

Annex 1**LETTER FROM COSTA RICA TO NICARAGUA OF 14 NOVEMBER 2016
(REFERENCE DM-AM-584-16) (ENGLISH TRANSLATION)**

I address you regarding the cases concerning *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*.

Costa Rica has recently become aware of the new positioning of a Nicaraguan military camp from its previous location on the beach separating Los Portillos Lagoon from the Caribbean Sea, to a new location on the beach of Isla Portillos to the north-east of Los Portillos Lagoon, situated on Costa Rican territory as determined by the Court in its Judgment of 16 December 2015 in the *Certain Activities* case.

Costa Rica annexes the following images to this note:

1. Attachment 1, a satellite image of 5 July 2016 which shows the previous location of the Nicaraguan military camp, circled in red;
2. Attachment 2, an aerial photograph of 8 March 2016 which shows the previous location of the Nicaraguan military camp;
3. Attachment 3, a satellite image of 14 September 2016 which shows the new location of the Nicaraguan military camp, circled in red;
4. Attachment 4, a photograph of 7 November 2016 which shows the new location of the Nicaraguan camp;
5. Attachment 5, a superimposition of two satellite images of 8 March [sic][5 July] and 14 September 2016, on which a red line shows the change of location of the Nicaraguan military camp.

Costa Rica recalls that in its Judgment of 16 December 2015, at paragraph 229(1), the Court found that Costa Rica has sovereignty over the “disputed territory” defined by the Court at paragraph 69 of the same Judgment as comprising “the northern part of Isla Portillos, that is to say, the area of wetland of some 3 square kilometres between the right bank of the disputed *caño*, the right bank of the San Juan River up to its mouth at the Caribbean Sea and the Harbor Head Lagoon”, including “the beach”.

In light of the above, Costa Rica vigorously protests this most recent Nicaraguan violation of its sovereignty and territorial integrity. Nicaragua’s actions further constitute a violation of the Court’s Judgment of 16 December 2015 in the *Certain Activities* case, which remains an active case whilst compensation from Nicaragua is pending.

Costa Rica requests Nicaragua to remove its military camp from the Costa Rican territory in question, and to abstain from taking any action that may aggravate the dispute that is the subject of the *Maritime Delimitation* proceedings pending before the Court, or which may make those proceedings more difficult to resolve.

(Signed) Manuel A. GONZÁLEZ SANZ,
Minister of Foreign Affairs and Worship.

Attachment/Appendice 1

Satellite image, 5 July 2016

Image satellite en date du 5 juillet 2016



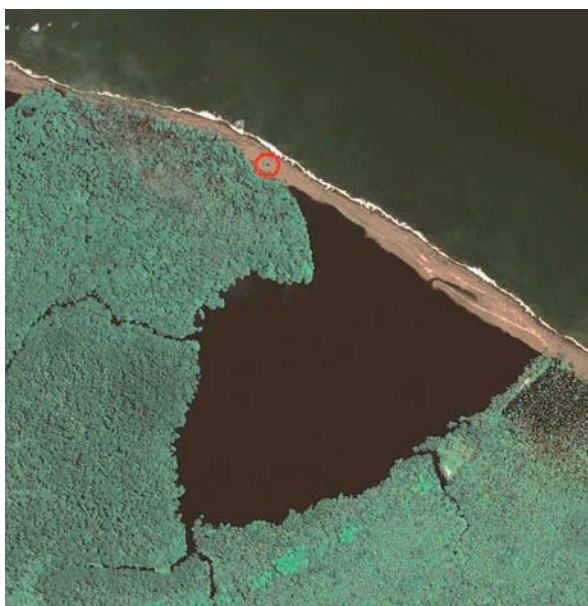
Attachment/Appendice 2

Aerial photograph, 8 March 2016
Photographie aérienne en date du 8 mars 2016



Attachment/Appendice 3

Satellite image, 14 September 2016
Image satellite en date du 14 septembre 2016



Attachment/Appendice 4

Aerial photograph, 7 November 2016
Photographie aérienne en date du 7 novembre 2016



Attachment/Appendice 5

Superimposition of satellite images, 5 July and 14 September 2016
Superposition des images satellite des 5 juillet et 14 septembre 2016



Annex 2**LETTER FROM NICARAGUA TO COSTA RICA OF 17 NOVEMBER 2016
(REFERENCE MRE/DMC/250/11/16) (ENGLISH TRANSLATION)**

I address you in reference to your note DM-AM-584-16, in which you express your protest regarding the presence of a Nicaraguan military camp which, according to your note, is located on Costa Rican territory and request its removal from said territory which, as further indicated in your note, was allegedly awarded to your country as a result of the Judgment issued by the International Court of Justice on 16 December 2015.

Allow me to point out that Costa Rica knows first-hand that Nicaragua has always exercised sovereignty over the sandbar that separates Harbor Head Lagoon from the Caribbean Sea, and both the International Court of Justice and Costa Rica have had knowledge of the presence of a Nicaraguan military camp on that sandbar for a number of years, regardless of its exact location.

In this regard I must remind you that, contrary to what is alleged in your note, Costa Rica has recognized Nicaragua's sovereignty over that sandbar in front of the lagoon on numerous occasions, most recently during the oral hearings held in April 2015. At that time, Costa Rica noted that "the sandbar which separates the sea from Harbor Head Lagoon [. . .] can only be considered as land capable of appertaining to a State in so far as it remains permanently above water at high tide and, if it does, it appertains to Nicaragua." This was confirmed by the Judgment of 16 December 2015.

Consequently, this new claim by Costa Rica is unfounded and contradicts all actions and official statements made by your country.

On the other hand, as you are aware of, and as recorded in the official maps of Nicaragua and Costa Rica for a number of years now, both countries have always considered as part of Nicaraguan territory not only the sandbar in front of Harbor Head Lagoon but also the *entire stretch of coast abutting the Caribbean Sea which lies between Harbor Head Lagoon and the mouth of the river.*

Nicaragua cannot help but notice the particular moment in which Costa Rica has decided to make this new claim, especially taking into account the next on-site visit of the experts appointed by the International Court of Justice within the context of the case *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean*, a case which does not address this topic and for which the stage for submission of written pleadings has ended.

Thus, the Government of Reconciliation and National Unity of Nicaragua rejects Costa Rica's gratuitous protest and new claims, as well as any legal sense intended for them.

(Signed) Denis MONCADA COLINDRES,
Minister Adviser to the President of the Republic
on International Policies and Affairs.

Annex 3

LETTER FROM COSTA RICA TO THE COURT OF 28 NOVEMBER 2016
(REFERENCE ECRPB-135-16) (ENGLISH ORIGINAL)

I have the honour to refer to the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*.

On Thursday, 24 November 2016, Costa Rica suffered damage in the north-west region of the country as a result of Hurricane Otto. Emergency services and first response personnel are presently assisting the victims. Thousands have been affected, and a number of lives have been lost.

Hurricane Otto first entered Nicaraguan territory just north of Isla Portillos, before continuing onto Costa Rican territory. The Costa Rican support installations on Isla Portillos were seriously damaged or destroyed as a result.

Costa Rica respectfully requests the Court to consider re-scheduling the impending visit of the experts to the region in light of these events. Costa Rica proposes that the visit of the experts takes place in early January 2017.

In the event that the experts' mission were to proceed as presently scheduled, Costa Rica may not be able to make all the logistical arrangements as planned, and Costa Rica respectfully asks for the Court's understanding in this respect.

(Signed) Ambassador Sergio UGALDE,
Co-Agent.

Annex 4

**LETTER FROM COSTA RICA TO NICARAGUA OF 30 NOVEMBER 2016
(REFERENCE DM-AM-628-16) (ENGLISH TRANSLATION)**

I refer to Nicaragua's note MRE/DMC/250/11/16 of 17 November 2016 concerning the military camp placed and maintained on the beach of Isla Portillos west of Harbor Head Lagoon, responding to Costa Rica's note DM-AM-584-16 dated 14 November 2016.

Costa Rica regrets that Nicaragua has now made a new claim to Costa Rican sovereign territory, as determined by the International Court of Justice in its Judgment of 16 December 2015. Costa Rica rejects in their entirety the arguments invoked by Nicaragua in its note. Nicaragua's attitude constitutes a rejection and a breach of said Judgment.

Should Nicaragua persist in its claim to and occupation of Costa Rican territory, Costa Rica reserves all its rights in terms of the legal avenues available to it.

(Signed) Mario Alexander MONTERO CAMPOS,
Acting Minister of Foreign Affairs and Worship.

Annex/Annexe 5

**SATELLITE IMAGE, 3 OCTOBER 2016
(INDICATING LOCATIONS OF NICARAGUAN CAMP)**

**IMAGE SATELLITE EN DATE DU 3 OCTOBRE 2016 (MONTRANT
LES EMBLEMES SUCCESSIFS DU CAMP NICHAGUAYEN)**



Annex/Annexe 6

**SATELLITE IMAGE (CLOSE-UP), 3 OCTOBER 2016
(SHOWING RELOCATION OF NICARAGUAN CAMP IN 2016)**

**IMAGE SATELLITE EN DATE DU 3 OCTOBRE 2016 (VUE RAPPROCHÉE
MONTRANT LE DÉPLACEMENT DU CAMPEMENT NICARAGUAYEN)**



C: Current camp location
C: emplacement actuel
du campement

B: Camp location at
the beginning of 2016
B: emplacement début 2016