

## **IN THE INTERNATIONAL COURT OF JUSTICE**

### **MEMORIAL OF THE REPUBLIC OF SERBIA**

COMES NOW the Republic Serbia and for their Memorial to the Court states the following:

#### **STATEMENT OF LAW**

1. Under Article 2, Paragraph 4 of the Charter of the United Nations, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”
2. General Assembly Resolution 1514 (1960) states “any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”
3. The final paragraph of General Assembly Resolution 2625 (1970) argues that nothing in that resolution pertaining to the principle of equal rights and self- determination of peoples shall be construed as authorizing any action which would dismember the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination. It is clear the members of the United Nations value territorial integrity and the status quo over self-determination.

#### **STATEMENT OF FACT**

The end of World War II brought about the formation of a new government under the control of Josip Broz, otherwise known as Tito. This would later be known as the Socialist Federal Republic of Yugoslavia, of which the Serbian people were a part. Kosovo has historically been considered an autonomous region of Serbia.

While Serbia and Montenegro formed the Federal Republic of Yugoslavia in 1992, Kosovo continued to be an autonomous region of Serbia, as Serbia contends it is still to this day. Following the conflict between the Republic of Serbia, Kosovo, and NATO, the United Nations Security Council approved Resolution 1244.

The Republic of Serbia has adhered to all the conditions of Resolution 1244; however, on February 17, 2008, Kosovo violated this statement of international law by issuing an illegal declaration of independence from the Republic of Serbia. The original proposition from the Security Council provided a pathway for a peaceful resolution to the contention.

#### **STATEMENT OF JURISDICTION**

1. The Republic of Serbia brings this application under Article 36, Paragraph 1 of the Statute of the court: “The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.”

