

**SAN JUAN  
DE NICARAGUA  
RIVER**

**THE TRUTHS THAT  
COSTA RICA HIDES**



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# PRESENTATION

The State Council, in the defense of peace and sovereignty, and the constitutional institutions of the Republic of Nicaragua make available to the people of Nicaragua and to the international community ample information that permits to illustrate the scope of the dispute created by Costa Rica as of October 22, 2010.

The content of this compendium of information permits to easily establish judgments of value on the truths that Costa Rica hides and, moreover, to identify that its pretension is, again, to cut off part of the territory of Nicaragua as occurred in different episodes of our history.

The truths that Costa Rica hides are expressed in the historical, legal, environmental order and aspects that are today binding, such as those referring to the incidence of drug trafficking in the State policies of the Government of Costa Rica and the pretended propagandization of an aggression by Nicaragua, which is totally false. On the contrary, there is sufficient evidence that Nicaragua is the offended party.



With the content of this document we seek to illustrate actions of bad faith and to demonstrate how the documents presented by Costa Rica are full of defects and nullities precisely to hide the truth.

We have no doubts that Nicaragua is backed by reason and truth because we are acting in strict compliance of the Political Constitution and laws, as well as the principles of International Law that we have always respected.

Costa Rica has ignored the boundary treaties and awards consigned in its Political Constitution, has violated the principles of International Law in environmental matters and, even more deplorable, its claims originate from and are based on people who have been fully identified as active agents of international drug trafficking.

Nicaragua has systematically fostered a bilateral dialogue and that the solution to the demarcation of the boundary according to the treaties and awards passes through the persistent position of the Nicaraguan nation and the recent statements of the President of the Republic, Commander Daniel Ortega Saavedra, to proceed to the marking of the boundary, which process is rejected by Costa Rica.

Nicaragua always acquiesces and ratifies that disputes arising between sister nations can be settled through peaceful means and that when boundary disputes are involved, they must be brought before the International Court of Justice.

Nicaragua has been prudent and has acted in a responsible and constructive manner. It was Costa Rica that deployed troops, air and navy means, and special forces equipped with military weapons.

The declaration of a Costa Rica without armed forces is past history. This country budgets 240 million dollars for its armed forces, which is five times greater than the budget allocated by Nicaragua.

The cleaning of the San Juan river is a sovereign right of Nicaragua, which will continue with the intention of recovering the volume that enables full navigability and contributes to the management of river basins of strategic water resources.

No environmental damages are being caused. Nicaragua's leadership in this area is so deep-rooted that it is beyond questioning.



In Nicaragua we take care of the environment in conformity with the constitutional mandate that provides: “Nicaraguans have the right to live in a healthy environment and it is the obligation of the State to preserve, conserve and reclaim the environment and natural resources of the country”.

Consequent with our Magna Carta, Nicaragua has 76 protected areas, 3 biosphere reserves and the support and recognition of environmentalist organizations and the same International Court of Justice.

Contrary to the foregoing paragraph, Costa Rica has cut down trees in its northern zone, contaminated rivers, destroyed tropical forests and wetlands, authorizing open-sky mining operations, spilling chemicals, cyanide and agrochemicals into the San Juan River, attempting to channelize the water of Lake Nicaragua to other projects of a commercial nature, and depriving its own citizens of this vital liquid.

The reports on presumed incursions of the Nicaraguan Army and violation Costa Rica’s sovereignty, accompanied by a disproportionate deployment of armed forces by Costa Rica, are nothing more than a coarse manipulation that seeks to influence national and international opinion to justify and strengthen the objective of its strategy, which is the suspension of the cleaning work that Nicaragua is carrying out in the San Juan River since October 18, 2010, all in conformity with the sovereign rights of Nicaragua, ratified in the judgment of the International Court of Justice of July 13, 2009.



The Council of the Powers of State and constitutional institutions of the Republic of Nicaragua have the hope that Costa Rica will think it over and that this exaltation of spirits that is being fueled against Nicaragua do not result in hostilities and discriminatory and xenophobic attitudes towards the hundreds of thousands of Nicaraguans that give their work and talent for the benefit of Costa Rica.

Nicaragua and Costa Rica are sister nations not only by vicinity, but by the mixed blood of their populations.

*[Signature]*  
PODER EJECUTIVO

*[Signature]*  
PODER LEGISLATIVO

*[Signature]*  
PODER JUDICIAL

*[Signature]*  
PODER ELECTORAL

*[Signature]*  
FISCALIA GENERAL DE LA REPUBLICA

*[Signature]*  
CONTRALORIA GENERAL DE LA REPUBLICA

*[Signature]*  
TESTIGO DE HONOR: CARDENAL MIGUEL OBANDO Y BRAVO

## THE CONTROVERSY

The truth that Costa Rica hides is that its Public Forces, Judicial Investigation and Public Ministry authorities knew from Nicaraguan authorities that from October 1 to October 5 the Army of Nicaragua carried out an operation against drug trafficking in Nicaraguan territory in localities of the municipality of San Juan de Nicaragua along the border with the Republic of Costa Rica.

Costa Rica was informed about the disarticulation of an international drug trafficking cell that operated in Nicaraguan territory and from Costa Rica, as well as the dismantling of an operational base in the Municipality of San Juan de Nicaragua, in which weapons, naval means and sufficient evidence on areas destined for drug concealment were recovered and six Honduran drug traffickers were arrested.

Costa Rican authorities were informed that as a result of these operations, Nicaraguan criminals who form part of this criminal network entered Costa Rican territory to flee from justice in our country, for which reason they were being alerted so that they took the necessary measures to detain these Nicaraguan drug traffickers whose surname is Reyes Reyes and Reyes Aragón.





On October 18, Nicaragua commenced in its territory the work to clean the San Juan River with the “Sovereignty” dredge, which motivated Costa Rica to manipulate information on a presumed incursion by forces of the Nicaraguan Army to its territory, **which is totally false.**

In this sense, it is worth to mention that on October 21st, three days after the work to clean the San Juan River began, Costa Rica issued a press release in which the Ministry of Foreign Affairs and Worship and the Ministry of Public Forces base their official complaint on the versions given by the drug traffickers Reyes Reyes and Reyes Aragon pursued by Nicaraguan justice.

- **Nicaragua has not invaded Costa Rican territory.**
- **There have been no injuries or deaths. There has been no armed confrontation. The tranquility of the residents has not been altered.**
- **Nicaragua has never severed territory from Costa Rica.**
- **It has been Costa Rica that has severed our national territory.**
- **Historically, Costa Rica has always sought spaces of the national territory, including its strategic resources.**
- **Costa Rica’s true strategic goal is to have direct access to the Lake of Nicaragua and San Juan River.**
- **Costa Rica’s falsehoods are not something of today, they have always existed.**

# COSTA RICA SAYS THAT NICARAGUA INVADED ITS TERRITORY MILITARILY

# FALSE!

## NICARAGUA HAS NEVER INVADED NOR WILL INVADE COSTA RICAN TERRITORY



The Army of Nicaragua has always exercised full sovereignty, surveillance and operations to fight drug trafficking and organized crime in the south border. This includes the municipality of San Juan de Nicaragua on the border with Costa Rica.

Costa Rica has maintained a systematic campaign against the exercise of sovereignty in the waters of the San Juan River and Nicaraguan border territory, particularly against the presence of the Nicaraguan Army forces that protect these zones.



Costa Rica has never patrolled the adjacent border zone of the municipality of San Juan de Nicaragua, nor has made any captures or taken any actions against international drug trafficking.

The complaints of Costa Rica on the presence of Nicaraguan authorities in the zone of Harbor Head occurred after Nicaragua announced the beginning of the work to clean and improve the San Juan River.

**COSTA RICA MOBILIZED A LARGE MILITARY CONTINGENT TO THE BORDER WITH NICARAGUA ON OCTOBER 22, 2010.**

The disproportionate lie about the invasion is nothing more than a manipulation to hide its interest to suspend the work to clean the San Juan River.

## THE TRUTHS THAT COSTA RICA HIDES



IT IS COSTA RICA THAT HAS DEPLOYED ITS ARMED FORCES, BEARING MILITARY EQUIPMENT AND COMBAT GEAR, TO THE BORDER ZONES WITH NICARAGUA.



**IT IS COSTA RICA THAT HAS THREATENED NICARAGUA, STATING THAT: "THESE GENTLEMEN WILL WITHDRAW BY REASON OR BY FORCE."**

The true reason behind the complaint of Costa Rica is to try to prevent Nicaragua from recovering the volume and use of the San Juan River.

Warmongering language does not fit in these times. Nicaragua is giving examples of dialogue to overcome disputes in a constructive manner.

**LA NACION**

**The Security Minister expressed strong criticism against the Nicaraguan government**

MONSERRATH VARGAS LOPEZ [movargas@nacion.com](mailto:movargas@nacion.com) 02:43 P.M. 11/02/2010

San Jose (Editorial). The Security Minister, Jose Maria Tijerino, stated this morning in ADN News that he trusts in the collaboration of international organizations to solve the military presence in the north border of the country.

"These gentlemen will withdraw by reason or by force. We are supported by international law, by the mechanisms that international law has available, including the use of force".



## CONTRARY TO COSTA RICA, NICARAGUA ACTS WITH MATURITY AND PRUDENCE

On October 13, 2010, two officials of Costa Rica's Judicial Investigation Organization were detained after illegally entering Nicaraguan territory with weapons, vehicle and official identification.



## A GESTURE OF GOOD WILL OF NICARAGUA

On October 14, 2010, the Government of Nicaragua, in a gesture of good will, turned over to Mr. Hamilton Henríquez Reyes, Head of Immigration in Los Chiles, Costa Rica, Costa Rican citizens Ivan Antonio Zamora Mejia and Jhoyer Herrera Lopez, both identified as officials of Costa Rica's Judicial Investigation Office, who were carrying their weapons and moving in a Costa Rican vehicle in Nicaraguan territory after illegally entering, according to their statements, to carry out investigations and surveillance.



**DIRECCION GENERAL DE MIGRACION Y EXTRANJERIA**  
Delegación San Carlos, Río San Juan.

**\*Pertenece a personas de Jhoyan Herrera Lopez:**

Billeteira con \$2,000 Colones	Carnet OIJ No. 1413
Placa OIJ No. 1413	Cedula de Identidad
Licencia de conducir	Celular Marca Nokia
Portación de Arma	

Sin más que agregar me suscribo

Entrecan Conforme

**DIRECCION GENERAL DE MIGRACION Y EXTRANJERIA**  
DELEGACION SAN CARLOS  
RIO SAN JUAN

Tit. Sr. Jorge René García  
Delegado de Migración y Extranjería  
San Carlos, Río San Juan.

Comisionado Jerald Arteaga Nájera  
Jefe Policía Nacional Río San Juan.

Recibe Conforme

*Hamilton Henríquez Reyes*  
Jefe Migración Los Chiles,  
República de Costa Rica.

*El recibí en gran estado de Salud a los señores Jhoyer Herrera Lopez e Ivan Antonio Zamora Mejia el día 13 de octubre del 2010.*

*Hamilton Henríquez Reyes*

PODER EJECUTIVO

**DIRECCION GENERAL DE MIGRACION Y EXTRANJERIA**  
Delegación San Carlos, Río San Juan.

San Carlos Río San Juan,  
Jueves 14 Octubre 2010.

Sr. Hamilton Henríquez Reyes  
Jefe de Migración y Extranjería  
Los Chiles Costa Rica.  
Su Oficio

Estimado Sr. Henríquez:

Por medio de, presente le estoy remitiendo en calidad de Recibo Administrativo a dos (2) ciudadanos de la nacionalidad Costarricense, en perfecto estado físico y mental, los que ingresaron de forma legal a nuestro país por el Puerto Fronterizo no habilitado de El Corral, Costa Rica Municipio de San Carlos, Departamento de Río San Juan el día Miércoles 13 de Octubre del 2010 a las 11 y 40 minutos de la mañana.

A continuación detallo sus datos:

- 1.- Ivan Antonio Zamora Mejia - C.I. 204860989. Costarricense
- 2.- Jhoyer Herrera Lopez C.I. 603650689. Costarricense

\* De que manera le estamos haciendo entrega formal de las siguientes pertenencias de los ciudadanos:

- 1.- Una Pistola Marca Sig Pro. Serie No. 5P016035? Calibre 9 mm Fabricación USA
- 2.- Una Pistola Marca Sig Pro Serie No. 0064315 Calibre 9 mm Fabricación Alemana
- 3.- Tres Cargadores de Pistola (2 con 15 Cartuchos y 1 con 4 Cartuchos.)

**\* Pertenencias personales de Ivan Antonio Zamora Mejia:**

Billeteira con \$9,000 Colones	Cedula de Identidad
Celular Marca Nokia	Portación de Arma
Celular Marca CTE	Carnet de OIJ No. 677

RECIBIDO

PODER EJECUTIVO

# COSTA RICA SAYS THAT NICARAGUA INVADED AND ILLEGALLY OCCUPIES CALERO ISLAND

# FALSE!



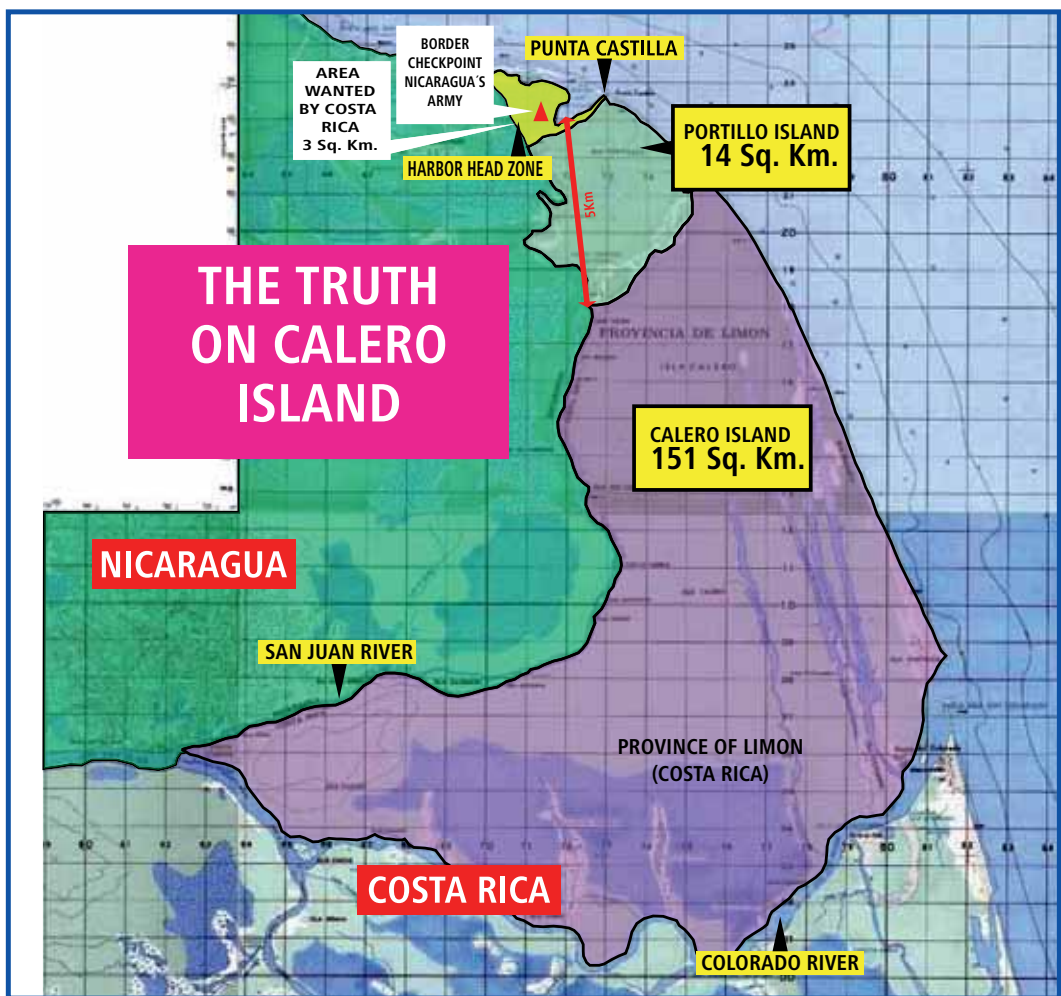
## COSTA RICA'S CLAIM

"I asked specifically in Nicaragua about Calero Island, they told me that Calero Island is in Costa Rica and Nicaragua would never question that.

We are not referring to Calero island..., we are referring precisely to that which is called Aragon farm. ...because this is a swamp; in the most common language it is called a swamp, but in reality, nowadays the word wetland is used..."

Jose Miguel Insulza,  
Secretary General  
of the OAS in the  
Special Session of  
the General Assembly.  
11/9/2010

THE ARMY OF NICARAGUA HAS CARRIED OUT ITS MILITARY ACTIONS IN THE ZONE OF HARBOR HEAD AND RIVER OF THE SAME NAME, A SOVEREIGN AND UNQUESTIONABLE TERRITORY OF NICARAGUA.



Calero Island is located between the margin of the Colorado and Taura rivers, in a southerly position, which Costa Rica calls Portillo Island, that is to say, distant from the permanent location of the Army of Nicaragua in the Harbor Head River in the locality of San Juan de Nicaragua.

## NICARAGUA DOES NOT DISPUTE COSTA RICA'S SOVEREIGNTY OVER CALERO ISLAND.

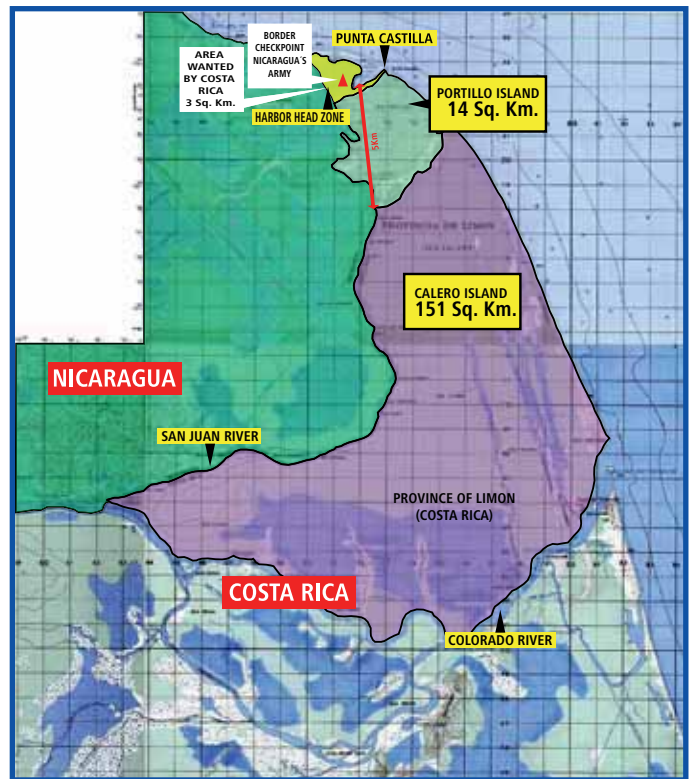
NICARAGUA HAS NEVER INVADED NOR WILL INVADE COSTA RICAN TERRITORY. ON THE CONTRARY, NICARAGUA HAS BEEN ATTACKED.

**LA NACION**

### OAS team did not see any nicaraguan flag or army soldiers at Calero Island

ALVARO MURILLO AND CARLOS A. VILLALOBOS  
alvaromurillo@nacion.com 11:51 A.M. 11/08/2010

San Jose (Editorial). The Secretary General of the OAS, Jose Miguel Insulza and his team, as well as officials from the Costa Rican Chancellery flew over Calero Island on the border with Nicaragua and did not observe the flag of that nation raised in Costa Rican territory or the presence of military forces of the Nicaraguan Army.



**alDía**

November 4, 2010

### Police visits neighbors of Calero Island

Yesterday four coastguard boats were taking a census of farms in Calero Island and talking to the neighbors about the situation of security in the zone, while in the central command in South Colorado, police remains vigilant and on alert, , but without startles.

The inhabitants said that it is a calm zone and the main problems are drug trafficking, the absence of immigration authorities and theft of cattle and pigs.



COSTA RICA HAS NEVER MAINTAINED A MILITARY PRESENCE IN THIS ZONE

Three members of Costa Rica's public force are located in Barra Colorado, about 24 kilometers from the bordering Harbor Head River.



Population of Barra Colorado complains about the lack of policemen

CARLOS HERNANDEZ P. CORRESPONDENT GN 09:18 A.M. 10/24/2010

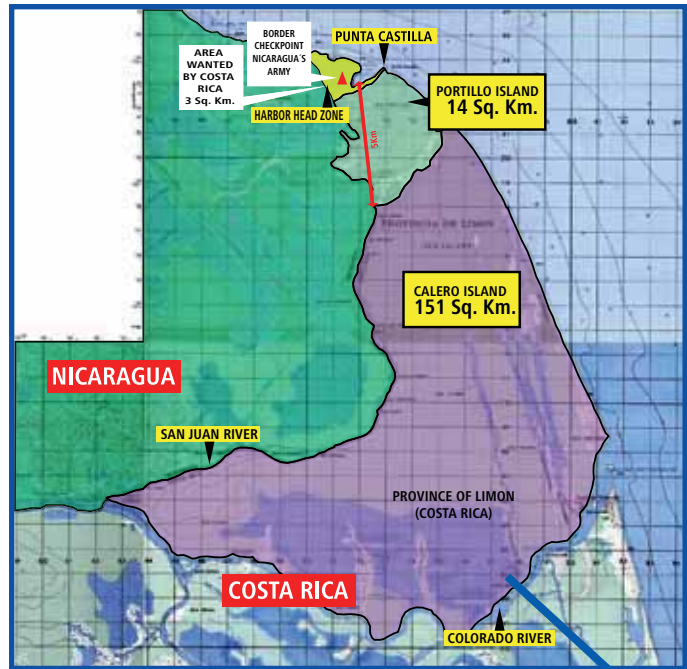
Barra del Colorado (Pococi). Within the frame of an unusual police presence yesterday, the inhabitants of this Limon locality in the border with Nicaragua complained again about the regular lack of public forces.

One of the most upset is hotelkeeper Guillermo Cunningham, who said that in terms of security they have been "always forgotten".

The complaint is not uncalled for because Barra del Colorado in Pococi has three permanent police officers that occupy an improvised facility near the landing field and must watch over an extensive mountainous area and channels that, according to reiterated reports, are used by drug trafficking groups to tranship narcotics.

"Here we live alone, like ships without a captain. Many people come here and we don't know who they are and they disappear as mysteriously as they come", stated Cunningham.

The businessman said that to a certain extent Eden Pastora Gomez, who is directing the dredging of the San Juan River, is right when he says that: "This is no-man's land" because nobody has a property title. In addition, they have been asking the State for many years to define this situation and the only thing they have obtained are promises that they will be taken care of.



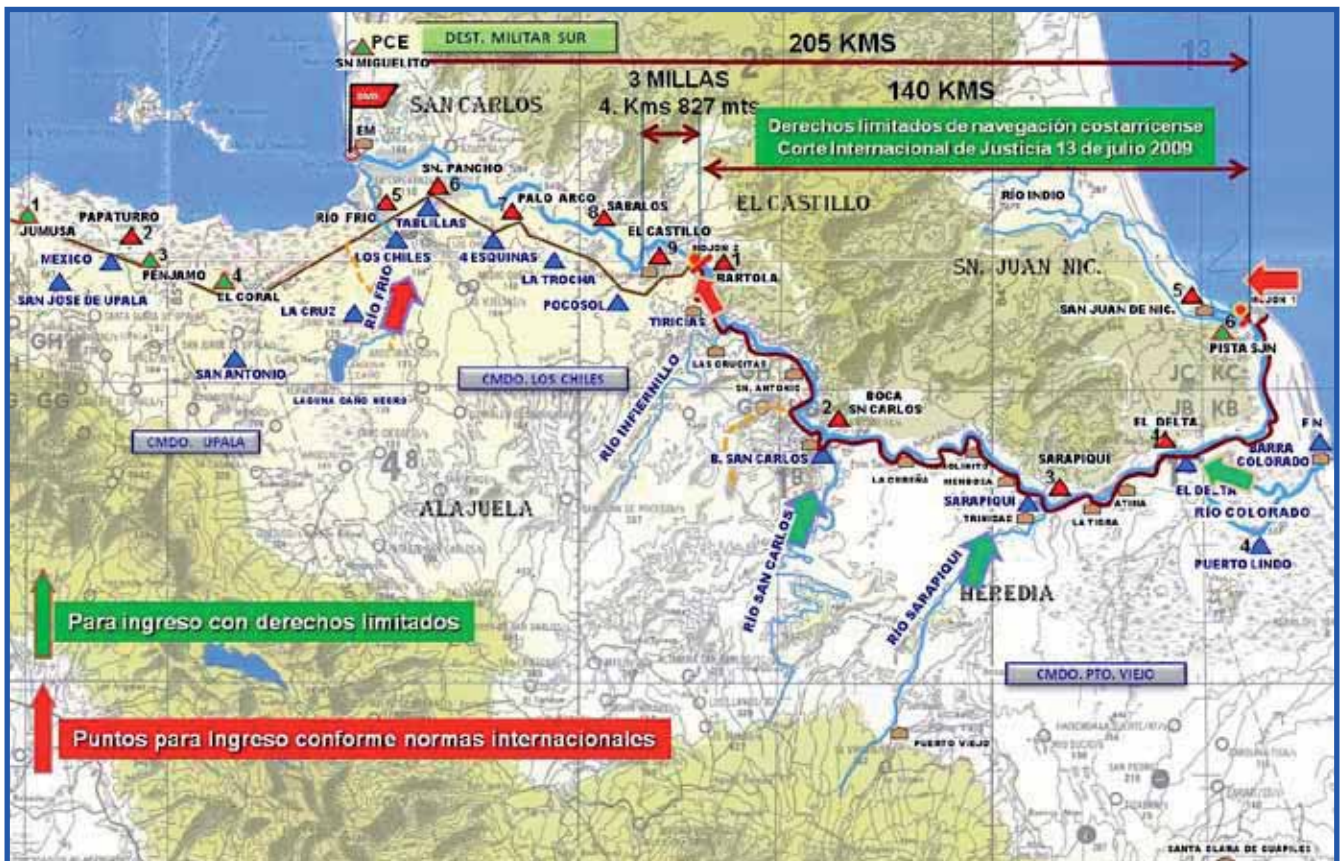
3 COSTA RICA POLICE OFFICERS

# COSTA RICA AFFIRMS THAT THE ARMY OF NICARAGUA CONTINUES TO VIOLATE ITS SOVEREIGNTY

# FALSE!

The Nicaraguan Army has always patrolled our territorial waters, lagoons, waterways, outlets and the entire extension of the San Juan River.

## NICARAGUA MAINTAINS EXCLUSIVE SOVEREIGNTY AND DOMINION OVER THE COURSE OF THE SAN JUAN RIVER



# COSTA RICA SAYS WE ARE ATTACKING AND WE ARE PUTTING REGIONAL PEACE AND SECURITY AT RISK

# FALSE!

## IT IS NICARAGUA THAT HAS DEALT ACCURATE BLOWS TO DRUG TRAFFICKING

Nicaragua has shown forceful results in the fight against drug trafficking, seizing 110 tons of drug in the last 10 years.

In 2009, nearly 300 tons of cocaine did not get to their final destination because of the operations undertaken by Nicaragua's Army and Police.

Map presented by Cinthya Alvarado Giuttia (Intelligence officer of Costa Rica's Coast Guard Service) during a CNIES conference in Panama City on September 16, 2008, on drug trafficking activities in Costa Rica.

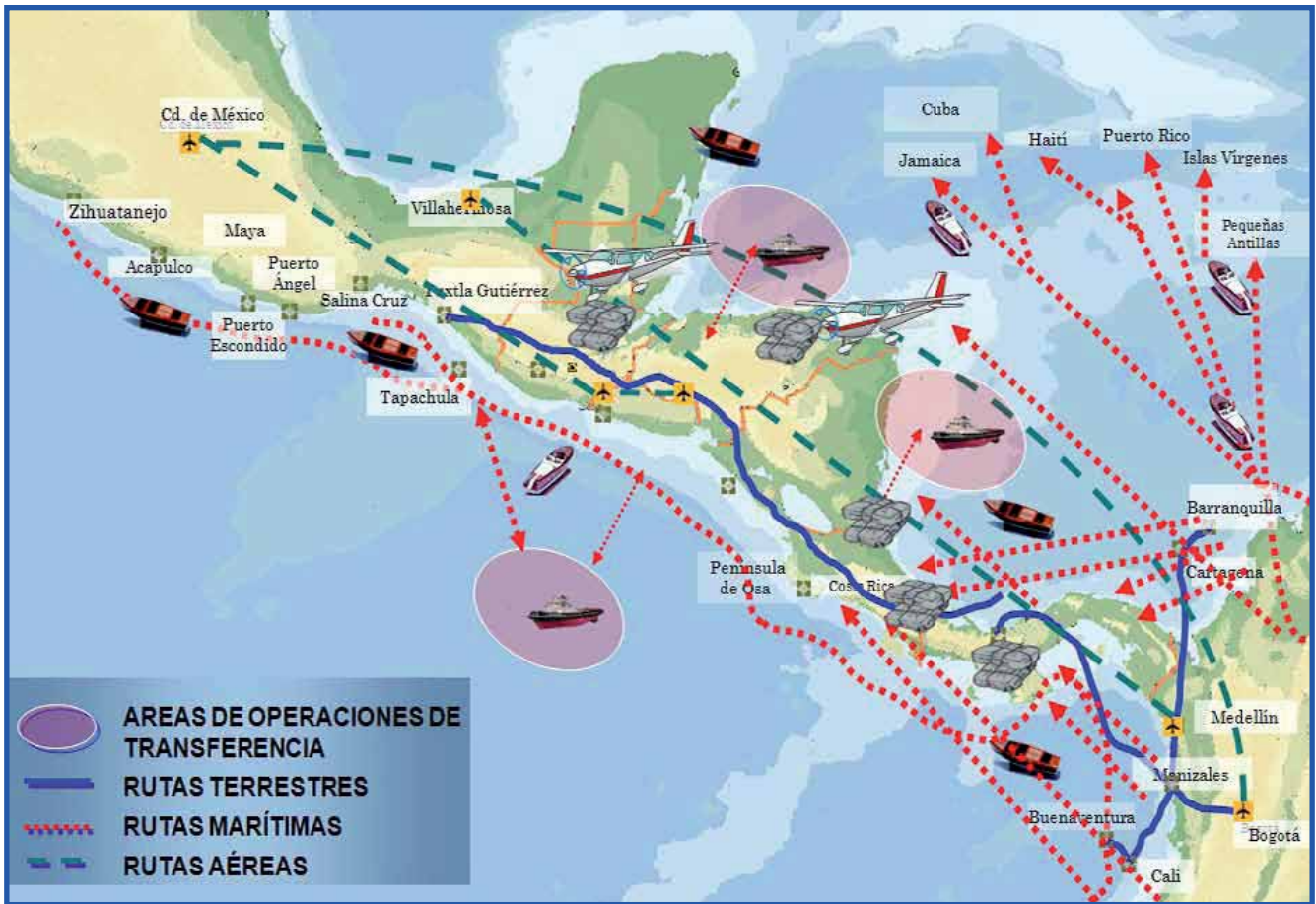


**"IT IS PAINFUL THAT THE COUNTRY HAS BEEN INCLUDED FOR THE FIRST TIME IN HISTORY IN THE LIST OF THE PRESIDENT OF THE UNITED STATES THAT IDENTIFIES COUNTRIES WITH THE MOST INTENSIVE TRANSIT OF ILLEGAL DRUGS".**

Mauricio Boraschi, Deputy Minister of the Presidency of Costa Rica and National Antidrug Commissioner, September 16, Presidential Press.

# SAN JUAN DE NICARAGUA RIVER

## DRUG TRAFFICKING ROUTES IN THE REGION



WITH THE STRUGGLE WAGED BY NICARAGUA AGAINST DRUG TRAFFICKING AND INTERNATIONAL ORGANIZED CRIME BENEFIT NICARAGUANS, BUT ALSO THE COUNTRIES OF THE NORTH AND SOUTH.

NICARAGUA: RETAINING WALL AGAINST DRUGS

"In 2009, military and police forces continued joint cooperation in interdiction operations". "...both the police and military forces continued to stand out in their respective efforts against narcotics and strengthened their collaboration with neighboring countries and U.S. law enforcement agencies."

2009 International Narcotics Report by the Department of State, Chapter on Nicaragua.

The Nicaraguan Army has always carried out operations against drug trafficking and organized crime in all its south border and Costa Rican authorities have never been present in the border zone to Harbor Head in San Juan de Nicaragua.

Nicaragua has been internationally recognized as one of the countries with the best results in the fight against drug trafficking.



During his visit to Nicaragua in October 2010, Arturo Valenzuela, Assistant Secretary of State for Western Hemisphere Affairs at the U.S. Department of State, highlighted that his agenda was centered on cooperation in security matters, mainly the fight against drug trafficking that his government is pushing forward with President Ortega.



## SAN JUAN DE NICARAGUA RIVER

NICARAGUA HAS CONTINUED TO CONFRONT DRUG TRAFFICKING AND ORGANIZED CRIME IN SOUTH BORDER THROUGH "BLACK HAWK" OPERATION. NOVEMBER 20, 2010.



Efraín Rodríguez Duarte, a captured drug trafficker of Honduran nationality: "... we got to a point on the border of Costa Rica with Nicaragua, to a river, where they were waiting for us".



### NICARAGUA HAS CONTINUED TO CONFRONT DRUG TRAFFICKING AND ORGANIZED CRIME IN SOUTH BORDER THROUGH "BLACK HAWK" OPERATION. NOVEMBER 20, 2010.



#### SEIZED DRUGS AND EQUIPMENT:

- A Yamaha 200-HP boat with 4 engines.
- 53 bags with 1,286 cocaine bricks weighing 1,451 kilos and 370 grams.

#### CAPTURED:

1. Pedro Cedeño Gomez, Panamanian
2. Juan Fernando Pantoja, Colombian
3. Baudilio Allan Galindo, Honduran
4. Nataniel Roberto Haylock, Honduran
5. Efrain Rodriguez Duarte, Honduran



**COSTA RICA SAYS  
THAT "PEACEFUL COSTA  
RICAN CITIZENS"  
WERE CAPTURED  
BY THE ARMY  
OF NICARAGUA**

**FALSE!**

**OPERATION AGAINST DRUG TRAFFICKING IN BORDER TERRITORY FROM  
1 TO 5 OCTOBER 2010 CAUSES OFFICIAL REACTION OF COSTA RICA**



**CAPTURED**

1. Carlos Alberto Barriento Lopez
2. Policarpo White Casildo
3. Pedro Alberto Ortega Ramirez
4. Jose Israel Ayala Funez
5. Lorenzo Casildo Alvarez
6. Rafael Antonio Garcí'a Rivera

**LOCATION OF THE OPERATION:**

Latitude: 10° 54.771' north and  
length: 083'' 41.283' west, located  
in Nicaraguan territory.



**SEIZED WEAPONS:**

- One (1) AK-47
- Three (3) AKM guns.
- One (1) AKMS gun.
- One (1) CAL 5.56 gun



IT WAS A BLOW AGAINST A GROUP OF DRUG TRAFFICKERS KNOWN AS "THE TARZANS" THAT USED COSTA RICAN TERRITORY TO CARRY OUT DRUG TRANSHIPMENT OPERATIONS IN NICARAGUAN TERRITORY



### THE FACTS:

- October 1-5: the operation of Nicaragua against drug trafficking
- October 3: the Reyes flee to Costa Rica
- October 18: Nicaragua initiates the cleaning of the San Juan River de Nicaragua.
- October 21: Costa Rica denounces "military invasion" of Nicaragua



COSTA RICAN AUTHORITIES WERE ALERTED ON FLIGHT PLAN

On October 23, 2010, the flight plan of drug traffickers imprisoned in Bluefields was neutralized.

Colombian hired assassins from Costa Rica were planning to assault the National Police headquarters in that municipality.

This type of activity has background.

**EL NUEVO DIARIO**  
COM TODO EL PODER DE LA INFORMACION  
Miércoles 5 de Mayo de 2004 | Managua, Nicaragua

Toman cuartel en Bluefields y asesinan a capitán y a 3 suboficiales

# Masacran a policías

Cuatro muertos, una herida y una delegación

policias oficial y una policial

REPUBLICA DE NICARAGUA  
CONSEJO SUPREMO ELECTORAL  
CEDULA DE IDENTIDAD  
604-050563-0000F  
NOMBRES: AGUSTIN  
APELLIDOS: REYES ARAGON  
Agustin Reyes A  
VAL: 14-04-1997 AL: 14-04-2007

REPUBLICA DE NICARAGUA  
POLICIA NACIONAL  
DIRECCION DE AUXILIO JUDICIAL  
(Policia Nacional... a tu Servicio Siempre)  
Managua 23 de Octubre del año 2010.

Licenciado  
Jorge Rojas  
Director Organismo de Investigacion Judicial (OIJ)  
SAN JOSE, COSTA RICA  
Su Despacho -

Ref. Solicitud de cooperación.

En fecha 01 de octubre 2010, siendo las 15:33 hrs. aproximadamente en una operación realizada por la Fuerza Naval del Ejército de Nicaragua, contra el Crimen Organizado, en el sector del Rio Pico Rosa al norte de la Barra del Rio Maiz, territorio Nicaragüense, fueron capturados seis individuos de origen hondureño, a quienes se les daba seguimiento por información de inteligencia por estar desarrollando actividades ligadas al narcotráfico.

Los capturados fueron:

1. Carlos Alberto Barrios Lobo, de 29 años de ocupación jornalero y con domicilio en Sinaloa, Honduras.
2. Policarpo Castillo Blanco, de 33 años de ocupación marino y con domicilio en Departamento Gracias a Dios, Honduras.
3. Pedro Alberto Ortega Ramirez, de 20 años de ocupación técnico en refrigeración, con domicilio en La Ceiba Honduras.
4. José Israel Ayala Funes, de 45 años de ocupación jornalero y con domicilio frente a Hotel Faria, La Ceiba Honduras.
5. Lorenzo Castillo Álvarez, de 27 años de ocupación jornalero y con domicilio en La Ceiba Honduras.
6. Rafael Antonio García Rivera, de 30 años de ocupación agricultor y con domicilio en Colonia Esperanza, La Ceiba Honduras.

En la misma operación se les logró incautar a los detenidos una lancha, 40 baulines plásticos, con capacidad de 60 galones, seis fusiles de distintos tipos y calibre.

Los detenidos antes mencionados fueron Incautados por los Fiscales de FINANCIAMIENTO DE ESTUPEFACIENTES, PSICOTROPICOS Y SUSTANCIAS CONTROLADAS, CRIMEN ORGANIZADO, Y OTROS, conforme al expediente policial número 118-2010. Actualmente se

REPUBLICA DE NICARAGUA  
POLICIA NACIONAL  
DIRECCION DE AUXILIO JUDICIAL  
(Policia Nacional... a tu Servicio Siempre)  
Managua 23 de Octubre del año 2010.

Comisario  
Juan José Andrade  
Director Fuerza Policia  
SAN JOSE, COSTA RICA  
Su Despacho -

Ref. Solicitud de cooperación.

En fecha 01 de octubre 2010, siendo las 16:30 hrs. aproximadamente en una operación realizada por la Fuerza Naval del Ejército de Nicaragua, contra el Crimen Organizado en el sector del Rio Pico Rosa al norte de la Barra del Rio Maiz, territorio Nicaragüense, fueron capturados seis individuos de origen hondureño, a quienes se les daba seguimiento por información de inteligencia por estar desarrollando actividades ligadas al narcotráfico.

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En la misma operación se les logró incautar a los detenidos una lancha, 40 baulines plásticos, con capacidad de 60 galones, seis fusiles de distintos tipos y calibre.

Los detenidos antes mencionados fueron Incautados por los Fiscales de FINANCIAMIENTO DE ESTUPEFACIENTES, PSICOTROPICOS Y SUSTANCIAS CONTROLADAS, CRIMEN ORGANIZADO, Y OTROS, conforme al expediente policial número 118-2010. Actualmente se

A NICARAGUAN DRUG TRAFFICKER IS THE MAIN SOURCE OF COSTA RICA'S OFFICIAL REPORT.

IT IS TOTALLY INCONCEIVABLE THAT COSTA RICA GIVES CREDIBILITY TO THE REPORT OF A DRUG TRAFFICKER TO ESCALATE A DISPUTE AGAINST NICARAGUA.



WE ARE STILL WAITING FOR COSTA RICA TO STOP DRUG TRAFFICKERS AND TO RESPOND.

LA NACIÓN

Family denounces invasion of Nicaraguan leader

ESTEBAN OVIEDO eoviedo@nacion.com 11:27 A.M. 10/21/2010

A Costa Rican family reported that the director of the dredging operation of the San Juan River, former Nicaraguan guerilla fighter Eden Pastora Gomez, forcefully entered and took over his farm. According to the complaint, the fact occurred in the Aragon farm in Calero Island, to the north of Limon. Giovanni Incera, lawyer of the family of Marcos Reyes Reyes and his brothers, affirmed that Pastora entered with the help of the Nicaraguan Army, hit workers and took some of them, in addition to attacks on cattle and other animals.

The case will be taken to the judicial instances in Limon, he stated. Danilo Castillo, police supervisor in Sarapiquí, Heredia, also reported that he sent a report to the Ministry of Security with testimonies from neighbors of the zone, who give faith of the incursions.



# COSTA RICA SAYS THAT IT DOES NOT HAVE AN ARMY

# FALSE!

## COSTA RICA: SECURITY BUDGET AND NUMBER OF OFFICERS

SECURITY BUDGET FOR 2010	POLICE FORCES		OBSERVATION
	2009	2010	
US\$ 240.3 Million	12,553	13,270	Costa Rica destines five times more in military spending than Nicaragua.



THEY USE SURFACE UNITS,  
AIR MEANS, AND ARTILLERY  
AS ANY CONVENTIONAL  
ARMY



Piece of 81 millimeter caliber mortar manufactured in the United States



DEVELOPMENT OF MILITARY OPERATIONS OF COSTA RICA



**COSTA RICA SAYS THAT  
NICARAGUA HAS CAUSED  
AND IS CAUSING  
ENVIRONMENTAL DAMAGES  
TO THE FLORA  
AND FAUNA IN  
ITS TERRITORY**

**FALSE!**

**THE ENVIRONMENTAL CONTAMINATION OF THE SAN JUAN RIVER HAS BEEN PERMANENT AND SUSTAINED.**

From Costa Rican territory, companies dedicated to mining and hydrocarbon exploration in the border zone have spilled incalculable amounts of pollutants (cyanide and agrochemicals among others) into the river. On the other hand, the dredging of rivers by Costa Rica in different moments has had a direct impact on the volume of the San Juan River, fundamentally in the delta of the Colorado River where most of its volume is directed until it empties into the Caribbean Sea.



**IT IS COSTA RICA WHO IS POISONING THEIR RIVERS  
AND ALSO SAN JUAN DE NICARAGUA RIVER**

### THE ENVIRONMENTAL DAMAGES CAUSED BY THE ADVANCEMENT OF THE AGRICULTURAL FRONTIER OF COSTA RICA ALONG THE BORDER ARE INCALCULABLE



The advancement of the agricultural border from Costa Rican territory, the felling of trees and opening of roads has also impacted the environment of the river, causing great sedimentation.





THE ENVIRONMENTAL DAMAGES CAUSED BY THE ADVANCEMENT OF THE AGRICULTURAL FRONTIER OF COSTA RICA ALONG THE BORDER ARE INCALCULABLE



# SAN JUAN DE NICARAGUA RIVER

## THE CONTAMINATION OF THE SAN JUAN RIVER HAS BEEN PERMANENT AND SUSTAINED

Map of concessions to explore and exploit hydrocarbons in the south bank of the San Juan River

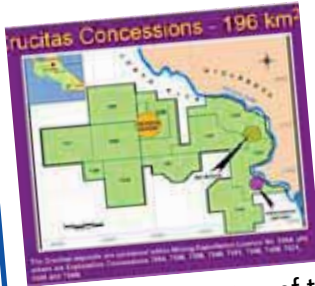
CAMP OF THE PLACER DOWN MINING COMPANY, LOCATED IN LAS CRUCITAS, COSTA RICA, 13 KILOMETERS TO THE SOUTHEAST OF EL CASTILLO AND 3 KILOMETERS FROM THE SAN JUAN RIVER. CYANIDE WASTE WAS SPILLED INTO THE WATERS OF THE SAN JUAN RIVER.



# THE TRUTHS THAT COSTA RICA HIDES

## COSTA RICA IS RESPONSIBLE FOR ENVIRONMENTAL DAMAGES OF INCALCULABLE VALUE

UNIVERSITY OF COSTA RICA / UNIVERSITY COUNCIL



SPECIAL REPORT ON OPEN-SKY CHEMICAL MINING: LAS CRUCITAS CASE, MAY 2009.

2. ENVIRONMENTAL IMPACT OF OPEN-SKY GOLD MINING: LAS CRUCITAS CASE. Yamileth Astorga, M.Sc., ProGAI Coordinator. Alteration of superficial water resource.

The superficial waters of the gorges and rivers that pass through the zone of Las Crucitas, which represent the area of direct influence (ADI) and indirect influence (AII) of the mining project or drainage area, are the micro watersheds of the Zabayos and La Mina gorges up to their confluence with the Infiernito River and up to its confluence with the San Juan River.

The area to be occupied by the Las Crucitas project is two square kilometers, which cover 73% of the Infiernito river basin and 27% of the Crucitas river basin.

The environmental impact of this project is not limited to the aforementioned micro river basins, but to the drag by the flow of both water bodies towards the bi-national river basin of the San Juan River, which could cause an international conflict between Costa Rica and Nicaragua.

"THE ENVIRONMENTAL IMPACT OF THIS PROJECT IS NOT LIMITED TO THE AFOREMENTIONED MICRO RIVER BASINS, BUT TO THE DRAG BY THE FLOW OF BOTH WATER BODIES TOWARDS THE BI-NATIONAL RIVER BASIN OF THE SAN JUAN RIVER, WHICH COULD CAUSE AN INTERNATIONAL CONFLICT BETWEEN COSTA RICA AND NICARAGUA". AREA OF THE LAS CRUCITAS PROJECT IN COSTA RICA, LOCATED ONLY THREE KILOMETERS FROM THE SAN JUAN DE NICARAGUA RIVER.



AREA DEL PROYECTO LAS CRUCITAS EN COSTA RICA, UBICADO A SÓLO 3 KILÓMETROS DEL RIO SAN JUAN DE NICARAGUA



## DESCRIPTION OF LAS CRUCITAS MINING PROJECT

Violations of international law and possible environmental impacts, August 19, 2008



The project, operated by Infinito Gold Ltd., which was granted a license on March 17, 2008, will be located in the district of San Carlos, Alajuela province, a few kilometers from the San Juan River and the border with Nicaragua. Based on existing information, it can be concluded that the project will exploit more than three hundred hectares in the La Fortuna and Botija mountains that are primary and secondary forests. The company expects to produce a million ounces of gold in hard rock from an 85-meter deep open pit a few kilometers from the San Juan River.

Costa Rica has international obligations that limit its sovereignty and demand that it does not damage the environment of other countries

International Law enshrines the principle of sovereignty of the States, which is limited in accordance with: 1) international treaties and conventions, and 2) international common law derived from historical and common practice of the States.

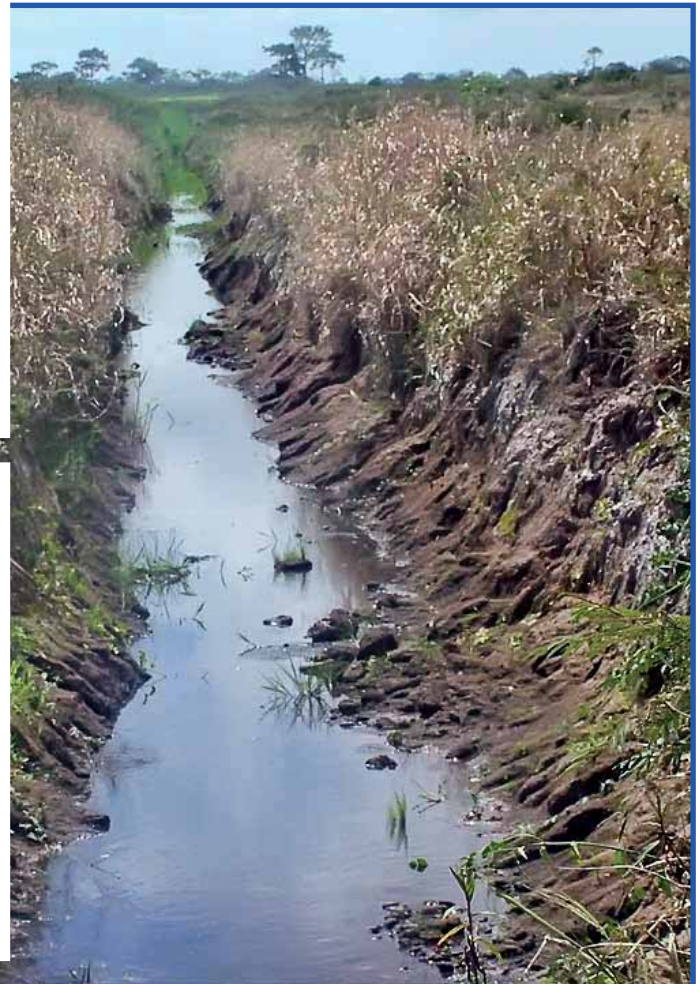
According to both sources, even though it has the right to dispose of its territory within its borders and in accordance with its jurisdiction, Costa Rica cannot allow activities that damage the environment of other States.



# THE TRUTHS THAT COSTA RICA HIDES

IN 2008, COSTA RICA CAUSED DAMAGES TO THE NICARAGUAN LA UVA LAGOON, REDUCING THE WATER MIRROR OF THIS LAGOON FROM 100 TO 3 HECTARES

THE WORLD MUST KNOW  
HOW COSTA RICA DEGRADES  
THE ENVIRONMENT



# COSTA RICA SAYS THAT NICARAGUA DOES NOT HAVE THE RIGHT TO DREDGE THE SAN JUAN RIVER

# FALSE!

As concerns the right of Nicaragua to dredge the river, the Cleveland Award is very clear. Nicaragua raised 11 questions to Arbitrator Cleveland. Question number 6 was as follows:

"Can Costa Rica prevent Nicaragua from executing, at its own expense, improvement works?"

President Cleveland's answer was forceful:

"The Republic of Costa Rica cannot prevent the Republic of Nicaragua from executing, at its own expense and within its own territory, such improvement works..."



## COSTA RICA CONTRADICTS ITSELF: TWO DIFFERENT VERSIONS

On September 8, 2010, before the environment commission of the Legislative Assembly, Engineer Rene Castro Salazar, Minister of Foreign Affairs and Worship of Costa Rica, shared Nicaragua's criteria in relation to the cleaning of the San Juan River, stating:

"...Costa Rican experts developed a volume calculation model that projects the impact on the volume of the Colorado River from the different types of projects and dredging operations in the San Juan River. Without going into details, I can say that the results of these studies are in general tranquilizing for the country since all the models analyzed calculate volume reductions of less than 12%. Moreover, for the announced \$7 million investment, the reduction of volume would be even smaller and, therefore, will not produce the alarming environmental and economic impact that some media have suggested. Nobody has been able to prove volume calculations or reductions close to 60% as published in some media."

LA NACION

ENDORSES JUSTIFICATIONS WITHOUT SEEING ENVIRONMENTAL IMPACT STUDY

### Chancellery accepts Nicaraguan plan to dredge San Juan River

ESTEBAN A. MATA emata@nacion.com 11:02 P.M.  
9/08/2010

The Minister of Foreign Affairs, Rene Castro, stated yesterday to the members of the Environment Commission of the Congress that he sees no major ecological problems in the dredging of the San Juan River that Nicaragua aims to carry out.

He added that the excavation in the waterway is "a sovereign decision of Nicaragua and we must ensure that it does not have negative impacts on the Costa Rican side".

Castro said that he was satisfied with Nicaragua's technical environmental impact justifications, even though the official acknowledged that he has not seen them.

"There is an environmental impact study made by Nicaragua and we have made our own analyses", justified Chancellor Castro.



### NICARAGUA HAS THE RIGHT TO CLEAN THE RIVER

During the trial brought by Costa Rica before the International Court of Justice claiming the right to navigate with weapons of war in the river, which was settled by the Court on July 13, 2009, Nicaragua requested the Court to reaffirm its rights to dredge and, in general, make improvements in the river.

The Court ratified the effectiveness of the resolution laid out in the Cleveland Award, which states in paragraph 6, clause three, as follows:



San Juan River.

“Nicaragua can execute works of improvement as it deems advisable provided such works of improvement do not result in the serious impairment of the navigation of the said river or any of its branches at any point where Costa Rica is entitled to navigate the same.” (Paragraph 155, Judgment of July 13, 2009).

When the river cleaning work began, the Chancellor of Costa Rica reaffirmed the right of Nicaragua to dredge the river and

made public statements on September 8, 2010, affirming that the dredging projected by Nicaragua would not affect more than 12% of the waters of the Colorado River and that it did not imply problems for Costa Rica.

Nicaragua accepts the statement of the Chancellor of Costa Rica as regards the recognition of its right to dredge the river, but not with regard to the arbitrary limits that he imposes on the right to recover the traditional volume of the river. The Cleveland and Alexander awards clearly state that the situation that prevails in the river is that which existed in 1858 when the Cañas Jerez Treaty was signed.

In this respect, the Cleveland Award clearly states:

“The dividing line between the Republics of Nicaragua and Costa Rica, on the Atlantic side, begins at the extremity of Punta de Castillo, at the mouth of the San Juan de Nicaragua River, as they both existed on the 15th of April of 1858”.



THE CLEANING OF THE SAN JUAN RIVER IS DONE IN NICARAGUAN TERRITORY



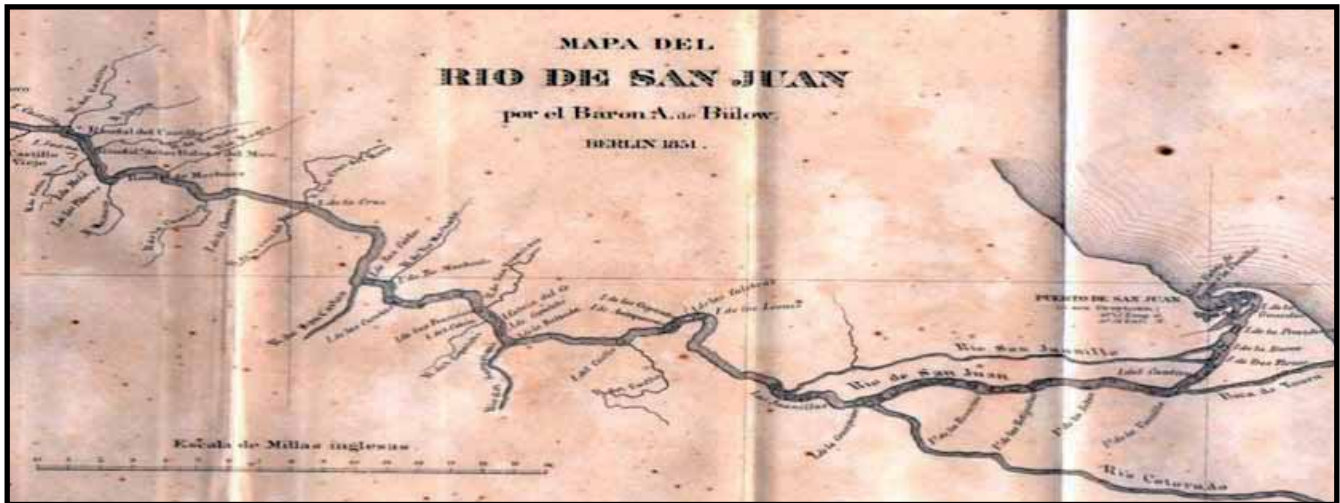
On October 22, 2010, the Nicaraguan Institute of Territorial Studies certified the exact location where the Sovereignty dredge is parked, describing that it is located on the San Juan river at a distance of 218 meters to the southeast of the confluence of the Sucio watercourse and San Juan River with coordinates 10° 54' 55.9' north and longitude 083° 40' 43.2'' west in Nicaraguan territory.



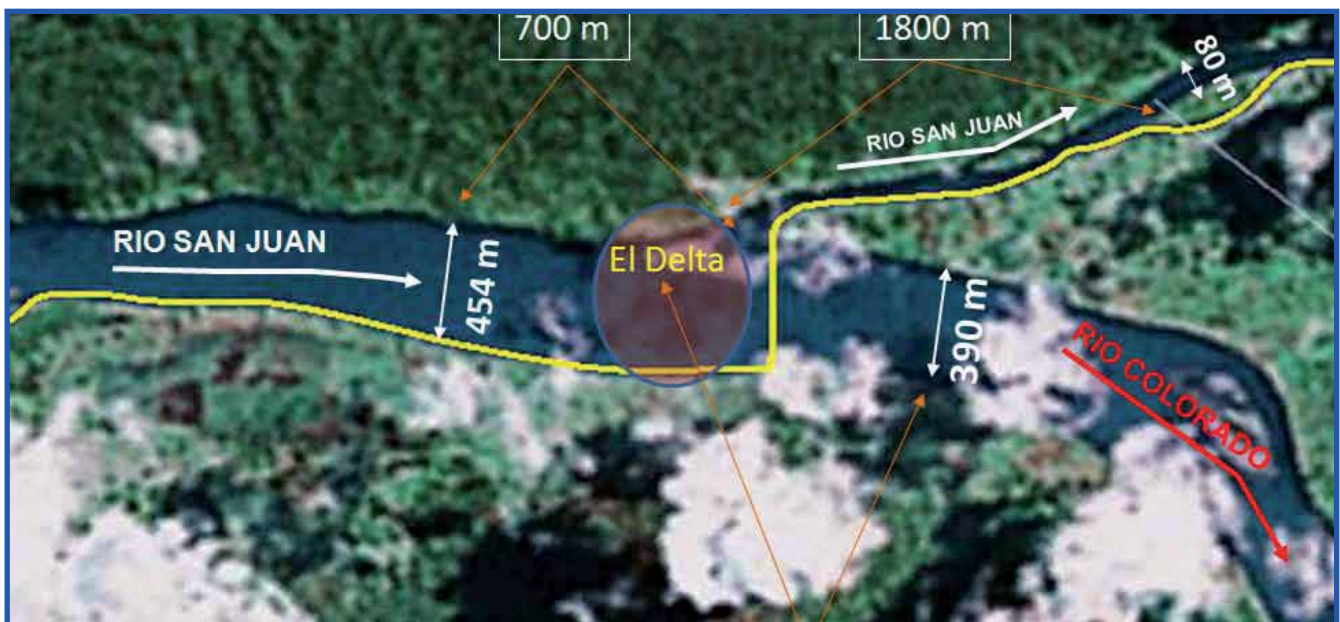
## SAN JUAN DE NICARAGUA RIVER

**IT WAS COSTA RICA THAT DIVERTED THE VOLUME OF THE SAN JUAN RIVER TO THE COLORADO RIVER WITHOUT REQUESTING PERMISSION FROM NICARAGUA AND WITHOUT MAKING ENVIRONMENTAL IMPACT STUDIES**

In the graphs that follow can be seen the relative dimensions of the Rio San Juan and the Colorado branch of comparing the way it was drawn flow either in a contemporary map with the signing of the Treaty of 1858. The map of A. Baron to Bülow, 1851.



On the other hand, a satellite photograph taken this year shows the situation of the delta zone that separates the branch of the Colorado River from the San Juan River. As can be seen, most of the water of the River is now diverted to the Colorado River.

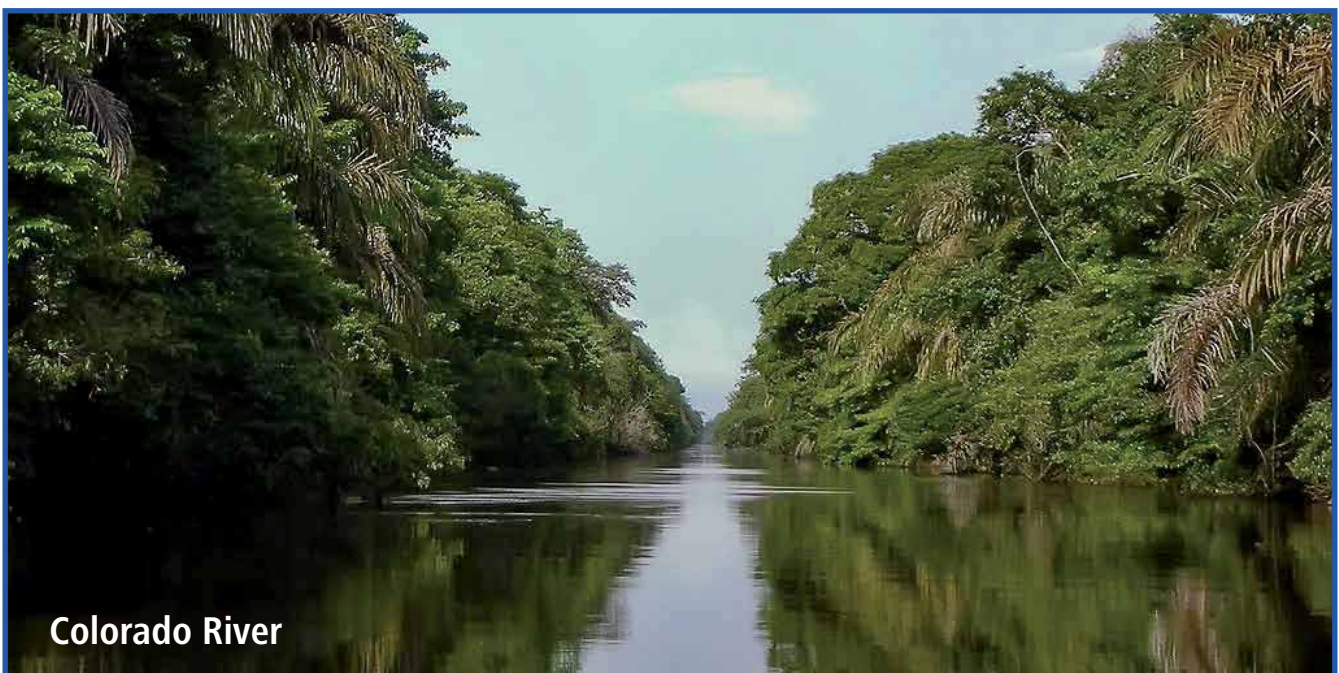


# COSTA RICA SAYS THAT WE DO NOT HAVE THE RIGHT TO NAVIGATE OVER THE COLORADO RIVER **FALSE!**

Nicaragua has the right to dredge and make improvements in the San Juan River and to recover its original natural condition.

As long as the river is not navigable as it was in 1858, Nicaragua has the right to use the branch of the Colorado River.

The San Juan River is a totally Nicaraguan river and in its main branch - at least the main branch at the time of the Treaty of 1858 and the Cleveland Award of 1888 and the Alexander Award of 1897 before the waters were diverted by Costa Rica - also flows out in Nicaragua. However, the normal and traditional mouth of the San Juan River in Nicaraguan territory is not navigable at the present time and the only navigable branch of the San Juan River is the Colorado River located in Costa Rican territory. Nicaragua cannot navigate through the mouth of the San Juan River at all times. Only the branch of the Colorado River provides these navigation



Colorado River

## SAN JUAN DE NICARAGUA RIVER

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conditions. By virtue thereof, and as long as the main branch of the San Juan River has not been dredged and made navigable as it was in 1858, Nicaragua has the right to freely navigate over the Colorado River.

During the trial before the International Court of Justice, Nicaragua made express reservation of its right to demand, as long as the branch of the Colorado River was the only navigable outlet of the San Juan River, that this branch is an international river and Nicaragua had the right to freely navigate over it. (See page 251 of the Counter-Memorial of Nicaragua of May 29, 2007). It is inconceivable that Costa Rica denies to Nicaragua the right to navigate in the branch of the Colorado River, while at the same time it tries to prevent the dredging of the main branch to be able to go out to the sea.

The Republic of Costa Rica cannot prevent the Republic of Nicaragua from executing, at her own expense and within her own territory, such works of improvement.

The cleaning of the San Juan River has the objective of recovering the historical volume of the river, so as to improve navigation for the benefit of Nicaragua and all Central Americans, including Costa Ricans.



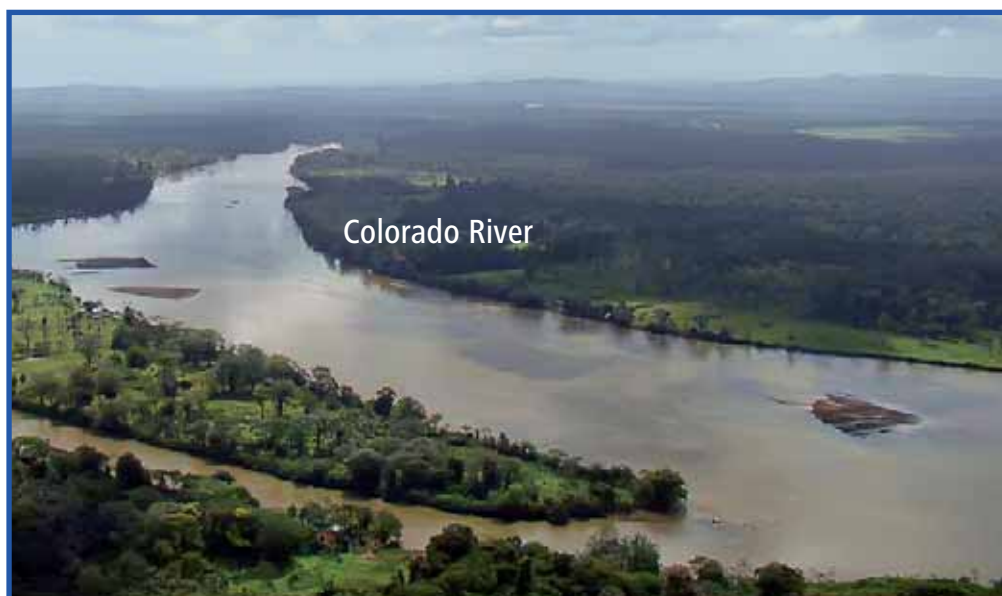
### WHAT COSTA RICA DID NOT REPORT AND NOW DEMANDS NICARAGUA TO REPORT

**THEY DREDGED THE COLORADO RIVER  
AND BUILT THE TORTUGUERO CANAL,  
DIVERTING THE WATERS OF THE SAN JUAN  
DE NICARAGUA RIVER WITHOUT REQUESTING  
PERMISSION**

BY NICOLAS LOPEZ MALTEZ,  
Director of La Estrella de Nicaragua,  
nicolas@estrelladenicaragua.com.

If Nicaragua dredges and cleans the bank of silt and sand that obstructs navigation in the San Juan River, the interests of Costa Rica will be harmed of course like the interests of Nicaragua were harmed in the middle of the nineteenth century when the strong winters of those years accumulated silt, sand and other sediments in the last 40 kilometers of the course of the San Juan River.

This facilitated the diversion of the waters of the San Juan de Nicaragua River towards Costa Rica's Colorado River, reducing the volume of the San Juan River, which in 1855 continued to empty into the Caribbean Sea in front of the port of San Juan del Norte. With the dredging of the Colorado River by Costa Rica, it would seem that the course of water of the San Juan River originates in Nicaragua and continues in Costa Rica.



It took Costa Rica seven years to dredge the Colorado River, from 1948 to 1955, without notifying or requesting permission from Nicaragua or making a study on the damage being caused to the San Juan River and to Nicaragua.

## SAN JUAN DE NICARAGUA RIVER

NINETY PERCENT OF THE VOLUME OF THE SAN JUAN RIVER  
WAS DIVERTED TO THE COLORADO RIVER



Costa Rica wants to prevent Nicaragua from cleaning the San Juan River, ignoring the judgment of the International Court of Justice.

In paragraph 121 of its judgment of July 13, 2009, the International Court of Justice stated that Nicaragua was an example of environmental management in the zone of the San Juan River.

The true reason why Costa Rica does not want Nicaragua to exercise its right to clean the San Juan River

The dispute began when Nicaragua decided to begin cleaning the river. Nicaragua has assured that such cleaning will not cause any environmental damage.

# COSTA RICA PRESENTS ITSELF AS A COUNTRY THAT PROMOTES PEACE AND DEMOCRACY

HISTORY SHOWS THE CONTRARY

# FALSE!

NICARAGUAN TERRITORY OCCUPIED BY THE ARMY OF COSTA RICA EVEN AFTER THE NATIONAL WAR ENDED BY MAY, 1857



After the National War against Walker ended in May of 1857, Nicaragua was severely devastated. Costa Rica supported Nicaragua with its army, but that support was charged in the letter of a treaty drafted by Costa Rica in July of 1857 — the Juarez Cañas Treaty— that Nicaragua did not ratify because it was so harmful. Juan Rafael Mora, then President of Costa Rica, not satisfied with the concession already made by Nicaragua to yield Guanacaste and Nicoya, maintained the military occupation in the San Juan River and Lake of Nicaragua and pressured Nicaragua to surrender the Fort of San Carlos, demanding to put it under the dominion of her armed forces.

## SAN JUAN DE NICARAGUA RIVER

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After the independence of Nicaragua and other Central American countries from Spain in 1821, the most coveted territory in the region was the Great Lake of Nicaragua, by far the largest freshwater body in the Caribbean area that had its outlet to the sea through the San Juan River. The Lake of Nicaragua and the San Juan River were considered the most promising place for the construction of a transoceanic canal.

This apparent gift of nature and its potential as a route for a transoceanic canal has been the cause of the main international problems that Nicaragua has faced. Mr. George Weitzel, Minister of the United States in Nicaragua in 1913, considered that “in all the disputes of Nicaragua... the true cause of the problem was the desire to control the route of the inter-oceanic canal.” (Mentioned in NM par. 1.2.26)

(Circa 1821) The possibilities of this natural water course spurred enormous interest in Costa Rica, the closest neighbor to the Great Lake and River of Nicaragua. Immediately after independence, Costa Rica took advantage of a civil war in Nicaragua for the purpose of annexing an important part of the Nicaraguan territory commonly known as the Nicoya Party.

The annexation of this territory, clearly lacking any defined limits, gave way to the possibility that the borders of Costa Rica could extend to the shores of the coveted Lake of Nicaragua. In addition to the annexation of this territory, Costa Rica claimed co-ownership over the San Juan River. This placed Costa Rica in a strong position to claim rights over any route of the canal through this water system.

Costa Rica based its annexation of the department or party of Nicoya on a referendum held in that territory once it was under its control.

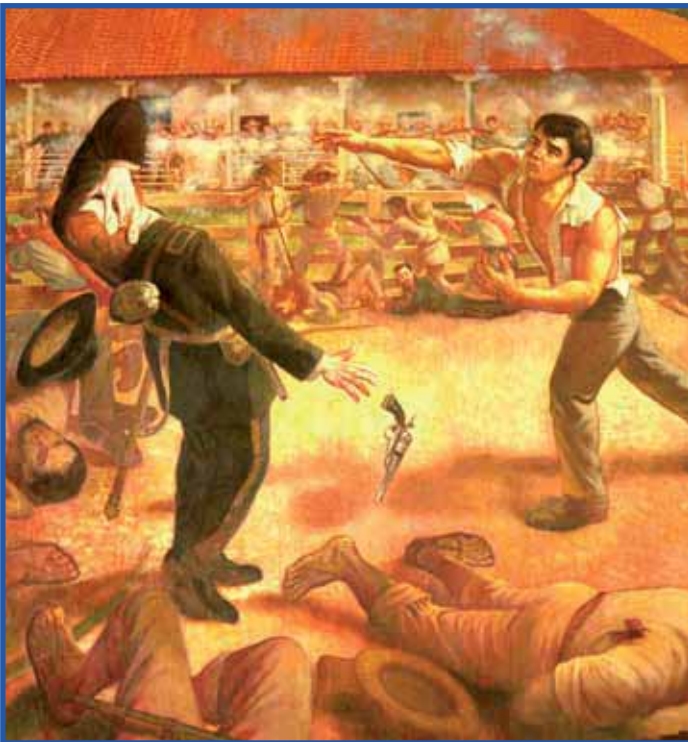




Nicaragua of course opposed the annexation of its territory and demanded the application of the principle of *uti possidetis iuris* as the only valid means to determine the scope of its territorial rights. The principle of *uti possidetis* was precisely conceived to avoid uncertainties in the limits of the new independent states and it was and is the principle accepted in all the former Spanish colonies.

The problem caused by this annexation continued as an issue of constant discussion between both countries during the next 30 years.

In 1856, Nicaragua was invaded and taken over by the forces directed by an adventurous military from the United States, filibuster William Walker, who was working in concert with some southern states of the United States that were seeking to incorporate new territories to the American Union to reinforce their positions on questions such as slavery. Walker quickly self-proclaimed himself President of Nicaragua and changed the legal system, decreeing, among other things, the reestablishment of slavery that had been abolished in Nicaragua.



The invasion of the forces of Walker caused the reaction of all the countries of Central America against this foreign usurper who put in danger the sovereignty and peace of the entire region. The war was bloody and destructive. Whole cities like Granada, the most important urban commercial zone of Nicaragua,

were devastated and set on fire by Walker.

To give an idea of the dimension of this conflict little remembered outside the Central American area, it is important to indicate that more people died during this war than in the very well-known war that occurred three decades later between Spain and the United States in 1898, which culminated with the overtaking of Cuba, Puerto Rico and other territories by the United States. (Bermann, Karl: *Within the framework of the Great Stick: Nicaragua and the United States since 1848* (South End Press, Boston, 1986, p. 72-76).

## SAN JUAN DE NICARAGUA RIVER

This war left Nicaragua completely on its knees. Costa Rica, whose army, aside from the army of Nicaragua, had been the most important element in the defeat of Walker, maintained military control over the San Juan River and parts of the Great Lake after the war. The years following the war were full of threats and negotiations for the purpose of reaching an agreement by way of which Nicaragua accepted the annexation by Costa Rica of the Nicoya region, as well as other rights demanded by Costa Rica over the San Juan River.



It was only after a declaration of war and the mediation of other Central American States that a final agreement was crystallized with the signing of the Cañas Jerez Treaty of Limits of April 15, 1858, which constitutes the spinal cord of the territorial rights of both States. (Circa 1885) During the next 30 years, there was deep resentment and rejection toward the Treaty of 1858 in Nicaragua, which was seen as an instrument that Nicaragua signed while it was occupied and

threatened by Costa Rica. This led Nicaragua to challenge the validity of the Treaty of 1858.

That was the situation when Nicaragua signed for the first time a government to government agreement with the United States on December 1, 1884, for the construction of a canal through Nicaragua. This agreement was not ratified by the U.S. Senate by a few votes due to the explicit obligation assumed by the United States to defend the Nicaraguan territory from all external aggressions.

The possibility that the negotiations with the United States would be resumed and that Nicaragua could reach an agreement on the construction of a canal without the participation of Costa Rica led that country to revive the dispute over the scope of its navigation rights in the San Juan River. Accordingly, Costa Rica announced in 1885 that it would send a military ship to patrol the San Juan River.

In order to avoid an escalation of the dispute, it was decided through the Arbitration Convention of December 24, 1886 to refer the dispute to arbitration. The arbitrator was President Grover Cleveland, who gave his award on March 22, 1888. After determining that the Treaty of 1858 was valid, the arbitrator settled other issues raised by Nicaragua that will be explained in the next section.

For more than a hundred years after the Cleveland Award, Costa Rica made no military claims over the San Juan River. At the end of 1980, there were talks again about reviving the old dream of the Nicaragua canal and improving navigation in the San Juan River, which triggered the reaction of Costa Rica just like it had reacted a hundred years back. Costa Rica demanded the right to navigate and patrol the San Juan River with its armed security forces. History was repeating itself.

Costa Rica filed a complaint against Nicaragua before the International Court of Justice, demanding full rights to navigate the river with armed personnel and questioning the right of Nicaragua to regulate the use of the San Juan River, including navigation. The Court reaffirmed the rights of Nicaragua in all these questions and, specifically, reaffirmed the rights of Nicaragua in regulating navigation in the river and maintaining the navigability of the river, as well as the right to dredge it.

And now that some modest cleaning activities have been carried out in the river, including some waterways that were obstructed, Costa Rica has gone to international political bodies like the OAS seeking support for its claims against the rights of Nicaragua and has even dared to mention the possibility of invoking military treaties like the Inter-American Treaty of Reciprocal Assistance (commonly known as the Rio Treaty or by the Spanish-language acronym TIAR).

The current situation is about a new avatar of the traditional strategy of Costa Rica to try to undermine the sovereignty of Nicaragua over the San Juan de Nicaragua River whenever Nicaragua tries to recover the waters of the river to its original state of navigability.

Based on the above historical reference, the SILENT STRATEGY PROMOTED has been proven:

### LA ESTRATEGIA SILENCIOSA QUE HAN VENIDO IMPULSANDO

1. The annexationist attempts of Cardenas (1992, 1997 and 2002)
2. The separatist intention of Jomusa (1996).
3. The creation of the Special Economic Zone (Huetar Norte, 2000).
4. The depredation of the flora and fauna along 39 kilometers.
5. The contamination of the San Juan River with toxic pollutants along 29 kilometers.
6. The dredging of 12 kilometers of the Colorado River, affecting the San Juan River and violating the Reform Law on the Border Administration Regime.



### COSTA RICA "HAS NOT CEASED" IN ITS ATTEMPTS

Despite the treaties, awards and ICJ Judgment that clearly establish the territorial sovereign rights of Nicaragua, Costa Rica always tries to affect the full exercise of the sovereignty rights of the State of Nicaragua by creating a manipulated, prefabricated and evilly disposed border situation to create confusion and to keep "its strategy alive".

Nicaragua's large water resources —The Great Lake of Nicaragua and the San Juan River— are the ultimate goal of the expansionist strategy of Costa Rica.

The maps presented by Costa Rica do not truthfully and reasonably depict the limits of our south border.

Truth and reason are found in the Cañas Jerez Treaty, the Cleveland and Alexander Awards and the ICJ Judgment of July 13, 2009.



### THE CONFLICT GENERATED BY COSTA RICA'S LONG-STANDING

On page five of Costa Rica's Official Gazette No. 211 of Tuesday, November 7, 1995, the justification and decree of the Legislative Assembly (File No. 12387) consider among other aspects the following:

"...As regards the north border with Nicaragua, there is no joint border development agreement, only agreements on the protection of forest areas and migration control. In a recent boundary marking operation agreed by the Geographic Institute, based on the Alexander acts and the recognition of the Ministry of Foreign Affairs, a factual situation arose according to which for many years properties that have been registered in the Costa Rican Public Registry now appear in Nicaraguan territory. These lands could be lost."

The neighbors of this zone have alleged before the United Nations that they do not belong to Costa Rica or to Nicaragua. and they have identified themselves as the Independent Republic of "Airrecú".

**nación**.com

San José, Costa Rica  
Lunes 15 de marzo, 1999  
**Carlos Hernández**  
Corresponsal de La Nación

#### Límites confusos

Este nuevo lío fronterizo revive las dificultades entre ticos y nicas originadas, en opinión de los afectados, en un trazado poco claro de los límites que dividen a las dos naciones.

En marzo de 1994, como consecuencia de una nueva demarcación entre los mojones 12 y 13 llevada a cabo por el Instituto Nicaragüense de Estudios Territoriales y su similar de Costa Rica, nuestro país perdió 213 kilómetros cuadrados de territorio pues fincas que siempre pertenecieron a agricultores de Jomusa, Méjico, San Antonio, San Isidro y Las Delicias de Upala, quedaron en el lado nicaragüense.

**nación**.com

San José, Costa Rica, Jueves 20 de enero, 2000  
**Carlos Hernández**, Corresponsal de La Nación

#### Persiste confusión

Vecinos y regidores de Upala afirmaron que la redemarcación de la frontera llevada a cabo en 1994 por el Instituto Geográfico de Costa Rica y su similar de Nicaragua, el Instituto Nacional de Estudios Territoriales (Ineter), aumentó la confusión que históricamente ha existido en torno al trazado de la línea divisoria.

"Seguimos creyendo que esa acción solo benefició a Nicaragua, que se ganó 213 km cuadrados de territorio que siempre pertenecieron a agricultores nuestros, establecidos en pequeñas comunidades como Jomusa, Méjico, San Antonio y San Isidro de Upala", manifestó Efraín López Cerna, representante de Jomusa ante la Municipalidad upaleña.

Elena Leda Araya, funcionaria del Departamento de Topografía del Instituto Geográfico de Costa Rica, aseveró ayer que desde el año pasado está paralizada la colocación de más mojones para demarcar mejor la frontera, la cual se debe realizar juntamente con el Ineter.

### THESE WERE THE HISTORICAL COLONIAL LIMITS OF NICARAGUA

Costa Rica has been claiming rights over Nicaragua's strategic resources in the south border for more than 150 years.

Since 1824, Nicaragua lost 13,000 square kilometers of its territory —Guanacaste and Nicoya.

After the National War ended in 1856, when its troops still occupied the south part of Lake Nicaragua and the San Juan River, Costa Rica tried to take over the south shore of Lake Nicaragua and the entire San Juan River through a treaty.

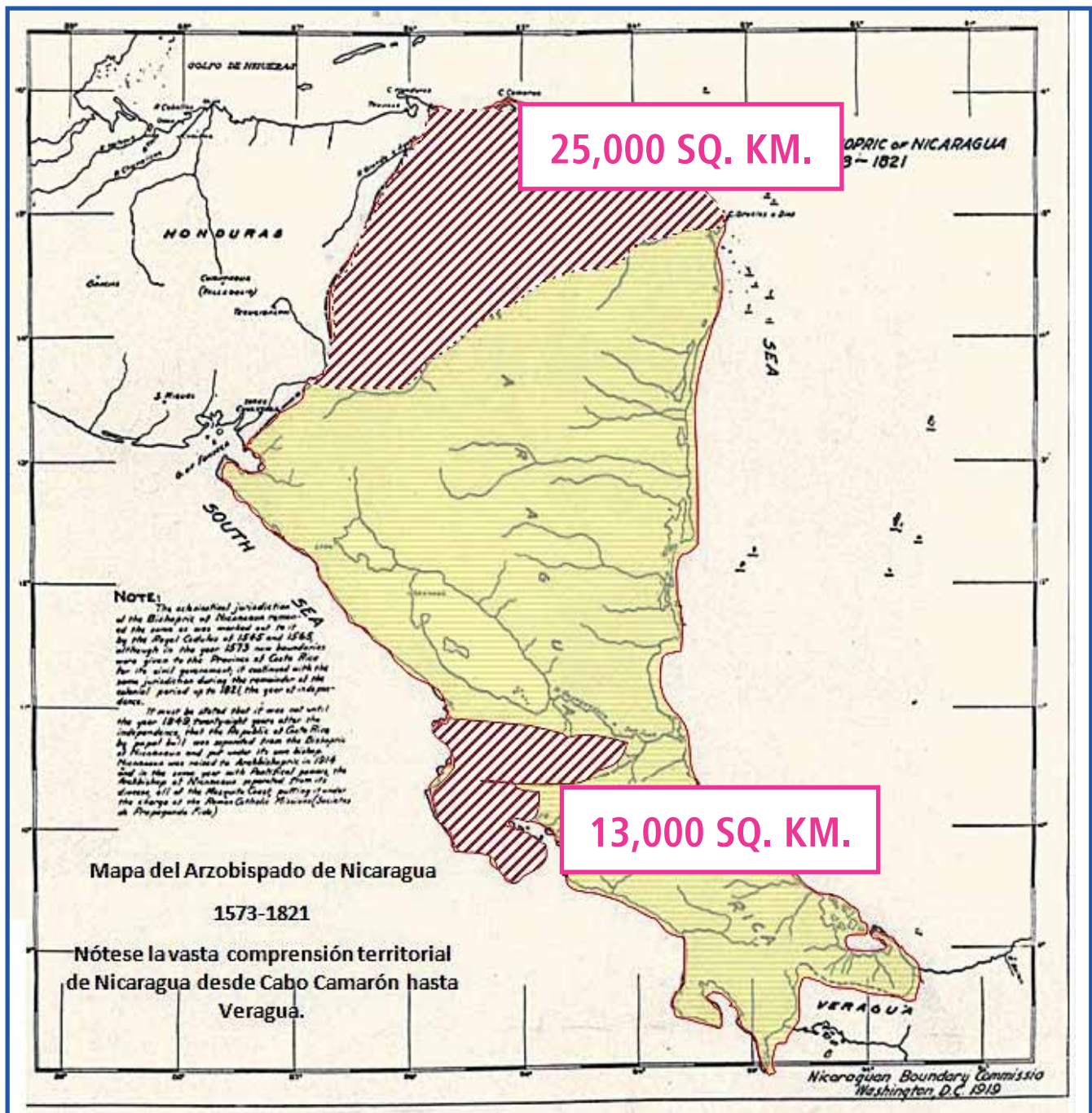
The Constitution of Costa Rica of 1825 had limits that were far away from the current limits.



THESE TERRITORIAL CLAIMS NEVER DISAPPEARED,  
THEY WERE ALWAYS ALIVE

# SAN JUAN DE NICARAGUA RIVER

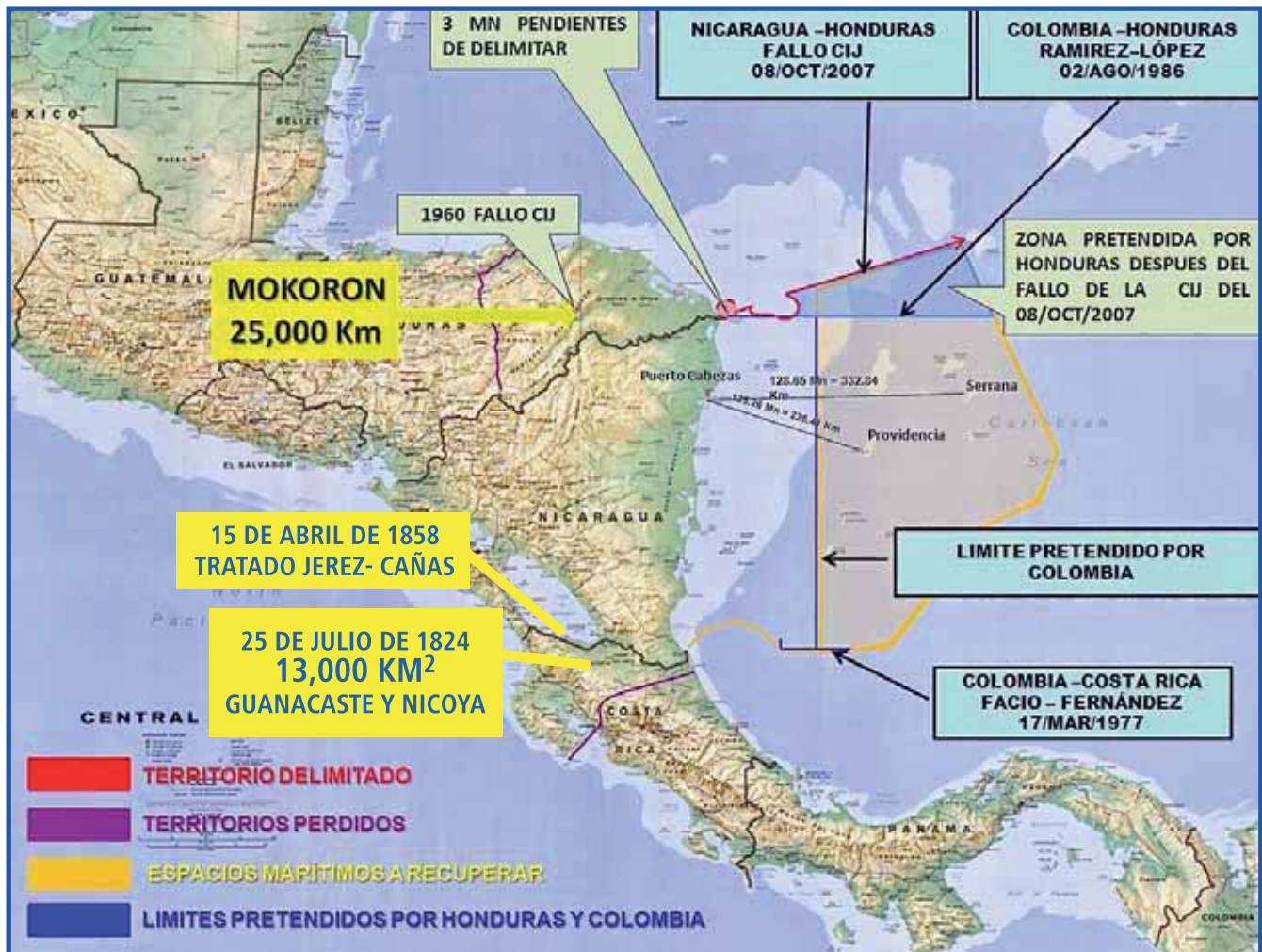
THESE ARE THE TERRITORIES THAT HAVE BEEN SEVERED FROM NICARAGUA:



NICARAGUA RATIFIES THAT IT WILL NOT ALLOW ITS TERRITORY TO BE INJURED AND SEVERED AGAIN.



WE HAVE BEEN VICTIMS, OTHERS ARE THE USURPERS.



- NICARAGUA HAS ALWAYS PRIVILEGED THE PEACEFUL SOLUTION OF DISPUTES.
- WE HAVE ALWAYS TAKEN OUR DISPUTES TO THE INTERNATIONAL COURT OF JUSTICE, WHICH HAS GIVEN US THE REASON.
- NICARAGUA WILL NEVER ALLOW ANOTHER INCH OF ITS TERRITORY TO BE SEVERED BY TAKING THE LAW INTO ONE'S OWN HANDS AND VICIOUS PROCESSES.

# COSTA RICA ARGUED THAT THE OAS WAS THE COMPETENT ORGANIZATION TO HEAR THESE FACTS **FALSE!**



On November 16, 2010, OAS Secretary General Jose Miguel Insulza said that the best way to resolve this issue "would be simply that each one stays in its observation posts and that this issue be taken to the International Court of Justice or wherever they want."

We are striving to create the conditions for that".

Fuente: EFE

Costa Rica affirmed that the OAS was competent to hear the dispute with Nicaragua. That is false and Costa Rica demonstrated that this is false when it filed a complaint against Nicaragua before the International Court of Justice on November 18, 2010, for the same facts that it claimed would be resolved by the OAS.

Nicaragua, on the other hand, from the first moment maintained that it was a territorial dispute and that the body to resolve those disputes was the International Court of Justice, the world's maximum judicial authority. So Costa Rica gave the reason to Nicaragua.

# THE TRUTHS THAT COSTA RICA HIDES

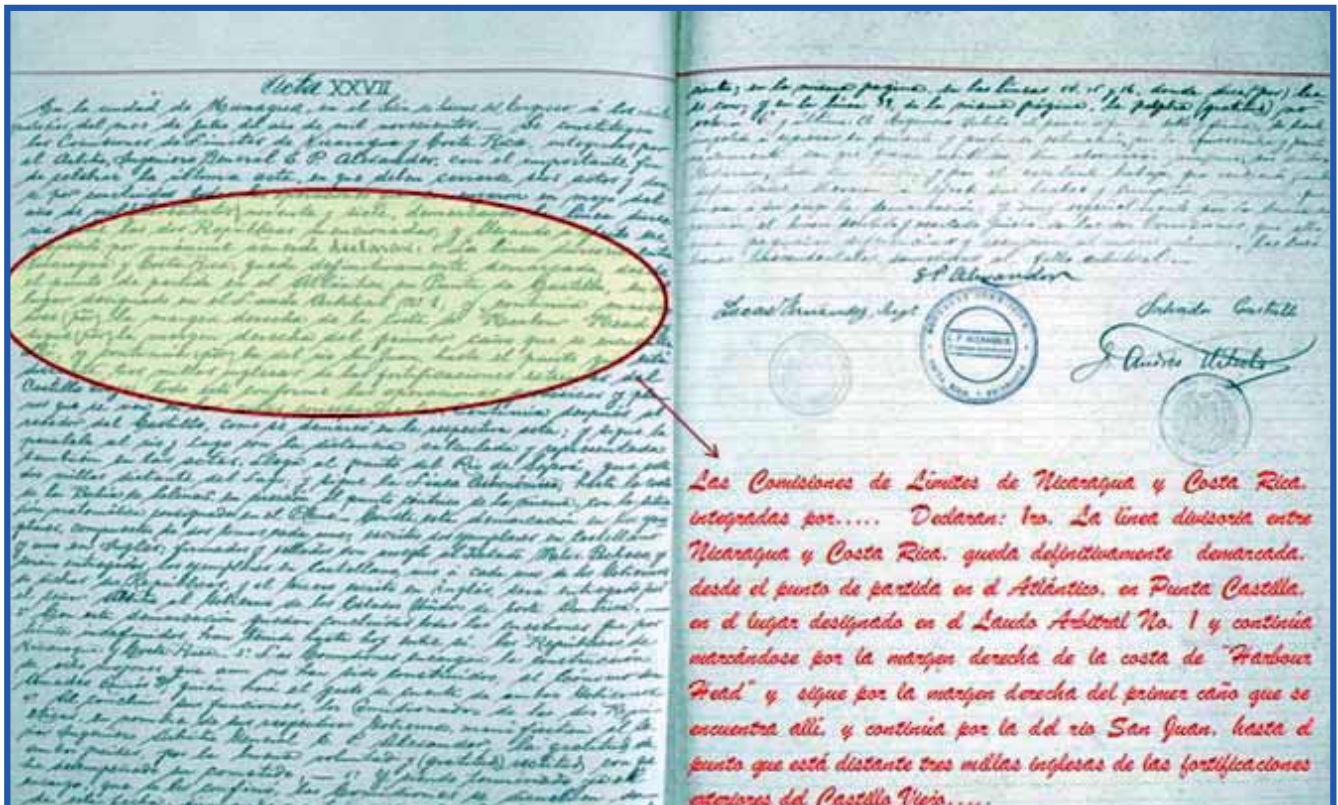
## CURRENT BORDER BETWEEN NICARAGUA AND COSTA RICA

An important part of the border between Nicaragua and Costa Rica is defined by the course of the San Juan River. This means that it is not a static border, but subject to the changes undergone by the course of the river. These changes refer solely to natural changes and not to those caused by the industry or artifice of Costa Rica. The history of the border and its changes are shown below.

## APPLICABLE TREATY AND AWARDS

The Jerez Cañas Treaty signed on April 15, 1858. provides in Article II that the border between Nicaragua and Costa Rica "begins in the North Sea, at the extreme end of Punta de Castilla, at the mouth of the San Juan de Nicaragua River, and continues on the right bank of that river to a point three English miles from the Castillo Viejo..."

President Cleveland's Award dated March 22, 1888, confirmed the terms of the Treaty of 1858 and the issues that were still under discussion regarding the exact location of the starting point of the border. The outline and demarcation of the border in all its extension were resolved by the awards of General Edward Porter Alexander as engineer-umpire.



### WHAT THE ALEXANDER AWARD SAYS

General Alexander's first award, dated September 30, 1897, indicated the starting point of the demarcation, identifying what seemed to him the extremity of Punta de Castilla:

"...I declare the initial line of the boundary to run as follows, to wit: Its direction shall be due northeast and southwest, across the bank of sand, from the Caribbean Sea into the waters of Harbor Head Lagoon. It shall pass, at its nearest point, 300 feet on the northwest side from the small hut now standing in that vicinity. On reaching the waters of Harbor Head Lagoon the boundary line shall turn to the left, or southeastward, and shall follow the water's edge around the harbor until it reaches the river proper by the first channel met. Up this channel, and up the river proper, the line shall continue to ascend as directed in the treaty."

This Award was limited to indicating that on reaching the waters of Harbor Head, the boundary line would turn to the left, or southeastward, and would follow the water's edge around the harbor until it reached the river proper by the first channel met and would then continue following the course of the river upstream.

The Commissions of Limits of Nicaragua and Costa Rica accepted the Award and incorporated the provisions in Minutes XXVII.



Costa Rica was not happy with this decision and asked the Arbitrator to measure the line that continued from the starting point and to make a drawing of that line. The Nicaraguan Commission expressed the view that the measurement and mapping work on that portion of the line was pointless and worthless because, according to the Award by General E. P. Alexander, the left bank of the Harbor and of the river formed the boundary and that therefore the dividing line was subject to change and not permanent. Therefore, the map and any data obtained shall never correspond to the actual dividing line.

General Alexander recognized the validity of Nicaragua's arguments considering that any line fixed at that moment "will necessarily be affected in the future by all these gradual or sudden changes". Nevertheless, he considered that the Treaty of 1858 authorized that measurement and acquiesced to the same with the aforesaid warnings.

This point was clearer in the third award, in which the arbitrator clarified that the water level of the river that should have been used to determine the position of the right bank was the water level in their ordinary state and not in moments of great swelling or special drought. Alexander said:

"I therefore rule that the exact dividing line between the jurisdictions of the two countries is the right bank of the river, with the water at ordinary stage and navigable by ships and general-purpose boats. Fluctuations in the water level will not alter the position of the boundary line, but changes in the banks or channels of the river will alter it, as may be determined by the rules of international law applicable on a case-by-case basis."

### **BORDER SUBJECT TO VARIATIONS**

We are before a part of the border that is changing by nature since the river undergoes variations, and the limits have not been measured or reviewed in more than 100 years. The maps in this case are not definitive because they do not reflect the changes in the course of the river and much less have they been done on the basis of field work for over a century.

For that reason, both the official maps of Nicaragua and Costa Rica clearly express that the data on which they are based "has not been verified in the field".

## SAN JUAN DE NICARAGUA RIVER

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The same arbiter, General Alexander, had anticipated the occurrence of these changes mainly in the lower part of the river. In the second award, he points out:

"...the San Juan River runs through a flat and sandy delta in the lower portion of its course and that it is obviously possible that its banks will not only gradually expand or contract but that there will be wholesale changes in its channels. Such changes may occur fairly rapidly and suddenly and may not always be the result of unusual factors such as earthquakes or major storms. Examples abound of previous channels now abandoned and banks that are now changing as a result of gradual expansions or contractions.

The zone disputed by Costa Rica is indeed located in the mouth of the river in that swampy zone that unites the river with Harbor Head and it is precisely the zone now in dispute.

Apart from the changes and variations in the river and delta, it should be taken into account that in the last decades the largest portion of the waters of the San Juan River has been diverted toward the branch called Colorado that is located in Costa Rican territory. In the last 30 kilometers of a river that begins in the greatest lake of Latin America, at par with the Titicaca Lake, 90 percent of the volume disappears through the territory of Costa Rica. The river that until the nineteenth century the English and other Europeans, as well as the North Americans, wanted to use for the transoceanic canal now empties almost completely in its final part into Costa Rica. In addition, the mouth of the river is no longer a "flat and sandy delta", but a swamp.

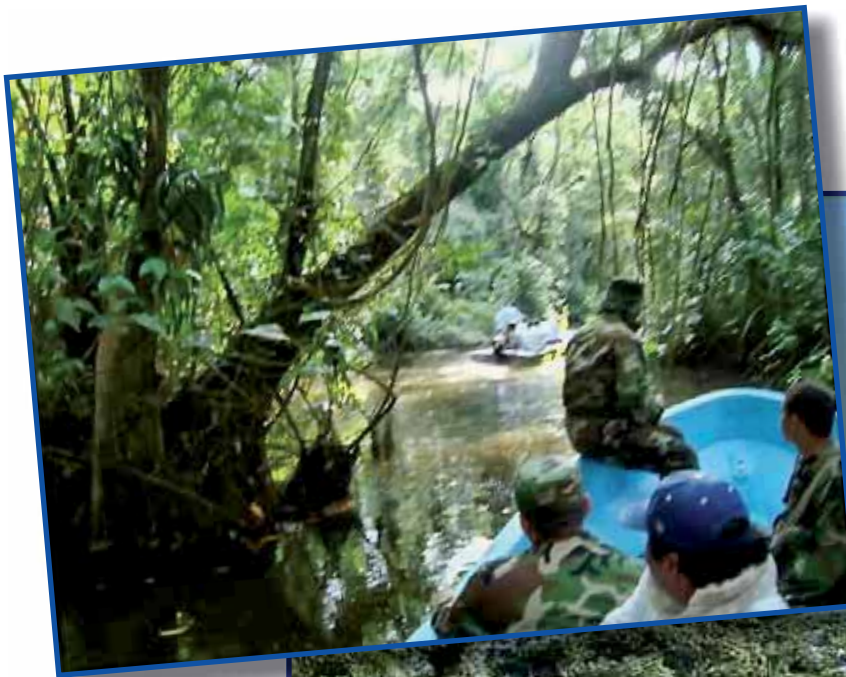
San Juan river  
exit at the  
Caribbean Sea



THE TRUTHS THAT COSTA RICA HIDES



ENTRANCE TO THE SAN JUAN RIVER. NICARAGUAN TERRITORY (SEPTEMBER 8, 2010)



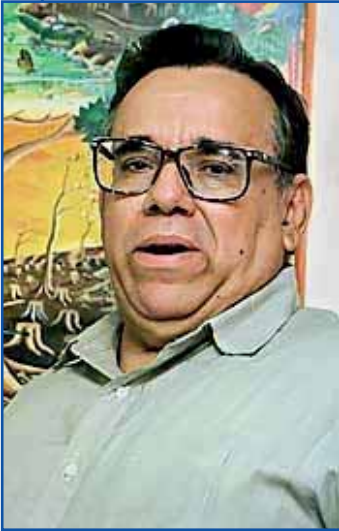
ENTRANCE TO HARBOR HEAD LAGOON, NICARAGUAN TERRITORY, SEPTEMBER 8, 2010



THE OPINION OF EXPERTS IN THIS FIELD

**Doctor Jaime Incer Barquero**

Nicaraguan scientist,  
November 12, 2010



"... the transformations in the delta of the San Juan River do not have to be an excuse for Costa Rica to modify and ignore the boundary lines drawn up in the Cañas-Jerez Treaty, the Cleveland and Alexander Awards, and ICJ Judgment."

"Costa Rica cannot benefit from these changes caused the diversion of the waters and the sedimentation caused from its territory in the last decades".

**Doctor Francisco Aguirre S.**

President of the Foreign Affairs  
Commission of the National  
Assembly, November 12, 2010.

"We are in Nicaraguan territory, according to the Cañas-Jerez Treaty, the Cleveland Award, the five Alexander Awards and the Judgment of the International Court of Justice in 2009."



**DOCTOR MAURICIO HERDOCIA**

International Law Analyst,  
November 6, 2010:



"The position I maintain is that the limits between Costa Rica and Nicaragua have been established, and I believe stability is important in all this. All this problem is precisely because the first and second award of Arbiter Alexander have not been adequately read."



LO QUE OPINAN, CONOCEDORES DEL TEMA

**Doctor Norman Caldera**

ex-Chancellor of the Republic of Nicaragua,  
November 14, 2010:



"Nicaragua should not withdraw military forces from our territory. To accept that they withdraw from Nicaragua is outrageous. If they are in Nicaragua, they are in Nicaragua."

**Pablo Antonio Cuadra (deceased)**

December 15, 1973



"Costa Rica was and still is implacable in this small imperialism of its border demands. In border disputes, there are no sister nations."



### THE PROBLEM IS NOT NEW

This is not a new subject or a subject that Nicaragua is wielding until now. In the allegations made by Nicaragua before the International Court of Justice, this fact was especially mentioned and an express reservation was made of the rights of Nicaragua to take this matter to the Court.

On page 251, paragraph three of the Counter-Memorial dated May 29, 2007, Nicaragua stated as follows:

“Nicaragua expressly reserves the right to file a complaint against Costa Rica for ecological damages to the waters of the San Juan River, as well as the diversion of its traditional water current towards agriculture, industry and other purposes in the territory of Costa Rica, and towards the waters of the Colorado River.”

This reserve was reaffirmed by Nicaragua in page 327 of the Rejoinder presented before the Court on July 15, 2008.

Nicaragua also reserved the right on the limits in the mouth of the San Juan River. That point was not under discussion before the Court and for that reason Nicaragua simply clarified that it reserved its rights in all matters related to the attribution of territory between both countries in the general zone of the mouth of the river. This appears on page 9 of the Counter-Memorial, which textually reads:

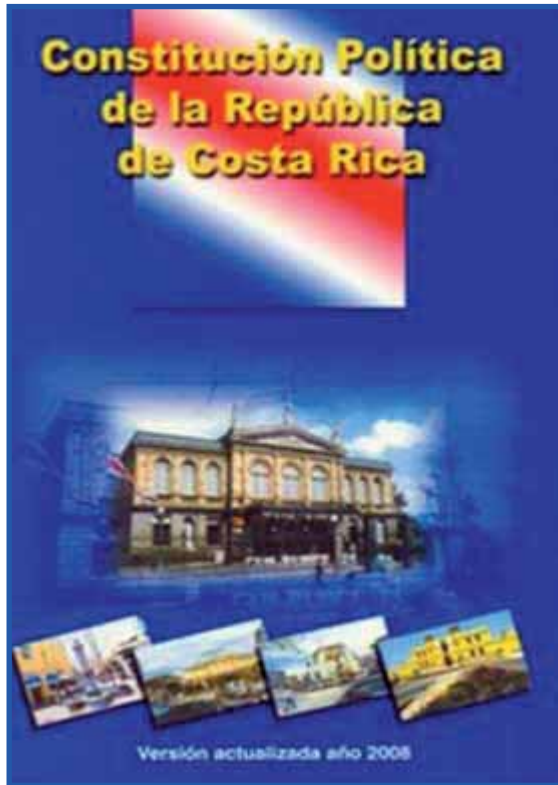
“Map 5 of the Memorial of Costa Rica does not reflect the correct attribution of the territory of Nicaragua and Costa Rica in the general area of the mouth of the San Juan River. Nicaragua therefore reserves its rights on these subjects.”

Harbor  
Head  
Lagoon



### THE LIMITS ARE TOTALLY DEFINED

The limits between Nicaragua and Costa Rica are defined in the Jerez-Cañas Treaty of April 15, 1858, ratified by the Award of the President of the United States Grover Cleveland on March 22, 1888, and demarcated in the five Alexander awards (1897 - 1900).



The Jerez-Cañas Treaty clearly provides in Article 6 that “the Republic of Nicaragua shall have exclusively the dominion and sovereign jurisdiction over the waters of the San Juan River, from its outlet from the lake to its mouth in the Atlantic.

According to the Jerez-Cañas Treaty and the Judgment of the International Court of Justice of July 13, 2009, Nicaragua has the exclusive dominion and sovereign jurisdiction over the waters of the San Juan River.

The Political Constitution of the Republic of Costa Rica of November 7, 1949 and its subsequent reforms confirms in Article 5 that the limits between Nicaragua and Costa Rica are defined in the Jerez-Cañas Treaty of April 15, 1858, ratified by the Award of the President of the United States, Grover Cleveland, on March 22, 1888, which reads as follows:

“Article 5. The national territory is comprised between the Caribbean Sea, the Pacific Ocean and the Republics of Nicaragua and Panama.

The limits of the Republic are those determined in the Cañas-Jerez Treaty of April 15, 1858, ratified by the Cleveland Award on March 22, 1888, with respect to Nicaragua, and the Echandi Montero Fernandez Jaen Treaty of March 1, 1941 as regards Panama”.

The judgment of the International Court of Justice of July 13, 2009 is categorical: Nicaragua maintains the exclusive dominion and sovereign jurisdiction over the San Juan River in its entire course. Paragraph 87 of the judgment of the Court is forceful in concluding that “Nicaragua has the power to regulate the exercise of Costa Rica of the right of free navigation derived from the Treaty of 1858.”

### COSTA RICA'S RIGHTS:

- a. The right to navigate in the San Juan River for trade purposes.
- b. The right to navigate for commercial purposes including the transportation of passengers.
- c. The right to navigate for commercial purposes including the transportation of tourists.
- d. People traveling on board Costa Rican boats are not required to obtain Nicaraguan visas.
- e. People traveling on board Costa Rican boats are not required to buy Nicaraguan tourism cards.
- f. The inhabitants on the Costa Rican bank have the right to navigate between the riparian communities, having as the sole purpose the essential necessities of daily life that require expeditious transport.
- g. Fishing activities for subsistence by the inhabitants of the Costa Rican must be respected by Nicaragua as a common law right.

### NICARAGUA'S RIGHTS:

- a. To prohibit navigation of Costa Rican boats performing police functions.
- b. To prohibit navigation for exchange of personnel in the border police stations and resupply of official equipment, including regular weapons and ammunition.

In the part where Costa Rica has a limited right of navigation, the International Court of Justice reaffirmed that Nicaragua has the right to regulate, among other things:

- a. To demand Costa Rican boats and passengers make a stopover in the first and last Nicaraguan post.
- b. To demand people traveling in the river carry a passport or identity card.
- c. To demand departure dispatch certificates from Costa Rican boats, but not to require the payment of a fee for such certificate.
- d. To impose a schedule for navigation by boats.
- e. To demand Costa Rican boats to be equipped with masts or posts to display the flag of Nicaragua.

## THE TRUTH THAT COSTA RICA HID ON THE MAPS THAT IT DISCLOSED

The maps do not substitute the provisions of the Cañas-Jerez Treaty, the Cleveland and Alexander Awards, and the ratifications of the International Court of Justice on July 13, 2009.

The maps, not verified in the field, are not the reason or the truth of the limits of our border. Costa Rica ignores the content of its Constitution in relation to limits.



IN RELATION TO THE MAP PRESENTED BY COSTA RICA, IT IS WORTH TO MENTION THAT THE PUBLICATION OF 1967 AND 1988 INDICATES THAT ITS CONTENTS HAVE NOT BEEN VERIFIED IN THE FIELD.

## SAN JUAN DE NICARAGUA RIVER

It should be noted that under the assumption of "low vegetation", there is an attempt to ignore the provisions of the first award of Alexander, from the bank of Harbor Head Lagoon over the first river that permits to reach the San Juan River in Nicaraguan territory.

Map edited by Costa Rica, 1988 edition.

It can be gleaned that this note was eliminated in the editions of 1967 and 1988, where Nicaragua and Costa Rica indicated that "This map has not been verified in the field".

Este mapa no ha sido comprobado en campo

## THE TRUTHS THAT COSTA RICA HIDES

### COSTA RICA SAYS IT IS RESPECTFUL OF TREATIES AND AWARDS ON THE LIMITS WITH NICARAGUA. WHY HAS IT REFUSED TO MARK THE BOUNDARY?

DISTRIBUCIÓN DE MOJONES AUXILIARES ENTRE HITOS PRINCIPALES																			
AÑO DE INSTALACION	TOTAL INSTALADOS	TRAMOS ENTRE HITOS PRINCIPALES																	
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
		al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al
1994	17																		17
TOTALES	17																		17

DISTRIBUCIÓN DE MOJONES AUXILIARES ENTRE HITOS PRINCIPALES																			
AÑO DE INSTALACION	TOTAL INSTALADOS	TRAMOS ENTRE HITOS PRINCIPALES																	
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
		al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al
1996	10																		
1998	16																8	4	4
2000	13							4	3	2	4								
2001	30	1	2	6	6									4	11				
2002	10							3	1		4	2							
2003	25		1	3	2	1	4	1	4	2			1	2		3	1		
2004	15												9	6					
TOTALES	119	1	3	9	8	1	11	5	6	10	2	0	10	12	11	11	9	8	2



Hitos De - A	Distancia en kilómetros	Hitos De - A	Distancia en kilómetros
1- 2	138.0 *	11-12	2.0
2- 3	2.7	12-13	29.6
3- 4	2.6	13-14	37.1
4- 5	3.1	14-15	15.8
5- 6	3.4	15-16	7.3
6- 7	5.9	16-17	11.5
7- 8	9.3	17-18	6.3
8- 9	2.3	18-19	5.5
9- 10	3.7	19-20	17.9
10-11	7.6		
Continúa....		<b>Total</b>	<b>311.6 kilómetros</b>

\* A lo largo de la margen derecha del río.

### DECLARACIÓN BINACIONAL NICARAGUA – COSTA RICA

Signed at San Jose, Costa Rica, on October 3, 2008, by Nicaragua’s Deputy Minister Valdrack Jaentschke of Nicaragua and Costa Rica’s Deputy Minister Edgard Ugalde.

As the first actions derived from the letter of intent, both institutes agree to exchange, within the fourth quarter of 2008, all information required that allows to initiate the homologation processes of the geodesic coordinates of the landmarks of the terrestrial borders between both countries, with a view to the ratification of the marker densification process jointly carried out to date, as well as the beginning of coordinated preparatory activities conducive to the creation of compatible basic cartographies in the border zone of both countries”, which process did not continue as Costa Rica has refused to sign the minutes on the marking of boundaries with any reasonable justification.

# COSTA RICA SELLS ITSELF AS A COUNTRY THAT PROMOTES HUMAN RIGHTS

# FALSE!

As regards Nicaraguans in Costa Rica, thousands are contributing to harvest coffee, bananas and citrus fruits. Thousands of Nicaraguans are working in construction and provide domestic services, all with dedication and honesty.

Instead of recognizing the effort of the Nicaraguan labor, there are xenophobic manifestations that denigrate the human condition of our fellow citizens.



Nicaragüenses en Costa Rica.



## THE TRUTHS THAT COSTA RICA HIDES

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It suffices to remember Natividad Canda Mairena, who was torn to pieces by dogs that caused his death under the observation and presence of Costa Rican citizens and authorities that did not prevent this inhuman fact.

In Costa Rica, Nicaraguans are treated like inferior human beings. They are marginalized and not recognized as persons who deserve to be respected. Nicaraguan women are denigrated. Costa Ricans constantly refer to our fellow citizens in the mass media with offensive words, fostering offenses, insults and scorn.

Systematic campaigns are aimed against Nicaraguans as the cause of all their problems. Nicaraguan children are discriminated. Only children born to Nicaraguan and Costa Rican parents are seen like people.

Nicaragua hopes that this situation will improve and that labor and living conditions of Nicaraguans in Costa Rica will be more human.

Course of the  
San Juan de  
Nicaragua River



### WITH ALL THESE TRUTHS, NICARAGUA PROVES TO THE NATIONAL AND INTERNATIONAL COMMUNITY THAT:



President of the  
República,  
Commander  
Daniel Ortega S.

One of the great truths is that Costa Rica presents itself as the greater defender of nature and the environment, while it has depredated and totally destroyed the zone of the San Juan River.

Costa Rica boasts that it does not have an army, but it actually has an army. That army that occupied Nicaraguan territory after the war against Walker in 1857 and militarily occupied from the San Juan de Nicaragua River to the Lake of Nicaragua.

This territorial claim has been imposed via military rather than legal means. In the end, Costa Rica divested Nicaragua of Guanacaste and Nicoya. In addition they wanted to keep the San Juan River and the Lake of Nicaragua by imposing a military force.

The Judgment of the International Court of Justice of July 13, 2009, is of inevitable compliance and cannot be modified since the first effect of *res judicata* is that the court that delivers a judgment detaches itself from the case and cannot modify or alter any of its parts, from which the concept of immutability of *res judicata* is derived.

Based on the principle of international reciprocity, Nicaragua insists on the right that our country has to request free navigation in the waters of the Colorado River while the San Juan River is being dredged. This dredging is based on the Ruling of the International Court of Justice of July 13, 2009, as well as the Cleveland and Alexander Awards, which determine that Nicaragua has exclusive jurisdiction and sovereignty over the river basin and grant ample rights to Nicaragua to carry out

cleaning and other works to improve the flow and navigation of the river; and eventually, to compensate Costa Rica for any damages caused as a result of the dredging.

Since the year 2007, Nicaragua has shown an interest in using the waters of the Colorado River, a branch or tributary of the San Juan River, which is fed 90% by the latter. On the other hand, it is before this International Court of Justice where the claim regarding the damages caused to Nicaragua by Costa Rica from an ecological viewpoint will be addressed.

The National Army and Police will stay in the national territory as they have been so far. They will continue to fight drug trafficking and organized crime.

It is within the frame of the Bi-national Commission that policies to prevent and fight drug trafficking and organized crime should be discussed, as well the marking of boundaries in accordance with the Cleveland and Alexander Awards.

Words of the President of the Republic, Commander Daniel Ortega, on the occasion of the second working session with the Council of the Powers of the State in the defense of Nicaraguan peace and sovereignty.

“Can Costa Rica prevent Nicaragua from executing, at her own expense, works of improvement?”

“The Republic of Costa Rica cannot prevent the Republic of Nicaragua from executing, at her own expense and within her own territory, such works of improvement...” (Cleveland Award, question 6)

**“Can Costa Rica prevent Nicaragua from executing, at its own expense, improvement works?”**

**“The Republic of Costa Rica cannot prevent the Republic of Nicaragua from executing, at its own expense and within its own territory, such improvement works...”**

Laudo Cleveland  
Question No. 6

