



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### Ahmadou Sadio Diallo

### (Republic of Guinea v. Democratic Republic of the Congo)

### The Court to deliver its Judgment on Tuesday 30 November 2010 at 10 a.m.

THE HAGUE, 18 November 2010. On Tuesday 30 November 2010, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, will deliver its Judgment in the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo).

A public sitting will take place at 10 a.m. at the Peace Palace in The Hague, during which the President of the Court, Judge Hisashi Owada, will read the Court's Judgment.

#### History of the proceedings

On 28 December 1998, Guinea instituted proceedings against the Democratic Republic of the Congo by filing an "Application for purposes of diplomatic protection", in which it requested the Court to find that "the Democratic Republic of the Congo is guilty of serious breaches of international law" allegedly "committed upon the person of a Guinean national", Ahmadou Sadio Diallo.

According to Guinea, Mr. Ahmadou Sadio Diallo, a businessman who had spent 32 years in the DRC, was "unjustly imprisoned by the authorities of that State" for two and a half months, "deprived of his sizable investments, businesses, movable and immovable property and bank accounts, and then expelled from the country" for seeking payment of debts owed to him by the Democratic Republic of the Congo and by oil companies established in that country under contracts with companies owned by him, namely, Africom-Zaire and Africontainers-Zaire.

As a basis for the Court's jurisdiction, Guinea relied on the declarations of, respectively, 8 February 1989 and 11 November 1998 whereby the Democratic Republic of the Congo and Guinea itself accepted the Court's compulsory jurisdiction.

By an Order of 25 November 1999, the Court fixed 11 September 2000 as the time-limit for the filing of a Memorial by Guinea and 11 September 2001 as the time-limit for the filing of a Counter-Memorial by the Democratic Republic of the Congo. By an Order of 8 September 2000 those time-limits were respectively extended to 23 March 2001 and 4 October 2002. The Memorial was filed within the time-limit as extended.

On 3 October 2002, within the time-limit fixed for the filing of the Counter-Memorial, the DRC raised certain preliminary objections to the admissibility of Guinea's Application; the proceedings on the merits were accordingly suspended. By an Order of 7 November 2002, the Court fixed 7 July 2003 as the time-limit for Guinea to present a written statement containing its observations and submissions on the preliminary objections raised by the DRC. That written statement was filed within the prescribed time-limit.

Public hearings on the preliminary objections were held between 27 November and 1 December 2006.

On 24 May 2007, the Court rendered a Judgment declaring Guinea's Application to be admissible in so far as it concerned protection of Mr. Diallo's rights as an individual and of his direct rights as associé in Africom-Zaire and Africontainers-Zaire, but inadmissible in so far as it concerned protection of Mr. Diallo in respect of alleged violations of the rights of Africom-Zaire and Africontainers-Zaire.

By an Order of 27 June 2007, the Court fixed 27 March 2008 as the time-limit for the filing of a Counter-Memorial by the Democratic Republic of the Congo. The Counter-Memorial was filed within the time-limit thus fixed. By an Order of 5 May 2008, the Court authorized the submission of a Reply by Guinea and a Rejoinder by the Democratic Republic of the Congo. It fixed 19 November 2008 and 5 June 2009 as the respective time-limits for the filing of those written pleadings, which were filed within the time-limits thus fixed.

Public hearings on the merits took place from 19 to 29 April 2010. At the conclusion of their oral arguments, the Parties presented their final submissions to the Court.

The Republic of Guinea requested the Court

“to adjudge and declare: (a) that, in carrying out arbitrary arrests of its national, Mr. Ahmadou Sadio Diallo, and expelling him; in not at that time respecting his right to the benefit of the provisions of the 1963 Vienna Convention on Consular Relations; in submitting him to humiliating and degrading treatment; in depriving him of the exercise of his rights of ownership, oversight and management in respect of the companies which he founded in the DRC and in which he was the sole associé; in preventing him in that capacity from pursuing recovery of the numerous debts owed to the said companies both by the DRC itself and by other contractual partners; and in expropriating de facto Mr. Diallo's property, the Democratic Republic of the Congo has committed internationally wrongful acts which engage its responsibility to the Republic of Guinea; (b) that the Democratic Republic of the Congo is accordingly bound to make full reparation on account of the injury suffered by Mr. Diallo or by the Republic of Guinea in the person of its national; (c) that such reparation shall take the form of compensation covering the totality of the injuries caused by the internationally wrongful acts of the Democratic Republic of the Congo, including loss of earnings, and shall also include interest”.

Guinea further requested the Court

“kindly to authorize it to submit an assessment of the amount of the compensation due to it on this account from the Democratic Republic of the Congo in a subsequent phase of the proceedings in the event that the two Parties should be unable to agree on the amount thereof within a period of six months following delivery of the Judgment”.

For its part, the Democratic Republic of the Congo, in the light of its arguments and of the Court's Judgment of 24 May 2007 on the preliminary objections, requested

“the Court to adjudge and declare that: 1. the Democratic Republic of the Congo has not committed any internationally wrongful acts towards Guinea in respect of Mr. Diallo's individual personal rights; 2. the Democratic Republic of the Congo has not committed any internationally wrongful acts towards Guinea in respect of Mr. Diallo's direct rights as associé in Africom-Zaire and Africontainers-Zaire; 3. accordingly, the Application of the Republic of Guinea is unfounded in fact and in law and no reparation is due”.

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#### **NOTE TO THE PRESS AND PUBLIC**

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace. Mobile telephones are permitted in the courtroom provided they are switched off. Any offending device will be temporarily retained.

2. **Media representatives** are subject to an **online accreditation procedure**, details of which can be found in the Media Advisory (2010/h) attached to this Press Release. **The accreditation procedure will close at midnight on Thursday 25 November 2010.**

3. **Individual visitors** (with the exception of members of the Diplomatic Corps) **and groups are subject to an online admission procedure**. They are kindly requested to fill out the relevant form on the Court's website (click on “Attending a Hearing”). **The admission procedure will close at midnight on Thursday 25 November 2010.**

4. At the end of the sitting, a Press Release, a summary of the Judgment and the full text of the Judgment will be distributed. All of these documents will be made available at the same time on the Court's website.

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