



American Model United Nations
International Court of Justice

IN THE INTERNATIONAL COURT OF JUSTICE

**DEMOCRATIC REPUBLIC OF THE CONGO,
APPLICANT**

V.

**REPUBLIC OF UGANDA,
RESPONDENT**

MEMORIAL OF THE DEMOCRATIC REPUBLIC OF THE CONGO

COMES NOW the Democratic Republic of the Congo and for their Memorial to the Court states the following:

STATEMENT OF LAW

1. The United Nations Charter, Chapter I, Article 2, Clause 4 clearly states that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”
2. Resolution 3314 of the General Assembly of the United Nations defines aggression as: “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.”
3. Uganda’s armed aggression is an established fact, after long denying the presence of its armed forces; the Ugandan Government is now setting conditions for their withdrawal. This clearly shows that Uganda admits to have been previously involved in acts of armed aggression against the Democratic Republic of the Congo.
4. The Universal Declaration of Human Rights, Article 2 states “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”
5. The Universal Declaration of Human Rights, Article 3 expresses that everyone has “the right to life, liberty and security of person.”
6. The Charter of the African Union, Article III states that “all members have complete sovereignty over their territories, disavows any interference in the

- internal affairs of another state, calls for peaceful settlement of all disputes, and universally condemns subversive activities on the part of a neighboring state in all its forms.”
7. In the Charter of the African Union, Article V “all member states pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.”
 8. The Geneva Convention, Additional Protocol No. 1, Article 56 stipulates that “works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack.”
 9. The Convention on International Civil Aviation, the Hague Convention for the Suppression of Unlawful Seizure of Aircraft, and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, all of which Uganda is a party to, state explicitly that attacks or aggression against civilian aircraft are forbidden.
 10. The Lusaka Ceasefire Agreement, signed 10 July 1999 by both parties among others, stated in Article I that further military movements or the transfer of armaments to the battle field was prohibited and an end to any aggression was called for.

STATEMENT OF FACT

Seeing an opportunity to interfere in the sovereign affairs of the Democratic Republic of the Congo following the fall of the government run by Dictator Mobutu-Ssesse Seko, and the rise of President Laurent-Desire Kabila, Columns of Ugandan troops poured over the border into the Democratic Republic of the Congo on August 2nd and 3rd of 1998 with their Rwandan allies and capture several Congolese towns. On August 4th, 1998 three civilian aircrafts were forcefully rerouted by Ugandan troops.

During the course of their military campaign, various violations of human rights and the laws of war were committed, including massacres, rape, abductions and murders of human rights activists, arbitrary detentions, inhuman and degrading treatment, systematic looting of public and private institutions, and theft of property of the civilian population. These offences are detailed in volumes I and II of the White Papers.

Volumes I and II of the White Papers compiled by the Ministry of Human Rights of the Democratic Republic of the Congo, which detailed the various atrocities and human rights violations committed by Uganda against the people of the Democratic Republic of the Congo, were the basis of Resolution 1234 which was unanimously accepted by the Security Council on 9 April 1999.

From 17 August 1998, Ugandan troops were in forcible possession of the Inga hydroelectric dam, during which time it made repeated power cuts, resulting in numerous deaths of Congolese nationals, and even threatened to blow up the dam.

On 9 October 1998 a Boeing 727 belonging to Congo Airlines was shot down while taking off from Kindu, with the support of the Ugandan military, causing the deaths of the crewmembers and 37 women and children.

Ugandan aggression and support of anti-government rebels has continued, even after the Lusaka Ceasefire Agreement was signed.

The Democratic Republic of the Congo has not interfered in Uganda, and has

upheld its obligations to the United Nations Charter, the Universal Declaration of Human Rights, the Lusaka Agreement, and all other international laws and norms in its interactions with Uganda.

STATEMENT OF JURISDICTION

The Democratic Republic of the Congo (formerly Zaire) declared on February 8th 1989 that it recognizes the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice and it is understood further that this declaration will remain in force until notice of its revocation is given.

The Ugandan government also recognizes the jurisdiction the International Court of Justice without special agreement on October 3rd, 1963. Therefore this case is completely within the jurisdiction of the International Court of Justice.

ARGUMENTS

1. Uganda has engaged in military and paramilitary activities against the Democratic Republic of the Congo.
 - a. The Democratic Republic of the Congo requests the Court to adjudge and declare that Uganda has illegally occupied the Democratic Republic of the Congo's territory actively extended military, logistic, economic and financial support to irregular forces having operated there, and therefore violated several principles of conventional and customary law.
2. II. The Republic of Uganda has committed acts of violence against nationals of the Democratic Republic of the Congo.
 - a. The Democratic Republic of the Congo requests the Court to adjudge and declare that Uganda has killed and injured citizens of the Congo, 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 failed to punish persons under its jurisdiction or control that have engaged in the above-mentioned acts, and therefore Uganda has violated several principles of conventional and customary law.
3. The Republic of Uganda has engaged in the illegal exploitation of Congolese natural resources.
 - a. The Democratic Republic of the Congo requests the Court to adjudge and declare that Uganda has illegally exploited 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 several principles of conventional and customary law.
4. The Republic of Uganda has illegally attacked both infrastructure and civil aircraft.
 - a. The Democratic Republic of the Congo requests the Court to adjudge and declare that Uganda has attacked Congolese infrastructure, contrary to the Geneva Convention and its additional protocols, as well as having attacked, commandeered, and destroyed Congolese civil aircraft contrary to several treaties and conventions that they are party to.

SUMMARY AND PRAYER FOR RELIEF

The Republic of Uganda has violated numerous national and international laws ever since they invaded territories belonging to The Democratic Republic of the Congo in 1998. This armed invasion clearly violates the United Nations Charter and the Charter of the Organization of African Unity. Since the DRC has exhausted its efforts to secure a peaceful solution the Democratic Republic of the Congo prays that the Court will find Uganda as the perpetrator of all the previously mentioned crimes and set an example for the international community.