



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)

Conclusion of the public hearings

Court ready to begin its deliberation

THE HAGUE, 29 April 2005. The public hearings in the case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) were concluded today. The Court will now start its deliberation.

At the hearings, which opened on 11 April 2005 at the Peace Palace, seat of the Court, the delegation of the Democratic Republic of the Congo was led by H.E. Mr. Jacques Masangu-a-Mwanza, Ambassador Extraordinary and Plenipotentiary to the Kingdom of the Netherlands, as Agent. The delegation of Uganda was led by H.E. the Honourable Mr. E. Khiddu Makubuya, S.C., M.P., Attorney General of the Republic of Uganda, as Agent.

The Court's judgment will be delivered at a public sitting, the date of which will be announced in due course.

Final submissions of the Parties

At the conclusion of the oral proceedings the Parties presented the following final submissions to the Court:

On Monday 25 April 2005 the Democratic Republic of the Congo presented the following final submissions with respect to its claims:

“The Democratic Republic of the Congo requests the Court to adjudge and declare:

1. That the Republic of Uganda, by engaging in military and paramilitary activities against the Democratic Republic of the Congo, by occupying its territory and by actively extending military, logistic, economic and financial support to irregular forces operating there, and having operated there, has violated the following principles of conventional and customary law:
 - the principle of non-use of force in international relations, including the prohibition of aggression;

- the obligation to settle international disputes exclusively by peaceful means so as to ensure that international peace and security, as well as justice, are not placed in jeopardy;
 - respect for the sovereignty of States and the rights of peoples to self-determination, and hence to choose their own political and economic system freely and without outside interference;
 - the principle of non-interference in matters within the domestic jurisdiction of States, including refraining from extending any assistance to the parties to a civil war operating on the territory of another State.
2. That the Republic of Uganda, by committing acts of violence against nationals of the Democratic Republic of the Congo, by killing and injuring them or despoiling them of their property, by failing to take adequate measures to prevent violations of human rights in the DRC by persons under its jurisdiction or control, and/or failing to punish persons under its jurisdiction or control having engaged in the above-mentioned acts, has violated the following principles of conventional and customary law:
- the principle of conventional and customary law imposing an obligation to respect, and ensure respect for, fundamental human rights, including in times of armed conflict, in accordance with international humanitarian law;
 - the principle of conventional and customary law imposing an obligation, at all times, to make a distinction in an armed conflict between civilian and military objectives;
 - the right of Congolese nationals to enjoy the most basic rights, both civil and political, as well as economic, social and cultural.
3. That the Republic of Uganda, by engaging in the illegal exploitation of Congolese natural resources, by pillaging its assets and wealth, by failing to take adequate measures to prevent the illegal exploitation of the resources of the DRC by persons under its jurisdiction or control, and/or failing to punish persons under its jurisdiction or control having engaged in the above-mentioned acts, has violated the following principles of conventional and customary law:
- the applicable rules of international humanitarian law;
 - respect for the sovereignty of States, including over their natural resources;
 - the duty to promote the realization of the principle of equality of peoples and of their right of self-determination, and consequently to refrain from exposing peoples to foreign subjugation, domination or exploitation;
 - the principle of non-interference in matters within the domestic jurisdiction of States, including economic matters.
4. (a) That the violations of international law set out in submissions 1, 2 and 3 constitute wrongful acts attributable to Uganda which engage its international responsibility;
- (b) that the Republic of Uganda shall cease forthwith all continuing internationally wrongful acts, and in particular its support for irregular forces operating in the DRC and its exploitation of Congolese wealth and natural resources;
- (c) that the Republic of Uganda shall provide specific guarantees and assurances that it will not repeat the wrongful acts complained of;

(d) that the Republic of Uganda is under an obligation to the Democratic Republic of the Congo to make reparation for all injury caused to the latter by the violation of the obligations imposed by international law and set out in submissions 1, 2 and 3 above;

(e) that the nature, form and amount of the reparation shall be determined by the Court, failing agreement thereon between the Parties, and that the Court shall reserve the subsequent procedure for that purpose.

5. That the Republic of Uganda has violated the Order of the Court on provisional measures of 1 July 2000, in that it has failed to comply with the following provisional measures:

“(1) 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;

(2) Both Parties must, 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;

(3) Both Parties must, 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.”

On Wednesday 27 April 2005 Uganda presented the following final submissions with respect to the claims of the Democratic Republic of the Congo and to its own counter-claims:

“The Republic of Uganda requests the Court:

1. To adjudge and declare in accordance with international law:

A. that the requests of the Democratic Republic of the Congo relating to the activities or situations involving the Republic of Rwanda or her agents are inadmissible for the reasons set forth in Chapter XV of the Counter-Memorial and reaffirmed in the oral pleadings;

B. that the requests of the Democratic Republic of the Congo that the Court adjudge and declare that the Republic of Uganda is responsible for various breaches of international law, as alleged in the Memorial, the Reply and/or the oral pleadings are rejected; and

C. that Uganda’s counter-claims presented in Chapter XVIII of the Counter-Memorial, and reaffirmed in Chapter VI of the Rejoinder as well as the oral pleadings be upheld.

2. The Republic of Uganda requests the Court to reserve the issue of reparation in relation to Uganda’s counter-claims for a subsequent stage of the proceedings.”

On Friday 29 April 2005 the Democratic Republic of the Congo presented the following final submissions with respect to the counter-claims of Uganda:

“The Congo requests the Court to adjudge and declare:

As regards the first counter-claim submitted by Uganda,

1. To the extent that it relates to the period before Laurent-Désiré Kabila came to power, Uganda’s claim is inadmissible because Uganda had previously renounced its right to lodge

such a claim: in the alternative, the claim is unfounded because Uganda has failed to establish the facts on which it is based;

2. To the extent that it relates to the period from the time when Laurent-Désiré Kabila came to power to the time when Uganda launched its armed attack, Uganda's claim is unfounded in fact because Uganda has failed to establish the facts on which it is based;
3. To the extent that it relates to the period subsequent to the launching of Uganda's armed attack, Uganda's claim is unfounded both in fact and in law because Uganda has failed to establish the facts on which it is based and, in any event, from 2 August 1998 the DRC was in a situation of self-defence.

As regards the second counter-claim submitted by Uganda:

1. To the extent that it now relates to the interpretation and application of the Vienna Convention of 1961 on Diplomatic Relations, the claim submitted by Uganda radically changes the subject-matter of the dispute, contrary to the Statute and to the Rules of Court; that part of the claim must therefore be dismissed from the present proceedings;
2. That part of the claim relating to the alleged mistreatment of certain Ugandan nationals remains inadmissible because Uganda has still failed to show that the requirements laid down by international law for the exercise of its diplomatic protection were satisfied; in the alternative, that part of the claim is unfounded because Uganda is still unable to establish the factual and legal bases of its claims.
3. That part of the claim relating to the alleged expropriation of Uganda's public property is unfounded because Uganda is still unable to establish the factual and legal bases of its claims."

History of the proceedings and full transcripts of the hearings

The history of the proceedings as well as the full transcripts of the hearings held between 11 and 29 April 2005 can be found on the Court's website (www.icj-cij.org) under "Docket". Click on the hyperlink bearing the name of the case.

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