

**JOINT STIPULATION OF SERBIA AND
CROATIA**

***APPLICATION OF THE CONVENTION ON
THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE
(CROATIA v. SERBIA)***

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Joint Stipulation

1. 'International law' shall be defined in accordance with the definition as set out in Article 38(1) of the Statute of the ICJ:

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- A. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;*
- B. international custom, as evidence of a general practice accepted as law;*
- C. the general principles of law recognized by civilized nations;*
- D. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.*

2. Croatia ratified the Convention on the Prevention and Punishment of the Crime of Genocide on October 12th, 1992. Serbia ratified the Genocide Convention on March 12th 2001

3. Serbia and Montenegro also assumed the SFRY's treaty obligations on April 27th 1992

4. Croatia, on October 12th 1992, assumed retroactive responsibility international relations with respect to its territory from 8 October 1991

5. A breach of international law shall be defined as any action taken by a state or governmental institution in relation to a peoples or government of another nation which directly contradicts the principles set out in a convention, treaty or charter to which all relevant states are party.

6. Upon all matters relating to the Genocide Convention, genocide shall be defined by the agreed upon terms of Article 2 of the Genocide Convention.

7. The purposes of the ICJ as to be set by Chapter 1 of the UN Charter.

8. Recognises precedent in reference to previous cases decided before the ICJ in conjunction with the principles of common law.

9. Serbia and Croatia both recognise as valid all the findings of the Arbitration Commission of the Conference on Yugoslavia (Badinter Commission) set up in 1991

10. Serbia and Croatia both recognise the validity of the findings of the International Criminal Tribunal for Yugoslavia (ICTY)