



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 Democratic Republic of Congo institutes proceedings against Burundi, Uganda and Rwanda on account of "acts of armed aggression"

THE HAGUE, 23 June 1999. The Democratic Republic of Congo (DRC) today instituted proceedings before the International Court of Justice (ICJ) against Burundi, Uganda and Rwanda respectively for "acts of armed aggression committed . . . in flagrant breach of the United Nations Charter and of the Charter of the Organization of African Unity (OAU)".

In its Applications, the DRC contends that the invasion of Congolese territory by Burundian, Ugandan and Rwandan troops on 2 August 1998 (an invasion currently claimed to involve fighting in seven provinces) constitutes a "violation of [its] sovereignty and of [its] territorial integrity", as well as a "threat to peace and security in central Africa in general and in the Great Lakes region in particular". The DRC accuses the three States of having attempted to "seize Kinshasa through the lower Congo, in order to overthrow the Government of Public Salvation and assassinate President Laurent Désiré Kabila, with the object of installing a Tutsi régime or a régime under Tutsi control". The DRC also accuses those States of "violations of international humanitarian law and massive violations of human rights" (massacres, rapes, attempted kidnappings and murders), and of the looting of large numbers of public and private institutions. It further claims that "the assistance given to the Congolese rebellion or rebellions . . . and the issue of frontier security were mere pretexts designed to enable the aggressors to seize the assets of the territories invaded and hold the civil population to ransom".

The Democratic Republic of Congo accordingly asks the Court to declare that Burundi, Uganda and Rwanda are guilty of acts of aggression; that they have violated and continue to violate the 1949 Geneva Conventions and their 1977 Additional Protocols; that, by taking forcible possession of the Inga hydroelectric dam and deliberately regularly causing massive electric power cuts, they have made themselves responsible "for very heavy losses of life in the city of Kinshasa . . . and the surrounding region"; and that, in shooting down a Boeing 727 aircraft on 9 October 1998, the property of Congo Airlines, and thus causing the death of 40 civilians, they violated certain international treaties relating to civil aviation.

The DRC further requests the Court to declare that the armed forces of Burundi, Uganda and Rwanda must "forthwith vacate the territory" of the Congo; that the said States "must secure the immediate and unconditional withdrawal from Congolese territory of [their] nationals, both individuals and corporate entities"; and that the DRC "is entitled to . . . compensation in respect of all acts of looting, destruction, removal of property and of persons and other unlawful acts attributable" to the States concerned.

In its Application instituting proceedings against Uganda, the DRC invokes as a basis for the jurisdiction of the Court the declarations by which both States have accepted the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation (Article 36, paragraph 2, of the Statute of the Court).

In its Applications instituting proceedings against Burundi and Rwanda, the DRC invokes Article 36, paragraph 1, of the Statute of the Court, the New York Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 23 September 1971, and also Article 38, paragraph 5, of the Rules of Court. This Article contemplates the situation where a State files an application against another State which has not accepted the jurisdiction of the Court. As to Article 36, paragraph 1, it provides that “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”.

The full text of the Applications instituting proceedings against Burundi, Uganda and Rwanda will be available shortly on the Court’s website (<http://www.icj-cij.org>).

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