



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2012/19
30 May 2012

Ahmadou Sadio Diallo
(Republic of Guinea v. Democratic Republic of the Congo)

Question of compensation

The Court to deliver its Judgment on Tuesday 19 June 2012 at 3 p.m.

Reading to be broadcast live on the Court's website

THE HAGUE, 30 May 2012. On Tuesday 19 June 2012, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, will deliver its Judgment on the question of compensation owed by the Democratic Republic of the Congo to the Republic of Guinea, in accordance with paragraphs 163 and 165 (7) of the Judgment of 30 November 2010 in the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo).

A public sitting will take place at 3 p.m., during which the President of the Court, Judge Peter Tomka, will read the Court's Judgment. This sitting will be broadcast live and in full on the Court's website (via the "Multimedia" link). It will immediately be made available as a recorded webcast (VOD) on the Court's website and, shortly thereafter, will be uploaded to the United Nations multimedia site (<http://www.unmultimedia.org/tv/webcast/>).

It should be noted that, owing to the renovation of the Great Hall of Justice of the Peace Palace, where the Court usually sits, this public sitting will be held in the auditorium of The Hague Academy of International Law, whose building is adjacent to the Peace Palace.

Submissions of the Parties

In the written proceedings relating to compensation (see also "History of the proceedings" below), the following final submissions were presented to the Court by the Parties:

On behalf of the Government of Guinea,

in the Memorial:

"In compensation for the damage suffered by Mr. Ahmadou Sadio Diallo as a result of his arbitrary detentions and expulsion, the Republic of Guinea begs the Court to order the Democratic Republic of the Congo to pay it (on behalf of its national) the following sums:

- US\$250,000 for mental and moral damage, including injury to his reputation;
- US\$6,430,148 for loss of earnings during his detention and following his expulsion;
- US\$550,000 for other material damage; and
- US\$4,360,000 for loss of potential earnings;

amounting to a total of eleven million five hundred and ninety thousand one hundred and forty-eight American dollars (US\$11,590,148), not including statutory default interest.

Furthermore, as a result of having been forced to institute the present proceedings, the Guinean State has incurred unrecoverable costs which it should not, in equity, be required to bear and which are assessed at US\$500,000. The Republic of Guinea also begs the Court to order the DRC to pay it that sum.

The Democratic Republic of the Congo should also be ordered to pay all the costs.”

On behalf of the Government of the DRC,

in the Counter-Memorial:

“Having regard to all of the arguments of fact and law set out above, the Democratic Republic of the Congo asks the Court to adjudge and declare that:

- (1) compensation in an amount of US\$30,000 is due to Guinea to make good the non-pecuniary injury suffered by Mr. Diallo as a result of his wrongful detentions and expulsion in 1995-1996;
- (2) no default interest is due on the amount of compensation as fixed above;
- (3) the DRC shall have a time-limit of six months from the date of the Court’s judgment in which to pay to Guinea the above amount of compensation;
- (4) no compensation is due in respect of the other material damage claimed by Guinea;
- (5) each Party shall bear its own costs of the proceedings, including costs and fees of its counsel, advocates, advisers, assistants and others.”

History of the proceedings

It is recalled that, on 28 December 1998, the Government of the Republic of Guinea (hereinafter “Guinea”) filed in the Registry of the Court an Application instituting proceedings against the Democratic Republic of the Congo (hereinafter the “DRC”, named Zaire between 1971 and 1997) in respect of a dispute concerning “serious violations of international law” alleged to have been committed upon the person of Mr. Ahmadou Sadio Diallo, a Guinean national.

Following the conclusion of those proceedings (a summary of which can be found in Press Release No. 2010/37), the Court delivered its Judgment on the merits of the case on 30 November 2010 (see Press Release No. 2010/39).

In that Judgment, the Court found in particular that in carrying out the arrest, detention and expulsion of Mr. Diallo in 1995-1996, the DRC had violated his fundamental rights. The Court also found that the DRC was under obligation to make appropriate reparation, in the form of compensation, to Guinea for the injurious consequences of the violations of international obligations committed by the DRC. Finally, the Court also decided in the Judgment that it would settle the question of compensation if the Parties failed to agree on the matter within six months from the date of the Judgment.

In an Order of 20 September 2011, the Court noted that the time-limit it had fixed in the operative part of its Judgment had expired on 30 May 2011, without an agreement being reached between the Parties on the question of compensation due to Guinea. It also recalled that it had decided in its Judgment that, having been sufficiently informed of the facts of the case, a single exchange of written pleadings by the Parties would be sufficient in order for it to decide on the amount of compensation due to Guinea. Consequently, the Court fixed 6 December 2011 and 21 February 2012 as the respective time-limits for the filing of the Memorial of Guinea and the Counter-Memorial of the DRC on the above-mentioned question. Those time-limits were fixed taking account of the views expressed by the Parties.

The pleadings were filed within the time-limits thus fixed. They can be found, without their annexes, in the case file on the Court's website (www.icj-cij.org). To access them:

1. Click on “Cases”;
2. Select “Contentious Cases”;
3. Go to “1998” (the year the case was brought);
4. Select the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo);
5. Click on the “Written Proceedings” tab in the (grey) menu bar;
6. Go to the sub-heading “Reparation”.

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Note to the press and public

1. The public sitting for the delivery of the Judgment will be held in the auditorium of The Hague Academy of International Law, whose building is adjacent to the Peace Palace, where the Court has its seat. Mobile telephones must be switched off.

2. **Media representatives** are subject to an **online accreditation procedure**, details of which can be found in the Media Advisory attached to this Press Release. **The accreditation procedure will close at midnight on Thursday 14 June 2012.**

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 14 June 2012.**

4. **This sitting will be broadcast live and in full** on the Court's website (via the “multimedia” link), from 3 p.m. local time. On the same day, it will also be made available for three months as a recorded webcast (VOD) on the Court's website. Shortly thereafter, it will be

uploaded to the United Nations multimedia site (<http://www.unmultimedia.org/tv/webcast/>), where it will remain archived.

5. 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.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the "World Court", it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

Information Department:

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Media advisory

Ahmadou Sadio Diallo
(Republic of Guinea v. Democratic Republic of the Congo)

Question of compensation

Accreditation procedure for the delivery of the Court's Judgment
on Tuesday 19 June 2012 at 3 p.m.

Reading to be broadcast live and in full

Media representatives are required to fill out the online accreditation form, available on the Court's website (www.icj-cij.org) under "Calendar". **Applications for accreditation must reach the Court by midnight on Thursday 14 June 2012.** Only online application forms will be accepted. Each application will be checked by the Information Department, and replies will be sent by e-mail. Applications received after the deadline will not be considered.

Entry to the Peace Palace

Media representatives must bring with them their personal ID and press card. They are asked to arrive at the Peace Palace gates **between 1.30 and 2.30 p.m.** **Only duly accredited individuals with valid identification will be permitted to enter the Peace Palace grounds.**

No parking is allowed in the Peace Palace grounds apart from satellite vehicles. Media wishing to park satellite vehicles are requested to fill in the appropriate fields in the online accreditation form. NB: Television media wishing to broadcast a live reading of the Judgment should contact the Information Department in advance, as the sitting will take place in a temporary courtroom.

Access to the courtroom

Media representatives should take particular note of the fact that, owing to the renovation of the Great Hall of Justice of the Peace Palace, where the Court has its seat, this public sitting will be held in the auditorium of The Hague Academy of International Law, whose building is adjacent to the Palace. Chairs reserved for media representatives are located on the far left of the auditorium. However, photographers and camera crews are only permitted to enter the room for a few minutes at the start of the sitting. Photographers and camera crews must keep to the right-hand side of the auditorium.

Press room

Proceedings will be transmitted live in English and French to the temporary Press Room, located in the "seminar" room. The room is equipped with Wi-Fi and modem internet access. Live video and audio feeds are available via the breakout box (PAL video output). The Press Room will be open between **1.30 and 5 p.m.** on the day of the sitting. **Please note that all media representatives must leave the Peace Palace grounds by 5 p.m.**

Live webcast and multimedia files

The public sitting will be broadcast live and in full (in Flash format) on the Court's website (via the "Multimedia" link), from 3 p.m. local time. It will also be made available as a recorded webcast (VOD, in Flash format) on the Court's website (for three months) and, shortly after the sitting, will be uploaded to the United Nations multimedia site (<http://www.unmultimedia.org/tv/webcast/>), where it will be archived and available to view permanently.

Three multimedia files in professional format (mpeg-2) will be available on the "Multimedia" page of the Court's website approximately one hour after the conclusion of the sitting: (file 1) the reading of the operative part of the Judgment (detailing the decisions taken by the Court) by the President of the Court, Judge Peter Tomka (in French); (file 2) the reading of the operative part of the Judgment by the Registrar of the Court, Mr. Philippe Couvreur (in English); and (file 3) photographs taken from the side of the courtroom showing the Members of the Court, the representatives of the Parties and the rest of the courtroom during the sitting.

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