

# ARAB COURT OF JUSTICE CASES

## DOCKET

### 1) Algeria v. Morocco

Regarding the disputed territory known as Western Sahara.

In 1975, Spain withdrew from Western Sahara leaving a political vacuum wherein Morocco took control of the northern area and Mauritania took control over the southern area. Anti-colonial sentiment abounded in the Saharawis people which was particularly directed at Morocco. The Polisario Front, supported by Algeria, declared the Saharan Arab Democratic Republic to be the legitimate government de facto of the area. In 1979, Mauritania reached an agreement with the Polisario Front. However, upon this agreement Morocco took control of the entire area of Western Sahara. To this day, no agreement has been reached which ensures the people of Western Sahara their right to self-determination.

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### 2) League of Arab States (as represented by the Tunisian Republic) v. the United Arab Emirates

Regarding the United Arab Emirates importing the near-totality of Sudanese gold and its adverse affect on the region.

The United Arab Emirates is the leading buyer of Sudanese gold, imports are claimed to be roughly 50 tonnes in 2014, which would outnumber the official Sudanese gold export figure with all countries of 37 tonnes, and is in stark contrast to predicted figures of the trade reaching 80 tonnes between only the UAE and Sudan in 2015; This discrepancy is due to the volatile nature in which the gold is mined, making any reported figures unreliable. Regardless, the amount of gold that floods into the UAE makes up the majority. The gold is mined primarily in three regions within Sudan: Darfur, Blue Nile, and South Kordofan. Darfur's invoking within the list of affected regions is enough to illustrate the harmful climate in which such mining is conducted, bringing to mind horror stories. It illustrates the severity

of the practice, as the presence of a valuable mineral within these regions has only escalated the conflict within the locales, fueling further atrocities, such as violent killings, mass rape, relocation, slave labor, and inter-tribal fighting. The north Sudanese gold trade's basic organization allows such conflicts and warring to continue. The process involves the bulk purchasing and consolidation of gold by the government from the mining aggressors, and then manages its sale to the international community, i.e. the United Arab Emirates. The United States and the United Nations have existing sanctions on the gold, as much originates from the Jebel Amer region, known for ethnic cleansing, and directly benefits a warlord Musa Hilal, who has been a figure accused by the United Nations Security Council for his role in the Darfurian Genocide. Violent acts have implicit governmental support, so long as it leads to an increase in the amount of gold mined, and thus an increase in their profits. In light of this, and the clear correlation between the gold trade and human rights abuses in Sudan, the Arab League should consider the case at hand against the UAE. It can be logically shown that the money that the UAE is spending on "blood gold" is directly motivating and contributing to these crimes and the lack of rule of law. The multi-faceted question to then be put forth and considered by the court is "is it lawful for a state of the Arab League through *indirect actions*, to instigate acts that are a violation of the basic rights of persons, and thus is that state *complicit* in these crimes?" a controversial idea in international spheres (another example of this thinking being dangerous for some nations is "is the US responsible for the crimes committed by non-state actors we give weaponry too?").

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3) Republic of Yemen v. the Gulf Cooperation Council (represented by the State of Qatar)

Regarding the recent bombing campaign led by Saudi Arabia on Yemeni soil.

With the United Nations predicting upwards of three thousand Yemeni people dead as a result of the Saudi Arabian led coalition bombing, the

question of asking whether this intervention is legal is worth arguing. There was serious concern regarding the outbreak of civil war in Yemen, that unless action was taken, serious casualties would be seen as the country engulfed into chaos, and that the strikes have reduced violence. Yet others argue that the strikes have killed too many innocents, created a proxy war between Iran and Saudi Arabia, and will do nothing but engender more violence as the situation is escalated (as can be seen with reports of imminent ground forces being employed in Yemen). In this case, the court will consider if the GCC actions are justified based on the idea of R2P, if the coalition has done enough to avoid civilian casualties, or if the actions taken violated the Arab Charter's provisions on sovereignty.

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#### 4) State of Palestine v. Arab Republic of Egypt

Regarding the Egyptian decision to cut off the power to the Southern parts of the Gaza Strip in March 2015.

In March 2015 Egypt cut power to Southern parts of the Gaza Strip, angering Palestinians. This act was preceded by days of diminishing energy deliveries by the Egyptian authority, and was attributed to outstanding debt by a Palestinian utility company. This decision has been tied to the Egyptian Ministry of Electricity and Energy. Palestine, in part because of its relationship with its neighbors, lacks the infrastructure in the Gaza Strip to provide energy for its populace, and thus relies partly on the Egyptian grids. By shutting off the power in Southern Gaza, the lives of the Palestinians were interrupted, hospitals were strained, and the populace was moved to demonstrate against the act, as they suffered from the lack of utilities toward the end of the winter months, thus putting them in a dangerous situation. This has a direct parallel to the controversy that embroiled Europe, with Russia threatening, through Gazprom, to critically deprive several NATO states of the energy needed, thus creating a compromising security dilemma. This case attempts to bring forth and examine the conduct's legality, to argue whether it could be considered criminal or a human rights abuse, and to challenge whether such an act is acceptable, and finally consider if the League will allow for the Egyptian government to take such a combative approach toward relations with the Palestinian population.

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##### 5) State of Kuwait v. the Kingdom of Saudi Arabia

Regarding the extradition of the Saudi Arabian al-Zahrani Brothers, to face trial in Kuwait for the Imam al-Sadeq Mosque in Kuwait City.

On June 26<sup>th</sup>, the bombing of the Imam al-Sadeq Mosque in Kuwait city was carried out and resulted in the death of twenty-seven people. The attack occurred after two of the three al-Zahrani brothers drove into Kuwait with the explosives in an ice cooler. The same type of explosives were also linked to two suicide bombings in Saudi Arabia on May 22<sup>nd</sup> on the Imam Ali bin Abi Talib Mosque in Qudayah, killing twenty-one, and on May 29<sup>th</sup> on the al-Anoud Mosque in Dammam, that resulted in the deaths of four. The raid that resulted in the arrest of the Faisal al-Zahrani took place on the border with Kuwait, and one Saudi officer was shot in the process. The Saudi Interior Minister is quoted as saying that the arrests were due to their role in the Kuwait City bombing. With all of the bombings listed, the Islamic State claimed responsibility. While the brothers were arrested by Saudi Arabia, both countries have significant reasons to wish to prosecute the brothers. This case, the first of its kind to be considered by the Court, will deal with extradition, and choosing which state has the right to try these persons. This is notable as it overlays many complex legal issues. The first of which is in itself the heart of the matter, extradition within the Arab League. The Arab Agreement on International Affairs says that states must seek to conduct such diplomatic affairs, stressing the “coordinat[ion]...collaboration...and to consider in general the affairs and interests of the Arab countries” making explicit reference to “matters relating to nationality, passports and visas, execution of judgments, and **extradition of criminals**” (emphasis my own). Yet in Saudi Arabia’s Basic Law of Governance (1992), it outlines in Article 42 that “...international agreements and law shall define rules and procedures for the extradition of *common criminals*”. Does this imply that Saudi Arabia must default to extradition in this case, despite the Kingdom having a legitimate want to try the brothers, thus risk violating their international agreements, which their law states should be obeyed? Or, because these brothers are not “common criminals”, do their crimes cause significant distinction in the eyes of national law to allow for international

agreements to be superseded, requiring them to not grant extradition? Then there is the issue of whether extradition should occur, where this problem sees itself materializing in the question as to which state has the better claim in trying these persons. Or in other words, who should try this case? In international law, there is no hierarchy of which rationale trumps another in determining which state may hear a criminal case that involves multiple states. Cases have been heard in respective countries for multiple reasons: that the accused were citizens of the trying state, that the offenses took place on the trying state's soil, that the victims of the crime were primarily citizens of the trying state, that the trying state was the body which undertook the arrest, inter alia. Through these rationales, Saudi Arabia has multiple arguments at their disposal, as does Kuwait. Yet, one in particular is of special interest, as it involves Saudi Arabia invoking the right to try the brothers on the basis that they are citizens of the Kingdom. This is interesting because the brothers are agents of the Islamic State, so as such, did they or did they not revoke their Saudi citizenship? If they did, does that make them nation-less (as would be wise for the court to adopt this reading if it accepts the claim that the brothers are no longer Saudi), or are they citizens of the Islamic State (an unwise ruling, in which the Court and thus the Arab League would be giving tacit recognition to IS)? And of course, Saudi Arabia will be free to argue that the brothers are also implicated in other crimes against Saudi people, so it will be up to the court to decide what takes precedence, and what solution to rule between the two countries.

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