

YEAR 2002

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General List
No. 126

18 September 2002

**CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE
CONGO
(NEW APPLICATION: 2002)
(DEMOCRATIC REPUBLIC OF THE CONGO v. RWANDA)**

ORDER

Present: President Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Registrar* Couvreur.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 44, 48 and 79, paragraphs 2 and 3, of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 28 May 2002, whereby the Democratic Republic of the Congo instituted proceedings against the Rwandese Republic in respect of a dispute concerning "massive, serious and flagrant violations of human rights and of international humanitarian law" alleged to have been committed "by Rwanda on the territory of the Democratic Republic of the Congo in flagrant breach of the sovereignty and territorial integrity [of the latter], as guaranteed by the United Nations and OAU Charters";

Whereas in its Application the Congo relied on a certain number of grounds in order to found the jurisdiction of the Court;

Whereas on 28 May 2002, after filing the Application, the Agent of the Congo submitted a request for the indication of provisional measures, citing Article 41 of the Statute of the Court and Articles 73 and 74 of its Rules;

Whereas by Order of 10 July 2002 the Court, on the one hand, held that it "does not in the present case have the prima facie jurisdiction necessary to indicate those

provisional measures requested by the Congo" and, on the other, "in the absence of a manifest lack of jurisdiction", rejected Rwanda's request that the case be removed from the List;

Whereas in the same Order the Court further held that "the findings reached by [it] in no way prejudge[d] the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the Application, or relating to the merits themselves";

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 4 September 2002, Rwanda suggested that the procedure provided for in Article 79, paragraphs 2 and 3, of the Rules of Court (1978), as amended on 5 December 2000, be followed, and that the questions of jurisdiction and admissibility in the case therefore be determined separately before any proceedings on the merits; whereas the Congo stated that it would leave the decision in this regard to the Court; and whereas the Parties agreed that, in the event that this procedure was followed, the Rwandese Republic 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 account of the views of the Parties regarding the procedure to be followed and the time-limits to be fixed,

Decides that the written pleadings shall first be addressed to the questions of the jurisdiction of the Court to entertain the Application and of its admissibility;

Fixes the following time-limits for the filing of those pleadings:

20 January 2003 for the Memorial of the Rwandese Republic;

20 May 2003 for the Counter-Memorial of the Democratic Republic of the Congo;
and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this eighteenth day of September, two thousand and two, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Democratic Republic of the Congo and the Government of the Rwandese Republic, respectively.

(Signed) Gilbert Guillaume,
President.

(Signed) Philippe Couvreur,
Registrar.