

COUR INTERNATIONALE DE JUSTICE

---

RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

---

AFFAIRE COLOMBO-PÉRUVIENNE  
RELATIVE AU DROIT D'ASILE

**ORDONNANCE DU 20 OCTOBRE 1949**

1949

INTERNATIONAL COURT OF JUSTICE

---

REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

---

COLOMBIAN-PERUVIAN  
ASYLUM CASE

**ORDER OF OCTOBER 20th, 1949**

LEYDE  
SOCIÉTÉ D'ÉDITIONS  
A. W. SIJTHOFF



LEYDEN  
A. W. SIJTHOFF'S  
PUBLISHING COMPANY

La présente ordonnance doit être citée comme suit :

« *Affaire colombo-péruvienne relative au droit d'asile,  
Ordonnance du 20 octobre 1949:  
C. I. J. Recueil 1949, p. 225.* »

---

This Order should be cited as follows :

“*Colombian-Peruvian asylum case, Order of October 20th, 1949:  
I. C. J. Reports 1949, p. 225.*”

N° de vente : **23**  
Sales number

## INTERNATIONAL COURT OF JUSTICE

YEAR 1949

1949  
October 20th  
General List  
No. 7

Order made on October 20th, 1949.

COLOMBIAN-PERUVIAN  
ASYLUM CASE

The Acting President of the International Court of Justice,  
Having regard to Articles 35, 36, 40 and 48 of the Statute of  
the Court,

Having regard to Articles 32, 35, 38 and 41 of the Rules of Court,

*Makes the following Order :*

Whereas on October 15th, 1949, the Governments of the Republic of Colombia and of the Republic of Peru filed with the Registry of the Court the text of an Agreement of August 31st, 1949, whereby they agreed to refer to the Court the dispute which has arisen between them on account of the request of the Colombian Government that the Peruvian Government issue a safe-conduct to a Peruvian citizen who had been granted asylum in the Colombian Embassy at Lima ;

Whereas by said Agreement the proceedings before the Court may be instituted on the application of either of the Parties, without this being regarded as an unfriendly act toward the other ;

Whereas the Parties have respectively designated as Agents, for Colombia, Professor J. M. Yepes, and for Peru, Mr. Carlos Sayan Alvarez, who have elected domicile at The Hague ;

Whereas on October 15th, 1949, the Government of the Republic of Colombia filed with the Registry of the Court an Application asking the Court to decide whether :

(a) within the limits of the obligations resulting in particular from the Bolivarian Agreement on Extradition of July 18th, 1911, and the Convention on the Right of Asylum of February 20th, 1928, both in force between Colombia and Peru, and, in general, from American international law, Colombia was competent as the country granting asylum to qualify the offence for the purposes of such asylum ;

(b) in the specific case under examination, Peru, as the territorial State, was bound to give the guaranties necessary for the departure of the refugee, with due regard to the inviolability of his person, from the country ;

Whereas the Application, which bears the signature of Mr. Yepes, Agent of the Colombian Government, duly certified by the Colombian Chargé d'Affaires at The Hague, refers :

- (a) to Article 7 of the Protocol of Friendship and Co operation between the Republic of Colombia and the Republic of Peru, signed at Rio de Janeiro on May 24th, 1934, and which came into force in both States on September 27th, 1935 ;
- (b) to Article 36, paragraph 1, of the Statute of the Court ;
- (c) to Article 40 of said Statute and Article 32 of the Rules of Court,

thus specifying the provision on which the Applicant founds the jurisdiction of the Court ;

Whereas the Application also states the nature of the claim and gives a succinct statement of the facts and grounds on which the claim is based ;

Whereas, therefore, the Application fulfils the formal conditions laid down by the Rules of Court ;

Whereas on October 17th, 1949, the Government of the Republic of Peru was duly informed of the filing of the Application, of which a certified true copy was despatched to it on the same date, and whereas on October 19th the Government of the Republic of Peru has acknowledged receipt of the Application ;

The Acting President of the Court, as the Court is not sitting, after ascertaining the views of the Parties with regard to questions of procedure, fixes as follows the time-limits for the presentation by the Parties of the written proceedings :

for the Memorial of the Government of the Republic of Colombia, Friday, the 30th of December, 1949 ;

for the Counter-Memorial of the Republic of Peru, Friday, the 10th of March, 1950 ;

for the Reply of the Government of the Republic of Colombia,  
Thursday, the 20th of April, 1950 ;

for the Rejoinder of the Government of the Republic of Peru,  
Tuesday, the 30th of May, 1950.

Done in French and English, the French text being authoritative,  
at the Peace Palace, The Hague, this twentieth day of October,  
one thousand nine hundred and forty-nine, in three copies, one of  
which will be placed in the archives of the Court and the others  
transmitted to the Governments of the Republic of Colombia and  
of the Republic of Peru respectively.

(Signed) J. G. GUERRERO,  
Acting President.

(Signed) E. HAMBRO,  
Registrar.