



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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

#### Preliminary objections

#### Schedule of public hearings to be held from 27 November to 1 December 2006

THE HAGUE, 9 November 2006. As announced previously, the International Court of Justice (ICJ), principal judicial organ of the United Nations, will hold public hearings in the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), starting on Monday 27 November 2006, at the Peace Palace in The Hague, seat of the Court.

The hearings will be concerned solely with the preliminary objections raised by the Democratic Republic of the Congo (DRC) regarding the admissibility of the Application.

#### Schedule for the hearings

— First round of oral argument

Monday 27 November 2006      10 a.m.-1 p.m.: Democratic Republic of the Congo

Tuesday 28 November 2006    10 a.m.-1 p.m.: Republic of Guinea

— Second round of oral argument

Wednesday 29 November 2006   3-6 p.m.: Democratic Republic of the Congo

Friday 1 December 2006        10 a.m.-1 p.m.: Republic of Guinea

#### Solemn declaration of two judges ad hoc

Since the Court included upon the Bench no judge of the nationality of the Parties, each Party availed itself of its right under Article 31 of the Statute of the Court to choose a judge ad hoc to sit in the case. The Republic of Guinea chose Mr. Ahmed Mahiou (Algeria) and the Democratic Republic of the Congo chose Mr. Auguste Mampuya Kanunk'A-Tshiabo (DRC).

Pursuant to Article 20 of the Statute of the Court, the two judges ad hoc will make the solemn declaration “that [they] will exercise [their] powers impartially and conscientiously”, at the start of the hearing on Monday 27 November 2006.

#### History of the proceedings

On 28 December 1998 the Republic of Guinea instituted proceedings against the Democratic Republic of the Congo by submitting an “Application for purposes of diplomatic protection”, in which it requested the Court to find that “the Democratic Republic of the Congo is guilty of serious violations of international law committed upon the person of a Guinean national”, Mr. Ahmadou Sadio Diallo.

According to Guinea, Mr. Ahmadou Sadio Diallo, a businessman who had spent 32 years in the Democratic Republic of the Congo, was “unjustly imprisoned by the authorities of that State” for two and a half months, “despoiled of his sizable investments, business, movable and immovable property and bank accounts, and then”, on 2 February 1996, “expelled from the country”, because he had sought the payment of debts owed to him by the Democratic Republic of the Congo (in particular by Gécamines, a State undertaking with a monopoly over mining) and by oil companies established in that country (Zaire Shell, Zaire Mobil and Zaire Fina) under contracts with companies owned by him, namely Africom-Zaire and Africacontainers-Zaire.

As basis for the Court’s jurisdiction, Guinea relies on declarations of, respectively, 8 February 1989 and 11 November 1998 whereby the Democratic Republic of the Congo and Guinea itself accepted the Court’s compulsory jurisdiction.

By Order of 25 November 1999 the Court, taking account of the agreement of the Parties, fixed 11 September 2000 as the time-limit for the filing of a Memorial by Guinea and 11 September 2001 as the time-limit for the filing of a Counter-Memorial by the Democratic Republic of the Congo.

By Order of 8 September 2000 the President of the Court, at the request of Guinea and taking account of the views expressed by the other Party, extended to 23 March 2001 the time-limit for the filing of the Memorial and to 4 October 2002 the time-limit for the filing of the Counter-Memorial. The Memorial was filed within the time-limit as so extended. On 3 October 2002, within the time-limit fixed for the filing of the Counter-Memorial, the DRC raised certain preliminary objections to the admissibility of the Application; the proceedings on the merits were accordingly suspended.

By Order of 7 November 2002 the Court fixed 7 July 2003 as the time-limit for Guinea to present a written statement containing its observations and submissions on the preliminary objections raised by the Democratic Republic of the Congo. That written statement was filed within the time-limit as so fixed.

#### NOTE TO THE PRESS

1. The public hearings will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. **Mobile telephones and beepers are allowed in the courtroom provided they are turned off.** Any offending device will be temporarily retained.

2. Members of the Press may attend on presentation of a press card. The tables reserved for them are situated to the far left of the public entrance to the courtroom.

3. Photographs and TV shots may be taken for a few minutes at the opening of each sitting. The proceedings will be displayed live on a large TV screen in the Press Room, located on the ground floor of the Peace Palace (Room 5). **In the Press Room, it will be possible for TV crews to connect recording equipment directly to the Court's video system**, but advance notice of this should be given to the Information Department. There is also a facility for the connection of sound-only equipment to the Court's audio system during the proceedings.

4. Telephone calls may be made from the phone located in the Press Room (collect calls only) or from the public payphones in the Post Office in the basement of the Peace Palace.

5. Verbatim records of the hearings will be published daily on the Court's website ([www.icj-cij.org](http://www.icj-cij.org)), with translations to follow as soon as practicable thereafter.

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