INTERNATIONAL COURT OF JUSTICE

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Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Burundi) (Democratic Republic of the Congo v. Uganda) (Democratic Republic of the Congo v. Rwanda)

The Court fixes time-limits for the filing of written pleadings and decides that in two cases the proceedings shall first address questions of jurisdiction and admissibility

THE HAGUE, 25 October 1999. By Orders dated 21 October 1999, the International Court of Justice (ICJ) fixed time-limits for the filing of written pleadings in the above-mentioned cases.

In two cases (Democratic Republic of the Congo v. Burundi) and (Democratic Republic of the Congo v. Rwanda), the respondent States (Burundi and Rwanda) indicated their intention to raise preliminary objections to the jurisdiction of the Court and the admissibility of the Application. Accordingly, the Court decided that the written proceedings should first address those questions.

In the third case (Democratic Republic of the Congo v. Uganda), no such objections having been raised at this stage of the proceedings, the Court fixed time-limits for the filing of written pleadings on the merits of the dispute.

1. Democratic Republic of the Congo v. Burundi

At a meeting held between the President of the Court, Judge Stephen M. Schwebel, and the Parties on 19 October 1999, the Agent of Burundi indicated that in the opinion of his Government the Court had no jurisdiction to entertain the Application. Accordingly, the Parties agreed to request the Court to determine separately the questions of jurisdiction and admissibility before any proceedings on the merits, on the understanding that Burundi would first present a Memorial dealing exclusively with those questions and that the Democratic Republic of the Congo would reply to it in a Counter-Memorial confined to the same questions.

Taking into account the agreement between the Parties, the Court decided that the written proceedings should first address the questions of the jurisdiction of the Court to entertain the Application and of its admissibility. It fixed 21 April 2000 as the time-limit for the filing of a Memorial by Burundi and 23 October 2000 as the time-limit for the filing of a Counter-Memorial by the Democratic Republic of the Congo.

2. Democratic Republic of the Congo v. Uganda

Taking into account the agreement of the Parties, as expressed at a meeting held with them by the President of the Court on 19 October 1999, the Court fixed 21 July 2000 as the time-limit for the filing of a Memorial by the Democratic Republic of the Congo and 21 April 2001 as the time-limit for the filing of a Counter-Memorial by Uganda.

3. Democratic Republic of the Congo v. Rwanda

At a meeting held between the President of the Court and the Parties on 19 October 1999, the Agent of Rwanda indicated that in the opinion of his Government the Court had no jurisdiction to entertain the Application. Accordingly, the Parties agreed to request the Court to determine separately the questions of jurisdiction and admissibility before any proceedings on the merits, on the understanding that Rwanda would first present a Memorial dealing exclusively with those questions and that the Democratic Republic of the Congo would reply to it in a Counter-Memorial confined to the same questions.

Taking into account the agreement between the Parties, the Court decided that the written proceedings should first address the questions of the jurisdiction of the Court to entertain the Application and of its admissibility. It fixed 21 April 2000 as the time-limit for the filing of a Memorial by Rwanda and 23 October 2000 as the time-limit for the filing of a Counter-Memorial by the Democratic Republic of the Congo.

Background information

On 23 June 1999 the Democratic Republic of the Congo (DRC) instituted proceedings before the Court against Burundi, Uganda and Rwanda, respectively, for "acts of armed aggression perpetrated . . . in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity (OAU)".

In its Applications, the DRC contends that the invasion of Congolese territory by Burundian, Ugandan and Rwandan troops on 2 August 1998 (an invasion currently claimed to involve fighting in seven provinces) constitutes a "violation of [its] sovereignty and of [its] territorial integrity", as well as a "threat to peace and security in central Africa in general and in the Great Lakes region in particular". The DRC accuses the three States of having attempted to "capture Kinshasa through Bas-Congo, in order to overthrow the Government of National Salvation and assassinate President Laurent Désiré Kabila, with the object of establishing a Tutsi régime or a régime under Tutsi control". The DRC also accuses these States of "violations of international humanitarian law and massive human rights violations" (massacres, rapes, abductions and murders), and of the looting of large numbers of public and private institutions. It further claims that "the assistance given to the Congolese rebellion or rebellions . . . and the issue of frontier security were mere pretexts designed to enable the aggressors to secure for themselves the assets of the territories invaded and to hold to ransom the civilian population".

The Democratic Republic of Congo accordingly asks the Court to declare that Burundi, Uganda and Rwanda are guilty of acts of aggression; that they have violated and continue to violate the 1949 Geneva Conventions and their 1977 Additional Protocols; that, by taking forcible possession of the Inga hydroelectric dam and deliberately and regularly causing massive electric power cuts, they have made themselves responsible "for very heavy losses of life [in] the city of Kinshasa . . . and the surrounding area"; and that, in shooting down a Boeing 727 aircraft on 9 October 1998, the property of Congo Airlines, and thus causing the death of 40 civilians, they have violated certain international treaties relating to civil aviation.

The DRC further requests the Court to declare that the armed forces of Burundi, Uganda and Rwanda must "forthwith vacate the territory" of the Congo; that the said States "shall secure the immediate and unconditional withdrawal from Congolese territory of [their] nationals, both natural and legal persons"; and that the DRC "is entitled to compensation . . . in respect of all acts of looting, destruction, removal of property and persons and other unlawful acts attributable" to the States concerned.

In its Application instituting proceedings against Uganda, the DRC invokes as a basis for the jurisdiction of the Court the declarations by which both States have accepted the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation (Article 36, paragraph 2, of the Statute of the Court).

In its Applications instituting proceedings against Burundi and Rwanda, the DRC invokes Article 36, paragraph 1, of the Statute of the Court (which provides that "the jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force"), the New York Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 23 September 1971, as well as Article 38, paragraph 5, of the Rules of Court. This Article contemplates the situation where a State files an application against another State which has not accepted the jurisdiction of the Court.

The full text of the Court's Orders will be available shortly on the Court's website at the following address: **http://www.icj-cij.org**

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