

DECLARATION OF JUDGE KOROMA

By this Order, the Court recognized on the basis of information available to it and took judicial notice that, since the recent outbreak of hostilities in Kisangani resulting in a serious breach of the peace, the Congolese civilian population has suffered irreparable harm and injury with hundreds killed and thousands injured; that national assets, including monuments, have also been destroyed; that for these reasons unless measures are urgently taken to safeguard the rights of the Congolese population and to preserve human life, they may be further imperilled. The matter is therefore, without question, one of urgency and exceptional gravity. The Court, in the case concerning the *United States Diplomatic and Consular Staff in Tehran (Provisional Measures, Order of 15 December 1979, I.C.J. Reports 1979, p. 20, para. 42)* and in that concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria) (Provisional Measures, Order of 15 March 1996, I.C.J. Reports 1996 (I), p. 23, para. 42)*, held that death and injury to persons are to be considered irreparable damage. The Court has made an analogous determination in this case. The legal criteria for granting the Order were, accordingly, all satisfied.

While the Order recognizes that Security Council resolution 1304 (2000) of 16 June 2000 calls on *all* parties to cease hostilities, the Court, as a court of law and given its position as the principal judicial organ of the United Nations, juridically assessed the issues and has cast its Order in accordance with judicial norms. The Order must, therefore, be seen in the light of Article 59 of the Statute of the Court and Article 94 of the United Nations Charter. The Order enjoins both Parties to take all measures necessary to respect fundamental human rights and the applicable provisions of humanitarian law, and to prevent their armed forces, or other groups under their authority or control, from taking any action which might prejudice the rights of the other Party in respect of any judgment the Court may render in the case, or which might aggravate or extend the dispute.

Thus, in endeavouring to preserve the peace as well as preserve the rights of the Parties, the Order is to be seen as part of the process of the judicial settlement of the dispute. It is, accordingly, of special significance for the Parties, who should refrain from any action which might aggra-

vate or extend the dispute, thereby preventing further harm to the population in the zone of conflict.

The Order in no way prejudices the facts or the merits of the case.

(Signed) Abdul G. KOROMA.
