

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

**AFFAIRE DES ACTIVITÉS ARMÉES
SUR LE TERRITOIRE DU CONGO**
(RÉPUBLIQUE DÉMOCRATIQUE DU CONGO c. BURUNDI)

ORDONNANCE DU 21 OCTOBRE 1999

1999

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

**CASE CONCERNING ARMED ACTIVITIES
ON THE TERRITORY OF THE CONGO**
(DEMOCRATIC REPUBLIC OF THE CONGO v. BURUNDI)

ORDER OF 21 OCTOBER 1999

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General List
No. 115CASE CONCERNING ARMED ACTIVITIES
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(DEMOCRATIC REPUBLIC OF THE CONGO v. BURUNDI)

ORDER

Present: President SCHWEBEL; *Vice-President* WEERAMANTRY; *Judges* ODA, BEDJAOU, GUILLAUME, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, HIGGINS, PARRA-ARANGUREN, KOOLJMAN, REZEK; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

Having regard to Article 48 of the Statute of the Court and to Articles 44 and 48 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 23 June 1999, whereby the Democratic Republic of the Congo instituted proceedings against the Republic of Burundi in respect of a dispute concerning "acts of *armed aggression* perpetrated by Burundi on the territory of the Democratic Republic of the Congo, in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity";

Whereas, on 23 June 1999, a certified copy of the Application was transmitted to the Republic of Burundi;

Whereas the Democratic Republic of the Congo has appointed as Agent Maître Michel Lion, advocate at the Brussels Bar; and the Repub-

lic of Burundi has appointed as Agent His Excellency Mr. Jonathas Niyungeko, Ambassador of Burundi to the Netherlands;

Whereas, in its Application, the Democratic Republic of the Congo, in order to found the jurisdiction of the Court, invokes the declaration which it made on 8 February 1989 in accordance with Article 36, paragraph 2, of the Statute, and, while acknowledging that the Republic of Burundi has not made such a declaration, states that "Article 38, paragraph 5, of the Rules of Court allows a State against which an application is filed to accept the jurisdiction of the Court for the purpose of the case"; and whereas, in the said Application, the Democratic Republic of the Congo, referring to Article 36, paragraph 1, of the Statute, also invokes, in order to found the jurisdiction of the Court, Article 30, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984, together with Article 14, paragraph 1, of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

Whereas, at a meeting between the President of the Court and the representatives of the Parties held on 19 October 1999, the Agent of Burundi indicated, first, that his Government did not accept the proposal of the Democratic Republic of the Congo that the jurisdiction of the Court should be founded on a consent to be given in accordance with Article 38, paragraph 5, of the Rules of Court, and second, that in the opinion of his Government, the Court had no jurisdiction to entertain the Application; and whereas, at the conclusion of this meeting, the Parties agreed to request the Court to determine separately the questions of jurisdiction and admissibility in this case before any proceedings on the merits, on the understanding that the Republic of Burundi would first present a Memorial dealing exclusively with those questions and that the Democratic Republic of the Congo would reply to it in a Counter-Memorial confined to the same questions;

Whereas it is necessary for the Court to be informed of all the contentions and evidence of fact and law on which the Parties rely in that connection;

Taking into account the agreement concerning the procedure reached between the Parties, consulted under Article 31 of the Rules of Court, and their views regarding the time-limits to be fixed for that purpose,

Decides that the written proceedings shall first be addressed to the questions of the jurisdiction of the Court to entertain the Application and of its admissibility;

Fixes the following time-limits for the filing of those pleadings;

21 April 2000 for the Memorial of the Republic of Burundi;

23 October 2000 for the Counter-Memorial of the Democratic Republic of the Congo; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-first day of October, one thousand nine hundred and ninety-nine, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Democratic Republic of the Congo and the Government of the Republic of Burundi, respectively.

(Signed) Stephen M. SCHWEBEL,
President.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.
