

International Law

Practicum 2: 28 March 2008

Ole J. Forsberg, Ph.D.

Creighton University

This should be a nice, easy assignment... except for the intricacies involved. The information is slightly out of date, but it still works.

Here is your job: Tonight, make a list of the top five questions on which a court may have to rule in the following case. You just need a list of those five. Tomorrow, you will have to defend your decision and rule on each of the five questions. Be prepared for tomorrow! Come with facts! Do your research!

The *Midowga Maxkamadaha Islaamiga* (translation: Islamic Courts Union, ICU) claims to be the *de facto* rulers of Somalia. They base their claim on their control of the country (excluding Puntland, Galguduud, and Somaliland), especially the capital city of Mogadishu. Hassan Dahir Aweys, the ICU leader sends Sharif Ahmed to the United States as ambassador.

Ahmed boards an African Air Express plane in Mogadishu's Petrella International Airport on Sunday, December 17, 2006, at 9:05 am. It lands at Nairobi's Jomo Kenyatta International Airport an hour later. Ahmed waits in the plane for it to take off again. It does, and he lands in Khartoum at 4:15 pm. He spends the night at the luxurious Hilton Hotel on Nile Avenue. The next day, he gets up and enjoys sightseeing in Khartoum—a former colonial capital and the city at the confluence of the Blue and White Nile rivers.

That evening, he returns to the airport and boards a KLM Royal Dutch flight at 8:10 pm on Monday, December 18, 2006.¹ The flight stops in Amsterdam's Schiphol Airport. He transfers planes, remaining in the international terminal,² and boards a Boeing 777. He arrives at Washington Dulles on Tuesday, December 19, 2006, at 3:00 pm.

Upon entering Customs in the United States, Ahmed identifies himself as the new Somali Ambassador to the United States, presents his diplomatic passport issued by the Somali government and his Letters of Credence (a.k.a. Letters of Credential) written in both Somali and English. The Customs police search him and his luggage. They find letters written in Italian,³ along with photographs of the US Capitol, of the White House, and of the Italian Embassy in Washington.⁴

¹ KLM is owned and operated by the government on the Netherlands.

² Amsterdam Airport Schiphol has only the international terminal.

³ The official language of Somalia is Soomali. Arabic, Italian, and English are recognized regional languages spoken by some in the government.

⁴ The Italian Embassy is not located on Embassy Row. It can be located at 3000 Whitehaven Street, NW. This area is less expensive than the Massachusetts Avenue and New Hampshire Avenue areas.

Unfortunately, there is no one in the area that can read Italian. Citing overriding terrorism concerns, Mr. Ahmed is placed in protective custody and incarcerated. Aweys lodges a formal complaint against the United States from Mogadishu, citing multiple violations of the VCDR. He then brings the case to the International Court of Justice. The United States is not a party to the Declaration Recognizing Compulsory the Jurisdiction of the Court. Regardless, the Bush Administration sends James Baker to represent them in The Hague. Aweys sends Shaykh Mukhtar Robow, one of the ICU military commanders, who has a background in law.

