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INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING

AHMADOU SADIO DIALLO

(REPUBLIC OF GUINEA v. DEMOCRATIC REPUBLIC OF THE CONGO)

COUNTER-MEMORIAL OF THE DEMOCRATIC REPUBLIC OF THE CONGO

(QUESTION OF COMPENSATION OWED TO GUINEA BY THE DRC)

PART I (TEXT) AND PART II (ANNEXES)

21 February 2012

[Translation by the Registry]

PART II

ANNEXES TO THE COUNTER-MEMORIAL

ANNEX I

Inventory of property belonging to Africontainers-Zaire drawn up on 25 January 1996

A. Africontainers containers inventoried on 25/01/1996 at the request of the Guinean Embassy in Zaire

(a) *Inside the compound*

List of 59 containers identified by serial number

+ 12 containers without serial numbers

Sub-total: 71 containers

(b) *Outside the compound*

I. Along the B.Z.C.E. fence

List of 15 containers identified by serial number

II. In front of the Kisombe building

List of 3 containers identified by serial number

III. Along the Onatra fence

List of 17 containers identified by serial number

IV. TCPK/Onatra

List of 2 containers identified by serial number

Total: 107 containers

B. Containers belonging to other owners

1. Ebene container (see Compound) (one)

2. International containers:

K. Line AKLU 265/219/3 (see Onatra fence)

K. Line KXTU 201994/9 (see Onatra fence) for Amiza

3. HKX 636924/0 (see Onatra fence) for otherwise unidentified forwarder

4. CAI CAXU 408290/5 (40 ft) (see B.Z.C.E. fence) for Full Transit

C. Vehicles

(a) *Inside the compound*

1. Shell of car registration No. KN 8939F
2. A trailer (20 ft) registration No. KN 7125E (wreck)
3. A Magirus 302 tractor unit registration No. KN 47760E (wreck)
4. A Saviem 301 tractor unit registration No. KN 1794E (defective)
5. A Volvo tractor unit registration No. KN 9769K (in good condition)
6. A fork-lift truck registration No. KN 1476J (defective)
7. A trailer registration No. KN 7052L (in good condition)
8. A Renault 12 car (defective) No. KN

Given to Mr. Ismael for repair and temporary use on the instructions of Mr. Diallo himself on 23/01/96 and removed from the compound on 24/01/96.

(b) *Outside the compound*

1. Trailer (40 ft) registration No. KN 9773K (defective) without tyres (opposite compound)
2. Trailer (20 ft) No. 203 (shell) visible in front of the Kisombe building
3. Trailer No. 204 (wreck) visible in front of the Kisombe building
4. A Citroën executive car registration No. KN (defective) Visible at chairman's residence, P.L.Z. Building, Losonia.

N.B. The Saviem 301 unit KN 1794E, trailer KN 9773K and the fork-lift truck could be repaired on the instructions of the Chairman and Chief Executive, Mr. Ahmadou Sadio Diallo, and brought back into service.

Done at Kinshasa on 09/02/1996

For Africontainers

For the Guinean Embassy

N'kanza Nekongo

Diallo Ibrahim

Inventory of Africontainers movable property

Building No. 1 (small building)

Room I

- 2 wooden desks with black wood panel
- 1 wooden writing desk with black wood panel
- 2 FNMA metal cupboards
- 4 FNMA metal and leather chairs
- 1 Olivetti electric typewriter
- 1 box of spanners
- 1 jack
- 1 funnel
- 1 telephone
- 2 plastic paper trays
- 1 map of Zaire
- 1 *Petit Larousse illustré 1982* dictionary
- 2 calculators
- 1 desk blotter
- 8 spare used inner tubes

Room II

- 1 wooden desk with black wood panel
- 3 FNMA metal cupboards
- 2 FNMA metal shelf units
- 2 FNMA metal filing cabinets
- 2 small correspondence folders
- 2 safes
- 15 FNMA metal and leather chairs
- 1 embossing seal
- 1 attaché case
- 1 hacksaw
- 2 small boxes containing vehicle parts
- 5 rods
- 1 map
- 1 artwork in copper
- 1 telephone
- 2 hole punches
- 1 wooden bowl
- 1 Ericsson L.M switchboard

Building No. 2 (large building)

(a) Drawing room

- 4 armchairs/sofa
- 1 black wooden shelf
- 1 radio or TV stand in black wood
- 2 speakers
- 1 plastic paper tray

(b) Kitchen

- 1 black wooden dining table and five leather chairs
- 1 stove
- 2 refrigerators (one large Ignis and one small)
- 1 black wooden crockery shelf
- 5 china plates
- 2 trays
- 2 coffee cups (two sets)
- 2 metal cups
- 1 frying pan + 1 spoon and 1 table knife
- 1 empties crate (soft drinks)
- 1 grill
- 1 saucepan and standard coffee pot

(c) Former children's room

- 1 sponge
- 1 wooden bench

(d) Chairman's office (Mr. Diallo's office)

- 1 electric cable in the toilet
- 1 de luxe writing desk
- 3 wooden desks with black wood panels
- 2 office chairs
- 1 accordion (authentic)
- 1 air conditioning device
- 1 Banda printing machine
- 2 small boxes for files
- 1 Olympia Startype electric typewriter
- 1 circuit breaker
- 1 set of windscreen wipers
- 1 bag containing spare car parts
- 1 Olympia mechanical typewriter
- 4 electric calculating machines (defective)
- 1 checker machine
- 1 TV aerial
- 1 large black suitcase
- 3 new spare inner tubes
- 4 desk blotters
- 4 photo frames
- 1 embossing seal
- 1 hole punch
- 2 telephones
- 1 umbrella without a handle
- 1 mask
- 4 signature books
- 1 box
- 3 spare cans of hydraulic fluid
- 1 empty drum
- 1 metal paper tray
- 1 ashtray

Container 526401

1 welding unit
1 compressor
11 plain wooden doors
1 wheelbarrow
Loose stones

Container 526320

2 metal and leather chairs
1 Volvo fuel tank
1 electric saw
16 wooden doors, 7 of which glazed
1 wooden frame
1 large hammer
1 (manual) saw

Container 525609

1 IBM electric typewriter
1 Olympia typewriter
1 telex machine
1 Olivetti typewriter
1 couch and cushion
2 metal chairs
2 metal desks
1 Africontainers sign
7 boxes of archives
1 map
1 date stamp
1 plastic drum (approx. 200 litres)
3 telephones

Container 332

1 small metal door
2 galvanised pipes
2 Eternit pipes
1 rubber pipe
2 vehicle headlamps
2 indicator lamps
2 fuse boards
1 measuring line
1 set square
1 saw
Several tiles

Container 526345

5 FNMA metal shelf units
3 FNMA metal filing cabinets
2 FNMA metal desks
2 FNMA metal cabinets
1 Olympia Excellence electric typewriter
1 electric typewriter
1 air conditioning unit
1 Olivetti Logos machine
5 fire extinguishers
2 Mark XI (Memorex) machines
1 gearbox

Sayfulay room

1 double bed in formica + mattress
1 FNMA metal cabinet
1 mirror
1 telephone
1 Sharp radio-cassette/CD player
1 international radio-cassette
1 coat rack
1 plait
1 boubou
1 belt
1 hand towel
2 sweaters
1 black wood and leather chair
1 Franka camera
2 bed sheets
2 pillows
1 pair of underwear
2 pairs of trousers

Container (watchmen)

2 metal desks
2 metal and leather chairs on castors

On the wall of the compound

1 floodlight
4 planks approx. 6 m long

Done at Kinshasa, 09/2/96

For Africontainers

[Illegible]

ANNEX II

**Certificate of lack of means of 12 July 1995
drawn up for Mr. Diallo**

Republic of Zaire

City of Kinshasa
Social Affairs Urban Division
Kinshasa/Kasa-Vubu
Luozi No. 1
Social Welfare Office

Certificate of lack of means No. 01/DUAS/B.2/0974/95

The undersigned, Ir. Y.F. Ngiesi Mi Lusu, Head of the Social Affairs Urban Division hereby certifies that Mr. Diallo Ahmadou Sadio, of Guinean nationality, statutory administrator of the company Africontainers SPRL, resident at No. 20, Immeuble PLZ, 9th floor, in the Zone of Gombe, is declared temporarily destitute, insolvent and lacking any means of subsistence, after examination of his file.

In witness whereof, this document is issued to him for all legal intents and purposes, more especially in his case against Zaire-Shell before the *Tribunal de grande instance* of Gombe, under case No. RC 63.824.

Kinshasa, 12 July 1995

(Signed) Ir. Y.F. NGIESI MI LUSU,
Head, Urban Division.

ANNEX III

Inventory of Mr. Diallo's personal property drawn up on 12 February 1996

Inventory of movable property at the residence of Managing Director Diallo Ahmadou Sadio on Boulevard du 30 Juin, PLZ/Marsavco Losonia Building; apartment on the 9th floor, left wing.

A. Living room

- 2 armchairs + sofa
- 1 small silvered table
- 1 glass ashtray
- 1 dining table + four silvered chairs with leather seats
- 1 Formica bookcase containing 36 books, 100 magazines and 19 works of art
- 1 Formica display cabinet containing a complete set of coffee cups, a Thermos flask, 22 earthenware plates, 2 earthenware cafetières, 9 whisky glasses + a plastic tray
- 1 Thermos flask
- 1 copper bowl
- 1 Formica cabinet containing 4 trays (2 metal and 2 earthenware), 1 box with 2 spoons, 24 earthenware plates, 17 small plates + 9 coffee cups, 2 earthenware platters, 6 forks, 5 spoons, 5 large spoons, 1 white fork, 8 table knives
- 2 large Revox speakers
- 1 Revox hi-fi system
- 1 automatic voltage regulator
- 1 black Princessa television set
- 1 Birum vacuum cleaner
- 1 bronze statuette + 3 plant pots (2 bronze and 1 earthenware)
- 1 telephone
- 6 framed landscape photographs
- 1 large rug
- 2 small rugs
- 1 penknife
- 4 framed photographs

In the built-in cupboard

- 1 basket
- 2 small plants

B. Kitchen

- 1 stove
- 1 Tropical refrigerator (Izola)
- 1 freezer
- 1 water purifier

Utensils

4 glasses
3 plates + 4 coffee cups
4 large spoons
3 soup spoons
4 teaspoons
1 bread knife
1 omelette pan
3 plastic trays
7 plates (5 earthenware and 2 plastic)
8 saucepans (including 3 earthenware saucepans)
2 small baskets with nets
3 large knives + 1 large spoon + 1 frying pan
1 fryer
5 cooking pots
3 saucepans
3 boxes of soft drinks
1 plastic bottle (red)
2 saucepans
[Illegible]
1 metal cafetière
1 tray
1 Thermos flask
1 barbecue set
1 washing machine
1 pestle and mortar

C. Corridor/Bedrooms: in the built-in cupboards

2 telephones + 8 files + 2 car head lamps
1 frying pan (new)
1 basket containing plates + Revox headphones
1 box containing various items including a Revox tape and disc
1 brush
1 box containing spoons, forks and table knives (new)
2 boxes of glasses
11 curtains
1 blanket
1 luxury blanket
2 curtains
8 pillow cases
1 hand towel
1 sheet
2 shirts (worn)
1 jumper (worn)
3 bed sheets
2 blankets
10 tablecloths
1 pair of rubber shoes
1 Kuba rug
1 chocolate brown blouse
4 pairs of leather shoes + 4 pairs of socks

D. Bedroom — storage area

1 medium-size freezer
1 Rowenta iron + ironing board
2 suitcases (1 containing a curtain)
1 small box of worn clothes
1 mattress (foam)
1 metal basin
1 Rex 35T air machine
2 wheel rims
1 copper tableau
4 cabinet drawers
Several spare car parts

E. Bedroom of managing director

1 bed + mattress + 2 pillows + 2 bed sheets + 1 blanket
1 wardrobe
1 mirror
1 suitcase (fastened)
1 stool with leather seat
2 satellite radios (3400 and 2100)
1 JVC video recorder
1 mat
1 night light
2 remote controls
1 small table on wheels

In the wardrobe

1 bag containing various small effects
2 dresses
7 blouses commonly referred to in Zaire as libayas
14 pagnes
1 night shirt and trousers
6 headscarves
2 women's bags
1 night dress
1 jumper
1 shirt
2 pairs of men's white babouches
3 pairs of women's shoes
3 pairs of women's babouches
1 black (three-piece) suit (new)
1 striped jacket
1 shirt
4 ties
1 mini safe
6 pairs of men's babouches
1 framed photograph
2 FCC telephones

F. Bathroom

2 jackets
1 hand towel
3 ties

G. Child's bedroom

2 framed photographs
1 stool
1 double bed + pillows + blanket + bed sheet

H. Balcony

1 bicycle
1 watering can
1 small wooden table
1 wooden blackboard

Done at Kinshasa on 12 February 1996

[Signatures illegible]

ANNEX IV

Extract from the Real Property Code (Official Journal of the DRC, 5 April 2006)

PART THREE

Title 1

Article 219

In order for a beneficial right to land to be legally established, a certificate of registration of title granted by the State is required.

Private ownership of a building affixed to land, which is always regarded as distinct from the land, can be legally established only through registration of the building on the certificate evidencing the grant of the land. It may be established by a separate certificate of registration, noted on the certificate evidencing the grant.
