



Security Council

Distr.
GENERAL

S/16012
29 September 1983
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 28 SEPTEMBER 1983 FROM THE REPRESENTATIVE
OF NICARAGUA ON THE SECURITY COUNCIL ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

I am writing to you in order to transcribe texts of notes of protest dated 28 September 1983 sent to His Excellency Mr. Fernando Volio Jiménez, Minister for Foreign Affairs of Costa Rica, by Her Excellency Dr. Nora Astorga, Acting Minister for Foreign Affairs of the Republic of Nicaragua.

"Sir,

I am writing to Your Excellency in order to denounce the following acts:

Starting at 5.10 a.m. today, mercenary forces originating from the territory of Costa Rica launched attacks against the villages of Cárdenas and Sapoá and the customs post of Peñas Blancas, in the department of Rivas. When the attacks were repelled, the mercenaries withdrew to Costa Rican territory, whence they continued the aggression, particularly against the customs post of Peñas Blancas, which was almost completely destroyed as a result of the fire from mortars and other heavy weapons. The criminal action was conducted in the form of a frontal attack from Costa Rica, during which the mercenaries were situated half a kilometre from the frontier line, near the Costa Rican customs post - in other words, in places where it was impossible for them not to have been seen by the Costa Rican authorities. As a result of the aggression, which ended at 9.30 a.m., three heroic defenders of the native territory died and nine others were wounded.

These attacks were reported by the Costa Rican broadcasting station "Radio Monumental", which also announced the admission of 16 wounded mercenaries to Social Security clinics and some statements by the Director-General of the Civil Guard, Colonel Oscar Vidal, who stated that the members of that armed body had withdrawn two kilometres behind the frontier line.

It is particularly noticeable that, although they were aware of the seriousness of the situation, the Costa Rican authorities not only did nothing to prevent the continuation of the attacks but withdrew inside their territory, leaving the field free for the mercenaries to engage in their criminal acts with impunity. At the same time, they are making free use of

hospital facilities of the Government of Costa Rica to treat their wounds, with the knowledge and acquiescence of the Costa Rican authorities.

This continuation and aggravation of situations such as the one described are difficult to reconcile with the repeated pronouncements of the distinguished Government of Costa Rica about its neutrality and the non-use of its territory for the organization and execution of attacks against Nicaragua. As has been stated in earlier notes, the persistence of these acts is seriously obstructing the efforts of the Government of Nicaragua to preserve a climate of co-operation, dialogue and mutual respect between the two States.

In view of these facts, the Government of Nicaragua presents its most formal and forceful protest to the distinguished Government of Costa Rica, demanding an immediate investigation of the facts, the detention, disarmament and prosecution of those involved and the discontinuance of such criminal actions.

I take this opportunity to renew to Your Excellency the assurances of my consideration and esteem.

(Signed) Nora ASTORGA
Acting Minister for Foreign Affairs".

"Sir,

I am again writing to Your Excellency in order to inform you that at 3.15 p.m. today the mercenaries resumed their attack on the customs post of Peñas Blancas, which was almost destroyed this morning. The mercenaries are using the installations and buildings of the Costa Rican customs post, where they have placed mortars and other arms with which they are attacking the positions defended by the Nicaraguan patriots inside our territory. The fighting has now started to spread, in the frontier sector, and we do not yet know the outcome of the situation at Peñas Blancas.

At 5 p.m., after the resumption of the aggression against the Nicaraguan customs post, two aircraft invaded the national air space, coming without any doubt from Costa Rican territory. The aircraft bombed positions of the Sandinist People's Army in the El Naranjo sector. When the attack was repelled by the national anti-aircraft defence, the aircraft returned to Costa Rican air space.

As stated in the note this morning, as well as in earlier notes, the Government of Nicaragua cannot fail to emphasize the extreme seriousness of the acts which we are denouncing, inasmuch as the Government of Costa Rica is aware of them but has not adopted any measure to control or reduce the mercenaries present in its territory, from which they have launched their criminal attacks against Nicaragua.

The passiveness of the Government of Costa Rica is contributing to the rapid deterioration of the situation in the frontier zone, since it is a failure to fulfil a vital obligation imposed by international norms: that of

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not permitting one's territory to be used for the commission of hostile acts against other sovereign States.

In presenting the formal and forceful protest of the Government of Nicaragua at the acts which I have just denounced, I repeat my Government's demand for the adoption of the urgent measures which the situation requires, in order to prevent the continuation of these acts of aggression against the national territory.

I take this opportunity to renew to you the assurances of my highest consideration and esteem.

(Signed) Nora ASTORGA
Acting Minister for Foreign Affairs*.

I should be grateful if you could submit these notes as documents of the Security Council.

(Signed) Victor Hugo TINOCO FONSECA
Deputy Minister for Foreign Affairs
Representative of Nicaragua on the Security Council
