



American Model United Nations

International Court of Justice

MEMORIAL OF THE REPUBLIC OF FRANCE

COMES NOW the Republic of France and for their Memorial to the Court
states the following:

STATEMENT OF LAW

1. The Geneva Conventions of 1949, to which both States are Parties, provides for the protection of all persons from cruel and inhumane punishment, including torture.
2. The Second Protocol to the Geneva Conventions of 1949 also provides for the protection of all persons from cruel and inhumane punishment, including torture.
3. The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment protects all persons from cruel or inhumane punishment, including torture.
4. Through being a signatory to the Geneva Conventions, both nations have agreed to abide by the principles outlined therein.
5. Article 689-1 of the French Code of Criminal Procedure states that, in relation to international treaties, including the Geneva Conventions and Convention Against Torture, “any person who has committed, outside the territory of the Republic, any of the offences enumerated in these Articles, may be prosecuted and tried by the French courts if that person is present in France.”

STATEMENT OF FACT

The Republic of France exercised its rights under the Geneva Conventions and the French Code of Criminal Procedure on 23 January 2002 and initiated an investigation into alleged human rights violations in the Republic of the Congo. In this investigation, France, pursuant to its own and international laws, issued a warrant for and then took into custody General Norbert Dabira, the Inspector General of Congo's armed forces, who has a residence in France. France then released the General, as no charges were brought, and indeed, none were planned on being brought. General Dabira was then called in for questioning again, but had returned to the Republic of the Congo and refused to return to France to serve the subpoena. France then attempted to get information from H.E. President Mr. Denis Sassou Nguesso on a trip to France, invoking Article 656 of the French Code of Criminal Procedure, by which the only way a statement from a foreign representative can be requested is through its foreign ministry, but was unable to get said information because the Congo did not provide its express agreement. France, indeed, agrees that President Sassou Nguesso is protected by diplomatic immunity by the Convention on Jurisdictional Immunities of States and Their Property as well as the Vienna Convention on Diplomatic Relations of 1961.

STATEMENT OF JURISDICTION

The Republic of France has, as is recorded in the Court Registry, acceded to the Court's jurisdiction in this matter through Article 38, chapter 5 of the Statute of the Court.

ARGUMENTS

- I. 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.
- II. Though the Convention on Jurisdictional Immunities of States and Their Property and the Vienna Convention on Diplomatic Relations of 1961 protect the diplomatic immunities of heads of State, France is not attempting to seize or otherwise carry out jurisdictional action against President Nguesso.
- III. France recognizes that the Geneva Convention of 1949 and the UN 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.

SUMMARY AND PRAYER FOR RELIEF

France believes that the Geneva Convention of 1949 and the UN Convention Against Torture reinforce the principle of universal jurisdiction over torture and human rights matters. France prays that the Court finds that universal jurisdiction, as developed through the Geneva Convention of 1949 and the UN Convention Against Torture, applies in this case, and will allow the French government to fulfill its warrant.