

## REQUEST FOR INTERPRETATION OF THE JUDGMENT OF 20 NOVEMBER 1950 IN THE ASYLUM CASE

### Judgment of 27 November 1950

The judgment deals with the request for an interpretation of the Judgment which the Court had delivered on November 20th, in the Asylum Case (Colombia-Peru). This request had been submitted to the Court in the name of the Colombian Government on the very day when the judgment to be interpreted was delivered.

By twelve votes to one the Court, including two judges *ad hoc*, one designated by the Colombian Government and the other by the Peruvian Government, held that the request was inadmissible.

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In its Judgment, the Court recalls that the first condition which must be fulfilled to enable it to give an interpretation under the provisions of the Statute, is that the real purpose of the request should be to obtain an interpretation of the Judgment. This means that its object must be solely to obtain clarification as to the meaning and scope of what had been decided by the Judgment with binding force. It is also necessary that there should be a dispute between the Parties as to the meaning and scope of that Judgment.

The Court then notes that the Government of Colombia asked it to reply to three questions: Is the Judgment of November 20th, 1950, to be construed as meaning:

(a) that legal effects are to be attributed to the qualification made by the Colombian Ambassador at Lima of the offence imputed to M. Haya de la Torre?

(b) that Peru is not entitled to demand surrender of the refugee, and that Colombia is not bound to surrender him?

(c) or, on the contrary, that Colombia is bound to surrender the refugee?

On the first question, the Court found that the point had not been submitted to it by the Parties: the Court had been asked to decide only on a submission presented by Colombia in abstract and general terms.

The other two questions in reality amount to an alternative, dealing with the surrender of the refugee. This point also had not been included in the submissions of the Parties: the Court therefore could make no decision upon it. It was for the Parties to present their respective claims on this point, which they abstained from doing. When Colombia claims to detect "gaps" in the Judgment, these gaps in reality concern new points on which decision cannot be obtained by means of an interpretation: this interpretation may in no way go beyond the limits of the Judgment, as fixed in advance by the submissions of the Parties.

Finally, the condition required by the Statute that there should be a dispute is not satisfied: no dispute between the Parties had been brought to the attention of the Court, and it is shown by the very date of the request for an interpretation that such a dispute could not possibly have arisen in any way whatever.

For these reasons, the Court declared that the request for an interpretation presented by Colombia was inadmissible.

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M. Caicedo Castilla, Judge *ad hoc* designated by the Colombian Government, declared that he was unable to join in the Judgment. His declaration is appended to the Judgment.