



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands
Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928
Website: www.icj-cij.org

Press Release

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

The Court authorizes the submission of an additional written pleading by the Democratic Republic of the Congo, to be filed by 28 February 2003

THE HAGUE, 10 February 2003. The International Court of Justice (ICJ) has authorized the submission by the Democratic Republic of the Congo of an additional pleading relating solely to the counter-claims submitted by Uganda in the case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda).

By an Order of 29 January 2003 it fixed 28 February 2003 as the time-limit for the filing of this written pleading.

The subsequent procedure was reserved for further decision.

History of the proceedings

On 23 June 1999 the Democratic Republic of the Congo (DRC) filed in the Registry of the Court an Application instituting proceedings against Uganda for “acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the OAU”.

In its Application, 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 also sought “compensation from Uganda in respect of all acts of looting, destruction, removal of property and persons and other unlawful acts attributable to [it], in respect of which the [RDC] reserves the right to determine at a later date the precise amount of the damage suffered, in addition to its claim for the restitution of all property removed”.

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).

Taking into account the agreement of the Parties, the Court, by an Order of 21 October 1999, fixed 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 time-limit thus prescribed.

On 19 June 2000 the DRC filed a request for the indication of provisional measures, stating that “since 5 June [2000], the resumption of fighting between the armed troops of . . . Uganda and another foreign army ha[d] caused considerable damage to the Congo and to its population”, and “these tactics ha[d] 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 fixed. By an Order of 7 November 2002, the Court extended the time-limit for the filing by Uganda of its Rejoinder and fixed 6 December 2002 as the new time-limit. The Rejoinder was filed within the time-limit as thus extended.

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

Information Department:

Mr. Arthur Th. Witteveen, First Secretary (+31 70 302 23 36)
Mrs. Laurence Blairon and Mr. Boris Heim, Information Officers (+31 70 302 23 37)
E-mail address: information@icj-cij.org