



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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

**(Compensation owed by the Democratic Republic of the Congo  
to the Republic of Guinea)**

**The Court decides that the amount of compensation due from the Democratic  
Republic of the Congo to the Republic of Guinea for the injury  
suffered by Mr. Diallo is US\$95,000**

THE HAGUE, 19 June 2012. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, today delivered its Judgment in the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo) (compensation owed by the Democratic Republic of the Congo to the Republic of Guinea).

In its Judgment, which is final, without appeal and binding on the Parties, the Court

- (1) fixes, by fifteen votes to one, the amount of compensation due from the Democratic Republic of the Congo to the Republic of Guinea for the non-material injury suffered by Mr. Diallo at US\$85,000;
- (2) fixes, by fifteen votes to one, the amount of compensation due from the Democratic Republic of the Congo to the Republic of Guinea for the material injury suffered by Mr. Diallo in relation to his personal property at US\$10,000;
- (3) finds, by fourteen votes to two, that no compensation is due from the Democratic Republic of the Congo to the Republic of Guinea with regard to the claim concerning material injury allegedly suffered by Mr. Diallo as a result of a loss of professional remuneration during his unlawful detentions and following his unlawful expulsion;
- (4) finds, unanimously, that no compensation is due from the Democratic Republic of the Congo to the Republic of Guinea with regard to the claim concerning material injury allegedly suffered by Mr. Diallo as a result of a deprivation of potential earnings;
- (5) decides, unanimously, that the total amount of compensation due under points 1 and 2 above shall be paid by 31 August 2012 and that, in case it has not been paid by this date, interest on the principal sum due from the Democratic Republic of the Congo to the Republic of Guinea will accrue as from 1 September 2012 at an annual rate of 6 per cent;

(6) rejects, by fifteen votes to one, the claim of the Republic of Guinea concerning the costs incurred in the proceedings.

### **I. Heads of damage in respect of which compensation is requested**

The Court notes that Guinea seeks compensation under four heads of damage: non-material injury and three heads of material damage.

#### **A. Compensation for the non-material injury suffered by Mr. Diallo**

The Court takes into account various factors in order to assess the non-material injury suffered by Mr. Diallo, including the arbitrary nature of Mr. Diallo's arrests and detentions, the unjustifiably long period during which he was detained, the unsupported accusations against him, his wrongful expulsion from a country where he had resided for 32 years and where he had engaged in significant business activities, and the link between Mr. Diallo's expulsion and the fact that he had attempted to recover debts which he believed were owed to his companies by the Zairean State or companies in which the State held a substantial portion of the capital. The Court also takes into account the fact that it has not been demonstrated that Mr. Diallo was mistreated.

The Court considers that, on the basis of equitable considerations, the amount of US\$85,000 would provide appropriate compensation for the non-material injury suffered by Mr. Diallo (paras. 21-25).

#### **B. Compensation for material injury suffered by Mr. Diallo**

##### **1. Alleged loss of Mr. Diallo's personal property (including assets in bank accounts)**

The Court considers that Guinea has failed to prove the extent of the alleged loss of Mr. Diallo's personal property, namely the furnishings that appear on the inventory of personal property in Mr. Diallo's apartment, certain high-value items alleged to have been in the apartment, which are not specified on that inventory, and assets in bank accounts, and the extent to which any such loss was caused by the DRC's unlawful conduct. The Court recalls, however, that Mr. Diallo lived and worked in the territory of the DRC for over 30 years, during which time he surely accumulated personal property. It considers that Mr. Diallo would have had to transport his personal property to Guinea or to arrange for its disposition in the DRC. Thus, the Court is satisfied that the DRC's unlawful conduct caused some material injury to Mr. Diallo with respect to the personal property that was in his apartment.

In such a situation, the Court considers that, on the basis of equitable considerations, the amount of US\$10,000 would provide appropriate compensation for the material injury suffered by Mr. Diallo (paras. 30-36).

##### **2. Alleged loss of remuneration during Mr. Diallo's unlawful detentions and following his unlawful expulsion**

The Court considers that Guinea has failed to establish that Mr. Diallo was receiving remuneration from his two companies in the period immediately prior to his detentions. The Court notes that Guinea also has not explained how Mr. Diallo's detentions caused an interruption in any remuneration that Mr. Diallo might have been receiving in his capacity as gérant of those companies. Under these circumstances, the Court considers that Guinea has not proven that Mr. Diallo suffered a loss of professional remuneration as a result of his unlawful detentions (paras. 37-46).

The Court considers that the reasons for rejecting the claim for loss of professional remuneration during the period of Mr. Diallo's detentions also apply to the claim relating to the period following Mr. Diallo's expulsion. The Court adds that the claim is moreover highly speculative and assumes that Mr. Diallo would have continued to receive a monthly amount had he not been unlawfully expelled. Thus, the Court concludes that no compensation can be awarded for Guinea's claim relating to unpaid remuneration following Mr. Diallo's expulsion (paras. 47-49).

The Court therefore awards no compensation for remuneration that Mr. Diallo allegedly lost during his detentions and following his expulsion (para. 50).

### **3. Alleged deprivation of potential earnings**

The Court notes that Guinea makes an additional claim that it describes as relating to Mr. Diallo's "potential earnings". The Court considers that this claim amounts to a claim for a loss in the value of the companies allegedly resulting from Mr. Diallo's detentions and expulsion. Such a claim is beyond the scope of the proceedings, given the Court's prior decision that Guinea's claims relating to the injuries alleged to have been caused to the companies are inadmissible.

For these reasons, the Court awards no compensation to Guinea in respect of its claim relating to the "potential earnings" of Mr. Diallo (paras. 51-54).

## **II. Total sum awarded and post-judgment interest**

The Court concludes that the total sum awarded to Guinea is US\$95,000 to be paid by 31 August 2012. The Court decides that, should payment be delayed, post-judgment interest on the principal sum due will accrue as from 1 September 2012 at an annual rate of 6 per cent (para. 56).

## **III. Procedural costs**

The Court decides that each Party shall bear its own costs (para. 60).

### Composition of the Court

The Court was composed as follows: President Tomka; Vice-President Sepúlveda-Amor; Judges Owada, Abraham, Keith, Bennouna, Skotnikov, Caçado Trindade, Yusuf, Greenwood, Xue, Donoghue, Gaja, Sebutinde; Judges ad hoc Mahiou, Mampuya; Registrar Couvreur.

Judge Caçado Trindade appends a separate opinion to the Judgment of the Court; Judges Yusuf and Greenwood append declarations to the Judgment of the Court; Judges ad hoc Mahiou and Mampuya append separate opinions to the Judgment of the Court.

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A summary of the Judgment appears in the document "Summary No. 2012/3". This press release, the summary and the full text of the Judgment can be found on the Court's website ([www.icj-cij.org](http://www.icj-cij.org)), under the heading "Cases".

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Note: The Court's press releases do not constitute official documents.

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the "World Court", it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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