

Cour internationale
de Justice
LA HAYE

International Court
of Justice
THE HAGUE

YEAR 1991

Public sitting of the Chamber

held on Friday 29 May 1991, at 3 p.m., at the Peace Palace,

Judge Sette-Camara, President of the Chamber, presiding

*in the case concerning the Land, Island and Maritime Frontier Dispute
(El Salvador/Honduras: Nicaragua intervening)*

VERBATIM RECORD

ANNEE 1991

Audience publique de la Chambre

tenue le vendredi 29 mai 1991, à 15 heures, au Palais de la Paix,

sous la présidence de M. Sette-Camara, président de la Chambre

*en l'affaire du Différend frontalier terrestre, insulaire et maritime
(El Salvador/Honduras; Nicaragua (intervenant))*

COMPTE RENDU

Present:

Judge Sette-Camara, President of the Chamber
Judges Sir Robert Jennings, President of the Court
Oda, Vice-President of the Court
Judges *ad hoc* Valticos
Torres Bernárdez
Registrar Valencia-Ospina

Présents :

- M. Sette-Camara, président de la Chambre
 - Sir Robert Jennings, Président de la Cour
 - M. Oda, Vice-Président de la Cour, juges
 - M. Valticos
 - M. Torres Bernárdez, juges *ad hoc*

 - M. Valencia-Ospina, Greffier
-

The Government of El Salvador is represented by:

Dr. Alfredo Martínez Moreno,
as Agent and Counsel;

H. E. Mr. Roberto Arturo Castrillo, Ambassador,
as Co-Agent;

and

H. E. Dr. José Manuel Pacas Castro, Minister for Foreign Relations,
as Counsel and Advocate.

Lic. Berta Celina Quinteros, Director General of the Boundaries'
Office,
as Counsel;

Assisted by

Prof. Dr. Eduardo Jiménez de Aréchaga, Professor of Public
International Law at the University of Uruguay, former Judge and
President of the International Court of Justice; former President
and Member of the International Law Commission,

Mr. Keith Highet, Adjunct Professor of International Law at The
Fletcher School of Law and Diplomacy and Member of the Bars of
New York and the District of Columbia,

Mr. Elihu Lauterpacht C.B.E., Q.C., Director of the Research Centre
for International Law, University of Cambridge, Fellow of Trinity
College, Cambridge,

Prof. Prosper Weil, Professor Emeritus at the *Université de droit,
d'économie et de sciences sociales de Paris,*

Dr. Francisco Roberto Lima, Professor of Constitutional and
Administrative Law; former Vice-President of the Republic and
former Ambassador to the United States of America.

Dr. David Escobar Galindo, Professor of Law, Vice-Rector of the
University "Dr. José Matías Delgado" (El Salvador)

as Counsel and Advocates;

and

Dr. Francisco José Chavarría,

Lic. Santiago Elías Castro,

Lic. Solange Langer,

Lic. Ana María de Martínez,

Le Gouvernement d'El Salvador est représenté par :

S. Exc. M. Alfredo Martínez Moreno
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S. Exc. M. Roberto Arturo Castrillo, Ambassadeur,
comme coagent;

S. Exc. M. José Manuel Pacas Castro, ministre des affaires
étrangères,

comme conseil et avocat;

Mme Berta Celina Quinteros, directeur général du Bureau des
frontières,

comme conseil;

assistés de :

M. Eduardo Jiménez de Aréchaga, professeur de droit international
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Président de la Cour internationale de Justice; ancien président
et ancien membre de la Commission du droit international,

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M. Francisco Roberto Lima, professeur de droit constitutionnel et
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M. David Escobar Galindo, professeur de droit, vice-recteur de
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comme conseils et avocats;

ainsi que :

M. Francisco José Chavarría,

M. Santiago Elías Castro,

Mme Solange Langer,

Mme Ana María de Martínez,

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as Counsellors.

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Mr. Pierre-Marie Dupuy, Professor at the *Université de droit,
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Mr. Paul De Visscher, Professor Emeritus at the *Université de
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H.E. Mr. Max Velásquez, Ambassador of Honduras to the United Kingdom,

Mr. Arnulfo Pineda López, Secretary-General of the Sovereignty and
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Mr. Arias de Saavedra y Muguelar, Minister, Embassy of Honduras to
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Mrs. Salomé Castellanos, Minister-Counsellor, Embassy of Honduras to

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M. Daniel Bardonnnet, professeur à l'Université de droit, d'économie
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M. Derek W. Bowett, professeur de droit international à l'Université
de Cambridge, Chaire Whewell,

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M. Julio González Campos, professeur de droit international à
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M. Luis Ignacio Sánchez Rodríguez, professeur de droit international
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M. Alejandro Nieto, professeur de droit public à l'Université
Complutense de Madrid,

M. Paul de Visscher, professeur émérite à l'Université catholique de
Louvain,

comme avocats-conseils;

S. Exc. M. Max Velásquez, ambassadeur du Honduras à Londres,

M. Arnulfo Pineda López, secrétaire général de la Commission de
Souveraineté et de frontières,

M. Arias de Saavedra y Muguelar, ministre de l'ambassade du Honduras
à La Haye,

M. Gerardo Martínez Blanco, directeur de documentation de la
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Mme Salomé Castellanos, ministre-conseiller de l'ambassade du

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Mrs. Olmeda Rivera,

Mr. José Antonio Gutiérrez Navas

Mr. Raul Andino,

Mr. Miguel Tosta Appel

Mr. Mario Felipe Martínez,

Mrs. Lourdes Corrales,

as Members of the Sovereignty and Frontier Commission.

The Government of Nicaragua is represented by:

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H. E. Mr. Enrique Dreyfus Morales, Minister for Foreign Affairs;

Assisted by

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College, Oxford,

as Counsel and Advocate;

and

Dr. Alejandro Montiel Argüello, Former Minister for Foreign Affairs,

as Counsel.

M. Richard Meese, conseil juridique, associé du cabinet Frère
Cholmeley, Paris,

comme conseils;

M. Guillermo Bustillo Lacayo,

Mme Olmeda Rivera,

M. José Antonio Gutiérrez Navas

M. Raul Andino,

M. Miguel Tosta Appel,

M. Mario Felipe Martínez,

Mme Lourdes Corrales,

comme membres de la Commission de Souveraineté et des frontières.

Le Gouvernement du Nicaragua est représenté par :

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comme agent et conseil;

S. Exc. M. Enrique Dreyfus Morales, ministre des affaires étrangères;

assisté par

Mr. Ian Brownlie, Q.C., F.B.A., professeur de droit international
public à l'Université d'Oxford, titulaire de la chaire Chichele,
Fellow de l'All Souls College, Oxford,

comme conseil et avocat;

et

Dr. Alejandro Montiel Argüello, ancien ministre des affaires
étrangères,

comme conseil.

The PRESIDENT: The sitting is open.

This afternoon the Chamber will hear the evidence of a witness called by El Salvador pursuant to Article 63 of the Rules of Court, namely Mr. Avilés Domínguez. In accordance with Article 57 of the Rules, El Salvador indicated, prior to the opening of the oral proceedings, its intention to call Mr. Domínguez as witness, and gave his description, and fuller details about him were later supplied by El Salvador, at the request of the Agent of Honduras.

The Chamber has been informed that Mr. Avilés Domínguez will give his evidence in Spanish.

Article 70, paragraph 2, of the Rules of Court, provides that:

"Whenever, in accordance with Article 39, paragraph 3, of the Statute, a language other than French or English is used, the necessary arrangements for interpretation into one of the two official languages shall be made by the party concerned; however, the Registrar shall make arrangements for the verification of the interpretation provided by a party of evidence given on the party's behalf."

The Government of El Salvador has thus arranged for the presence of an interpreter, Mr. Garzon-Joly, who will translate into Spanish questions addressed by counsel to the witness, and will translate from Spanish into French the replies given by the witness.

May I request that the interpreter employed by El Salvador come forward and make the declaration provided for in Article 70, paragraph 4, of the Rules of Court.

Mr. GARZON-JOLY: Je déclare solennellement, en tout honneur et en toute conscience, que mon interprétation sera fidèle et complète.

The PRESIDENT: Thank you; I place on record the making of that declaration.

I now invite Mr. Highet, counsel for El Salvador, to call his witness, and to request him first of all to make, in Spanish, the declaration provided for in Article 64 (a) of the Rules of Court.

Sr. AVILES DOMINGUEZ : Declaro solemnemente, por mi honor y conciencia, que diré la verdad, toda la verdad y nada más que la verdad.

The PRESIDENT: Thank you; I place that declaration on record.

Mr. Highet, you have the floor to elicit the evidence of the witness Mr. Avilés Domínguez.

Mr HIGHET: Thank you, Mr. President. As a preliminary note the witness's evidence will be directed to clarifying on the basis of his personal knowledge, experience and belief issues relating to the peaceful exercise of sovereignty and control by El Salvador on the islands of Meanguera and Meanguerita and the realities of life and human occupation of those islands.

Please state your full name.

Sr. AVILES DOMINGUEZ : Mi nombre es Heriberto Avilés.

Mr. HIGHET: Do you understand the declaration you had just made?

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET: Mr. Avilés, I am going to ask you a number of questions about yourself and about life and government in Meanguera. Your answers will be directed to the Chamber. Please understand that you are to give every answer to the best of your knowledge, information and belief. If you do not know an answer, please say so. If you have doubts or are not sure, please tell the Chamber. Is there is anything you wish to say or ask the Chamber at this time?

Sr. AVILES DOMINGUEZ : No.

Mr. HIGHET: Mr. Avilés, where do you live?

Sr. AVILES DOMINGUEZ : En la isla de Meanguera del Golfo.

Mr. HIGHET: What is your present occupation?

Sr. AVILES DOMINGUEZ : Mi ocupación actual es agricultor en pequeño.

M. GARZON-JOLY : Mon occupation actuelle est d'être agriculteur.

Mr. HIGHET: Until recently, what was your occupation?

Sr. AVILES DOMINGUEZ : Hasta el 30 de abril, ocupaba el cargo de secretario municipal.

M. GARZON-JOLY : Jusqu'au 30 avril, j'étais secrétaire municipal.

Mr. HIGHET: Mr Avilés, where were you born?

Sr. AVILES DOMINGUEZ : Yo nací en la isla de Meanguera del Golfo, departamento de la Unión, República del Salvador.

M. GARZON-JOLY : Je suis né sur l'île de Meanguera del Golfo, département de l'Union, El Salvador.

Mr. HIGHET: And what year where you born?

Sr. AVILES DOMINGUEZ : Nacî en el año 1943.

M. GARZON-JOLY : En 1943.

Mr. HIGHET: So, how old that makes you now Sir?

Sr. AVILES DOMINGUEZ : Tengo 48 años.

M. GARZON-JOLY : Je suis âgé de 48 ans.

Mr. HIGHET: Have you lived all your life on Meanguera?

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET: Have you ever lived anywhere else?

Sr. AVILES DOMINGUEZ : No.

Mr. HIGHET: Do you have a birth certificate?

Sr. AVILES DOMINGUEZ : Si

Mr. HIGHET: Do you know where it was recorded?

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET: Tell me where it was recorded.

Sr. AVILES DOMINGUEZ : En el municipio de la isla de Meanguera.

M. GARZON-JOLY : Municipalité de Meanguera.

Mr. HIGHET: What is your nationality?

Sr. AVILES DOMINGUEZ : salvadoreña.

Mr. HIGHET: Have you ever thought that you might be of Honduran nationality?

Sr. AVILES DOMINGUEZ : En ningún momento.

M. GARZON-JOLY : Jamais.

Mr. HIGHET: Why not?

Sr. AVILES DOMINGUEZ : Porque mi nacionalidad es salvadoreña y no he conocido otra más que esa.

M. GARZON-JOLY : Parce que je suis de nationalité salvadorienne et j'ai toujours été salvadorien.

Mr. HIGHET: Sr. Dominguez are you married?

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET: May I ask where your wife born?

Sr. AVILES DOMINGUEZ : Si puede.

Mr. HIGHET: Where were she born?

Sr. AVILES DOMINGUEZ : En la isla de Meanguera del Golfo.

M. GARZON-JOLY : Sur l'île de Meanguera del Golfo.

Mr. HIGHET: What nationality is your wife?

Sr. AVILES DOMINGUEZ : Salvadoreña.

M. GARZON-JOLY : Salvadorienne également.

Mr. HIGHET: How many children do you have?

Sr. AVILES DOMINGUEZ : Ocho.

M. GARZON-JOLY : Huit.

Mr. HIGHET: Where were they born?

Sr. AVILES DOMINGUEZ : En la isla de meanguera.

M. GARZON-JOLY : Ils sont tous nés dans la municipalité de Meanguera.

Mr. HIGHET : Sr. Avilés do you know if your children received birth certificates?

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET: What nationality are your children?

Sr. AVILES DOMINGUEZ : Salvadoreños.

M. GARZON-JOLY : Ils sont tous salvadoriens.

Mr. HIGHET: Sr. Avilés, are your parents alive?

Sr. AVILES DOMINGUEZ : Sólo mi padre no más, mi madre ya murió.

M. GARZON-JOLY : Mon père, ma mère est décédée.

Mr. HIGHET: When and where was your father born?

Sr. AVILES DOMINGUEZ : Mi padre nació el 21 de agosto de 1903 en la isla de Meanguera.

M. GARZON-JOLY : Mon père est né le 21 août 1903 sur l'île de Meanguera.

Mr. HIGHET: What nationality does he have?

Sr. AVILES DOMINGUEZ : Salvadoreña.

M. GARZON-JOLY : Salvadorien.

Mr. HIGHET: What did your father do during his life?

Sr. AVILES DOMINGUEZ : Mi padre ha sido labrador, agricultor en pequeño y también alcalde municipal de la isla.

M. GARZON-JOLY : Mon père a été fermier, agriculteur et également Alcalde municipal, maire de la municipalité.

Mr. HIGHET: Where and when was your mother born?

Sr. AVILES DOMINGUEZ : Mi madre nació en el departamento de Choluteca de la República de Honduras en 1904.

M. GARZON-JOLY : Ma mère est née à Choluteca, Honduras, en 1904.

Mr. HIGHET: What nationality was your mother?

Sr. AVILES DOMINGUEZ : Hondureña.

M. GARZON-JOLY : Elle était du Honduras.

Mr. HIGHET: Where were your parents married?

Sr. AVILES DOMINGUEZ : Mis padres se casaron en la ciudad de Choluteca.

M. GARZON-JOLY : Ils se sont mariés dans la ville de Choluteca.

Mr. HIGHET: Is this a copy of their marriage certificate?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Would you please read to the Chamber the information on the marriage certificate about your father?

Sr. AVILES DOMINGUEZ : Con mucho gusto.

El Sr. Joaquín Avilés de 27 años de edad, soltero, labrador, originario de Meanguera, República del Salvador y vecino de ésta ciudad.

M. GARZON-JOLY : Joaquín Avilés, 27 ans, célibataire, agriculteur, résident de Meanguera, République d'El Salvador, résidant dans cette ville.

Mr. HIGHET: Does it indicate who issued the marriage certificate?

Sr. AVILES DOMINGUEZ : Si, fué extendida en la ciudad de Choluteca.

M. GARZON-JOLY : Il a été émis dans la ville de Choluteca.

Mr. HIGHET: So it is a Honduran marriage certificate that recognizes your father as being

from Meanguera en El Salvador?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Did your mother retained Honduran nationality during her life?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Did your father bring your mother back to Meanguera after they were married?

Sr. AVILES DOMINGUEZ : Si, después de la boda se la llevó.

M. GARZON-JOLY : Oui, ils sont retournés après le mariage.

Mr. HIGHET: Do you recall what year that was?

Sr. AVILES DOMINGUEZ : Según me lo platicaron mis padres, se la llevó el mismo año en que se casaron.

M. GARZON-JOLY : D'après ce que m'ont dit mes parents, ce fût la même année du mariage.

Mr. HIGHET: And what year was that, do you remember?

Sr. AVILES DOMINGUEZ : En 1930 fué la boda de ellos.

M. GARZON-JOLY : En 1930.

Mr. HIGHET: Did your mother applied for citizenship en El Salvador?

Sr. AVILES DOMINGUEZ : Si, la solicitó pero nunca le salió.

M. GARZON-JOLY : Oui, elle l'a demandée mais elle ne l'a jamais obtenue.

Mr. HIGHET: Did your father attend school on Meanguera?

Sr. AVILES DOMINGUEZ : Si, fué a la escuela.

M. GARZON-JOLY : Oui, absolument.

Mr. HIGHET: Was this a public school?

Sr. AVILES DOMINGUEZ : Si, de una escuela pública se trataba.

M. GARZON-JOLY : Oui absolument, c'était une école publique.

Mr. HIGHET: By whom was the school run?

Sr. AVILES DOMINGUEZ : El Gobierno d'El Salvador.

M. GARZON-JOLY : Le Gouvernement d'El Salvador.

Mr. HIGHET: Can you remember roughly when your father would have attended that school, what years?

Sr. AVILES DOMINGUEZ : Si, el me lo platicaba de cuando estaba muy niño fue a la escuela.

M. GARZON-JOLY : Oui, il me disait que quand il était tout enfant il allait à cette école.

Mr. HIGHET: Mr. President, I would like to refer the Chamber to the documents that were submitted to the Registrar yesterday as indicated in a letter. These documents are true copies of the relevant documentation supporting the various appointments and commissions that the witness held in Meanguera, together with translations of the relevant passages into the English language. That is merely for the Court's information. I will now ask the witness to describe his professional career to the Chamber in his own words. Sr. Avilés, please tell the Chamber in your own words, what your education and professional career have been?

Sr. AVILES DOMINGUEZ : Mi carrera educativa, únicamente fué la primaria.

M. GARZON-JOLY : En ce qui concerne mon enseignement, je n'ai suivi que les cours de primaire.

Mr. HIGHET: What was your first employment after school?

Sr. AVILES DOMINGUEZ: Mi primer empleo fué como Alcalde municipal en la isla de Meanguera.

M. GARZON-JOLY : J'ai d'abord été Alcalde Municipal, maire municipal.

Mr. HIGHET: How long did you serve as the Mayor of Meanguera?

Sr. AVILES DOMINGUEZ: Dos años.

M. GARZON-JOLY : Deux ans.

Mr. HIGHET: What did you do after being Mayor of Meanguera?

Sr. AVILES DOMINGUEZ: Siempre de ir con mi trabajo en la agricultura y cuidar mis animalitos que tengo.

M. GARZON-JOLY : J'ai continué avec mes occupations d'agriculteur et d'élevage.

Mr. HIGHET: How long did you serve as Justice of the Peace of Meanguera?

Sr. AVILES DOMINGUEZ: Fué Juez de paz cinco años.

M. GARZON-JOLY : Cinq ans.

Mr. HIGHET: How long did you serve as Secretary of the Justice of the Peace of Meanguera?

Sr. AVILES DOMINGUEZ: Secretario del juzgado de paz fui por doce años.

M. GARZON-JOLY : J'ai été secrétaire du tribunal de paix durant douze ans.

Mr. HIGHET: And how long did you serve as Municipal Secretary?

Sr. AVILES DOMINGUEZ : Secretario municipal solamente diez meses.

M. GARZON-JOLY : Seulement dix mois.

Mr. HIGHET: What were your responsibilities as Justice of the Peace?

Sr. AVILES DOMINGUEZ : Bueno, mis responsabilidades como Juez de paz, primeramente, atender a las personas que llegaban a mi despacho, dependiendo de lo que ellos necesitaban de un tribunal.

M. GARZON-JOLY : Mes fonctions consistaient principalement à recevoir les personnes qui venaient me voir dans mon bureau, et voir un petit peu quels étaient leurs problèmes.

Mr. HIGHET: Was this before the year 1986?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: When was this, roughly?

Sr. AVILES DOMINGUEZ : Primeramente, estuve de Juez en 1969.

M. GARZON-JOLY : J'ai d'abord été juge de paix en 1969.

Mr. HIGHET: By whom were you appointed and by whom were you paid?

Sr. AVILES DOMINGUEZ : Me designó la Corte suprema de justicia y me pagaba el Gobierno del Salvador.

M. GARZON-JOLY : C'est la cour supérieure de justice qui m'a désigné et c'est le Gouvernement d'El Salvador qui me payait.

Mr. HIGHET: As Mayor of Meanguera, by whom were you paid?

Sr. AVILES DOMINGUEZ : Me pagaba el Gobierno del Salvador también.

M. GARZON-JOLY : C'est également le Gouvernement d'El Salvador qui me payait.

Mr. HIGHET: Approximately how many years, then, have you served as a public officer or government employee on Meanguera?

Sr. AVILES DOMINGUEZ : Durante 19 años.

M. GARZON-JOLY : Durant dix-neuf ans.

Mr. HIGHET: Are you presently a State employee or public officer of any kind?

Sr. AVILES DOMINGUEZ : No en la actualidad, no.

M. GARZON-JOLY : Pour le moment, non.

Mr. HIGHET: What do you do for a living now?

Sr. AVILES DOMINGUEZ : Ahorita para vivir trabajo en la pequeña agricultura y también cuidando los emovientes que tengo en la isla.

M. GARZON-JOLY : A l'heure actuelle je suis agriculteur et j'élève quelques petits animaux.

Mr. HIGHET: What crops do you grow?

Sr. AVILES DOMINGUEZ : Lo que se cosecha en la isla es maíz, frijoles y ma?

M. GARZON-JOLY : C'est surtout du maïs et des haricots.

Mr. HIGHET: As a Justice of the Peace and a Secretary of the Justice of the Peace, were you involved in judicial matters on an official basis?

Sr. AVILES DOMINGUEZ : Oficiales, no, solamente, propiamente de allí de la comunidad.

M. GARZON-JOLY : Officiels, pas vraiment, des problèmes qui avaient à voir avec la communauté dans laquelle j'étais.

Mr. HIGHET: But are you accustomed to administering oaths or examining any witnesses?

Sr. AVILES DOMINGUEZ : Si, porque siempre se necesitan cuando se lleva a cabo algún juicio en los tribunales.

M. GARZON-JOLY : Oui, bien sûr. On utilise toujours ce genre de procédure lorsque l'on se trouve dans un tribunal.

Mr. HIGHET: Mr. Avilés, will you please describe to the Chamber in your own words the island of Meanguera?

Sr. AVILES DOMINGUEZ : Bueno, si pudiera declararles algo. Por ejemplo la isla de Meanguera es una porción de terreno que tiene más o menos 25 kilómetros cuadrados los cuales están en el Golfo de Fonseca. Como a unos 36 kilómetros de La Unión y su terreno en la parte donde está la población es bastante pedregoso pero ya en la parte alga hay muchos planes donde se trabaja bien la agricultura.

M. GARZON-JOLY : L'île de Meanguera est une petite portion de terre de 25 kilomètres carrés située dans le golfe de Fonseca, à plus ou moins 36 kilomètres de la terre. La population se trouve dans la partie basse de l'île, une zone relativement rocailleuse; la partie haute de l'île, constituée de plateaux, est extrêmement fertile et s'adapte bien à l'agriculture.

Mr. HIGHET: Mr. Avilés, please describe to the Chamber in your own words the island of Meanguerita?

Sr. AVILES DOMINGUEZ : La isla de Meanguerita es un islote que no está habitado por personas. Solamente por pájaros y algo otra clase de animalitos que hay allí y está cubierta de muchos árboles en la cual no se puede habitar allí por falta de agua.

M. GARZON-JOLY : L'île de Meanguerita est un îlot qui n'est pas peuplé, plutôt si, mais par des oiseaux et de petits animaux. L'île est couverte de forêts et il n'est pas possible d'y vivre parce qu'il n'y a pas d'eau potable.

Mr. HIGHET: Mr. President, may I be permitted to interrupt the examination of the witness briefly for a brief explanation to the Chamber of some material that has been submitted to the Chamber and to the delegation of Honduras for their information and will relate indirectly to his testimony. I refer here to the album of photographs that was delivered yesterday to the Registrar for the use and information of the Chamber. We have no intention, Mr. President, of seeking to submit these photographs as documents or as evidence but we thought quite sincerely that it would help bring the situation to life for the Chamber and for the other side to see a few pictures of what Meanguera and Meanguerita and the Gulf of Fonseca actually look like, and in particular, what the people and the buildings and surroundings look like. And we are not going to by any means bore the Chamber by going through the album picture by picture. We have, however, numbered each picture as you can see and everybody has been given an index which has been prepared, as you will find out in a moment. Before resuming the questioning, I should point out that the first 13 pictures on the left were in fact taken several years ago; they differ from all the others. They were taken by, I think, the Navy of El Salvador, but they are purely topographical photographs from airplanes and they show a remarkably clear view of Meanguera, Meanguerita and the Gulf, and we thought that it would be interesting just to have them. The remaining pictures in the album, Mr. President, are very recent. Permit me now to resume my questioning of the witness.

Mr. Avilés, here is a photo album.

Mr. HIGHET: Do you recognize the first 13 pictures as being generally of Meanguera and

the other islands of the Gulf?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Have you seen those pictures before?

Sr. AVILES DOMINGUEZ : No.

M. GARZON-JOLY : Non.

Mr. HIGHET: To the best of your knowledge are they a fair representation of what the islands would look like from the air?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Señor Avilés, please glance very quickly at the other photographs in the album. Are you familiar with these photographs?

Sr. AVILES DOMINGUEZ : Ya.

M. GARZON-JOLY : Oui, elles me rappellent quelque chose.

Mr. HIGHET: Do you know who took those photographs?

Sr. AVILES DOMINGUEZ : Estas fotos fueron tomadas por mi persona.

M. GARZON-JOLY : Ces photos, je les ai prises moi-même.

Mr. HIGHET: When did you take those pictures?

Sr. AVILES DOMINGUEZ : Estos fotos fueron tomadas en el mes de abril.

M. GARZON-JOLY : Ces photos ont été prises au mois d'avril.

Mr. HIGHET: The pictures in which you appear were taken by whom?

Sr. AVILES DOMINGUEZ : Las tomó un señor de nombre Nelsi Oto Cruz.

M. GARZON-JOLY : C'est un monsieur qui s'appelle Nelsi Oto Cruz.

Mr. HIGHET: Señor Avilés, you can put away the pictures for the time being. Have you ever seen or heard of any Honduran officials visiting Meanguera?

Sr. AVILES DOMINGUEZ : No.

M. GARZON-JOLY : Non.

Mr. HIGHET: Have you ever heard of any official act or manifestation of any kind by the Honduran Government on Meanguera?

Sr. AVILES DOMINGUEZ : Nunca.

M. GARZON-JOLY : Jamais.

Mr. HIGHET: What currency is used on Meanguera?

Sr. AVILES DOMINGUEZ: Es el colón.

M. GARZON-JOLY : C'est le colón.

Sr. AVILES DOMINGUEZ: El colon salvadoreño.

M. GARZON-JOLY : Le colón du Salvador.

Mr. HIGHET: Have you ever seen Honduran currency used on Meanguera?

Sr. AVILES DOMINGUEZ: No solamente cuando alguien quiera viajar a Honduras y

necesite lempiras va a un lugar donde cambian como en todas partes.

M. GARZON-JOLY : Non, mais bien sûr on peut obtenir des devises honduriennes; lorsque l'on veut voyager au Honduras, on va les changer dans une banque, comme partout.

Mr. HIGHET: Where does your food, medical supplies, household supplies and so forth, come from?

Sr. AVILES DOMINGUEZ: Todos del puerto más cercano que es de La Unión.

M. GARZON-JOLY : Tout ceci vient du port le proche qui est celui de La Unión.

Mr. HIGHET: Has this, to your knowledge, always been true?

Sr. AVILES DOMINGUEZ: Siempre.

M. GARZON-JOLY : Toujours.

Mr. HIGHET: Does anything much come from Honduras in the way of food or supplies?

Sr. AVILES DOMINGUEZ: No.

M. GARZON-JOLY : Non.

Mr. HIGHET: Where does your livestock come from?

Sr. AVILES DOMINGUEZ: De La Unión.

M. GARZON-JOLY : De La Unión.

Mr. HIGHET: Do you know if there is any livestock on the entire island from Honduras?

Sr. AVILES DOMINGUEZ: No.

M. GARZON-JOLY : Non.

Mr. HIGHET: Are there any telephone on Meanguera?

Sr. AVILES DOMINGUEZ: Si, está uno.

Mr. HIGHET: Would you please open your picture book?

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET : How many telephones are there in Meanguera?

Sr. AVILES DOMINGUEZ: Por el momento sólo está uno pero se está preparando una oficina para instalar más teléfonos.

M. GARZON-JOLY : Pour le moment, il n'y en a qu'un, mais on est en train de préparer, de monter un bureau pour qu'il y en ait un peu plus.

Mr. HIGHET: Please tell the Chamber what picture No. 51 is on the upper right-hand corner?

Sr. AVILES DOMINGUEZ: La foto 51 representa a la Señorita encargada del teléfono.

M. GARZON-JOLY : La photo n° 51 représente la demoiselle du téléphone.

Mr. HIGHET: What is the telephone number of the island of Meanguera?

Sr. AVILES DOMINGUEZ: El 64 44 72.

M. GARZON-JOLY : C'est le 64 44 72.

Mr. HIGHET: Do you remember when that telephone was installed?

Sr. AVILES DOMINGUEZ: Propiamente no sé la fecha.

M. GARZON-JOLY : Je ne me souviens pas de la date exacte.

Mr. HIGHET: Is it a radio telephone, or is it a cable telephone?

Sr. AVILES DOMINGUEZ: Es un teléfono por micro-ondas, con una antena.

M. GARZON-JOLY : C'est un téléphone par radio avec une antenne.

Mr. HIGHET: Do you know, if you were to call from the telephone to La Unión, whether that would be an international call or a domestic call?

Sr. AVILES DOMINGUEZ: Nacional.

Mr. HIGHET: If you were to call from the telephone on Meanguera to Amapala, would it be international or domestic?

Sr. AVILES DOMINGUEZ: Sería una llamada internacional, porque es a otro país que estamos llamando.

M. GARZON-JOLY : Ce serait un appel international parce qu'il s'agit d'un autre pays.

Mr. HIGHET: To your knowledge, has the Government of Honduras ever supplied or attempted to supply telephone or telecommunication services to the Island of Meanguera?

Sr. AVILES DOMINGUEZ: No en ningún momento.

M. GARZON-JOLY : Non, jamais.

Mr. HIGHET: Señor Avilés, do you know of any Honduran citizens or Hondurans who live on Meanguera?

Sr. AVILES DOMINGUEZ: Si conozco unos que viven allí.

M. GARZON-JOLY : Oui, j'en connais quelques uns.

Mr. HIGHET: Do you have any knowledge as to roughly how many Hondurans might live on Meanguera?

Sr. AVILES DOMINGUEZ: Propiamente sé que dos no más.

M. GARZON-JOLY : Je pense qu'il n'y en a que deux.

Mr. HIGHET: What is the population, approximately, of Meanguera?

Sr. AVILES DOMINGUEZ: Aproximadamente la población de la isla a Gran Golfo es de 3 500 habitantes.

M. GARZON-JOLY : 3500 habitants plus ou moins pour l'île de Meanguera de Golfo.

Mr. HIGHET: Señor Avilés, in your lifetime have you seen Honduran citizens or Honduran people visiting Meanguera?

Sr. AVILES DOMINGUEZ: Si algunas veces llegán a pasear a la isla.

M. GARZON-JOLY : Oui, parfois il y a des Honduriens qui viennent visiter l'île.

Mr. HIGHET: And they are treated in a friendly manner?

Sr. AVILES DOMINGUEZ: Si.

M. GARZON-JOLY : Oui, absolument.

Mr. HIGHET: As a matter of your opinion, Señor Avilés, what do you think the reaction would be among your friends and acquaintances if they were to discover that they were living in Honduras?

Sr. AVILES DOMINGUEZ: Yo creo que sería negativa porque nunca hemos tenido otra

nacionalidad más que la salvadoreña.

M. GARZON-JOLY : Ce serait je pense une réaction négative : nous n'avons jamais eu d'autre nationalité que la salvadorienne.

Mr. HIGHET: Mr. Avilés are you familiar with the Register of Births and Deaths of Meanguera?

Sr. AVILES DOMINGUEZ: Si los conozco porque yo he trabajado en el Registro civil de la Alcaldía de Meanguera.

M. GARZON-JOLY : Oui, je le connais car j'ai travaillé au registre d'Etat civil de la Meanguera.

Mr. HIGHET: To your knowledge how long have such records been maintained?

Sr. AVILES DOMINGUEZ : Estos registros existen desde 1917.

M. GARZON-JOLY : Ces registres existent depuis 1917.

Mr. HIGHET: Would your father be listed in that Register.

Sr. AVILES DOMINGUEZ: No.

M. GARZON-JOLY : Non.

Mr. HIGHET: He would be listed in what Register?

Sr. AVILES DOMINGUEZ : Mi padre aparece en el Registro de la ciudad de La Unión.

M. GARZON-JOLY : Mon père se trouve sur le registre de la ville de la Unión.

Mr. HIGHET: Why would that be true if he was born in Meanguera?

Sr. AVILES DOMINGUEZ: Si nació en Meanguera y fue registrado en La Unión porque en

ese entonces que el nació todavía no era un municipio Meanguera del Golfo.

M. GARZON-JOLY : C'est tout simplement parce que lorsque mon père est né il est né à la Meanguera, lorsque mon père est né la zone de la Meanguera n'était pas encore considérée comme une municipalité.

Mr. HIGHET: And so he was registered in the nearest Salvadorian city?

Sr. AVILES DOMINGUEZ: Si en la ciudad más cercana porque Meanguera del Golfo siempre ha pertenecido al departamento de La Unión.

M. GARZON-JOLY : Oui absolument, car la ville de la Meanguera a toujours appartenu au département de la Unión.

Mr. HIGHET: Señor Avilés would you please turn to picture N°. 70.

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET: Can you tell us, tell the Chamber, who this gentleman is?

Sr. AVILES DOMINGUEZ: Este señor que está en la fotografía número 70 es mi padre.

M. GARZON-JOLY : L'homme qui est sur la photo n° 70 est mon père.

Mr. HIGHET: Señor Avilés, could you please tell the Court about Doña Pastora Grande?

Sr. AVILES DOMINGUEZ: Doña Pastora Grande es mi madrina.

M. GARZON-JOLY : C'est ma marraine.

Mr. HIGHET: Which picture are you looking at?

Sr. AVILES DOMINGUEZ: La setenta y siete.

M. GARZON-JOLY : La 77.

Mr. HIGHET: And is that a picture of whom?

Sr. AVILES DOMINGUEZ: Está es mi madrina Pastora Grande.

M. GARZON-JOLY : C'est ma marraine, Mme Pastora Grande.

Mr. HIGHET: How old ... is she alive today?

Sr. AVILES DOMINGUEZ: Si todavía vive, tiene noventa y uno años.

M. GARZON-JOLY : Elle a 91 ans, elle vit toujours effectivement.

Mr. HIGHET: Do you know where your Godmother, Doña Pastora Grande was born?

Sr. AVILES DOMINGUEZ: Si.

Mr. HIGHET: Where was she born?

Sr. AVILES DOMINGUEZ : Nació en la isla de Meanguera.

M. GARZON-JOLY : Elle est née sur l'île de la Meanguera.

Mr. HIGHET: Does she consider herself to be a Salvadorian citizen?

Sr. AVILES DOMINGUEZ: Si.

M. GARZON-JOLY : Oui, absolument.

Mr. HIGHET: Do you know ... can you imagine ... can you tell us what your opinion is of what her reaction would be if she were to be told that she was Honduran?

Sr. AVILES DOMINGUEZ: Totalmente negativa porque ella siempre ha sido salvadoreña.

M. GARZON-JOLY : Tout à fait négative, elle a toujours été salvadorienne.

Mr. HIGHET: Señor Avilés, I would now like to ask you a few questions about 1969.

Mr. HIGHET: How old were you in 1969?

Sr. AVILES DOMINGUEZ: Veintiseis años.

M. GARZON-JOLY : 26 ans.

Mr. HIGHET: Did you then hold public office?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Señor Avilés, are you familiar with any census activities by the Government of El Salvador and Meanguera?

Sr. AVILES DOMINGUEZ: Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Can you remember when these took place?

Sr. AVILES DOMINGUEZ: La que yo recuerdo fue del 1961 y según mi padre me contó que en 1930 hubo otro y en 1952, 50 perdón.

M. GARZON-JOLY : Celle dont je me souviens remonte à 1961, mais mon père m'a raconté qu'il y en avait déjà eu en 1930 et en 1950.

Mr. HIGHET: Señor Avilés, do you know if Honduras has ever conducted a census on Meanguera?

Sr. AVILES DOMINGUEZ : Que yo sepa, nunca.

M. GARZON-JOLY : Que je sache jamais.

Mr. HIGHET: Señor Avilés, would you tell the Chamber about any electoral activities on Meanguera that you recall?

Sr. AVILES DOMINGUEZ : Si por ejemplo, este año acaba de pasar una elección para miembros de la Asamblea y municipales.

M. GARZON-JOLY : Oui par exemple cette année nous avons eu une élection pour les membres de l'assemblée municipale.

Mr. HIGHET: Can you remember what the first election that you were aware of, when that was approximately?

Sr. AVILES DOMINGUEZ : No recuerdo exactamente el año.

M. GARZON-JOLY : Je ne me souviens pas exactement de l'année.

Mr. HIGHET: But to the best to your knowledge there have been other electoral activities in the past?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui

Mr. HIGHET: Have taxes ever been collected on Meanguera?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui

Mr. HIGHET: Who collected the taxes?

Sr. AVILES DOMINGUEZ : Los impuestos los recauda la Alcaldía municipal.

M. GARZON-JOLY : C'est la Alcaldía municipal qui se charge de la perception des impôts.

Mr. HIGHET: Has the Government of Honduras ever collected taxes, to your knowledge?

Sr. AVILES DOMINGUEZ : No.

M. GARZON-JOLY : Non.

Mr. HIGHET: Señor Avilés, please describe briefly the public services provided to the citizens of Meanguera by the Government.

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Can you please describe those services?

Sr. AVILES DOMINGUEZ : Si, por ejemplo todas las obras de progreso que se llevan en la isla son a través del Gobierno del Salvador. Si ustedes pueden ver algunas de las fotos las cuales pueden ver allí la Oficina de la Alcaldía municipal, el edificio del Juzgado de paz donde está instalada el Centro de salud, la comandancia local, empedrados de las calles, y si alguna otra cosa, por ejemplo, hace poco se inauguró el sistema de alumbrado eléctrico, tenemos plantas en la isla, fue el nuevo sistema de alumbrado eléctrico porque ya teníamos anteriormente.

M. GARZON-JOLY : Oui en fait tous les travaux de progrès sont réalisés par le Gouvernement d'El Salvador et sur les photos vous aurez certainement vu les bureaux de l'Alcaldía Municipal ainsi que les nouveaux bâtiments de la justice de paix, le centre sanitaire, vous aurez remarqué le revêtement des rues, ainsi qu'un nouveau système électrique, une nouvelle centrale électrique, nous en avons déjà une dans le passé, nous en avons une nouvelle maintenant.

Mr. HIGHET: What is the casa comunal?

Sr. AVILES DOMINGUEZ : La Casa comunal es un salón en la cual nosotros hacemos nuestras actividades sociales, nuestras fiestas de baile y algunas otras cosas más que se pueden realizar en ella.

M. GARZON-JOLY : En fait cette casa comunal est un salon où nous organisons nos activités sociales, nos fêtes, les bals, les choses comme cela.

Mr. HIGHET: Do you know when it was built?

Sr. AVILES DOMINGUEZ : Si.

Mr. HIGHET: When?

Sr. AVILES DOMINGUEZ : La Casa comunal se construyó en 1963.

M. GARZON-JOLY : La casa comunal a été construite en 1963.

Mr. HIGHET: Has it recently been rebuilt or remodelled?

Sr. AVILES DOMINGUEZ : Si, últimamente se ha estado reformando la Casa comunal porque la que estaba era muy pequeña y se está haciendo más grande.

M. GARZON-JOLY : Oui on est en train de la rénover effectivement parce que celle que nous avions avant devenait un peu trop petite.

Mr. HIGHET: Señor, has the Government of Honduras, to your knowledge, ever contributed to a building - this building, or some other building?

Sr. AVILES DOMINGUEZ : No.

M. GARZON-JOLY : Non.

Mr. HIGHET: Señor Avilés, I want to ask you about electricity. Do you know when electrical power first came to Meanguera?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Please tell the Chamber when electrical power first came to Meanguera.

Sr. AVILES DOMINGUEZ : Llegó en 1963 también en el período del Coronel Julio Adalberto Ribera, Presidente de la República del Salvador.

M. GARZON-JOLY : En 1963 sous le gouvernement de Julio Alvarez Corribez d'El Salvador.

Mr. HIGHET: Does Meanguera have its own generator?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Who installed it?

Sr. AVILES DOMINGUEZ : Lo instaló Cel, Compañía eléctrica.

M. GARZON-JOLY : C'est la compagnie électrique qui l'a installée.

Mr. HIGHET: Do you remember roughly when that was installed?

Sr. AVILES DOMINGUEZ : La nueva instalación, a principios de este año.

M. GARZON-JOLY : Au début de cette année pour la nouvelle installation.

Mr. HIGHET: Has the Government of Honduras ever supplied electrical power to Meanguera?

Sr. AVILES DOMINGUEZ : No, jamás.

M. GARZON-JOLY : Non jamais.

Mr. HIGHET: Is there a charge for electricity?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: And to whom are the electrical bills paid?

Sr. AVILES DOMINGUEZ : Por el momento se le esta pagando a Cel, pero posteriormente se ha nombrado, se ha formado una cooperativa eléctrica en la isla que por gracias a Dios es la primera en El Salvador y después de un año va ser la cooperativa la que va manejar el sistema eléctrico de la isla.

M. GARZON-JOLY : A l'heure actuelle nous payons l'électricité à CEL, mais dans un an nous aurons une coopérative électrique, ce sera la première au Salvador et c'est elle qui s'occupera de gérer l'électricité sur notre île.

Mr. HIGHET: Señor Avilés, please tell the Chamber if you will, about public health services on Meanguera?

Sr. AVILES DOMINGUEZ : Si, por la actualidad, está funcionando un Centro de salud en la isla, el cual está administrado por una enfermera y semanalmente nos visita un médico de la ciudad de La Unión. Y también está en el cantón del Salvador está un nuevo puesto de salud que hasta la fecha no se ha llegado todavía una enfermera pero creo que en poco tiempo ya va estar también funcionando.

M. GARZON-JOLY : Donc nous avons un centre de santé qui est géré par une infirmière, chaque semaine un docteur de la Unión vient au centre dans le canton d'El Salvador il y aura bientôt un nouveau centre, qui n'a pas son infirmière pour le moment, mais qui sera nous l'espérons, dans peu de temps, opérationnel.

Mr. HIGHET: Señor Avilés, are the pictures 53, 54 and 55 illustrations of the health centre on Meanguera?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: To your knowledge has there been any contribution or effort or anything at all from the Government of Honduras about supplying medical services to Meanguera?

Sr. AVILES DOMINGUEZ : No.

M. GARZON-JOLY : Non.

Mr. HIGHET: Do you know if official licences have been issued on Meanguera? Permits.

Sr. AVILES DOMINGUEZ: Si.

Mr. HIGHET: What kind of permits?

Sr. AVILES DOMINGUEZ : Bueno, hay de variables.

M. GARZON-JOLY : Il y en a de tous types.

Mr. HIGHET: These are for small businesses, for billiard parlours?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Is there a land registry on Meanguera?

Sr. AVILES DOMINGUEZ : No.

M. GARZON-JOLY : Non.

Mr. HIGHET: How is land registered for transfers in la Meanguera?

Sr. AVILES DOMINGUEZ : Allí los ciudadanos de Meanguera siguen algunos títulos supletorios en la isla de Meanguera.

M. GARZON-JOLY : Les habitants de la Meanguera utilisent des titres supplétifs qui ne

funcionnent que sur l'île.

Mr. HIGHET: Do you know if these are filed in any place, in any office?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Where is that?

Sr. AVILES DOMINGUEZ : En San Miguel.

M. GARZON-JOLY : A San Miguel.

Mr. HIGHET: Where is San Miguel?

Sr. AVILES DOMINGUEZ : Es un departamento, en la zona oriental del Salvador.

M. GARZON-JOLY : Dans la zone orientale du Salvador.

Mr. HIGHET: Let me turn to civil and criminal cases. Do you have any idea of when the first civil or criminal case was tried on Meanguera?

Sr. AVILES DOMINGUEZ: El ? de paz empezó a funcionar en 1922 en la isla de Meanguera y creo desde la fecha ya empezó a funcionar en distintos casos.

M. GARZON-JOLY : La justice de paix a été crée en 1922 sur l'île de la Meanguera et je pense que dès le début ils ont reçu des affaires à traiter.

Mr. HIGHET: Señor Avilés, I would like to ask you about postal services. How long has Meanguera had postal services?

Sr. AVILES DOMINGUEZ: La isla de Meanguera tiene servicio de correo desde 1952.

M. GARZON-JOLY : Depuis 1952.

Mr. HIGHET: What did people on Meanguera do before 1952, to the best of your recollection, if they wanted to mail a letter?

Sr. AVILES DOMINGUEZ: Bueno, según como en esa fecha yo estaba muy pequeño mi papá y algunos otros amigos me cuentan que lo hacían a través de un muellecito ? que había en La Unión allí se encargaban ellos de mandarlos en los cayucos que viajaban en ese entonces. Entonces eran cayucos terremos y vela.

M. GARZON-JOLY : Et bien j'étais jeune, mais on m'a raconté que les gens allaient jusqu'à La Union; il y a là un petit quai où on embarquait sur les cayucos c'est-à-dire des pirogues à rames ou à voile.

Mr. HIGHET: How long would it take to get from Meanguera to La Unión in a cayuco?

Sr. AVILES DOMINGUEZ : Dependiendo del tiempo porque si se trataba de ir solamente a los remos se daba en seis horas a veces más y cuando se trataba de habiendo un viento a favor tres horas, según la capacidad del viento y de la embarcación que uno viajaba.

M. GARZON-JOLY : Et bien, tout dépendait principalement des conditions climatiques. A la rame, on tardait en général 6 heures, parfois plus. Lorsque le vent était favorable, on pouvait rejoindre La Union en 3 heures mais tout dépendait bien sûr du type d'embarcation et du vent.

Mr. HIGHET: Who would bring the mail to Meanguera from La Unión, before postal services were installed?

Sr. AVILES DOMINGUEZ : Si esto siempre es así ya a través como siempre viajaban personas en sus viajes personales a traer provisión o a vender sus cosechas, entonces tal vez la correspondencia quedaba allí en el puesto de marina como dije antes y ellos lo remitían a la persona que llevaba la correspondencia.

M. GARZON-JOLY : En fait, dans le passé, les voyageurs qui se rendaient d'une ville à

l'autre pour différents motifs, pour y vendre leurs récoltes par exemple, prenaient avec eux le courrier et le déposaient au poste de Marina qui se chargeait ensuite de la distribution.

Mr. HIGHET: Do you remember your parents writing or receiving letters before 1952?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: What kind of postage stamps are used on Meanguera?

Sr. AVILES DOMINGUEZ : Hay sello postal.

Mr. HIGHET: From what country?

Sr. AVILES DOMINGUEZ : Del Salvador. Por ejemplo puedo mostrar uno que tengo de una correspondencia que me llegó y allí pues la Oficina de Correo de la Unión, de Meanguera, perdón, la registra como el sello que ellos tienen allí.

M. GARZON-JOLY : Oui. Là, d'ailleurs, si vous voulez, j'ai une lettre ici sur moi où apparaît le timbre d'El Salvador qui est accepté par Meanguera comme étant le timbre pour la carte en question.

Mr. HIGHET: Picture No. 60 - would you turn, please to picture No. 60? Could you tell the Chamber what that is a picture of?

Sr. AVILES DOMINGUEZ : Se trata de la Oficina de Correo dónde estoy fotografiado con el primer cartero que fue de la isla.

M. GARZON-JOLY : Il s'agit en fait du bureau de poste et je suis là à côté du premier facteur de l'île.

Mr. HIGHET: What is the name of the first mailman on the island?

Sr. AVILES DOMINGUEZ : Este señor se llama Enrique Calero Alemán.

M. GARZON-JOLY : Il s'appelle Enrique Calero Alemán.

Mr. HIGHET: Has he done anything else except be a mailman?

Sr. AVILES DOMINGUEZ : No, también ha sido Alcalde municipal y posteriormente después de ser cartero a él le quedó el cargo de Jefe de correo.

M. GARZON-JOLY : Non, il a également été Alcalde Municipal (maire), et après son emploi de facteur, il est devenu le chef-responsable du bureau de poste.

Mr. HIGHET: Señor Avilés, I am coming to the end of your examination. But I would like to ask you now about education. Please tell the Chamber in your own words, about the schools on Meanguera.

Sr. AVILES DOMINGUEZ : Con mucho gusto. En la isla de Meanguera, existe cinco escuelas, todas de primaria. La escuela principal es la escuela urbana mixta de la población y cuatro más que están en sus caceríos o cantones.

M. GARZON-JOLY : Mais bien sûr. Il y a cinq écoles. Ce sont toutes des écoles primaires. L'école principale est l'école urbaine mixte qui se trouve dans la ville; les quatre autres écoles sont réparties dans les faubourgs, dans les cantons.

Mr. HIGHET: How do the children get to school?

Sr. AVILES DOMINGUEZ : Los niños van uniformados a la escuela.

M. GARZON-JOLY : Ils y vont en uniforme.

Mr. HIGHET: How do they get from their homes to the school?

Sr. AVILES DOMINGUEZ : Van a pie.

M. GARZON-JOLY : Ils y vont à pied.

Mr. HIGHET: How far would the longest distance be that one of the children has to walk to school?

Sr. AVILES DOMINGUEZ : Anteriormente recorrían los niños como kilómetro y medio más o menos pero hoy ya que hay escuelas en sus cacercíos ya caminan menos solamente los que, porque en la otra escuela solamente es hasta el tercer grado y cuando quieren ir hacer los otros grados tienen que ir a la escuela del pueblo. Entonces siempre caminan la misma distancia.

M. GARZON-JOLY : Dans le passé, il fallait compter un kilomètre et demi. Maintenant que des écoles sont installées dans les faubourgs, un peu moins. Mais de toute façon, les écoles qui se trouvent dans les faubourgs ne font pas le cycle complet. Pour terminer le cycle, il faut souvent changer d'école.

Mr. HIGHET: If a student graduates from the school in Meanguera and wishes to continue his or her education, where would he or she go?

Sr. AVILES DOMINGUEZ : En la escuela de Meanguera únicamente sacan el sexto grado posteriormente los padres desean que sus hijos vayan a estudiar otros grados superiores y van a la ciudad de la Unión. Por ejemplo ya les dije antes que tengo ocho hijos de los cuales todos han estudiado en La Unión. Ahorita tengo cinco estudiando allí y tres que ya salieron de su bachillerato en el Instituto Nacional de la Unión.

M. GARZON-JOLY : Comme je vous l'ai dit, à Meanguera, ce sont des écoles primaires. Lorsque les parents désirent que leurs enfants suivent des cours d'école secondaire, ils les envoient à la Unión. Je vous l'ai dit tout à l'heure, j'ai huit enfants : cinq sont toujours à l'école, ils sont à la

Unión, et trois ont déjà obtenu leur baccalauréat à l'Institut national de la Unión.

Mr. HIGHET: Therefore, it would be correct to say that those students would remain within the Salvadorian school system, would it not?

Sr. AVILES DOMINGUEZ : Si.

M. GARZON-JOLY : Oui.

Mr. HIGHET: Have you ever heard of a student from the school on Meanguera proceeding to higher education in Honduras?

Sr. AVILES DOMINGUEZ : No, que yo sepa no.

M. GARZON-JOLY : Que je sache non.

Mr. HIGHET: Doña Pastora, was she educated on Meanguera?

Sr. AVILES DOMINGUEZ : Según le he preguntado a ella y dice que si.

M. GARZON-JOLY : Je lui ai demandé, elle m'a dit que oui.

Mr. HIGHET: Who pays the teachers that teach on Meanguera?

Sr. AVILES DOMINGUEZ : El Gobierno del Salvador.

M. GARZON-JOLY : Le Gouvernement du Salvador.

Mr. HIGHET: What flag is displayed in the school room or the school house on Meanguera?

Sr. AVILES DOMINGUEZ : La bandera salvadoreña.

M. GARZON-JOLY : C'est le drapeau du Salvador.

Mr. HIGHET: To the best of your knowledge, has this always been so?

Sr. AVILES DOMINGUEZ : Siempre.

M. GARZON-JOLY : Oui toujours.

Mr. HIGHET: Have you ever seen a Honduran flag anywhere on the Island of Meanguera?

Sr. AVILES DOMINGUEZ : No, en la isla no.

M. GARZON-JOLY : Non pas sur l'île.

Mr. HIGHET: Did the Alianza para el Progreso help to fund the building of the mixed school down by the harbour?

Sr. AVILES DOMINGUEZ : Si a través de la Alianza para el progreso se hizo la reconstrucción de la escuela de allí de la población en 1966.

M. GARZON-JOLY : Oui c'est grâce à la Alianza para el Progreso qu'a été reconstruite, en 1966, l'école.

Mr. HIGHET: Approximately how many teachers are there today on the Island of Meanguera?

Sr. AVILES DOMINGUEZ : Los que es de la escuela urbana mixta hay cinco profesoras por

la actualidad.

M. GARZON-JOLY : Pour ce qui est de l'école mixte urbaine il y a cinq enseignantes actuellement.

Mr. HIGHET: Señor Avilés, will you please refer once more to the photo album. And would you please quickly tell the Chamber which pictures are of particular interest that you took.

Sr. AVILES DOMINGUEZ : De interés particular, por ejemplo la de algunos amigos que aparecen acá.

M. GARZON-JOLY : Nous avons quelques photos d'amis que j'ai prises qui apparaissent ici.

Mr. HIGHET: Are there any pictures that you would recommend that the Honduran delegation or the Chamber specifically look at?

Sr. AVILES DOMINGUEZ : Si por ejemplo la que yo tendría más sería la de las personas más ancianas de la isla que creo yo que con eso pueden ustedes darse cuenta, estos señores nacieron en un cantón que era entonces que pertenecía a la ciudad y departamento de La Unión.

M. GARZON-JOLY : Oui celles que je recommanderais ce sont certainement les photos avec les personnes les plus âgées où vous pourrez voir des personnes qui sont nées dans un canton qui dépend du département de la Unión.

Mr. HIGHET: Mr. President, I have no further questions of the witness and I would tender him for cross-examination by the Delegation of Honduras.

The PRESIDENT: I would like to know if the Delegation of Honduras intends to put questions to the witness now or at some other time?

Mr. VALLADARES SOTO: Mr. President, I ask the floor for Professor Sánchez Rodríguez who is going to make the cross examination of the witness

M. SANCHEZ RODRIGUEZ : Merci, Monsieur le Président, je serai très bref et je ne vais poser que deux ou trois questions au témoin, M. Avilés. Monsieur Avilés, à quel moment les autorités salvadoriennes vous ont-elles fait savoir que vous auriez à venir déposer devant la Cour internationale de Justice de La Haye ?

Sr. AVILES DOMINGUEZ : Me lo comunicaron el 4 de abril de este año.

M. GARZON-JOLY : Le 4 avril 1991.

M. SANCHEZ RODRIGUEZ : Señor Avilés, connaissez-vous en général quelle est l'histoire de Meanguera ?

Sr. AVILES DOMINGUEZ : Muy poco. Fue poco mi estudio.

M. GARZON-JOLY : Très peu de choses. J'ai peu étudié.

M. SANCHEZ RODRIGUEZ : Merci, Monsieur le Président, j'ai déjà fini.

The PRESIDENT: I thank Professor Sánchez Rodríguez and I thank the witness.

Mr. HIGHET: We have no further questions Mr. President.

The PRESIDENT: Thank you very much.

Mr. HIGHET: Thank you, sir. Mr. President, if there are no further proceedings, I would be prepared to continue the pleading which I stopped at 12.30 p.m., as the Chamber wishes - perhaps after the break?

The PRESIDENT: Yes, so that Professor Highet can prepare the continuation of his presentation. We shall take a break of 15 minutes.

L'audience est suspendue de 17 h 20 à 17 h 30.

The PRESIDENT: Please be seated. Professor Highet.

Mr. HIGHET: Thank you very much, Mr. President. I hope you do not take it as a sign of a lack of respect that I am addressing the Chamber from a catty-cornered position here, closer if I may say to Honduras and not an equidistant position between the two States. Mr. President I would like to ask, if I might, when the Chamber was thinking of rising today. Had you intended to rise at 6.00 or 6.30 p.m. - I have about an hour and 40 minutes of pleading and I am going to have to go over to tomorrow morning anyway. So I can go on as long as you want and when you can't stand it any more I will stop.

The PRESIDENT: Yes. Professor Highet, we are bound to stop at 6 o'clock. You may proceed tomorrow morning.

Mr. HIGHET: Thank you, sir. When I left off this morning, I was just about to say, Mr. President, that I am most mindful of the length of this case, and I have said this before, and of the singular utility and purpose of Article 60, paragraph 1, of the Rules. It is not my desire to "go over the whole ground covered by the pleadings or ... repeat the facts and arguments these contain".

However, I must point out that, in this particular context, to briefly recapitulate certain uncontested facts is curiously not inconsistent with directing my argument "to the issues that still divide the Parties". Because even though facts may be uncontested, or unarguable, it is still quite clear that Honduras does not accept their relevance to this case. And thus the whole package or list of these uncontested facts is, in fact, one of the principal issues that still does divide the Parties.

I think that it would be easiest for the Chamber, Mr. President, if I were simply to try to work as quickly as possible through the history of the matter as I view it, hitting the high points and pointing out their significance as we go along.

In the earliest days, between independence and the break-up of the Republic of Central

America, there are virtually no records and no recollection. In effect, this still was frontier country, the settlements were sparse. About Meanguera and Meanguerita little is known, and what records exist are few in number.

But one of the first facts that we have to deal with is the language in the respective constitutions of each of the two countries.

(a) The interpretation and relevance of the early Constitutions

The political Constitutions of El Salvador of 1824, 1841 and 1864 all indicated that her land territory was limited on the east by "la ensenada de Conchagua", by which was meant the bay or gulf of Conchagua or Fonseca. The political Constitutions of 1871, 1872, 1880, 1883 and 1886 substituted the phrase "El Golfo de Fonseca", but since there is no evidence of any territorial expansion of the Republic of El Salvador between 1864 and 1871, these two expressions must refer to the same body of water.

By 1983 the political Constitution of El Salvador has further evolved, so as to reflect specifically the "islands, islets, and cays enumerated in the Judgment of the Central American Court of Justice of 9 March 1917", although there were 66 years between that judgment and that clause.

Transcripts of the relevant provisions of these Constitutions, and our translation into English, I understand, have been made available to the Chamber and to the Honduras delegation.

Honduras has argued vigorously in her Reply that the "ensenada de Conchagua" as mentioned in the early Salvadorian Constitutions "is not" - I repeat "is not" - "the whole Gulf of Fonseca, Conchagua or Amapala as it also used to be known", but, says Honduras, "it corresponds to what is known as the Bay of La Unión on modern nautical charts³⁵".

Thus Honduras states:

"The repeated reference to a boundary of the State of El Salvador in the 'ensenada de Conchagua' proves, according to the Honduran Government, that at the time of the independence of El Salvador, it did not consider [that is, El Salvador did not consider] itself as exercising jurisdiction over an island like Meanguera which was far away from that ensenada."

Mr. President, this type of assertion is exactly the kind of reason why courts perform such an invaluable function of separating truth from falsehood. Honduras has, in the elegant phrase of my

friend President Jiménez de Aréchaga, made "an audacious affirmation". It is also a rash affirmation. Honduras does not seem to be aware of the fact that her own Constitutions employed precisely the same words!

Indeed, the matter is even worse: at first they did not even use those words. The first two Constitutions of Honduras, 11 December 1825 and 26 November 1831, do not even identify geographical features as such. The 1825 Constitution refers to the territory that corresponds to the bishopric of Honduras: "lo que corresponde, y ha correspondido siempre al Obispado de Honduras".

The first Honduran Constitution to use geographical features was that of 11 January 1839. What did it do? It defined the territory of Honduras as limited "on the south, south-west and west by El Salvador" (Sect. II, Art. 4). It did not even mention the Gulf of Fonseca, or the Ensenada or Bay of Conchagua. This would seem to support the thesis of El Salvador that at the time of independence the boundaries of Honduras did not in fact reach the Gulf.

By way of contrast, 15 years earlier, the original 1824 Constitution of El Salvador had specified the limit of Salvadorian territory to the east as being "la ensenada de Conchagua al este" ("the bay of Conchagua to the east").

Now the next Honduran Constitution, that of 4 February 1848, repeated the earlier phrase "on the south, south-west and west by El Salvador", and then picked up a new phrase: "por El Sur, con la ensenada de Conchagua, en El Pacifico ..." ("on the south, with the bay of Conchagua in the Pacific"). This was some 24 years after the expression had originally appeared in the very first Constitution of El Salvador. The phrase was repeated exactly in Article 5 of the Honduran Constitutions of 28 September 1865 and 23 December 1873. It continued to be repeated until 1880, when the Constitution of 10 November changed the specification to a legislative reference.

Therefore it was not until 1848 that Honduras had enlarged her constitutional territory from being limited by the State of El Salvador, since 1825, to include the same designation "la ensenada de Conchagua", and this latter designation persisted until the year 1880.

Now if Honduras is correct about the meaning of the words "ensenada de Conchagua" it would only be fair to point out that since Honduras herself used the phrase in her Constitutions for

32 years, the sentence in the Honduran Reply could be applied to Honduras as much as to El Salvador, and could happily be paraphrased as follows, and I invent:

"The repeated reference to a boundary of the State of [Honduras] in the 'ensenada de Conchagua' proves, according to the Honduran Government, that [as late as 1848] ... it did not consider itself as exercising jurisdiction over an island like Meanguera which was far away from that ensenada."

And now a point of ordinary geography - and perhaps common sense. How could it have been possible that the 1824 Salvadorian Constitution could have used the expression "ensenada de Conchagua" in the limited sense sought to be attributed to it by Honduras? That Constitution says that the territory of the State "Tiene por limite, al Oeste El Rio Paz" - has as its boundaries the Paz River to the west - "la ensenada de Conchagua al Este" - the Bay of Conchagua to the east - "la provincia de Chiquimula de Honduras al Norte" - the Honduran Province of Chiquimula to the north - "y El Mar Pacifico al Sur" - and the Pacific Ocean to the south.

But a mere glance at any map - of today or of 170 years ago - will show that there was definitely a substantial section of Salvadorian coast - a stretch of some 30 miles of coast facing south-east from Chiriquin Point (which is opposite Zacatillo Island), all the way down to Amapala Point, which would have had no boundary at all if "la ensenada de Conchagua" had indeed been thought to be confined to the Bay of La Unión, as Honduras asserts in her Reply. If what had been intended was merely the Bay of La Unión, half of the east coast of El Salvador would not have been accounted for in her national Constitution.

Mr. President, Members of the Chamber, I would now like to turn to the episode of Consul Chatfield in 1847.

(b) The Chatfield Episode (1847)

The episode of Consul Chatfield and the Royal Navy has been canvassed in great detail in the written pleadings and I will not traverse this ground again here, save to stress one or two things. An official like Consul Chatfield, acting on behalf of Lord Palmerston, could hardly be imagined to have been reckless about the identification of territory that he was about to seize as security for unpaid debts. The only note that appears in the documentation that I have found to raise the slightest doubt about Salvadorian title to Meanguera in this period of 1847, is contained in a letter from Admiral

Hornby to Consul Chatfield. It is merely a statement that "according to Captain Henderson, the islands of Zacate Grande and Meanguera belong to Honduras³⁶". The background of this statement helps one to understand it.

Admiral Hornby had discovered a letter from Captain Thomas Henderson of *H.M.S. Sampson* addressed to Admiral Hornby's predecessor some two years earlier, which contained the statement that "the Islands of Zacate Grande, and Meanguera belong to Honduras as well as Tigre Island³⁷". This letter is one page long, contains no reasoning or supporting information. We have been given no information as to the qualifications or expertise of Captain Henderson in territorial attribution, any more than we have been told his reasoning, his facts, his evidence or his analysis.

From the content of his report, which mainly related to the potential value of Tigre as a naval base or depot, it appears that he was a serving line officer of the Royal Navy. The name of the addressee of Captain Henderson's letter is not known. Although Consul Chatfield acknowledges having received a copy of the Henderson letter, he did not seem to find Henderson's opinions on sovereignty important enough even to mention in a letter he wrote to the Foreign Office³⁸. [I have put the references to the pleadings in my text, Mr. President.] One interesting point is that Henderson and Chatfield were discussing three islands: Tigre, Zacate Grande and Meanguera, and yet Chatfield's letter to the Foreign Office, acknowledging that he had read Henderson's letter, nonetheless said that El Salvador as well as Honduras claimed rights in those islands, and that the possession of the islands meant nothing either to El Salvador or to Honduras in view of the potential threat of the United States. Moreover, Chatfield did not share Henderson's opinion in the sense that his own later action and public announcement failed to reflect it.

The evidence of doubt on the question of island attribution in the whole Chatfield affair, then, is indirect, unreasoned and unsubstantiated.

The evidence of certainty, on the other hand, can hardly be more direct, for whatever it means. It was published on the front page of the *Gaceta del Salvador* of 9 November 1849, and was signed by Consul Chatfield directly, himself. And what did it say - and this is in the evidence? It said that he was acting in his official capacity in the name of the Queen and identified "all the islands of this

bay, belonging to the State of El Salvador, especially Meanguera, Conchaguita, Punta Zacate and Perez".

Now, I should add that the disparaging comments of Honduras³⁹, saying that this document was not filed with the El Salvador Memorial and was thus of no evidential value, are just incorrect. The document may be found in the Annexes to the Memorial of El Salvador, Chapter II, Annex 11. I cannot imagine why Honduras could have overlooked this significant, if not striking, front-page advertisement in the name of the Queen.

What we have then is from Honduras one indirect report of one man's opinion - Henderson. Was he qualified? Was he mistaken? Professor Sánchez Rodríguez said that Admiral Hornby "reconnaît bien, lui, que ces îles appartiennent au Honduras⁴⁰". But the document he referred to in his pleading - the only document that I found from the Admiral - says just the opposite from what my learned friend said. In the French version, the document from Admiral Hornby says:

"Selon le capitaine Henderson, les îles de Zacate Grande et Meanguera appartiennent au Honduras, mais, que cela soit vrai ou non, l'occupation de ces îles donnerait au Salvador une raison de nous en vouloir ...⁴¹"

But from all this Professor Sánchez Rodríguez concludes - and I quote his *plaidoirie* of yesterday afternoon - "le rapport du Capitaine Henderson fait valoir, sans laisser place au moindre doute, que les îles ... appartenaient au Honduras⁴²".

I would have thought, Mr. President, that "la moindre doute" is *precisely* what Admiral Hornby showed.

This is not merely an overstatement, it is a distortion of the meaning of the documents that are in the evidence. What it shows, I submit, is how flimsy the claims of Honduras really are, if they have to be justified by this kind of use of peripheral and unjustifiable "authorities" who are actually misquoted and out of context. The trouble is that this is about all that they have.

(c) Echeline, Rojas and Mora Application (1852)

For example, on 1 May 1991 Honduras filed a new document with the Registrar which purported to be an Application of 1852 to the Government of Honduras of an agricultural company known as Echeline, Rojas and Mora for the purpose of growing corn in the Gulf islands because of

the recent plague of locusts in the Department of Choluteca, and to this end requesting the equivalent of paid forced labour. The Application recites that the partners have chosen Meanguera as the place where they wished to develop corn crops.

These pieces of paper have little to do with Meanguera. They really relate to the raising of agricultural labour from Honduran sources (Nacaome I would think by the signature line). The documents do not say whether Messrs. Echeline, Rojas and Mora were Honduran or even whether their enterprise was a Honduran enterprise. The documents don't say that Messrs. Echeline, Rojas and Mora thought that Meanguera was Honduran, or if it might well have even been considered Salvadorian.

And the other document submitted contains no relevant material whatever.

I listened for a reference to these documents in the speech of Professor Sánchez Rodríguez yesterday, but could hear none. And that fact alone probably makes them worth considering. What is particularly interesting is the *kind* of document - the type of evidence - that they represent, Mr. President. They do not prove a thing. They are totally indirect and when carefully tested they are *totally* imprecise. And as evidence they are, if possible, even flimsier than the letter from Captain Henderson.

Like many other documents of importance to the Honduran case, they can only be viewed as relevant if one is prepared to make a whole series of assumptions about what can be read between the lines, or what might have happened before, or what might have happened later on, or what they were really talking about, and so forth and so on.

Well, that is an absolute sign that what we are dealing with is not "evidence" as the Court knows it, and it should not be considered as such by the Chamber for even a moment.

On careful inspection, Mr. President, of course, these documents do not achieve what I imagine Honduras had originally hoped they would achieve when they were put in. In fact, they do so little that this must have been the reason why Honduras never even mentioned them in its argument.

Mr. President, I come up to the tremendously confusing events of 1854. I can finish, I would

think, in about 12 or 15 minutes but perhaps you would prefer I went over to tomorrow morning? I am at your disposition, sir.

The PRESIDENT: Well, Professor Highet, I am sorry but we are bound to finish at 6 o'clock because some Members of the Chamber have engagements.

Mr. HIGHET: Would you like me to start and I will stop, and then I can go back and refresh your recollection in the morning when you have to contemplate these matters again. I will go on for five minutes, sir. Thank you.

(d) The events of 1854

The events of 1854 - which has become, as we know, a new household word here considerably short of "critical date" - are confusing. The written pleadings are more confusing still. A week ago I bought a little magnifying glass, better to examine the small print and the maps in our case. It has proved to be very useful. When a magnifying glass is applied to the discursive pleadings of Honduras, and when one actually reads through the Annexes of the events of 1854, one is amazed to discover that there is virtually nothing there except inference and innuendo.

In fact, nothing significant ever happened from a legal point of view. Honduras never occupied Meanguera. No actual claim was ever made on Meanguera by Honduras. Meanguera was not sold to anyone. Land was not sold by Honduras on Meanguera. Land was never leased by Honduras on Meanguera. No investment by Honduras or Honduran nationals was made at that time on Meanguera. No concessions were granted by Honduras as to Meanguera.

To the best of my ability, with my little magnifying glass, the only thing I could find that actually happened was that a young Honduran and a Belgian went ashore Meanguera to conduct a very hasty survey. I infer it took one day. There is not even any evidence in the record as to what precise official sponsorship might have been given to that expedition or whether it was a private venture. There is no evidence that Mr. Cacho, the Honduran, and Mr. Agustinus, the Belgian, were on an official assignment; although described in the pleadings as "personnes de l'Etat de Honduras"⁴³, this is ambiguous, the expression could mean no more than "from Honduras". Since

Mr. Agustinus was Belgian, it would appear doubtful at best that they were both government employees. And in every likelihood, Messrs. Cacho and Agustinus were of the same general disposition and type as Mr. Echeline, Mr. Rojas and Mr. Mora. We do not really know anything about them, do we?

The response of the Salvadorian Government to this one-day survey was immediate: the Commander of the Port of La Unión, Commander Peralta, went to Meanguera personally to try to prevent it, but they - Mr. Cacho and Mr. Agustinus - appeared two days later to conduct a survey of the island apparently in only one day. No other activity of this sort was ever recorded. No protests were received from Honduras, incidentally, about the recorded visit of Commander Peralta to the island.

In the Memorial of El Salvador we also pointed out that El Salvador had conducted surveys of Meanguera in 1854. But there was no evidence of any countervailing protest or reaction to this activity by Honduras.

Moreover, it is wholly unclear whether Honduras actually proposed to "sell" Meanguera - whatever that means. We do not have, for example, the kind of direct evidence about this 1854 episode that we do about the very obvious, publicized, official offers to sell land on Meanguera by the Salvadorian Government in 1879 (as to which, incidentally, again, Honduras never uttered a word of protest⁴⁴).

Mr. President, here I go into the first piece of evidence that is produced by Honduras about 1854. I would propose, if it suits the President and the Chamber, that I reserve that for the morning.

The PRESIDENT: I thank Professor Keith Highet and we adjourn now until tomorrow morning at 10 o'clock.

The Chamber rose at 6.00 p.m.
