



American Model United Nations
ICJ

International Court of Justice

IN THE
INTERNATIONAL COURT OF JUSTICE
OF THE
AMERICAN MODEL UNITED NATIONS

Belgium v. Senegal

Argued: 21 November 2010
Decided: 21 November 2010

The Majority opinion was signed by and agreed to by Justice Caro, Justice Nelson, Justice Sideras, Justice Nace, Justice Schneider, Justice Berman, Justice West, Justice Van Sant, Justice Manetta, Justice Whitlock, Justice Augustynowicz, Justice Kildahl, Justice Barclay and Justice Gideon.

The court finds that it does not have jurisdiction to rule on this case at this time. Although Article 36 Paragraph 2A of the Statute of the International Court of Justice would give the court jurisdiction over treaty disputes, the court only has such jurisdiction when both countries previously consent to it. In the case at hand, petitioners claim that the court's jurisdiction arises from both parties' ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter referred to as CAT), specifically as in Article 30 Paragraph 1, which grants the court jurisdiction over disputes when negotiations and arbitration have failed. However, due to the forthcoming negotiations regarding the funding of the prosecution of Hissène Habré in the country of Senegal, the court finds that such circumstances would make a decision by this court untimely.

The opinion and explanation of reasons of the court is as follows:

After reviewing all pertinent information, the court has recognized Senegal's efforts and progress in the prosecution of Hissène Habré since his initial indictment. Due to the forthcoming negotiations between Senegal and Belgium and all other donor parties, the court finds no just cause to rule on the issue at this time. This is in accordance with Article 30 Paragraph 1 of the CAT, which requires that negotiations fail prior to the court being granted jurisdiction and this requirement is not currently being met.

If the negotiations and arbitration fail then the court would strongly recommend the reapplication of the proceedings to the International Court of Justice, at which time the

court would reevaluate the arguments put forth by the Kingdom of Belgium and the Republic of Senegal.

Justice Caro _____

Justice Nelson _____

Justice Sideras _____

Justice Nace _____

Justice Schneider _____

Justice Berman _____

Justice West _____

Justice Van Sant _____

Justice Manetta _____

Justice Whitlock _____

Justice Augustynowicz _____

Justice Kildahl _____

Justice Barclay _____

Justice Gideon _____