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Experts of the International Law Association found that domestic courts afford 'considerable weight' to the interpretation of human rights treaties by the expert bodies that these treaties establish (see Committee on International Human Rights Law and Practice of the International Law Association, *Final Report on the Impact of the Work of the United Nations Human Rights Treaty Bodies on National Courts and Tribunals*, adopted at the 2004 Berlin Conference [full text (<http://www.ila-hq.org/download.cfm/docid/3B0BF58A-C096-4113-830E8E1B5BC6DEC5>)]). Particularly in countries where international law is considered to be directly applicable under relatively loose conditions, this tendency may be further strengthened by the position adopted in recent years by the International Court of Justice. It was already apparent in its Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* that the Court would in principle consider, in its interpretation of human rights treaties, the views expressed by the expert bodies established under such treaties (Advisory Opinion of 9 July 2004, I.C.J. Reports 2004, 136, paras. 108-110).

In the *Case of Ahmadou Sadio Diallo*, the World Court went one step further, apparently establishing a presumption that it would, in principle, follow the interpretation given by such expert bodies to the treaties concerned. At stake in that case was the significance to be recognized to Article 13 of the International Covenant on Civil and Political Rights, which guarantees certain procedural rights to aliens facing expulsion from the territory of a State party to the Covenant, including the right to be expelled only pursuant to a decision reached 'in accordance with law'; and to Article 12, para. 4, of the African Charter of Human and Peoples' Rights, which uses a similar formulation. The Court interpreted these provisions as including a requirement that the applicable domestic law in accordance with which the expulsion takes place 'must itself be compatible with the other requirements of the Covenant and the African Charter', and that the expulsion 'must not be arbitrary in nature, since protection against arbitrary treatment lies at the heart of the rights guaranteed by the international norms protecting human rights' (para. 65).

It added (International Court of Justice, *Case of Ahmadou Sadio Diallo* (Republic of Guinea v. Democratic Republic of Congo), judgment of 30 November 2010, para. 66):

The interpretation above is fully corroborated by the jurisprudence of the Human Rights Committee established by the Covenant to ensure compliance with that instrument by the States parties (see for example, in this respect, *Maroufidou v. Sweden*, No. 58/1979, para. 9.3; Human Rights Committee, General Comment No. 15: The position of aliens under the Covenant).

Since it was created, the Human Rights Committee has built up a considerable body of interpretative case law, in particular through its findings in response to the individual communications which may be submitted to it in respect of States parties to the first Optional Protocol, and in the form of its "General Comments".

Although the Court is in no way obliged, in the exercise of its judicial functions, to model its own interpretation of the Covenant on that of the Committee, it believes that it should ascribe great weight to the interpretation adopted by this independent body that was established specifically to supervise the application of that treaty. The point here is to achieve the necessary clarity and the essential consistency of international law, as well as legal security, to which both the individuals with guaranteed rights and the States obliged to comply with treaty obligations are entitled.



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