

COUR INTERNATIONALE DE JUSTICE

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AFFAIRE HAYA DE LA TORRE  
(COLOMBIE / PÉROU)

ORDONNANCE DU 3 JANVIER 1951

1951

INTERNATIONAL COURT OF JUSTICE

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REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

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HAYA DE LA TORRE CASE  
(COLOMBIA / PERU)

ORDER OF JANUARY 3rd, 1951

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La présente ordonnance doit être citée comme suit :

« *Affaire Haya de la Torre,*  
*Ordonnance du 3 janvier 1951 : C. I. J. Recueil 1951, p. 4* »

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This Order should be cited as follows :

“ *Haya de la Torre case,*  
*Order of January 3rd, 1951 : I.C.J. Reports 1951, p. 4.*”

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## INTERNATIONAL COURT OF JUSTICE

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YEAR 19511951  
January 3rd  
General List  
No 14

Order of January 3rd, 1951

HAYA DE LA TORRE CASE  
(COLOMBIA / PERU)  

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The President of the International Court of Justice,  
having regard to Article 48 of the Statute of the Court,  
having regard to Article 37 of the Rules of Court,

*Whereas*, on December 13th, 1950, the Government of the Republic of Colombia instituted proceedings before the Court against the Government of the Republic of Peru ;

*Whereas* the Application, which refers to the Judgments of the Court of November 20th and November 27th, 1950, in the Asylum Case, declares that the Governments of the Republic of Colombia and of the Republic of Peru were unable to come to an agreement on the manner in which effect should be given to the said Judgments concerning the surrender of the refugee Víctor Raúl Haya de la Torre ;

*Whereas*, in this Application, the Government of Colombia requests the Court :

(a) As a PRINCIPAL CLAIM,

To adjudge and declare, whether the Government of the Republic of Peru enters an appearance or not, after such time-limits as the Court may fix in the absence of an agreement between the Parties :

In pursuance of the provisions of Article 7 of the Protocol of Friendship and Co-operation between the Republic of Colombia and the Republic of Peru, signed on May 24th,

1934, to determine the manner in which effect shall be given to the Judgment of November 20th, 1950 ;

and, furthermore, to state in this connection, particularly :

Whether Colombia is, or is not, bound to deliver to the Government of Peru Mr. Víctor Raúl Haya de la Torre, a refugee in the Colombian Embassy at Lima.

(b) As an ALTERNATIVE CLAIM,

In the event of the above-mentioned claim being dismissed, to adjudge and declare, in the exercise of its ordinary competence, whether the Government of Peru enters an appearance or not, and after such time-limits as the Court may fix in the absence of an agreement between the Parties, whether, in accordance with the law in force between the Parties, and particularly American international law, the Government of Colombia is, or is not, bound to deliver Mr. Víctor Raúl Haya de la Torre to the Government of Peru ;

*Whereas* the Application, which is signed by Mr. José Gabriel de la Vega, Envoy Extraordinary and Minister Plenipotentiary of the Government of Colombia to the Netherlands, acting as Agent, refers :

(a) to the Protocol of Friendship and Co-operation between the Republic of Colombia and the Republic of Peru signed at Rio de Janeiro on May 24th, 1934,

(b) to Articles 36 and 37 of the Statute of the Court,

thus specifying the provisions on which the Applicant founds the jurisdiction of the Court ;

*Whereas* the Application also states the nature of the claim and gives a succinct statement of the facts and grounds on which the claim is based ;

*Whereas*, therefore, the Application fulfils the formal conditions laid down in the Rules of Court ;

*Whereas*, on December 13th, 1950, the Government of Peru was notified by telegram of the filing of the Application, and a certified true copy was despatched to it on December 14th ; and whereas, by telegram of December 26th, this Government, acknowledging receipt of said communication, designated as its representative, for the purposes of the meeting prescribed by Article 37, paragraph 1, of the Rules, Mr. Enrique Goytisolo B., Envoy Extraordinary and Minister Plenipotentiary of the Government of Peru to the Netherlands, and reserved the designation of its Agent for further decision;

*Whereas* the Colombian Agent and the Peruvian representative, having been consulted in conformity with Article 37, paragraph 1, of the Rules, declared that their Governments were anxious to see the case submitted to the Court by the Application of December 13th, 1950, decided as soon as possible, and suggested that the written proceedings be limited to the submission of a Memorial and a Counter-Memorial ;

*Fixes* as follows the time-limits for the presentation by the Parties of the pleadings :

for the Memorial of the Republic of Colombia : February 7th, 1951 ;

for the Counter-Memorial of the Republic of Peru : March 15th, 1951.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this third day of January, one thousand nine hundred and fifty-one, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Governments of the Republic of Colombia and of the Republic of Peru respectively.

(Signed) BASDEVANT,  
President.

(Signed) E. HAMBRO,  
Registrar.