Oil Platforms (Islamic Republic of Iran *v.* United States of America)

On 2 November 1992, Iran filed an application instituting proceedings against the United States in respect of a dispute arising out of the attack on and the destruction of three offshore oil production complexes.<sup>2</sup> In it, Iran contended that these acts constituted a fundamental breach of various provisions of the Treaty of Amity, Economic Relations and Consular Rights between the United States and Iran, signed in 1955.

In its Judgment of 12 December 1996, the Court held that the parties have a dispute as to the interpretation and the application of Article X, paragraph 1, of the Treaty. The Court furthermore held that the dispute falls within the scope of the compromisory clause in Article XXI of the Treaty of Amity, and that as a consequence it has jurisdiction in this case.<sup>3</sup>

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- 1. This *List of Current Proceedings: Update* covers cases pending from 1 May 1997 onwards that merit attention because of a new procedural event. It describes the course of proceedings in these cases up to 1 August 1997.
  - 2. 1992 ICJ Rep. 763.
  - 3. ICJ Communiqué 96/33 of 12 December 1996.

Within the time-limit fixed by the Court, i.e. 23 June 1997, the United States filed in the Registry of the Court its Counter-Memorial on the merits as well as a Counter-Claim.

**1.2. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia-Herzegovina v. Yugoslavia (Serbia and Montenegro))**

On 20 March 1993, Bosnia-Herzegovina filed an application against Yugoslavia in respect of a dispute concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948.<sup>4</sup> The application invoked Article IX of the Genocide Convention as the basis of the jurisdiction of the Court.

On 20 March 1993, immediately after filing its application, Bosnia-Herzegovina submitted a request for the indication of provisional measures under Article 41 of the Statute. On 1 April 1993, Yugoslavia submitted written observations on Bosnia-Herzegovina's request for provisional measures, in which, in turn, it recommended the Court to order the application of provisional measures to Bosnia-Herzegovina. By Order of 8 April 1993, the Court indicated certain provisional measures with a view to the protection of rights under the Genocide Convention.<sup>5</sup>

On 27 July 1993, Bosnia-Herzegovina submitted a new request for the indication of provisional measures; and, by a series of subsequent communications, it stated that it was amending or supplementing that request, as well as, in some cases, the application, including the basis of jurisdiction relied on therein. As additional bases for the jurisdiction of the Court in the case, Bosnia-Herzegovina invoked the Treaty between the Allied and Associated Powers and the Kingdom of the Serbs, Croats and Slovenes on the Protection of Minorities, signed at Saint-Germain-en-Laye on 10 September 1919, and the customary and conventional international laws of war and international humanitarian law. On 10 August 1993, Yugoslavia also submitted a request for the indication of provisional measures, and, on 10 and 23 August 1993, it filed written observations on Bosnia-Herzegovina's new request, as amended or supplemented. By an Order of 13 Septem-

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4. See 78 UNTS 277.

5. 1993 ICJ Rep. 3.

ber 1993, and after hearing the parties, the Court reaffirmed the measures indicated in its Order of 8 April 1993 and declared that those measures should be immediately and effectively implemented.<sup>6</sup>

On 26 June 1995, within the time-limit for the filing of its Counter-Memorial, Yugoslavia filed certain preliminary objections. By its Judgment of 11 July 1996, the Court found that, on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, it had jurisdiction to adjudicate upon the dispute and that the application was admissible.<sup>7</sup> Within the time-limit fixed by the Court, i.e. 23 July 1997, Yugoslavia filed in the Registry of the Court its Counter-Memorial on the merits as well as a Counter-Claim.

### 1.3. Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

The parties jointly notified the Court on 2 July 1993 of a Special Agreement by which they submitted to it for adjudication the differences between them concerning the Gabčíkovo-Nagymaros Project. By an Order of 14 July 1993, the Court fixed 2 May 1994 as the time-limit for the filing by each of the parties of a Memorial and 5 December 1994 for the filing by each of the parties of a Counter-Memorial.<sup>8</sup> By Order of 20 December 1994, the President of the Court fixed 20 June 1995 as the time-limit for the filing of a Reply by each of the Parties.<sup>9</sup>

After having received the written Memorials, the Court entertained to the oral arguments of the parties in the first week of March 1997. Between 1 and 4 April 1997, for the first time in its 50-year history, the Court made a visit to the area to which the case relates. The visit was undertaken at the request of both parties and covered areas in both countries.

The second round of oral hearings before the Court commenced on 10 April 1997 and was concluded on 15 April 1997. The Court is currently deliberating.

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6. 1993 ICJ Rep. 325.

7. ICJ Communiqué No. 96/25 of 11 July 1996.

8. 1993 ICJ Rep. 319.

9. 1994 ICJ Rep. 151.