



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org

Press Release

Unofficial

No. 2011/5
23 February 2011

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

Request for the indication of provisional measures

The Court to deliver its Order on Tuesday 8 March 2011 at 3 p.m.

THE HAGUE, 23 February 2011. On Tuesday 8 March 2011, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, will deliver its Order on the request for the indication of provisional measures submitted by Costa Rica in the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua).

A public sitting will take place at 3 p.m. at the Peace Palace in The Hague, during which the President of the Court, Judge Hisashi Owada, will read the Court's Order.

History of the proceedings

On 18 November 2010, Costa Rica instituted proceedings against Nicaragua with regard to an alleged "incursion into, occupation of and use by Nicaragua's Army of Costa Rican territory as well as breaches of Nicaragua's obligations towards Costa Rica" under a number of international treaties and conventions. Costa Rica, also on 18 November 2010, filed a Request for the indication of provisional measures (see Press Release No. 2010/38).

Two rounds of oral observations on the request were held from Tuesday 11 to Thursday 13 January 2011 at the Peace Palace in The Hague, seat of the Court. During the hearings, the delegation of Costa Rica was led by H.E. Mr. Edgar Ugalde Álvarez, Ambassador of the Republic of Costa Rica to the Republic of Colombia, as Agent. The delegation of Nicaragua was led by H.E. Mr. Carlos José Argüello Gómez, Ambassador of the Republic of Nicaragua to the Kingdom of the Netherlands, as Agent and Counsel.

Submissions of the Parties

At the end of Costa Rica's second round of oral observations on Wednesday 12 January 2011, Mr. Edgar Ugalde Álvarez set out Costa Rica's request for provisional measures as follows:

"Costa Rica requests the Court to order the following provisional measures:

- A. Pending the determination of this case on the merits, Nicaragua shall not, in the area comprising the entirety of Isla Portillos, that is to say, across the right bank of

the San Juan River and between the banks of the Laguna Los Portillos (also known as Harbor Head Lagoon) and the Taura River ('the relevant area'):

- (1) station any of its troops or other personnel;
 - (2) engage in the construction or enlargement of a canal;
 - (3) fell trees or remove vegetation or soil;
 - (4) dump sediment.
- B. Pending the determination of this case on the merits, Nicaragua shall suspend its ongoing dredging programme in the River San Juan adjacent to the relevant area.
- C. Pending the determination of this case on the merits, Nicaragua shall refrain from any other action which might prejudice the rights of Costa Rica, or which may aggravate or extend the dispute before the Court."

At the end of Nicaragua's second round of oral observations on Thursday 13 January 2011, Mr. Carlos José Argüello Gómez summarized the position of his Government as follows:

"In accordance with Article 60 of the Rules of the Court and having regard to the Request for the indication of provisional measures of the Republic of Costa Rica and its oral pleadings, the Republic of Nicaragua respectfully submits that,

For the reasons explained during these hearings and any other reasons the Court might deem appropriate, the Republic of Nicaragua asks the Court to dismiss the request for provisional measures filed by the Republic of Costa Rica."

*

NOTE TO THE PRESS AND PUBLIC

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace. Mobile telephones are permitted in the courtroom provided they are switched off. Any offending device will be temporarily retained.

2. **Media representatives** are subject to an **online accreditation procedure**, details of which can be found in the Media Advisory (2011/b) attached to this Press Release. **The accreditation procedure will close at midnight on Friday 4 March 2011.**

3. **Individual visitors** (with the exception of members of the Diplomatic Corps) **and groups are subject to an online admission procedure.** They are kindly requested to fill out the relevant form on the Court's website (click on "Attending a Hearing"). **The admission procedure will close at midnight on Friday 4 March 2011.**

4. At the end of the sitting, a Press Release, a summary of the Order and the full text of the Order will be distributed. All of these documents will be made available at the same time on the Court's website.

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Mr. Boris Heim, Information Officer (+31 (0)70 302 2337)

Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)