Alex Saab v. Cabo Verde: Matters Arising

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I. SUMMARY OF FACT

Alex Nain Saab Moran v Cabo Verde,[1] was an application brought to the Economic Community of West African States Community Court of Justice (ECCJ), raising several important issues in the sphere of diplomatic immunity.

It was the case of the applicant that while on a special mission to Iran on 12th June, 2020, pursuant to his duties as a Special Envoy for the Government of Venezuela with the mandate to negotiate with Organizations in Iran to secure humanitarian aid for the people of Venezuela, pursuant to an agreement between the government of Venezuela and Iran to that effect, the plane with which the Applicant was travelling made a stopover in the Republic of Cabo Verde to refuel. In the process, the Applicant was arrested by the Cabo Verdean authority based on a red notice allegedly issued by INTERPOL, at the request of the United States of America for purposes of his extradition based on the United Nations Convention against Transitional Organized Crime, for money laundry crimes allegedly committed in the United States. At the beginning of his detention, neither the red alert nor the arrest warrant issued by a US District Court was shown to him. The Applicant was brought before a Cabo Verdean national court for extradition proceedings, against which he made several applications for reliefs before the national courts of Cabo Verde on the basis of immunity before filing this application at the ECCJ seeking several reliefs against Cabo Verde, principally on grounds of diplomatic immunity. In fact, while the case was ongoing,

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the Applicant informed the Court that he has been appointed an alternate ambassador to the African Union (AU). The Court considered his claims and rendered its decision accordingly.

This review seeks to analyse the reasoning and conclusion of the Court in the light of the relevant principles of international law on the point, as presented in the following paragraphs.

II. Issues Raised for Determination before the Court

In the application, the Applicant invited the Court to consider and determine:

(a) whether the Applicant was subjected to arbitrary detention in Cabo Verde;
(b) whether the Applicant is the victim of political persecution by the United States, and consequently by Cabo Verde;
(c) whether the Applicant's procedural rights were violated during the detention and extradition procedure in Cabo Verde; and
(d) whether there is a real probability that the Applicant's human rights will be violated if he is extradited to the USA.

The Court dismissed his claim on all other grounds for lack of proof, except for the ground of arbitrary detention in Cabo Verde, where he was successful. It was on this ground that the Court ordered that the extradition proceedings be discontinued and that the Applicant be immediately released. The Court also awarded him a compensation of Two Hundred Thousand USD for the moral damages suffered as a result of illegal detention.[2]

We have decided to limit our discussion of the case to the ground relating to immunity and inviolability and absence of arrest warrant and a red alert in Cabo Verde, which

[2](n 1), p. 407

raised some salient issues of public international law that we thought the Court should have avoided. Though not one of the basis of claims raised by the Applicant, issues relating to the right of the Applicant to approach the Court for enforcement of its judgment discussed by the Court at the end of the case is of interest and shall also be discussed.

(a) Whether the Applicant was subjected to Arbitrary Detention in Cabo Verde

As earlier stated, this was the only ground on which the Applicant succeeded in his claim. On this ground, he had presented two reasons for urging the Court to declare that his arrest was arbitrary and illegal: the first was his immunity and inviolability as a special envoy; and the 2nd was that he was not a subject of an arrest warrant or even a red alert in Cabo Verde.

On grounds of immunity and personal inviolability, the Court found that the Applicant did not demonstrate the grounds on which, at the time of his arrest, he could invoke immunity and inviolability for failing to satisfy the conditions precedent, (*inter alia*) having failed to notify Cabo Verde that he was traveling through its territory. Therefore, the Court held that the detention was rendered neither illegal nor unlawful on grounds of immunity and inviolability. Regarding his claim of ambassadorial status to the African Union, the Court took the view, *inter alia*, that:

> Since the Applicant is not in the territory of the respondent with a view of crossing it in order to assume his functions (but rather being held in preventive custody in the light of criminal proceedings), he has not demonstrated that the requirements obliging the Respondent State to grant him the inviolability and immunities which he now claims to enjoy are met.[3]

[3] *Ibid*, para 387

The Court was also of the view that the Applicant failed to demonstrate how his appointment as an ambassador to the AU after his arrest for the purpose of extradition may grant him retroactive diplomatic immunity and inviolability, under the terms of article 40 of the Vienna Convention on Diplomatic Relations.[4]

It is axiomatic and correctly stated by the Court that inviolability and immunity are prerogatives granted to certain State officers by two seminar Conventions: the Vienna Convention on Diplomatic Relations[5] and the Vienna Convention on Consular Relations.[6] While the former Convention expressly grants immunity and inviolability to diplomatic agents, the latter grants certain degree of immunity and inviolability to consular agents. Such other categories of State officers as Heads of State and ministers for foreign affairs are covered by customary international law (CIL), as a reflection of sovereign immunity, given that they embody the State and so reflect its rights and privileges abroad. [7]

There is also the Convention on Special Missions,[8] which prominently featured in the judgment of the Court, of particular relevance is article 42 of the Convention,[9] which requires third States to grant "inviolability and such other immunities as may be required to ensure … [the] transit or return" of a State's representative on special mission. It is however unclear the basis for which this Convention was accorded such considerable attention in the reasoning of the Court, given the fact that neither Venezuela nor Cabo Verde is a party to this Convention, thus excluding its application

[4] *Ibid*, para 385
[5] Adopted 19 April 1961, entered into force 24 April 1964) United Nations, Treaty Series, 500, p. 95
[6](adopted 22 April, 1963, entered into force 19 March, 1967), United Nations, Treaty Series, vol. 596, 261
[7] *Arrest Warrant of 11 April 2000 (Democratic Republic of Congo v. Belgium*) ICJ Rep 3, 2002; D Akade and S Shah, "Immunities of States Officials, International Crimes and Foreign Domestic Courts" 21(4), 2011 EJIL 815, 820-821; *Immunities and Criminal Proceedings (Equatorial Guinea v. France), Preliminary Objections,* ICJ Rep, 2018, 292
[8] (adopted 8 June 1969, entered into force 21 June 1985), United Nations, Treaty Series, Vol. 1400, p. 339
[9] United Nations Convention on Special Missions (adopted 8 June 1969, entered into force 21 June 1985) 1400 UNTS 231

to them, except to the extent that the provision of the Convention (specially article 42) could be established to have crystalised as CIL, within the contemplation of the decision of the International Court of Justice (ICJ) in the *North Sea Continental Shelf* cases[10] and the *Continental Shelf* case.[11]

Although neither the Court nor the parties pursued the application of the Convention on the basis of CIL, there is some degree of relevance in the decision of the Criminal Chamber of German Federal Supreme Court in *Tabatabai Case* that:

> Irrespective of the United Nations Special Missions Convention, there is a customary rule of international law based on State practice and opinion Juris which makes it possible for an Adhoc envoy, who has been charged with a special political mission by the sending State, to be granted immunity by individual agreement with host State for that mission and its associate status and therefore for such envoys to be placed on a part with the members of the permanent missions of State protected by international treaty law.[12]

It is important to remark however, that as the German Court is not a court entitled to declare CIL for the international community, that this view cannot be taken as definitive but only as indicative of the possible existence of CIL in this regard. The indication given by the German Court is however strengthened in this case by the fact that Cabo Verde was prepared to accept the application of the Convention to it; this enables us assume that Cabo Verde accepted the provisions as CIL. Indeed, there are

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[10] *North Sea Continental Shelf cases (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands),* ICJ Rep, 3, 41, para 7 (holding that the process of a conventional rule passing into CIL is "perfectly possible and from time to time occur")

[11] *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene*, ICJ Rep, 1984, 3, 29, para 27 ("holding that multilateral Conventions have an important role to play in recording and defining rules deriving from custom, or indeed in developing them")

[12] *United States of America v Tabatabai* (1984) Case No 4 Str 396/83

several instances where the ICJ applied the CIL version of a conventional rule to States that were not parties to the Convention. In *Certain Questions of Mutual Assistance in Criminal Matters*,[13] for instance, the ICJ held that article 31(3) of the Vienna Convention on the Law of Treaties was declaratory of CIL and therefore applicable to Djibouti and France, which were not parties to the Convention.[14]

It bears stating that even if both States were parties to the Convention and Venezuela felt its provisions were breached by Cabo Verde, all it could do was to approach the ICJ or arbitration by way of the jurisdictional clause contained in the Optional Protocol to the Convention on Special Missions concerning the compulsory settlement of disputes, adopted same day as the principal Convention.[15] That will even be if both States are parties to the Optional Protocol. It is thus clear that neither the principal Convention nor the Optional Protocol grants any court the power to litigate the provisions at the suit of individuals; it was thus for Venezuela, as Mexico did in *Avena v. other Mexican Nationals*[16] and Germany did in *LaGrand case,*[17] respecting the breach of the Vienna Convention on Consular Relations, to invoke its right under the Convention against Cabo Verde. Needless to say that such an action would clearly fall outside the jurisdiction of the ECCJ by the fact that Venezuela is not entitled to come before the Court under article 9 of its Protocol, which expressly limits such capacity to member States of ECOWAS. As the Convention is not opposable to either party, the Court should simply have resisted the temptation of delving into that field, as it is important that the Court does not allow itself to be lured into the controversial application of unrelated principles in the guise of human rights litigation.

[13] *(Djibouti v. France)*, ICJ Rep, 2008, 177
[14] *Ibid,* p. 219, para112
[15] United Nations, Treaty Series, Vol. 1400, p. 339
[16] *(Mexico v. United States of America)*, ICJ Rep, 2004, 12
[17] *(Germany v. United States of America)*, ICJ Rep, 2001, 466

Importantly, it does not even appear that the applicant sought to rely on the Convention on Special Mission nor on the International Covenant on Civil and Political Rights, as his arguments were hinged on State immunity under CIL.

Although the Court properly appraised the facts and correctly applied the law, one wonders whether the Court should have ventured into the realm of diplomatic immunity in the first place, let alone at the suit of the Applicant. The Court should, perhaps, have had recourse to the rule of international law applied by the United States District Court in *United States v. Noriega,*[18] where the court declared, "[a]s a general principle of international law, individuals have no standing to challenge violations of international treaties in the absence of protest by the sovereign involved."

Equally so, is the Court's foray into the realm of recognition of States and Governments. In our view, be it by way of obiter or the actual matter to be considered by the Court, there was no real occasion for the Court to allow a discussion on recognition delay it. The fact that there was a recognized government in Venezuela did not arise in anyway and was not necessary to the decision of the case nor was it conducive to the amplification of the reasoning of the Court.[19] Even if it were necessary, did the Court, as an organ of a regional organisation, consider itself competent to pronounce on the recognition or otherwise of a foreign State for the purpose of the application of general international law? Also, having held that there was a violation (rightly or wrongly) of the rights of the Applicant, it is arguable to state that there was no need for the court to make any pronouncements on immunity and recognition.

[18] 746 F.Supp. 1506, 1533 (S.D. Fla. 1990)
[19] (n 1), para 87-92

(b) Absence of Arrest Warrant or even a Red Alert in Cabo Verde

The next question the Court addressed, was whether the arrest, pursuant to extradition complied with the national law of Cabo Verde.

On this note, the Court began by expressing the view that the execution of extradition based on red notice must comply with established national laws or the conditions prescribed in the applicable bilateral or unilateral treaties.[20] The Court noted that apart from the United Nations Convention against Transitional Organized Crime, Cabo Verde and the United States are parties to, there is no Bilateral Treaty relationship on extradition between them, except that Cabo Verde sought to justify the acts based on CIL. The Court therefore examined the national laws of Cabo Verde and came to the conclusion that the arrest and violation did not comply with laid down national laws and that the violation was not cured by the validation of same by a national Judge.

The Court thereafter examined the finding in the light of article 6 and 9 the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, respectively; it emphasised the effect of failure to comply with internal laws and procedure on a finding of the lawfulness or unlawfulness of an arrest and detention; and took the firm view that the arrest and detention of a person without warrant or due process and without any Court order, amounts to violation of a right from freedom of arrest and arbitrary detention as provided in article 9(1) of the ICCPR.[21] The Court concluded that the absence of a red alert at the point of arrest and the failure to obtain a warrant as required by municipal law meant that Cabo Verde carried out an unlawful arrest and detention, affirming that deprivation of liberty,

[20] *Ibid*, para 136
[21] *Ibid*, para 165

must in all cases be carried out in compliance with law – both national and international law.[22]

Generally, red notice is a "lookout" notice – a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender or similar legal action. Red Notices apply to people wanted for prosecution or to serve a sentence.[23] A red notice is not an international arrest warrant. Nonetheless, it is an international administrative act: namely, an act of authorization (to publish and circulate a national arrest warrant).[24] INTERPOL authorizes the publication and circulation of the red notice if three conditions are met:

a. the person sought is the subject of criminal proceedings or has been convicted of a crime;
b. sufficient information is provided to allow for the cooperation requested to be effected; and
c. assurances have been given that extradition will be sought upon the arrest of the person, in conformity with national laws and/or the applicable bilateral and multilateral treaty. [25]

It is our considered view that the third condition speaks to the process of extradition and not of arrest; what it requires is that the actual process of extradition follows the right procedure, as against something like extraordinary rendition. Needless to say that a State seeking extradition hardly cares about how the subject of extradition was

[22] *Ibid*, para 135-179
[23] Interpol, Red Notices and Diffusion – Fair Trails (2013)< https://www.fairtrials.org/wp-content/uploads/Fair-Trials-International-INTERPOL-Note-of-Advice.pdf > accessed 4 January 2022
[24] Ibid
[25] European Parliament – Misuse of Interpol's Red Notice and Impact on Human Rights – Recent Development <https://www.statewatch.org/media/documents/news/2019/feb/ep-study-interpol-red-notices.podf.pdf > accessed 5 January 2022

apprehended and sometimes does not even care about how the person got to its territory.[26]

Though no bilateral agreement existed between Cabo Verde and the United State of America on the subject matter, there are rules of general international law bearing on extradition. For instance, where it is established that a person may be tortured by a State requesting extradition, he may not be surrendered for extradition.[27] The United Nations Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment,[28] prohibits the extradition of a person to a State where there is a substantial ground for believing that such a person would be in danger of being subjected to torture. Indeed, when international courts are called upon to intervene in an extradition matter, the focus has been on the human rights posture of the State seeking extradition towards to the extraditee. The concern being whether the extraditee would suffer human rights violation in the requesting State. In doing this, both the courts and the development of human rights have been on the need for a balance between human rights and the requirement of international cooperation in the suppression of crimes, and that need is even more pertinent in the increasing interdependence of States. Making this point in *Soering v. United Kingdom,* the European Court of Human Rights (ECtHR) stated:

> [I]nherent in the whole of the [European] Convention [on Human Rights] is a search for a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. As movement about the world becomes easier and crime takes on a larger international dimension, it is

[26] *Ocalan v. Turkey*, No. 46221/99, Judgment of 12 May, 2005

[27] William Cohen, "Implementing the UN Torture Convention in US Extradition Cases" 26(4) Dev J Int'l L & Pol'y 517 (1998)

[28] United Nations Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 23 ILM 1027 modified in 24 ILM 535

> increasingly in the interests of all nations that suspected offenders who flee abroad should be brought to justice. Conversely, the establishment of safe havens for fugitives would not only result in danger for the State obliged to harbour the protected person but also tend to undermine the foundations of extradition. These considerations must also be included among the factors to be taken into account in the interpretation and application of the notions of inhuman and degrading treatment or punishment in extradition cases.[29]

Though the ECCJ considered the human rights of the Applicant upon extradition, when it noted that the United States always honours its extradition commitment and so would not violate the commitments it made to Cabo Verde respecting the extradition, it failed to consider the balance envisaged by the ECtHR in soaring.

In our view, the finding that the US would respect the Applicant's human rights ought to be the core of the ECCJ's examination of the case as that is the actual point where human rights and extradition intersect.[30]

Thus the intervention by international courts in extradition proceedings is usually on that of whether the requesting State would respect the rights of the extraditee. Upholding this principle, the Canadian Supreme Court held in *Argentina v. Mellino* that "[t]he assumption that the requesting state will give the fugitive a fair trial according to its laws underlies the whole theory and practice of extradition and our courts". Drawing from *Soering*, Dugard and Wyngaert, asserted that the requested state incurs responsibility if it extradites a fugitive to a State of which it has reasonable grounds to foresee that a violation of human rights will occur.[31] So that, as

[29] 161 Eur. Ct. H.R. (ser. A) para. 89 (1989)
[30] See John Dugard & Christine van den Wyngaert, "Reconciling Extradition with Human Rights", 92 AM. J. INT'l L. 187 (1998)
[31] *Ibid,* p. 192

the *Human Rights Committee,* has had course to variously affirm, the State Party's obligation to uphold the Covenant as stated in article 2(1) thereof, is the starting point of the determination of whether extradition could implicate Covenant rights.[32]

It is difficult to agree that the ECCJ was in the position to interpret and definitively apply the municipal law of Cabo Verde over and above the national courts of Cabo Verde. It is thus possible to doubt the competence of the Court to hold that "… the illegality in the arrest and detention of the Applicant committed ab initio on 12 June 2020 cannot be cured by any act of validation by a national judge on 14 June 2020, as nothing comes from nothing – ex nihilo nihil fit".[33] I doubt if it lies within the competence of the Court to overrule municipal court in the application of municipal law. Is it not possible that there is a precedent that supported the approach adopted by the Respondent? What if such was a correct procedure in the practice of the respondent's courts? Except where municipal law is clearly in conflict with the human rights obligation of a member State or where, though not in conflict, it is being deliberately applied in such a way as to defeat the human rights obligation of the State, the Court should resist the temptation to intervene. If it were a case of municipal law being pleaded to defeat the international obligation of the Cabo Verde, the circumstances would have been fundamentally different and the Court would have been justified to intervene.[34] It is thus important that the Court always recalls that it is not permitted to constitute itself as a tribunal of municipal law, it should stay within its competence.

III. Remedies

[32] *Kindler v. Canada*, Annexed to CCPRIC/481D/470/1991, July 1993. Reported in: 14 *HRLJ,* 1993, see Margaret DeMerieux, "Extradition as the Violation of Human Rights: The Jurisprudence of the International Covenant on Civil and Political Rights", 14 NETH. Q. HUM. Rts. 23, 25 (1996).
[33] (n.1), para 162
[34] Article 27 of the Vienna Convention on the Law of Treaties, 1969

As earlier stated, one of the orders made by the court was the immediate termination of the extradition proceedings. We cannot but struggle to understand why the court felt entitled to make such a far-reaching order. What is clear is that the Court deliberately or inadvertently disregarded the need to strike a fair balance between human rights protection and crime suppression, which lies at the very heart of the criminal law and hence also of modem extradition law. The court ought to have avoided a situation where it appears it is taking sides in the extradition proceedings by assuming that the Applicant has committed no crime worthy of extradition in the requesting State. The Court should be careful not to set a precedent that allows the human rights of the applicant in cases such as this to overshadow its reasoning or becloud its vision in favour of an Applicant, whose activities pose a danger to the requesting state and by extension to the world in general. On this score, *Soering* comes into play. Here, the ECtHR acknowledged article 1 of the European Convention on Human Rights obligation on state parties "to secure to everyone within their jurisdiction the rights and freedoms" contained in the Convention, but stated that the obligation "cannot be read as justifying a general principle to the effect that, notwithstanding its extradition obligations, a Contracting State may not surrender an individual unless satisfied that the conditions awaiting him in the country of destination are in full accord with each of the safeguards of the Convention."[35]

We are of the view that the court should have awarded damages in favour of the Applicant for the its finding that the arrest was unlawfully carried out and refuse on rule on the issue of extradition, since as it were, the question as to whether he should be extradited was already pending before the municipal law of the applicant, which is the proper forum for such a determination. We are not aware of any ECOWAS text that bears on extradition between ECOWAS States *inter se*, let alone ECOWAS States and

[35](n.29) para 86

third states. Even if there were, the Court is precluded from venturing into such texts at the suit of individuals.

IV. Request to Impose Sanctions against the Respondent for failure to fufil its obligations as an Economic Community of West African States (ECOWAS) Member State.

The applicant invited the Court to invoke Supplementary Act A/SP.13/02/12 on Sanctions on member States that Fail to Honour their Obligations (Sanctions Supplementary Act). The fact that the Court refused and rightly too, to accede to the applicant's request is not the point of our interest in this matter. For completeness, it is essential to state that the Court held that it is the member States and the Commission that have the locus to bring proceedings before the Court for the application of the Sanctions Supplementary Act,[36] following article 10(d) of the Court's Protocol.

Our interest here is the extent to which a non-ECOWAS citizen is permitted to litigate Community texts.[37] Though the Court did not make any pronouncement on this, it however invited by its pronouncements on the point. Thus, quoting *Pinheiro v. The Republic of Ghana*, it affirmed that "…the community citizen who has been a victim of an alleged violation of a right enshrined in the community protocol by a member state is provided with two alternatives….", before holding that "the applicant, being an individual, has no locus standi to bring an action against a Member State for breach of its obligations enshrined in community texts".[38]

This raises two issues: the first is what qualifies as community text for the purpose of the Protocol of the Court; and the second (b) whether, it was possible for the Commission, a member State or the Applicant's State of nationality to invoke the Community Text – the Sanctions Supplementary Act on his behalf, since he is an

[36] (n.1), para 358
[37] LRCCJ (2012), para 359
[38] (n.1), para 364

alien. The questions take us to article 10 by which access to the Court is open to the following: "(a) Member States, and unless otherwise provided in a Protocol, the Executive Secretary, where action is brought for failure by a Member state to fulfill an obligation; b) Member States, the Council of Ministers and the Executive Secretary in proceeding for the determination of the legality of an action in relation to any community text".

Basically, community texts are text adopted by the Community to apply to member States and Community citizens. They are basically geared towards achieving the goals of the Community and intended to benefit Community Citizens (defined in article 1 of Protocol A/P.3/5/82) to the exclusion of aliens. Accordingly, it must first be shown that the Text sought to be relied upon by an alien is not exclusive to ECOWAS Citizens. For this purpose, two types of community text may be distilled: (a) those aimed at integration of the citizens of the community into a unit by way of benefits and obligations; and (b) those relating to human rights. While as this stand at the moment, no State or the Commission can bring an action to enforce those exclusive provisions for and on behalf of aliens, nothing stops a state or the commission from invoking the Sanctions Supplementary Act to invoke obligations arising from community texts which are also contained in human rights instruments for and on behalf of aliens. For the avoidance of doubt, the African Charter on Human and Peoples' Rights and other human rights instruments – such as the International Covenant on Civil and Political Rights – are applied by the court as community texts, irrespective of the fact that they are instruments made under the auspices of other organisations. They are applied as community texts by virtue of article 4(g) of the ECOWAS Revised Treaty, 1993, and article 1(h) of the Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the

Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security, 2001 (the Dakar Protocol). The latter provisions is wider in scope than article 4(g) in that unlike the African Charter, which incorporated only the African charter into the community text, the latter specifically incorporated "The rights set out in the African Charter on Human and People's Rights and other international instruments…".

It conduces to say therefore that but for the restriction of the right of individuals to invoke community texts before the court, the Applicant, though not a community citizen would have been entitled to invoke the Sanctions Supplementary Act against Cabo Verde insofar as they text was being invoked to enforce a community obligation – human rights – owed to him even as an alien. It thus follows by extension that the commission or any state of ECOWAS would have been able to invoke the Sanctions Act against Cabo Verde for failure to obey the decision of the court respecting the enforcement of his rights. Unfortunately, no right of enforcement lies with his state of nationality, Venezuela, to the effect that it had no competence to step in upon the failure of both the ECOWAS commission and any other member state to invoke the Sanctions Supplementary Act on his behalf. In fact article 10 of the court's protocol is very clear on the fact that the right to come before the court is reserved for member States.

Conclusion

Compared to other cases that have come before the court since its inception, this case is unique for several reasons, not least of which is the fact that it raised issues that the court has had no opportunity to deal with previously. Though not exhaustive, as we did not set out to discuss all the issues raised in the case, we have so far discussed certain aspects of the case – immunity, the court's intervention in municipal law, and

the right of aliens to invoke community texts before the Court – that we thought needed to be highlighted.

While the steadfastness of the court in the protection of human rights is commendable, it is essential for the court to exercise the usual caution of not assuming jurisdiction except the ground upon which it has been invited to assume jurisdiction is such for which it can render a final decision within the four corners of its limited jurisdictional mandate. The need for this caution takes higher importance for the fact that there is at the moment no forum of appeal of the decisions of the court, so that the court has no means of correcting a judgment that is impossible of enforcement.