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INTERNATIONAL COURT OF JUSTICE

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Communiqué

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Dist. Judges and staff.
The Hague list P.P. P.O. (1600)

No. 85/16

11-9-85:

10 September 1985

List P.P. P.O. (0900)

Military and Paramilitary Activities in and against
Nicaragua (Nicaragua v. United States of America)

Hearing to open on the merits

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

On Thursday 12 September 1985, at 10 a.m., at the Peace Palace in The Hague, the Court will begin oral proceedings on the merits of the case concerning Military and Paramilitary Activities in and against Nicaragua, between Nicaragua and the United States of America.

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The case was submitted to the Court on 9 April 1984 by an Application of the Republic of Nicaragua instituting proceedings against the United States of America in respect of a dispute concerning responsibility for military and paramilitary activities in and against Nicaragua. Nicaragua filed at the time a request for the indication of provisional measures under Article 41 of the Statute of the Court.

By an Order dated 10 May 1984, the Court indicated a number of provisional measures and also decided that the proceedings would first be addressed to the questions of the jurisdiction of the Court to entertain the dispute and of the admissibility of the Application.

The Republic of El Salvador having filed a declaration of intervention under Article 63 of the Statute, on 4 October 1984 the Court made an Order in which it decided not to hold a hearing on the declaration of intervention of the Republic of El Salvador, also deciding that this declaration was inadmissible inasmuch as it related to the phase of the proceedings concerning jurisdiction and admissibility.

The Court heard the representatives of Nicaragua and of the United States in public sittings held between 8 and 18 October 1984. On 26 November 1984, it delivered a Judgment in which it found that it had jurisdiction to entertain the case and that the Application of Nicaragua was admissible.

By...

By a letter dated 18 January 1985, the Agent of the United States made it known that, notwithstanding the Judgment of 26 November 1984, in the view of the United States "the Court is without jurisdiction to entertain the dispute and that the Nicaraguan Application of 9 April 1984 is inadmissible" and that accordingly "the United States intends not to participate in any further proceedings in connection with this case". On 22 January 1985 the Agent of Nicaragua informed the President that his Government maintained its application and availed itself of the rights provided for in Article 53 of the Statute whenever one of the Parties does not appear before the Court or fails to defend its case.

By an Order dated 22 January 1985 (I.C.J. Reports 1985, p. 3), the President fixed time-limits for the filing of pleadings on the merits. The Government of Nicaragua filed its Memorial within the prescribed time-limit (30 April 1985). No Counter-Memorial has been filed by the Government of the United States within the time-limit allotted to it, which expired on 31 May 1985, and no extension of such time-limit was requested by that Government.

The case being ready for hearing, the President decided, under Article 54 of the Rules of Court, to fix 12 September 1985 as the date for the opening of the oral proceedings in the case.

NOTE FOR THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace. Members of the press will be entitled to attend it after presentation of a press identification card or an admission card, which may be obtained upon application. The tables reserved for them are situated on the far left of the public entrance to the courtroom.

2. Photographs may be taken before the opening and during the first few minutes of the sitting. Filming for cinema or television purposes is however subject to special authorization.

3. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the oral proceedings will be relayed through a loudspeaker.

4. Members of the press may use only the public telephone in the Post Office in the basement of the Palace.

5. Mr. C. Poux, First Secretary of the Court (telephone extension 233), or, in his absence, Mr. Noble (extension 248) will be available to deal with any requests for information by members of the press.
