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INTERNATIONAL COURT OF JUSTICE

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Telex 32323

Communiqué

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Nicaragua requests provisional measures
in its case against Honduras

The following information is communicated to the press by the Registry of the International Court of Justice:

On 21 March 1988 Nicaragua filed a request for the indication of provisional measures in the case which it brought against Honduras concerning Border and Transborder Armed Actions on 28 July 1986. Proceedings in this case had previously been retarded at the request of both parties following the signature on 7 August 1987 of the "Procedure for the establishment of a stable and lasting peace in Central America" by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua - the "Esquipulas 2 Agreement". By July 1987 the parties had each filed a pleading addressed to the question of the Court's jurisdiction, which Honduras contests.

Attached to the text of the new request is a translation of a message of 19 March 1988 in which President Daniel Ortega tells the Nicaraguan people that their country "has no alternative but to reactivate" its case against Honduras. The measures now requested are as follows:

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- (a) The making of an enquiry either on the basis of the provisions of Article 50 of the Statute or on the basis of the provisions of Article 66 of the Rules of Court investigating in situ the recent incidents in the Bocay region and the causes of such incidents.
 - (b) The recommendation by the Court of the creation of a group of observers by the appropriate organ of the United Nations to monitor incidents in the border region.
 - (c) The right of Nicaragua to territorial sovereignty should be fully respected by Honduras.
 - (d) The duty of the Government of Honduras to observe the principle of non-intervention in the affairs of Nicaragua and, as a consequence, the duty of that Government to terminate its policy of giving refuge and other forms of assistance to the contra forces operating from within its territory."

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(Article 50 of the Court's Statute reads as follows: "The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion". Article 66 of the Rules of Court deals with arrangements for the "obtaining of evidence at a place or locality to which the case relates".)

Pending the final decision of a case between States, the Court has the power, under Article 41 of its Statute, to indicate "any provisional measures which ought to be taken to preserve the respective rights of either party". If a request for such measures is received from a party, it has to be dealt with as a matter of first priority. The Court proceeds to an early decision after giving each party an opportunity to be heard.
