



American Model United Nations

International Court of Justice

INTERNATIONAL COURT OF JUSTICE OF THE AMERICAN MODEL UNITED NATIONS

ARGUED: November 18, 2007

DECIDED: November 18, 2007

THE REPUBLIC OF CONGO v THE REPUBLIC OF FRANCE

PRESENT: President Gender, Vice President Banas, Justices Champagne, Fritz, Howard, Stinyard, Sutcliffe, Meyer, Bauer-Nilsen, Vajpeyi, O'Brien, Forsberg, Campbell, Chatel, and Vatan

The court accepts jurisdiction on *The Republic of Congo v. The Republic of France* based on the compliance of the parties in accordance to Article 36 in the statute of the International Court of Justice subsection 1. The court believes that this issue is substantive because of the conflict between the sovereign nation-states of the Republic of Congo and the Republic of France.

*The Court,
Composed as above,
Delivers the following Judgment,*

1. The Republic of France argued “*that the Geneva Convention of 1949, its protocol, and the Convention against torture outline the necessity of preventing torture and the viability of universal jurisdiction as a route towards this end.*” Although the court firmly upholds the understandings of universal jurisdiction by the Republic of France and the international community in matters of gross violations of human rights, the court finds that requisite for universal jurisdiction is not evident in this case. In regards to the missing 350 Republic of Congo citizens, evidence is not sufficient for the court to conclude that human rights violations occurred. The requisite of universal jurisdiction is not evident in this case, therefore, diplomatic immunity, as established by the *Vienna Convention on Diplomatic Immunity 1961*, must be upheld.

2. France argued “*that Geneva Convention of 1949 and the United Nations Convention Against Torture provide for the arrest and detainment of those guilty or thought guilty of carrying out torture or other inhumane acts, regardless of their nationality or jurisdictional status.*” Diplomatic immunity is applicable to the Congolese officials because it is constituted in the *United Nations Convention on the Jurisdictional Immunities of States and their Property* as well as the *Vienna Convention of Diplomatic Relations*, specifically Article 31. These conventions explicitly state that the Congolese

officials are in the positions and situations to render diplomatic immunity.

3. The court believes that the sovereign Republic of France may continue their investigation on the missing persons, as long as it is in accordance to the regulations of the *United Nations Convention on the Jurisdictional Immunities of States and their Property*, specifically articles 5 and 6, and the *Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment*, specifically article 20. This court asserts that the Republic of France did not alert the Republic of Congo and violated the cooperation in their investigational proceedings that are entitled in the before mentioned conventions.

Suggestions of the Court: This court strongly suggests that the Republic of France submits their concerns and information to the United Nations Third Committee or other applicable United Nations committee. This suggestion is based on the belief that the tensions between the involved parties would be alleviated with the involvement of a neutral third party.

The Court,
by 9 votes to 6
Finds that....

The warrants issued by the Republic of France towards the sequestered parties of the Republic of Congo are found to be annulled.

President Gender, Justices Vajpeyi, O'Brien, Forsberg, Campbell, and Chatel append a joint dissenting opinion.

Justice Vatan

Vice President Banas

Justice Meyer

Justice Sutcliffe

Justice Howard

Justice Stinyard

Justice Champagne

Justice Bauer-Nilsen

Justice Fritz