

## International Law

The Islamic Courts Union Scenario for Chapter Seven

Ole J. Forsberg, Ph.D.

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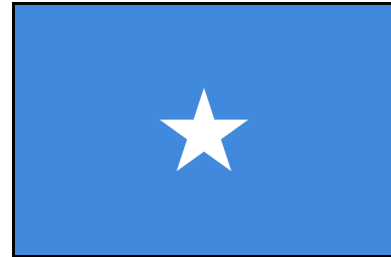
This should be a nice, easy assignment... except for the intricacies involved. The information is slightly out of date, but it still works. Please read the scenario closely and carefully. There is additional information you will need to research to have a better understanding of the situation.

*Sanac!*

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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 of the capital city Mogadishu. Hassan Dahir Aweys, the Madaxweyne (president) of the ICU sends Sharif Ahmed to the United States as Safiir (ambassador).



Ahmed boards a Daallo Airlines plane at the K50 Airport<sup>1</sup> on Thursday, May 21, 2009, at 15:30. The plane lands at Nairobi's Jomo Kenyatta International Airport 90 minutes later. Ahmed switches planes in Kenyatta's international terminal and boards Kenya Airways flight 320 at 17:20. That night, he arrives in Khartoum at 20:10 and spends the night at the luxurious Al Salam Rotana Hotel, enjoying a late dinner at the Al Nuba.

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—offering prayers at the Great Mosque of Khartoum (Mesjid al-Kabir). After a restful night at the Al Salam, he takes a tour of the countryside to view the ancient pyramids near Jebel Barkal, a UNESCO World Heritage Site. While there, he reflects on the eternal glory of Islam. That evening, he dines at the Amwaj Restaurant on Africa Road near central Khartoum.

After yet another restful night on the banks of the Nile Rivers, the Safiir visits the Souq Arabi (Arabian Market) in the center of Khartoum, enjoying the sights, sounds, and scents of history. After enjoying a late dinner, Ahmed picks up his luggage at the hotel and takes a limousine to the airport, where he boards KLM Royal Dutch<sup>2</sup> flight 0546 at 01:15. The flight lands in Amsterdam's Schiphol Airport that morning at 06:50. Once there, he realizes that his next flight takes off at 13:15. So, with little to do, he wanders the international terminal, picking up a few trinkets and magazines at AKO. He grabs an early lunch at the Burger King near Terminal 2 and his departing flight (out of Gate F03). At 13:00, he boards KLM flight 0651 destined for

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<sup>1</sup> K50 is so named because it is located 50km southwest of Mogadishu. K50 is used as the primary airport in the region as Mogadishu's Aden Adde International Airport is not safe to use.

<sup>2</sup> KLM is owned and operated by the government on the Netherlands.

Washington-Dulles (IAD). After this long journey thus far, he catches a long, dreamless sleep on the airplane and peacefully arrives at Washington Dulles on Sunday, May 25, 2009, at 15:40.

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 US Customs police search him and his luggage. They find letters written in Soomali, along with photographs of the US Capitol, of the White House, of the Italian Embassy in Washington, and of an unidentified residential building.<sup>3</sup>

Seeing the letters as being an extremely important facet of this incident, the Customs police scour the area for someone who can read Soomali. Unfortunately, there is no one in the area who can. Citing overriding “terrorism concerns,” Mr. Ahmed is placed in “protective custody” and incarcerated at the naval brig in Bethesda, MD.

President Aweys lodges a formal complaint against the United States from Mogadishu, citing multiple violations of the Vienna Conventions on Diplomatic Relations (VCDR). He then brings the case to the International Court of Justice. The United States is no longer a party to the Declaration Recognizing Compulsory the Jurisdiction of the Court; regardless, the Obama Administration sends James Baker to represent them in The Hague. President Aweys sends Shaykh Mukhtar Robow, one of the ICU military commanders, who has a background in law.

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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 decisions and rule on each of the five questions. Be prepared for tomorrow! Come with facts!

*Do your research!*

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<sup>3</sup> The Italian Embassy is not located on Embassy Row. It is located at 3000 Whitehaven Street, NW. This area is less expensive than the Massachusetts Avenue and New Hampshire Avenue areas.