



Security Council

Distr.
GENERAL

S/16556
11 May 1984
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 10 MAY 1984 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith important excerpts from the opinion issued today, 10 May 1984, by the International Court of Justice on the subject of the case brought by Nicaragua against the covert operations of the United States in my country.

I should be grateful if you could arrange for this note to be circulated as a document of the Security Council.

(Signed) Javier CHAMORRO MORA
Ambassador
Permanent Representative of Nicaragua
to the United Nations

Annex

[Original: English/French]

The Court,

A. Unanimously,

Rejects the request made by the United States of America that the proceedings on the application filed by the Republic of Nicaragua on 9 April 1984, and on the request filed the same day by the Republic of Nicaragua for the indication of provisional measures, be terminated by the removal of the case from the list,

B. Indicates, pending its final decision in the proceedings instituted on 9 April 1984 by the Republic of Nicaragua against the United States of America, the following provisional measures:

1. Unanimously,

The United States of America should immediately cease and refrain from any action restricting, blocking or endangering access to or from Nicaragua ports, and, in particular, the laying of mines,

2. By fourteen votes to one,

The right to sovereignty and to political independence possessed by the Republic of Nicaragua, like any other State of the region or of the world, should be fully respected and should not in any way be jeopardized by any military and paramilitary activities which are prohibited by the principles of international law, in particular, the principle that States should refrain in their international relations from the threat or use of force against the territorial integrity or the political independence of any State, and the principle concerning the duty not to intervene in matters within the domestic jurisdiction of a State, principles embodied in the Charter of the United Nations and the Charter of the Organization of American States.

In favour: President Elias, Vice-President Sette-Camara, Judges Lachs, Morozov, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Khani, Sir Robert Jennings, De Lacharriere, Mbaye, Bedjaoui.

Against: Judge Schwebel.

3. Unanimously,

The Governments of the United States of America and the Republic of Nicaragua should each of them ensure that no action of any kind is taken which might aggravate or extend the dispute submitted to the Court.

/...

4. Unanimously,

The Governments of the United States of America and the Republic of Nicaragua should each of them ensure that no action is taken which might prejudice the rights of the other party in respect of the carrying out of whatever decision the Court may render in the case.

C. Unanimously,

Decides further that, until the Court delivers its final judgement in the present case, it will keep the matters covered by this order continuously under review.

D. Unanimously,

Decides that the written proceedings shall first be addressed to the questions of the jurisdiction of the Court to entertain the dispute and of the admissibility of the application,

And reserves the fixing of the time-limits for the said written proceedings, and the subsequent procedure, for further decision.
