



INTERNATIONAL COURT OF JUSTICE

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Communiqué
unofficial
for immediate release

27 May 1992

CASE CONCERNING BORDER AND TRANSBORDER ARMED ACTIONS

(NICARAGUA v. HONDURAS)

ORDER

Present: President Sir Robert JENNINGS; *Vice-President* ODA; *Judges* LACHS, AGO, SCHWEBEL, BEDJAOUI, NI, EVENSEN, TARASSOV, GUILLAUME, SHAHABUDDEEN, AGUILAR MAWDSLEY, RANJEVA, AJIBOLA; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

Having regard to Article 48 of the Statute of the Court, and to Article 89 of the Rules of Court,

Having regard to the Application filed by the Republic of Nicaragua on 28 July 1986 by which the proceedings in this case were instituted against the Republic of Honduras,

Having regard to the Judgment delivered by the Court on 20 December 1988 by which it found that it had jurisdiction to entertain that Application, and that that Application was admissible,

Having regard to the Orders made by the President of the Court on 21 April and 31 August 1989 by which time-limits for written proceedings on the merits were fixed and subsequently extended, and having regard to the Memorial filed by Nicaragua on 8 December 1989,

Having regard to the agreement between the Parties dated 12 December 1989, notified to the Court on 13 December 1989, providing (*inter alia*) that the Parties would immediately request the postponement of the date for the fixing of the time-limit for the Counter-Memorial of Honduras until 11 June 1990, and that if no extra-judicial settlement of the dispute had been reached by that date, either Party might request that Honduras be granted six months for the filing of its Counter-Memorial,

Having regard to the Order made by the Court on 14 December 1989 by which the Court, taking into account the said agreement, decided that the time-limit for the Counter-Memorial of Honduras was extended from the date originally fixed (19 February 1990) to a date to be fixed by an order to be made after 11 June 1990;

Whereas neither Party has since requested the Court to fix the time-limit for the Counter-Memorial;

Whereas by a letter dated 11 May 1992, and received in the Registry the following day, the Agent of Nicaragua informed the Court that, taking into consideration that the Parties had reached an out-of-court agreement aimed at enhancing their good neighbourly relations, the Government of Nicaragua had decided to renounce all further right of action based on the case, and that that Government did not wish to go on with the proceedings;

Whereas a copy of that letter was forthwith transmitted by the Registrar to the Government of Honduras, which was informed that the President of the Court had fixed 25 May 1992 as the time-limit within which the Government might state whether it opposed discontinuance of the proceedings;

Whereas by a letter dated 14 May 1992, transmitted to the Registrar by facsimile on 18 May 1992, the Co-Agent of Honduras informed the Court that his Government did not oppose discontinuance of the proceedings,

Places on record the discontinuance by the Republic of Nicaragua of the proceedings instituted by the Application filed on 28 July 1986; and

Orders that the case be removed from the list.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-seventh day of May, one thousand nine hundred and ninety-two, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Nicaragua and the Government of the Republic of Honduras, respectively.

(Signed) R. Y. JENNINGS,
President.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.

No. 92/23
11 September 1992

Case concerning Passage through the Great Belt
(Finland v. Denmark)

Discontinuance

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

In the Order of 29 July 1991, by which the Court adjudicated upon a request by Finland for the indication of provisional measures in the above case (cf. Press Communiqué 91/24, of that same date), the Court declared inter alia that "pending a decision of the Court on the merits, any negotiation between the Parties with a view to achieving a direct and friendly settlement is to be welcomed".

By a letter dated 3 September 1992 the Agent of Finland, referring to the passage quoted above, stated that a settlement of the dispute had been attained and accordingly notified the Court of the discontinuance of the case by Finland.

By a letter dated 4 September 1992 the Agent of Denmark, to whom a copy of the letter from the Agent of Finland had been communicated, stated that Denmark had no objection to the discontinuance.

Consequently, the President of the Court, on 10 September 1992, made an Order recording the discontinuance of the proceedings and directing the removal of the case from the Court's list.

Case concerning Maritime Delimitation
between Guinea-Bissau and Senegal

Fixing of time-limits for pleadings postponed pending
negotiations for possible settlement of the dispute

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

At the time when proceedings were instituted in this case (see Press Communiqué No. 91/8, 13 March 1991), proceedings were still in progress in the case instituted by Guinea-Bissau against Senegal on 23 August 1989, concerning the Arbitral Award of 31 July 1989.

Article 31 of the Rules of Court provides that

"In every case submitted to the Court, the President shall ascertain the views of the parties with regard to questions of procedure. For this purpose he shall summon the agents of the parties to meet him as soon as possible after their appointment, and whenever necessary thereafter,"

and Article 44, paragraph 1, of the Rules provides that

"1. In the light of the information obtained by the President under Article 31 of these Rules, the Court shall make the necessary orders to determine, *inter alia*, the number and the order of filing of the pleadings and the time-limits within which they must be filed."

However, as was made clear in the Application instituting the new case, the question of the Court's jurisdiction to entertain it would appear in a different light according to the Court's decision in the first case, on the validity of the Award of 31 July 1989. Accordingly, with the agreement of the Parties, no action was taken to fix time-limits for the pleadings in the new case, pending the Court's decision in the first case.

Judgment in the first case was given on 12 November 1991 (see Press Communiqué No. 91/32). After the two Governments concerned had had time to study that Judgment, the President of the Court convened a meeting with the representatives of the Parties on 28 February 1992, at which however they requested that no time-limit be fixed for the initial pleadings in the case, pending the outcome of negotiations on the question of maritime delimitation; those negotiations were to continue for six months in the first instance, after which, if they had not been successful, a further meeting would be held with the President.

No indications having been received from the Parties as to the state of their negotiations, the President convened a further meeting with the Agents on 6 October 1992. The Agents stated that some progress had been made toward an agreement, and a joint request was made by the two Parties that a further period of three months, with a possible further extension of three months, be allowed for continuation of the negotiations. The President agreed to this, and expressed satisfaction at the efforts being made by the Parties to resolve their dispute by negotiation, in the spirit of the recommendation made in the Judgment of 12 November 1991 (see Press Communiqué No. 91/32, p. 11).

No. 92/26
2 November 1992

Iran brings a new case against
the United States

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

Today, 2 November 1992, the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America with respect to the destruction of Iranian oil platforms.

The Islamic Republic founds the jurisdiction of the Court for the purposes of these proceedings on Article XXI(2) of the Iran/United States Treaty of Amity, Economic Relations and Consular Rights, signed at Tehran on 15 August 1955.

In its Application Iran alleges that the destruction caused by several warships of the United States Navy, on 19 October 1987 and 18 April 1988, to three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, constituted a fundamental breach of various provisions of the Treaty of Amity and international law. In this connection Iran refers in particular to Articles I and X(1) of the Treaty which provide respectively:

"There shall be firm and enduring peace and sincere friendship between the United States of America and Iran",

and

"Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation."

The Islamic Republic accordingly requests the Court to adjudge and declare as follows:

"(a) That the Court has jurisdiction under the Treaty of Amity to entertain the dispute and to rule upon the claims submitted by the Islamic Republic;

- (b) That in attacking and destroying the oil platforms referred to in the Application on 19 October 1987 and 18 April 1988, the United States breached its obligations to the Islamic Republic, *inter alia*, under Article I and X(1) of the Treaty of Amity and international law;
- (c) That in adopting a patently hostile and threatening attitude towards the Islamic Republic that culminated in the attack and destruction of the Iranian oil platforms, the United States breached the object and purpose of the Treaty of Amity, including Articles I and X(1), and international law;
- (d) That the United States is under an obligation to make reparations to the Islamic Republic for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings. The Islamic Republic reserves the right to introduce and present to the Court in due course a precise evaluation of the reparations owed by the United States; and
- (e) Any other remedy the Court may deem appropriate."

No. 93/11
11 May 1993

Election of a Member of the International Court of Justice

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

The Court has been informed by the Secretary-General of the United Nations that on Monday, 10 May 1993, the United Nations General Assembly and Security Council, in accordance with Article 10 of the Statute of the Court, elected Mr. Géza Herczegh (Hungary) to be a Member of the Court.

Judge Herczegh has been elected to fill the vacancy left by the death on 14 January 1993 of Judge Manfred Lachs (Poland). His term of office thus extends until 5 February 1994 (Article 15 of the Statute of the Court).

Following the election of Judge Herczegh, the composition of the Court is now as follows:

President: Sir Robert Yewdall Jennings (United Kingdom)
Vice-President: Shigeru Oda (Japan)
Judges: Roberto Ago (Italy)
Stephen M. Schwebel (United States of America)
Mohammed Bedjaoui (Algeria)
Ni Zhengyu (China)
Jens Evensen (Norway)
Nikolai K. Tarassov (Russian Federation)
Gilbert Guillaume (France)
Mohamed Shahabuddeen (Guyana)
Andrés Aguilar Mawdsley (Venezuela)
Christopher G. Weeramantry (Sri Lanka)
Raymond Ranjeva (Madagascar)
Prince Bola Ajibola (Nigeria)
Géza Herczegh (Hungary)
