



American Model United Nations
ICJ

The consensus opinion was signed by and agreed to by Justice Chelsea Reinartz, Justice Zach Rolinski, Justice Lexie Henning, Justice Ryan Bird, Justice Kimberly Marek, Justice Juli Baldrige, Justice Melissa Cobb, Justice Keith Murphy, and Justice Sidney Larsen.

The issue of jurisdiction in this case is complex. Under chapter sections one and four of the United Nations Charter, the interpretation of treaties issue in Article 36 section 2a of the statute of International Court of Justice rules. The court has jurisdiction to rule regarding; A. the interpretation of treaties; B. any question of any international law; C. the existence of any fact which, if established, would constitute a breach of international obligation; D. the nature or extent of the reparation to be made for the breach of an international obligation as stated in the Statute of the International Court of Justice. As to the issue of the Republic of Guinea representing Mr. Diallo, the court determines that Mr. Diallo is, in fact, a Guinean citizen. Under the domestic citizenship laws of Guinea and the DRC, Mr. Diallo maintained his Guinean citizenship by failing to renounce said citizenship. Guinean law states that in order to cease a national's citizenship, the national must renounce their citizenship. Guinean law applies the doctrine of Jus Soli; people born in that state acquire citizenship of that state. Mr. Diallo failed to make a claim to renounce his Guinean citizenship. The Democratic Republic of the Congo's law also demands that a person renounce their original citizenship in order to establish Congolese citizenship.

Concerning the issue of human rights of the individual of Mr. Diallo, the court cannot find a breach of an international treaty pertaining to the facts of Mr. Diallo's expulsion from the DRC. The court recognizes the sovereignty of a state's domestic law, and cannot find an international treaty ratified by the DRC that has been breached in this case. It is not within the purview of this court to comment on such an issue.

The issue of state sovereignty is of great importance to the United Nations, and influences the jurisdiction of the court pertaining to this case. A state has the right to determine the requirements of non-citizens to enter into the state, or to expel non-citizens from the state. Contingent upon domestic law, this differs from state to state. As there is no international treaty that pertains to the entry and/or expulsion of non-citizens, the court does not have jurisdiction in this case.

The only remaining way for the International Court of Justice to have jurisdiction in a case is if both parties recognize the jurisdiction of the court in a case. In this instance, the DRC does not acknowledge the jurisdiction of the court. Considering the legal citizenship of Mr. Diallo, Guinea is within their diplomatic rights to petition on Mr. Diallo's behalf.

It is the jurisdiction of the court to preside over cases between member states only; therefore it is not in the purview to rule on matters between individuals, and public or private organizations.

The court was asked to examine the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, the Barcelona Traction Case, and Liechtenstein v. Guatemala. The court feels that these documents were not relevant to the arguments due to the fact that the court determined that jurisdiction in multiple instances of this case did not apply.

The petitioner and the respondent have demonstrated conclusive evidence that the issues surrounding the amount of money owed to Mr. Diallo are sufficiently complex and cannot be resolved by utilizing either state's domestic court system, as the determinations reached by said courts have not been followed to sufficiently settle the issue. The opinion and explanation of the court is as follows:

The ICJ finds that it is not in the court's jurisdiction to comment on the possible reparations owed to Mr. Diallo. The court recognizes the purview of the World Trade Organization in finalizing disputes over financial issues between member states. With regard to the request made by Guinea for a public apology on behalf of Mr. Diallo, the court does not comment on this issue as it is a matter pertaining to an individual.

Therefore, the court orders the following:

Due to the lack of jurisdiction of the court in all issues of this case, the court has no judgment based on the merits of the case brought by the petitioner of Guinea on behalf of Mr. Diallo.