



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 will hold public hearings from 11 to 29 April 2005

THE HAGUE, 6 December 2004. The International Court of Justice (ICJ), principal judicial organ of the United Nations, will hold public hearings in the case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) from Monday 11 to Friday 29 April 2005 at the Peace Palace in The Hague, seat of the Court.

The precise schedule for those hearings will be announced later.

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 . . . [had] 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 [DRC] 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 that another foreign army [had] caused considerable damage to the Congo and to its population”, and “these tactics [had] been unanimously condemned, in particular by the United Nations Security Council”. By letters of the same date, the President of the Court, acting pursuant to 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 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. By an Order of 29 November 2001 the Court found that the first two 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 Ugandan 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 to 6 December 2002 the time-limit for the filing by Uganda of its Rejoinder. The Rejoinder was filed within the time-limit as thus extended. On 28 February 2003, within the time-limit fixed by an Order of 29 January 2003, the DRC filed its additional pleading relating solely to Uganda’s counter-claims.

The public sittings in the case, which were to take place from 10 to 28 November 2003, were postponed at the request of the Parties, which had commenced diplomatic negotiations.

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NOTE TO THE PRESS

1. The public hearings will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. **Mobile telephones and beepers are allowed in the courtroom**

provided they are turned off or set on silent mode. Any offending device will be temporarily removed.

2. Members of the Press will be entitled to attend the hearings on presentation of a press card. The tables reserved for them are situated on the far left of the public entrance of the courtroom.

3. Still photography and TV filming will be permitted for a few minutes only at the start of each sitting. The Court's proceedings will be transmitted live, in full, on a large TV screen in the Press Room, located on the ground floor of the Peace Palace (Room 5). Press Room facilities will include a direct TV feed from the Court's video system; TV crews are kindly asked to inform the Information Department in advance if they wish to use these facilities. A direct audio feed will also be available.

4. Telephone calls (collect calls only) may be made from the phone located in the Press Room. Public telephones are located in the Post Office in the basement of the Peace Palace.

5. Transcripts of the public hearings will be published daily on the Court's website (www.icj-cij.org), with translations following as soon as possible thereafter.

6. Mr. Arthur Witteveen, First Secretary of the Court (Tel.: +31-70-302-2336), and Mrs. Laurence Blairon and Mr. Boris Heim, Information Officers (Tel.: +31-70-302-2337, e-mail address: information@icj-cij.org), are available to deal with any Press requests.
