



# 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 holds two of Uganda's counter-claims to be admissible and the third inadmissible and fixes time-limits for the filing of further pleadings**

THE HAGUE, 13 December 2001. The International Court of Justice (ICJ) found in an Order dated 29 November 2001 that two of the counter-claims submitted by Uganda against the Democratic Republic of the Congo (DRC) in the case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) were “admissible as such and [formed] part of the current proceedings”, but that the third was not.

In its Application instituting proceedings dated June 1999 and in its Memorial of July 2000, the Congo requested the Court to adjudge and declare that Uganda had, by way of military and paramilitary actions against the Congo, illegal exploitation of Congolese resources and acts of oppression against Congolese nationals, violated rules of conventional and customary international law. The Congo sought the immediate cessation of “any internationally wrongful act”, reparation for damage and guarantees for the future.

In the Counter-Memorial which it filed in April 2001, Uganda submitted three counter-claims. The first concerned alleged acts of aggression against it by the DRC; the second related to attacks on Ugandan diplomatic premises and personnel in Kinshasa and on Ugandan nationals for which the DRC was alleged to be responsible; and the third dealt with alleged violations by the DRC of the Lusaka Agreement. Uganda asked that the issue of reparation be reserved for a subsequent stage of the proceedings.

#### **Reasoning of the Court**

In its Order, the Court endeavoured to ascertain whether Uganda's three counter-claims fulfilled the conditions set out in Article 80 of the Rules of Court. Pursuant to that Article, “a counter-claim may be presented provided that it is directly connected with the subject-matter of the claim of the other party and that it comes within the jurisdiction of the Court”.

The Court noted that the DRC did not deny that Uganda's claims fulfilled the “jurisdictional” condition laid down in paragraph 1 of Article 80, but that it contended that those claims were inadmissible as counter-claims because they did not fulfil the other conditions set out in that provision.

Considering the DRC's argument that the Ugandan claims did not satisfy the formal conditions laid down by Article 80 of the Rules of Court, the Court stated that those claims "could have been presented in a clearer manner", but that their presentation did not deviate from the requirements of Article 80 to such an extent that they should be held inadmissible on that basis.

The Court then addressed the issue of whether there was a direct connection "in fact and in law" between Uganda's counter-claims and the subject-matter of the DRC's main claims.

The Court found unanimously that there was such a direct connection in the case of the first counter-claim and, by fifteen votes to one, that there was also such a connection in the case of the second counter-claim. According to the Court, the Parties' respective claims in both cases relate to facts of the same nature and form part of the same factual complex (a conflict having existed between the two neighbouring States, in various forms and of variable intensity, since 1994). The Parties were moreover pursuing the same legal aims, with each of them seeking to establish the responsibility of the other on the basis of the same principles of international law. The Court accordingly concluded that these two counter-claims were admissible as such.

By contrast, the Court unanimously found that Uganda's third counter-claim was inadmissible as such, since it was not directly connected with the subject-matter of the DRC's claims. It noted that this counter-claim concerned questions relating to methods for solving the conflict in the region — that is to say, facts of a different nature from those relied on in the Congo's claims, which related to acts for which Uganda was allegedly responsible during that conflict. The Court further considered that the Parties were not pursuing the same legal aims, since each of them was seeking to establish the responsibility of the other based on the violation of different rules.

In view of the conclusions reached by it, the Court considered it necessary for the DRC to file a Reply and Uganda a Rejoinder, addressing the claims of both Parties. It fixed 29 May 2002 as the time-limit for the filing of the Reply and 29 November 2002 as that for the filing of the Rejoinder. Further, in order to ensure strict equality between the Parties, the Court, as it had already done in other cases, 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.

Judge ad hoc Verhoeven appended a declaration to the Order.

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The Court's Order and the declaration appended thereto will shortly be available on the Court's Website (address: <http://www.icj-cij.org>)

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