

IN THE INTERNATIONAL COURT OF JUSTICE THE STATE OF CROATIA,
APPLICANT
V.

THE STATE OF SERBIA
RESPONDENT

MEMORIAL OF THE STATE OF CROATIA:

COMES NOW the State of Croatia and for their Memorial to the Court states the following:

STATEMENT OF LAW:

1. In 1991, the separation of Croatia from Yugoslavia induced four years of bloodshed. While rebel serbs seized major areas of Croatia, it was at this time that the United State of America as well as the European Union officially acknowledged the Republic of Croatia.
2. This violence continued for several years to follow. The General Assembly composed two resolutions criticising the actions of the countries. The first was specifically targeted at Yugoslavia and the second disapproving human right violations in general.
3. Pursuant to prior precedent set in Bosnia and Herzegovina v. Serbia and Montenegro, if a country succeeds from another and this leads to the deterioration of said county, the original county must aid in the reconstruction.
4. In accordance with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention), Croatia would like to bring this case of genocide against Serbia. This court has jurisdiction of the case under article IX of the Genocide Convention.
 - a. the Genocide convention defines genocide as 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; [and] forcibly transferring children of the group to another group.

STATEMENT OF FACT:

After repeated attempts to promote peace and reach a diplomatic resolution failed, the Republic of Croatia executed Operation Storm to take back the parts of Croatia that were being controlled by Serbian rebels. Article 4 of the Geneva Conventions

explicitly states, "Persons protected by the Convention are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of persons a Party to the conflict or Occupying Power of which they are not nationals." Throughout the 1990s the Serbian rebels destroyed homes and tore down communities. It is the obligation of the International Court of Justice to chastise Serbia for these horrendous acts because they left Croatia desolate and in need of repair.

STATEMENT OF JURISDICTION:

1. Article 36, paragraph two, subsection c states that the court has the authority to determine whether a breach in an international obligation has been committed.
2. Article IX of the Genocide Convention grants the court the power to hear cases on genocide and crimes to this multitude.

ARGUMENTS:

1. Serbia must compensate Croatia for the annihilation of property
 - a. During regional conflicts, Serbian rebels destroyed property and severed communities that are still coping to recover.
 - b. The rebels ruined many economic facilities, housing establishments, infrastructure, and more than one third of all cultural monuments and churches in the country.
 - c. many of this destruction was directly related to the genocidal acts for which the Serbian rebels were responsible.
2. Serbia must answer for the Serb-Croat rebels due to the fact that Serbia sponsored and aided their crusade for violence.
 - a. The Serbian government was controlling the activity of the armed forces and was responsible for ethnic cleansing - which fits under the United Nation's accepted definition of genocide as described in the statement of law.

SUMMARY AND REQUESTS

The Republic of Croatia has tried on several occasions to make peace with Serbia. Serbian rebels took control of some regions of Croatia and destroyed them. Croatia is still seeing the aftermath of this destruction today. Croatia calls on the International Court of Justice to atone Serbia for these wrongful acts of violence and recognize the acts of Genocide that occurred in Croatia.

