



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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### **Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)**

#### **The Court extends by seven days the time-limit for the filing of Uganda's Rejoinder**

THE HAGUE, 13 November 2002. The International Court of Justice (ICJ) has extended by seven days the time-limit for the filing by Uganda of its Rejoinder in the case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda). By an Order of 7 November 2002, it fixed 6 December 2002 as the new time-limit for the filing of this written pleading.

The subsequent procedure was reserved for further decision.

The Order was made following a request by Uganda and after the Congo had indicated that it did not object to the extension.

#### History of the proceedings

On 23 June 1999 the Democratic Republic of the Congo (DRC) filed in the Registry of the Court Applications instituting proceedings against Burundi, Uganda and Rwanda respectively for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the OAU".

In its Applications, the DRC contended that "such armed aggression . . . ha[d] involved inter alia violation of the sovereignty and territorial integrity of the [DRC], violations of international humanitarian law and massive human rights violations". The DRC sought "to secure the cessation of the acts of aggression directed against it, which constitute a serious threat to peace and security in central Africa in general and in the Great Lakes region in particular"; it was also seeking reparation for acts of intentional destruction and looting, and the restitution of national property and resources appropriated for the benefit of the respective respondent States.

In the cases against Burundi and Rwanda, the DRC invoked several instruments as bases for the Court's jurisdiction, as well as Article 38, paragraph 5, of the Rules of Court, which contemplates the situation where a State files an application against another State that has not accepted the jurisdiction of the Court. In the case against Uganda, the DRC invoked as basis for the Court's jurisdiction the declarations whereby both States have accepted the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation (Art. 36, para. 2, of the Statute of the Court).

By letters dated 15 January 2001, the DRC notified the Court that it wished to discontinue the proceedings against Burundi and Rwanda, and stated that it "reserve[d] the right to invoke

subsequently new grounds of jurisdiction of the Court”. After the respondent Parties had informed the Court that they concurred in the DRC’s discontinuance, the President of the Court, in Orders of 30 January 2001, placed the discontinuance by the DRC on record and ordered the removal of each of the cases from the List.

In the case against Uganda, the Court, taking into account the agreement of the Parties, fixed, by an Order of 21 October 1999, 21 July 2000 as the time-limit for the filing of a Memorial by the Congo and 21 April 2001 for the filing of a Counter-Memorial by Uganda. The Memorial of the DRC was filed within the prescribed time-limit.

On 19 June 2000 the DRC, in the same case against Uganda, filed a request for the indication of provisional measures, stating that “since 5 June last, the resumption of fighting between the armed troops of . . . Uganda and another foreign army has caused considerable damage to the Congo and to its population”, and “these tactics have been unanimously condemned, in particular by the United Nations Security Council”. By letters of the same date, the President of the Court, acting in conformity with Article 74, paragraph 4, of the Rules of Court, drew “the attention of both Parties to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects”.

Public sittings to hear the oral observations of the Parties on the request for the indication of provisional measures were held on 26 and 28 June 2000 and at a public sitting, held on 1 July 2000, the Court rendered its Order. The Court unanimously found that “both Parties must, forthwith, prevent and refrain from any action, and in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve”; “forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000” and “forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law”.

Within the time-limit of 21 April 2001 fixed by the Court’s Order of 21 October 1999, Uganda filed its Counter-Memorial. The Counter-Memorial contained counter-claims. By an Order of 29 November 2001 the Court found that two of the counter-claims submitted by Uganda against the DRC were “admissible as such and [formed] part of the current proceedings”, but that the third was not. In view of these findings, the Court considered it necessary for the DRC to file a Reply and Uganda a Rejoinder, addressing the claims of both Parties, and fixed 29 May 2002 as the time-limit for the filing of the Reply and 29 November 2002 for the Rejoinder. Further, in order to ensure strict equality between the Parties, the Court reserved the right of the DRC to present its views in writing a second time on the Uganda counter-claims, in an additional pleading to be the subject of a subsequent Order. The Reply was filed within the time-limit thus fixed.

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The full text of the Order will shortly be available on the Court’s website at the following address: <http://www.icj-cij.org>

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