



INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel: +31 (0)70 302 23 23. Cables: Intercourt,
The Hague. Fax: +31 (0)70 364 99 28. Telex: 32323. E-mail address:
mail@icj-cij.org. Internet address: <http://www.icj-cij.org>.

Press Release

Unofficial

No. 2003/23
25 July 2003

Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (El Salvador v. Honduras)

The Court will hold public hearings from 8 to 12 September 2003

THE HAGUE, 25 July 2003. The five-Member Chamber, which the International Court of Justice (ICJ), principal judicial organ of the United Nations, formed to deal with the case concerning the Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (El Salvador v. Honduras) will hold public hearings from Monday 8 to Friday 12 September 2003 at the Peace Palace in The Hague, seat of the Court.

As provided for in Article 61 of the Statute, these public hearings will be devoted to the question of the admissibility of the Application for revision filed by El Salvador.

History of the Proceedings

On 10 September 2002, El Salvador filed an Application for revision of the Judgment delivered on 11 September 1992 by the Chamber of the Court in the case concerning Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening). El Salvador indicated that “the sole purpose of the application is to seek revision of the course of the boundary decided by the Court for the sixth disputed sector of the land boundary between El Salvador and Honduras”.

El Salvador based its Application for revision on Article 61 of the Statute of the Court, which provides in its first paragraph that “an application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.”

In the Application El Salvador alleged that from the reasons given by the Chamber to establish the boundary line in the sixth sector, the following could be inferred:

- “(1) That a decisive factor in dismissing El Salvador’s claim to a boundary along the old and original riverbed was the lack of evidence of an avulsion of the Goascorán River during the colonial period, and
- (2) That a decisive factor that persuaded the Chamber to accept Honduras’s claim to a land boundary that follows the current course of the Goascorán, purported to be the course of the river at the time of independence in 1821, was the chart and the

descriptive report of the Gulf of Fonseca that Honduras presented and that were supposedly drawn in 1796, as part of the expedition of the brigantine El Activo.”

El Salvador claimed that it had obtained scientific, technical, and historical evidence which “demonstrates that the old course of the Goascorán River debouched in the Gulf of Fonseca at the Estero ‘La Cutú’, and that the river abruptly changed course in 1762”. It contended that this evidence, “which was not available to the Republic of El Salvador prior to the date of the Judgment, can be classified, for purposes of the revision, as a new fact, with a character such that it lays the case open to revision”.

El Salvador further claimed that “in the six months prior to making [its] application, [it] obtained cartographic and documentary evidence demonstrating the unreliability of the documents that form the backbone of the Chamber’s ratio decidendi. A new chart and a new report from the expedition of the brig El Activo have been discovered”.

El Salvador concluded that:

“For purposes of this revision, we have, then, a second new fact, whose implications for the Judgment have to be considered once the Application for revision is admitted. Because the evidentiary value of the ‘Carta Esférica’ and the report of the El Activo expedition is in question, the use of the Saco negotiations (1880-1884) for corroborative purposes becomes worthless, a problem compounded by what the Republic of El Salvador considers to be the Chamber’s erroneous assessment of those negotiations. In reality, far from reinforcing each other, the El Activo documents and the Saco documents contradict each other.”

According to El Salvador the following assertions can be made on the basis of the scientific and historical evidence now available: “(a) that the present-day course of the Goascorán River was not the course of the river in 1880-1884, much less in 1821; (b) that the old riverbed was the recognized boundary; and (c) that this riverbed was north of the Bay of La Unión, whose entire coastline belonged to the Republic of El Salvador”.

For all these reasons, El Salvador requested the Court:

- “(a) To proceed to form the Chamber that will hear the application for revision of the Judgment, bearing in mind the terms that El Salvador and Honduras agreed upon in the Special Agreement of 24 May 1986;
- (b) To declare the application of the Republic of El Salvador admissible on the grounds of the existence of new facts of such a character as to lay the case open to revision under Article 61 of the Statute of the Court; and
- (c) Once the application is admitted, to proceed to the revision of the Judgment of 11 September 1992, so that a new Judgment will determine the boundary line in the sixth disputed sector of the land frontier between El Salvador and Honduras to be as follows:

‘Starting from the old mouth of the Goascorán river in the inlet known as the La Cutú Estuary situated at latitude 13° 22’ 00” N and longitude 87° 41’ 25” W, the frontier follows the old course of the Goascorán river for a distance of 17,300 meters as far as the place known as the Rompición de los Amates situated at latitude 13° 26’ 29” N and longitude 87° 43’ 25” W, which is where the Goascorán river changed its course.’”

By an Order of 27 November 2002, the Court formed a Chamber of three Members of the Court together with two ad hoc judges chosen by the Parties, composed as follows: President G. Guillaume; Judges F. Rezek, T. Buergenthal; Judges ad hoc S. Torres Bernárdez (chosen by Honduras) and F. H. Paolillo (chosen by El Salvador).

It also fixed 1 April 2003 as the time-limit for the filing of written observations by Honduras on the admissibility of the Application for revision. Within the time-limit thus fixed, Honduras filed its observations. In its conclusions Honduras requested the Chamber to declare El Salvador's Application for revision inadmissible. The text of the written observations of Honduras is not yet in the public domain.

NOTE TO THE PRESS

1. The public hearings will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. **Mobile telephones and beepers are allowed in the courtroom provided they are turned off or set on silent mode.** Any offending device will be temporarily retained.

2. Members of the Press will be entitled to attend the hearings on presentation of a press card. The tables reserved for them are situated on the far left of the public entrance of the courtroom.

3. **Photographs and TV shots may be taken in the Great Hall of Justice for a few minutes at the opening of the sittings.** The Court's proceedings will be displayed live and in full on a large TV screen in the Press Room, located on the ground floor of the Peace Palace (Room 5). There, TV crews may connect their recording devices directly onto the new video system of the Court, but advance notice should be given to the Information Department. Journalists wishing to make sound recordings of the proceedings may connect their recording devices directly onto the Court's own audio system, also in the Press Room.

4. Telephone calls (collect calls only) may be made from the phone located in the Press Room. Public telephones are located in the Post Office in the basement of the Peace Palace.

5. The verbatim records of the public hearings will be published daily on the Court's website (www.icj-cij.org) with an appropriate delay for on-line publication of translations.

6. Mr. Arthur Witteveen, First Secretary of the Court (Tel.: +31-70-302-2336), as well as Mrs. Laurence Blairon and Mr. Boris Heim, Information Officers (Tel.: +31-70-302-2337; e-mail address: information@icj-cij.org), are available to deal with any Press requests.
