

IN THE INTERNATIONAL COURT OF JUSTICE

**THE DEMOCRATIC REPUBLIC OF THE CONGO,
APPLICANT**

**V.
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. Under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, guidelines for the behavior of occupying forces were established.
2. Article 53 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War states that: “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social orco-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

STATEMENT OF FACT:

On 16 May 1997, the First Congo War concluded, leaving the late President Laurent-Désiré Kabila to reorganize the nation and restore order. During this period, Ugandan forces which assisted the current government of the DRC to gain control remained present with the consent of President Kabila. In late July, President Kabila requested that Ugandan forces leave the country.

Immediately following this, the Second Congo War began, during which Ugandan forces occupied various regions of the DRC. During this occupation, parts of the Ugandan military took part in looting, intentional destruction of property, and appropriation of national resources and property for the usage of Ugandan parties. Many levels of the military were party to this activity, up to high-ranking officers.

Additionally, the Ugandan military took part in exploiting the natural resources of the Democratic Republic of the Congo, including minerals, coffee, wood and livestock. This was accomplished through systematic exploitation of DRC resources, using methods such as confiscation, extraction, forced monopoly, and price-fixing. A UN-established panel of experts investigated and confirmed the DRC’s allegations regarding these resource exploitations, detailed in Security Council Press Release 7057.

This activity was not merely confined to the military, either. The UN panel found that various civilian entities such as functionaries, companies, and banks were aided by administrative structures established by Uganda. Such activity clearly constitutes the knowing involvement of influential officials both within and outside the military.

STATEMENT OF JURISDICTION

1. The application is brought under Article 36, Paragraph 2 of the Statute of the court: “The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
 - a. the interpretation of a treaty;
 - b. any question of international law;
 - c. the existence of any fact which, if established, would constitute a breach of an international obligation;
 - d. the nature or extent of the reparation to be made for the breach of an international obligation.”.
2. Article 11, Paragraph 1 of the Geneva Convention of which both the Applicant and Respondent are parties of states that: “The High Contracting Parties may at any time agree to entrust to an international organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.”. A dispute between the parties over Article 53 therefore falls within the jurisdiction of the court.
3. The Geneva Convention entered into force on 12 August 1949 and has been binding on the DRC since 1961 and Uganda since 1964.

ARGUMENTS

1. Uganda has blatantly violated its obligations under Article 53 of the Geneva Convention by its military taking part in looting, destruction, and disruption of public order of the Democratic Republic of the Congo.
2. Uganda has further violated its obligations under Article 53 of the Geneva Convention by establishing systems of exploitation of Congolese natural resources in order to enrich itself and underwrite Ugandan activities in the region.

SUMMARY AND REQUESTS

Reiterating the fact that Uganda has disregarded its obligations under Article 43 of the Regulations, the Democratic Republic of the Congo prays the court to adjudge and declare that Uganda was in violation of the terms that it is bound to in Article 43 of the Regulations. The Democratic Republic of the Congo further requests the court to order Uganda to pay reparations for the damages inflicted by its occupation of regions of the DRC. The DRC further prays that the reparations account for individual damages as well as for the damages caused by the time under which the depredations of the Ugandan military were suffered.