



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)

Question of compensation

The President of the Court authorizes the submission of a Reply by Costa Rica and a Rejoinder by Nicaragua and fixes time-limits for the filing of these pleadings

THE HAGUE, 20 July 2017. By an Order dated 18 July 2017, the President of the International Court of Justice (ICJ) has authorized the submission of a Reply by Costa Rica and a Rejoinder by Nicaragua on the sole question of the methodology adopted in the expert reports presented by the Parties in the Memorial and Counter-Memorial on the question of compensation due to Costa Rica in the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua). The President fixed 8 and 29 August 2017 as the respective time-limits for the filing of these written pleadings.

The subsequent procedure was reserved for further decision.

It is recalled that, by Judgment delivered on 16 December 2015 in the joined cases concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) and Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica), the Court found, inter alia, that Nicaragua “has the obligation to compensate Costa Rica for material damages caused by Nicaragua’s unlawful activities on Costa Rican territory”. It further decided that, failing agreement between the Parties on this matter within 12 months from the date of the Judgment, the question of compensation due to Costa Rica would, at the request of one of the Parties, be settled by the Court on the basis of further written pleadings limited to this issue.

In a letter dated 16 January 2017, the Government of Costa Rica stated that the Parties had not been able to reach an agreement and requested the Court to settle the question of compensation.

By an Order dated 2 February 2017, the Court fixed 3 April 2017 and 2 June 2017 as the respective time-limits for the filing of a Memorial by Costa Rica and a Counter-Memorial by Nicaragua on the sole question of compensation. These pleadings were filed within the time-limits thus fixed.

In a letter dated 20 June 2017, Costa Rica stated that, in its Counter-Memorial, Nicaragua introduced evidence, and raised a number of arguments, in particular in respect of Costa Rica's expert evidence, which Costa Rica "ha[d] not yet had the opportunity to address". In the same letter Costa Rica, *inter alia*, contested the methodology used by Nicaragua for the assessment of the environmental harm in question. Costa Rica thus requested the Court to be given an opportunity to respond by way of a short reply.

In a letter dated 23 June 2017, Nicaragua objected to Costa Rica's request and asked the Court "to proceed and assess the relevant material damage and the amount of compensation based on the evidence that the Parties have provided in their Memorial and Counter-Memorial".

The Court having noted that "the Parties hold different views as to the methodology for the assessment of environmental harm" and found "it necessary for them to address this issue in a brief second round of written pleadings", the President of the Court authorized a second round, limited to the said issue.

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A complete history of the proceedings can be found in paras. 113-127 of the Annual Report of the Court for 2015-2016 and in Press Release No. 2017/7 of 7 February 2017, which are available on the Court's website.

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The full text of the Order of 18 July 2017 can be found in the case documents on the Court's website (under the heading "Cases"/"Pending Cases").

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the "World Court", it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the

International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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