

# CANIMUN

INTERNATIONAL COURT OF  
JUSTICE COMMITTEE

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DEMOCRATIC  
REPUBLIC OF CONGO V.  
UGANDA

MARCH 14-17, 2019

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United Nations Association in Canada  
Association canadienne pour les Nations Unies

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## A WELCOME FROM YOUR DAIS

Dear Justices of the Court,

Welcome to CANIMUN 2019 and to the International Court of Justice! The co-presidents of this Court will be Meghna Bellani and Upama Poudyal.

Meghna is currently a third year Economics and Political Science student at the University of Waterloo, specializing in International Trade. She is predominantly interested in studying the point at which data meets policy. Meghna's current research focuses on the manner in which individuals interpret visuals based on theories they are learning. After she completes her undergraduate degree, she aims to get a Masters of Education. The MUN environment is very familiar to Meghna, as she has been participating as both a delegate and a chair for 8 years now. Serving as the 2018 President of the University of Waterloo Model United Nations, Meghna is excited to get back in the role of co-committee director this year.



Upama is currently in her third year of Honours Legal Studies and Sociology at the University of Waterloo. Her area of expertise is largely related to Canadian Law and Social Governance. Over the past 5 years Upama has worked as a legal assistant in various legal fields such as criminal law, family law, corporate law, children's law, tenant law, and Canada student loans law. She has had substantial experience with Model United Nations over the past 3 years and holds the title of the 2017 President of the University of Waterloo Model United Nations organization. She intends on continuing her passion for law as she makes her way towards law school next year.

This simulation is designed for delegates to assume the role and responsibilities of ICJ justices. The ICJ is different from the traditional MUN models for two reasons: (1) Delegates represent justices of the court, not UN member-states. (2) Lively debates between actors will focus on question and answer as opposed to traditional rules of procedure. This crisis-style simulation allows our delegates to develop resilience as they experience the intricacies and challenges that come with implementing International Legislation.

This caucus takes place in 2024. It is a turbulent time full of political turmoil and social divide, and the International Court of Justice plays a heavy role in trying to soften tensions between UN member states; one of the most disastrous tensions being the presence of armed conflict in the Democratic Republic of Congo.

With that in mind, we welcome you to read this guide carefully to understand both the case background, and the rules and procedures of the International Court of Justice. We look forward to a successful, exciting conference!

*Meghna Bellani*

*Upama Poudyal*

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## CONFERENCE SETTING

It is the year 2024, and the International Court of Justice (ICJ) is resolving tumult amongst UN Member States. Unlike other fast-paced crisis committees, the ICJ prides itself on effective and thorough problem solving. The gears of justice may turn slowly, but they do so with unparalleled breadth and a commitment to thoroughness that cannot be matched from the depths of a war room. When others scramble for quick fixes, it is justice that maintains the stalwart path. Throughout these three days, we will be hearing the case of the Democratic Republic of Congo (DRC) v. Uganda. On the final day of the conference, you will decide the verdict of the case.



## RULES & PROCEDURES OF THE COURT

### **RULE 1:**

The Court shall abide by the rules set by CANIMUN 2019’s official Rules of Procedure in the International Court of Justice.

### **RULE 2: LANGUAGE**

The working language of the Court is English.

### **RULE 3: MEMBERS**

The committee consists of 2 applicants (Democratic Republic of the Congo), 2 respondent advocates (Uganda) and 13 permanent judges. While the Court is in session, the Chairperson shall be addressed as “President” or “Presiding Judge”.

### **RULE 4: BUREAU**

The chairperson will direct the committee by declaring the opening and closure of each committee session, direct the committee discussion, and ensure compliance with the Rules of Procedure. The chairperson will compose the speakers list, time for debate, and announce decisions. Furthermore, the chairperson has the right to advise delegates on the possible course of debate.

### **RULE 5: COURTESY AND DISCIPLINARY RULES**

All members of the Court and the Advocates hold the responsibility to show utmost respect to each other at all times. One-to-one discussions during the sessions are strictly prohibited, with the exception of communication through note-passing. The President of the Court will immediately call to order any member of the Court who fails to comply with this rule.

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## **RULE 6: ELECTRONIC DEVICES**

The permission for the use of electronic devices such as laptops and tablets during formal debate are at the discretion of the Chair. The Chair may choose to distribute working papers, draft resolutions and evidence digitally. If this is the case, special attention shall be paid to ensuring equal access for all delegates.

## **RULE 7: ABSENCES**

If a delegate is not present during roll call, they are considered absent until a note is sent up to the dias indicating their presence.

## **EVIDENCE IN THE COURT**

### **RULE 8: MEMORIAL**

Each advocate team must send a memorial to the president before the start of the conference. A memorial serves as a position paper, and must indicate the main arguments of the party to the case at hand.

### **RULE 9: EVIDENCE PACKET**

The evidence packet must be presented by each advocate team. This packet consists of all the evidence that the advocacy plans to use during the conference, in the form of a document containing all the pieces of evidence. The evidence packet must contain a table of contents and every page must be numbered. The evidence packet must also be presented to the president before the conference, and then shared with the rest of the committee on the first day.

## **RULES GOVERNING DEBATE**

### **RULE 10: OATH**

After the President opens the session, Judges and Advocates take an Oath. A solemn declaration shall be made by each judge individually: *"I, Judge 'Surname', solemnly declare that I will perform my duties and exercise my powers as a Judge honourably, faithfully, impartially, and conscientiously."*

The advocates shall declare: *"I solemnly declare upon my honour and conscience that I will speak the truth and nothing but the truth."*

### **RULE 11: ORAL STATEMENTS**

Oral statements are given at the beginning of committee by each party. These are a re-statement of the written memorial, and should show what each party will try to prove during the trial. The time allocated for these speeches is set by the President. The Applicant shall have the opening statement and then the Respondent shall proceed.

### **RULE 12: PRESENTATION OF EVIDENCE**

Evidence can consist of newspaper articles, multilateral or bilateral treaties, reports, resolutions, or anything which presents an argument. The President may decide that evidence is inadmissible. This decision must be announced in-committee, and it may be appealed by one of the Judges or Advocates with reasonable arguments. If the decision of the President is successfully appealed, the evidence will stand as valid. If not, the evidence cannot be referred to during the conference. The Applicant party shall present their evidence first, and then the Respondent shall proceed.

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### **RULE 13: TESTIMONY OF WITNESSES**

The time allocated for witnesses is set by the Chairs. The advocates may look to organizing members or delegates of other committees to act as witnesses. These witnesses must be prepared entirely by the advocates and they must be introduced to the President before introduction to committee. Once the advocates are ready to introduce their witness in committee, the witness will take an oath.

The testimony of the witnesses shall consist of two main parts: direct examination and cross-examination. During direct examination, the sides shall be questioning their own witnesses. The side that is examining directly is not allowed to ask leading questions. Such questions are subject to objection of the other party. During the cross examination the side questioning the Witness may only ask questions based on what the witness has said during direct examination. Any other questions shall be ruled out of order by the President. Objections that can be raised by the parties include: hearsay, leading question, speculation, irrelevance, badgering, and competence.

### **RULE 14: REBUTTALS AND QUESTIONS**

Both teams of advocates are allowed to rebut on the arguments presented by the other party. During the rebuttals, the introduction of new evidence is forbidden.

After each party finishes their rebuttals, the Judges will have the opportunity to ask any questions that will help them make a decision.

### **RULE 15: CLOSING STATEMENTS**

Each party has the opportunity to speak one last time in order to: address each contention made by the opposing party, re-state their legal arguments and support them with evidence introduced or bring up new legal arguments. The introduction of new evidence shall be strictly forbidden. The introduction of new evidence is strictly prohibited at this time.

## **RULES GOVERNING DELIBERATION**

### **RULE 16: DELIBERATIONS**

After concluding statements, the Advocates are asked to leave the room for the Judges to deliberate. During deliberation, the methods of open debate, moderated caucus and unmoderated caucus will be adopted. When the President decides that the deliberations are advanced enough, the panel votes on the decisions of the Court. A majority of judges must agree in order for the Deliberation to pass.

### **RULE 17: DELIVERY OF THE JUDGEMENT**

The judgement will be announced during closing ceremonies of the conference.

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## OVERVIEW OF CASE

Since the late 19th century, Democratic Republic of Congo's (DRC) vast natural resources, such as copper, gold, diamond, cobalt, uranium, oil, and most notably its limitless water supply from the Congo River have stoked internal conflicts including civil wars. Congo's industrial mines, which are run mostly by Western and Chinese firms, provide 95% of formal exports. Congo is the world's leading miner of cobalt, used in electric car batteries and mobile phones, and Africa's biggest copper producer.



Congo's government has often been criticized for serving as a source of unchecked power rather than protecting its people. In 1965, president Mobutu Sese Seko began his 32-year rule when he ousted President Kasavubu in a coup with support from both the United States and Belgium. Mobutu brutally repelled new rebellions and personally dominated Congo. In 1971, Mobutu formally changed the name of the country to Zaire. He began using the country's mineral and economic wealth to co-opt potential rivals, and to enrich himself and his allies through a patronage system. Mobutu's disastrous policies drove his country into economic collapse. Mobutu was also known to arrest, torture, exile and even kill his opposition to stay in power. In the end, outside forces pushed Mobutu from power. 800,000 Tutsis and moderate Hutus were killed in the 1994 Rwandan genocide, leading millions of Rwandan refugees to flood into the eastern DRC to seek refuge. The UN High Commissioner for Refugees (UNHCR) estimates that 7% of these refugees were perpetrators of the genocide. The Rwandese government saw these refugees as a great threat to Rwanda. Mobutu had supported the genocidaires based in the camps, and was also accused of allowing attacks on Tutsi people within Zaire. Together with Uganda, the Rwandan government supported an alliance of four rebel groups headed by Laurent -Désiré Kabila, which began the First Congo War. North and South Kivu provinces were quickly taken over by the rebels, then advancing west where they easily gained territory from the poorly organised Zairian army.

An international alliance called the Alliance Forces Démocratiques pour la Libération (or AFDL) was then built with Uganda and several Zaire rebel groups. In 1996, Rwanda and Uganda invaded the eastern DRC targeting the remaining perpetrators of the genocide hiding there. The rebels quickly overthrew Mobutu Sese Seko and the Congolese army. Laurent Desiré Kabila became the president of the renamed Democratic Republic of the Congo in 1997, marking the end of what some called the first Congo war. However, Ugandan and Rwandan forces remained in DRC through offering assistance to President Kabila as high ranking government personnel and through military logistics. In 1998, President Laurent Kabila ordered Rwandan and Ugandan forces to leave the eastern DRC, fearing annexation of mineral -rich territory, which sparked the second Congo war between rebels supported by Uganda, Rwanda and Burundi and the DRC government troops supported by Angola, Namibia and Zimbabwe. It soon turned into a war for the control over the eastern provinces North- and South- and their natural resources.



## STATEMENT OF FACTS

### August 2-3 1998:

Ugandan army trucks carrying heavily armed soldiers arrived in the eastern borders of the Congo and occupied the cities of Goma and Bukavu.

In east of the country, at Kinshasa, approximately 1,000 Ugandan soldiers, having evaded the repatriation operation ordered by the Congolese Government attacked the military camps of Tshatshi and Kokolo

### August 4 1998:

Three Congolese Boeing's with 600-800 soldiers on board (Congo Airlines, Lignes aériennes congolaises and Blues Airlines) were forced to reroute from Goma (Nord Kivu) to the military base of Kitona (Bas Congo).

### August 9 1998:

3 armoured vehicles and 7 "KV" trucks and 7 armoured cars made their way into the DRC. They advanced on Bunia, in Orientale Province.

On the same day, a large transport aircraft of the Ugandan army landed at Nebbi in Uganda, which is 20 km away from Congolese territory. The aircraft carried a substantial amount of arms and munitions. These were distributed to the garrisons of Fahidi, Huruti, Mbo and Mee so that they could provide support for the Ugandan troops in the Congo.

Kabila requested that the Rwandan and Ugandan armies leave the Congolese territory; he received military support from neighbouring countries including Angol, Zimbabwe and Namibia. The ensuing conflict led to the death of an estimated five million people between 1998 and 2003, mostly from disease and other health related problems.

### 2001:

Kabila was assassinated in his office by one of his bodyguards. The investigation into Kabila's assassination led to 135 people and went before military tribunal. 26 people were sentenced to death, 64 were jailed, and 45 were exonerated.

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**2009:**

In the Northeast, another foreign armed group, the Ugandan Lord's Resistance Army (LRA), has been active for many years and continues to cause terror and unrest killing hundreds and displacing thousands of villagers in the DRC and other countries in Africa.

Human Rights Watch reported that 1400 civilians were killed between January and September 2009; 7500 were raped and 900,000 new internally displaced persons reported in North and South Kivu as a result of the military offensives by the FARDC and the FDLR. A UN report made public in December 2008, revealed Rwandan support to the CNDP as well as extensive collaboration between the FDLR and Congolese military officers.

**2017:**

More than 70 rebel groups trade bullets with the army or, more commonly, prey on civilians. The security forces are equally vicious. Some 2m people fled their homes in 2017, bringing the total internally displaced to 4.3m

At least ten of Congo's 26 provinces are in the grip of armed conflict.

**2020:**

Rebel groups have now captured 17/24 provinces in Congo. They are responsible for widespread war crimes, including summary executions, massacres, torchers, burning villages, shooting citizens, conducting rapes, and forced recruitment of children

**2020-2023:**

An ebola outbreak caused major obstacles in the country to deal with political corruption and armed violence as attention was centered towards reducing the spread of the disease and increasing the vaccination for the Congolese people. This outbreak was the largest in history.

**2024:**

More than 26 million Congolese need humanitarian aid, twice as many as last year, and 15 million face severe food insecurity, up 30% from a year ago, the United Nations said in March.

**PROCEEDINGS:**

On June 1999, the DRC initiated proceedings against Uganda to address the dispute concerning acts of armed aggression inflicted by Uganda in the territory of DRC.

As a basis of the case, the DRC referred to Article 36, paragraph 1, of the Statute, the New York Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Montreal Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation and, lastly, Article 38, paragraph 5, of the Rules of Court.



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## RELEVANT DOCUMENTS

### **THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961**

The Vienna Convention on Diplomatic Relations of 1961 is an international treaty that provides a framework for diplomatic relations between independent countries. It also specifies the privileges of a diplomatic mission that enable diplomats to perform their function without fear of coercion or harassment by the host country.

*Article 22:* “The premises of a diplomatic mission, such as an embassy, are inviolate and must not be entered by the host country except by permission of the head of the mission. Furthermore, the host country must protect the mission from intrusion or damage. The host country must never search the premises, nor seize its documents or property. Article 30 extends this provision to the private residence of the diplomats”.

### **UNITED NATIONS CHARTER**

Article 2: The Organization is based on the principle of the sovereign equality of all its Members. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4: 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.

### **THE CHARTER OF THE ORGANIZATION OF AFRICAN UNITY**

Article 3 of the Charter of the Organization of African Unity protects the principles of “non-intervention and non-interference in the internal affairs of States, of respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence”

### **RESOLUTION 3314 OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS OF 14 DECEMBER 1974**

Resolution 3314 annexes the definition of aggression as: “Aggression is 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.”

### **THE WRITTEN PROTOCOL OF APRIL 1998**

The written Protocol, formulated and signed by both DR Congo and Uganda, permits and officially allows the presence of Ugandan forces on Congolese territory, in order to carry out their operations against anti-Ugandan insurgent groups and remaining Hutu militias.

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## REQUESTS FROM BOTH PARTIES

### THE DEMOCRATIC REPUBLIC OF THE CONGO

The DRC requests the following from the Court:

- I. To declare Uganda as guilty in consideration of Article 1 of the General Assembly resolution 3314.
- II. Claim that Uganda is committing several violations of the Geneva Conventions and disregarding the rules of international humanitarian law in conflict zones, being guilty of massive human rights violations in defiance of customary law.
- III. Acknowledge that Uganda has rendered itself responsible for heavy losses of life amongst the 5 million inhabitants of the city of Kinshasa and the surrounding area.
- IV. Uganda has violated the Convention on International Civil Aviation when shooting down the property of Congo Airlines on October 8th, 1998.
- V. The DRC demands compensation from Uganda in all respect of all acts of looting, destruction, removal of property and persons from other unlawful acts that can be attributed to Uganda.

### REPUBLIC OF UGANDA

In accordance with international law, the Republic of Uganda requests the following from the Court:

- I. That the requests by the DRC to the Court be claimed as inadmissible.
- II. That the DRC must not be allowed to use force against Uganda
- III. That the DRC must not intervene in the affairs of Uganda
- IV. That there is an obligation for the DRC not to provide assistance to armed groups carrying out military activities against Uganda.

## CONSIDERATIONS

1. That evidence backs up the statements and requests made by both parties in this case?
  - a. What evidence rendered the judges' verdict on the case?
2. Does the judges' judgement address all issues presented by the winning party in the case? If not, why?
3. How did the judges take into consideration the requests made by the losing party? If requests were legitimate, how did they tie that into their judgement?
4. How does the judgement ensure long-term peace and harmony between the specified regions?

## CONTACT

If you have any further questions about this committee, please feel free to direct your inquiries to: [icjcanimun2019@gmail.com](mailto:icjcanimun2019@gmail.com) where we would be happy to assist you.