



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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### **Filing in the Registry of the Court of an “Application instituting proceedings by the Republic of Honduras against the Federative Republic of Brazil”**

THE HAGUE, 29 October 2009. The Ambassador of Honduras to the Netherlands yesterday filed at the International Court of Justice (ICJ) an “Application instituting proceedings by the Republic of Honduras against the Federative Republic of Brazil”.

In this document, it is stated that the “dispute between the Republic of Honduras and the Federative Republic of Brazil relates to legal questions concerning diplomatic relations and associated with the principle of non-intervention in matters which are essentially within the domestic jurisdiction of any State, a principle incorporated in the Charter of the United Nations”.

In particular, the document indicates that “[Mr. José Manuel Zelaya Rosales and] an indeterminate number of Honduran citizens”, who have been taking refuge in the Brazilian Embassy in Honduras since 21 September 2009, “are using [its] premises . . . as a platform for political propaganda and thereby threatening the peace and internal public order of Honduras, at a time when the Honduran Government is making preparations for the presidential elections which are due to take place on 29 November 2009”. It is stated that “[t]he Brazilian diplomatic staff stationed in Tegucigalpa are allowing Mr. Zelaya and his group to use the facilities, services, infrastructure and other resources in order to evade justice in Honduras”.

The following request is set out at the end of the document:

- Honduras respectfully requests the Court to adjudge and declare that it has jurisdiction to adjudicate the dispute between Honduras and Brazil and that the Application of Honduras is admissible.
- Honduras respectfully requests the Court to adjudge and declare that Brazil does not have the right to allow the premises of its Mission in Tegucigalpa to be used to promote manifestly illegal activities by Honduran citizens who have been staying within it for some time now and that it shall cease to do so. Just as Brazil rightly demands that the Honduran authorities guarantee the security and inviolability of the Mission premises, Honduras demands that Brazil’s diplomatic staff stationed in Tegucigalpa devote themselves exclusively to the proper functions of the Mission and not to actions constituting interference in the domestic affairs of another State.
- While the primary purpose of this Application is to secure a declaration that Brazil has breached its obligations under Article 2 (7) of the Charter and those under the

1961 Vienna Convention on Diplomatic Relations, the Government of Honduras reserves the right to claim reparation for any damage resulting from the actions of Brazil, of its Mission, and of the Honduran persons sheltered by it in the Mission.

- Pursuant to Article 31 of the Statute of the Court and Article 35, paragraph 1, of the Rules of Court, the Republic of Honduras gives notice of its intent to exercise the power to choose a judge *ad hoc*.
- Honduras reserves the right to amend and supplement the terms of the present Application.
- Honduras reserves the right to file a request for the indication of provisional measures should Brazil not immediately put an end to the disturbance caused to internal order in Honduras.”

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