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[194] CENTRAL AMERICAN COURT OF JUSTICE

*Ordinance of Procedure*<sup>1</sup>

The Central American Court of Justice, exercising according to regulations, the power conferred on it by Articles XIII and XXVI of the convention concluded for its establishment by the Republics of Costa Rica, Guatemala, Honduras, Nicaragua and Salvador, at the city of Washington, on the twentieth day of December, one thousand nine hundred and seven, has decided to issue and hereby issues the following Ordinance of Procedure.

CHAPTER FIRST. *Exercise of the Actions*

ARTICLE 1

The exercise of the judicial action before the court, in the cases of ordinary jurisdiction defined in Articles I, II, XVIII, and annex of the convention of Washington, and Article 17 of the regulations, must be adjusted to the provisions of this order.

The same procedure shall be applied to the questions set forth in subdivision 1 of Article 19 of said regulations, when the agreement between the government and the individual litigant under which they shall be submitted to the court shall not prescribe other rules.

ARTICLE 2

In all other controversies pertaining to the extraordinary jurisdiction of the court, according to the provisions of Article IV of the convention, [195] and subdivision 2 of Article 19 of the regulations, the action and defense shall be subject to the rules which the parties shall have agreed upon by the *compromis*.

ARTICLE 3

Without prejudice to the right of the private parties to establish their claim, through the proper channel and in the proper form, for the damages caused to them, the right to enter action belongs exclusively to the interested governments:

1. Where the controversy relates to a violation of the constitutional law of the court.
2. In the cases of ordinary jurisdiction set forth in subdivisions 1 and 3 of Article 17 of the regulations.

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<sup>1</sup> Translated from the *Anales de la Corte de Justicia Centroamericana*, Vol. II, Nos. 11 to 16, pp. 193-210.

#### ARTICLE 4

In the case of disputes between the public authorities of a state, which are referred to in the article annexed to the convention, any of the authorities involved may exercise the judicial action, and the decision shall be limited to declaring what is the proper situation in the premises in accordance with the public law of the respective state.

#### ARTICLE 5

Private persons can only be parties before the court in the cases mentioned in subdivision 2 of Article 17 and subdivision 1 of Article 19 of the regulations.

#### ARTICLE 6

In order that in questions between states an action may be admissible, corresponding to the ordinary jurisdiction, according to Article 17 of the regulations, it must be sufficiently shown in the judgment of the court that diplomatic efforts have been made without success to obtain a settlement; or the impossibility of attempting any such efforts on account of the existence between the parties of a state of war declared or actually in progress.

In the cases set forth under Article II of the convention, the private plaintiff must show that, to obtain redress for the violation charged, he has made use of all means conducive thereto in conformity with the laws of the state, or that there has been a denial of justice.

#### [196] ARTICLE 7

No action shall be entertained which fails to set forth the facts and legal grounds constituting the question or questions in controversy, or which does not include all relevant evidence in connection with the libel.

#### ARTICLE 8

No claim for damages shall be deemed to be included in the declaration, when this shall not expressly contain it; but the omission of such claim does not imply a renunciation of the corresponding right.

#### ARTICLE 9

Claims or disputes which do not necessarily follow from the principal action, or which involve a controversy over the rights of third parties, or the decision of which may demand a special action, shall

not be admitted as incidental questions.

#### ARTICLE 10

The right of the contending parties to apply to the court for the issuing of the precautionary orders authorized by Article XVIII of the convention, can only be enforced in consequence of a claim or controversy entered in conformity with the requirements of Article 6 of this ordinance.

#### ARTICLE 11

All claims which the plaintiff may present against the defendant shall be consolidated in a single action, provided that they are not inconsistent so that the enforcement of one will exclude the enforcement of the other.

Consolidated actions shall be heard together and determined by a single decision.

#### ARTICLE 12

After an action has been passed upon and decided by the court, no new claim referring thereto shall be admissible which is founded on the same facts and circumstances and directed towards the same purpose.

### [197] CHAPTER SECOND. *Challenges and Excuses*

#### ARTICLE 13

The power to challenge belongs exclusively to the contending parties and can only be exercised with respect to the action entered and admitted or to the incidental questions to which the debate on the same shall give rise, provided that the right which in such question is sought to be controverted is included in the power and legal capacity of the examiner, taking into consideration the nature of the case, in conformity with Articles I, II, III, IV and XVIII of the convention of Washington, and 17,18,19 of the rules of the court and 3,4 and 5 of the present ordinance.

#### ARTICLE 14

The judges are not subject to be challenged:

1. In deciding as to the form and other intrinsic conditions with which an excuse or a challenge has been formulated.
2. When intervening in the resolutions in furtherance of one or the other, in order to call the judges who are to pass upon the same.

3. When deciding in substance upon the propriety of an excuse or challenge in which they are to be judges in accordance with Articles 22 and 31 of this ordinance.

4. In issuing the precautionary measures provided for in Article XVIII of the convention of Washington.

5. When discharging such duties as may be required of him by the Chief Justice of the court according to the power established in subdivision 7 of Article 54 of the regulations.

#### ARTICLE 15

In order that a challenge against all the members of the tribunal may be admissible, there must previously be deposited with the treasurer of the court the sum of one thousand dollars, which the party propounding the challenge shall forfeit in case the decision of the matter shall be against him.

#### ARTICLE 16

No challenge will lie and no excuse is admissible before the answer to the action or before the filing of dilatory pleas, if any. Nor shall they be filed after the order of the court declaring that the cause must be proceeded with to its decision.

#### [198] ARTICLE 17

The plaintiff must exercise his right to challenge within three days following the resolution in which the action shall be deemed answered, or notice on the exceptions alleged shall be granted; the defendant, upon answering the declaration or interposing said exceptions.

The challenge shall only be admissible thereafter when based upon subsequent facts or circumstances.

In both cases the party must exercise his right in a single petition in respect of all the judges whose separation he desires.

The judges not included in a libel of recusation cannot afterwards be affected by such petition, when in it are invoked causes which were in existence at the time when the libel was dated.

#### ARTICLE 18

Excuses or challenges which are not founded upon any of the grounds for such cases provided, or which do not clearly express the facts constituting the same, or which contravene the provisions of Articles 13 and 17 of this ordinance, shall be peremptorily overruled.

#### ARTICLE 19

In case of simultaneous challenges by the plaintiff and defendant, they shall be considered in the order in which the petitions shall have been filed, and if neither of them shall have priority over the other upon this basis, then the one presented by the defendant shall be heard first; but all challenges against the same judge or judges must be consolidated and decided in a single resolution.

#### ARTICLE 20

The challenging party must accompany with his petition evidence of facts or circumstances upon which the challenge is grounded; otherwise, if the judge in question should deny those facts and circumstances, the said challenge shall be considered as overruled.

#### ARTICLE 21

When an excuse or challenge is admitted by the tribunal, all papers relating thereto shall be delivered to the judge or judges called to take cognizance of the same, and thereupon the challenged or excused judge [199] shall cease to intervene in the respective cause or incident; provided, however, that if the petition should be dismissed the latter shall resume his powers.

#### ARTICLE 22

The challenge or the excuse of one or more members of the court shall be decided by the other judge or judges sitting as a special tribunal for that purpose; and if the excuse or challenge should include all of the judges, an alternate appointed by the court shall take cognizance of the case as judge, and he must appear for that purpose within five days from the date of his appointment, if he belongs to the state where the tribunal has its seat, and within thirty days if he were an alternate. In case the judge appointed should not appear within the specified time, or if he should notify his inability to appear, the tribunal shall proceed to make a new appointment.

#### ARTICLE 23

As soon as the tribunal which is to take cognizance of the challenge shall be constituted, it shall ask for a report thereon from the judge against whom the challenge is propounded, and the said judge shall render the said report within three days, stating whether he admits the facts alleged by the complainant to be true, or if they have been set forth inaccurately, making the necessary rectifications.

Whenever a challenge includes several judges, the term prescribed shall be common to all.

At the expiration of that time, and whether the report has been rendered or not, there shall be decreed a period of five days for hearing the other party to the controversy, and thereafter the incident

shall be decided. During that period the said party may produce all the evidence which he shall deem advisable, in support of or impugning the recusation.

#### ARTICLE 24

If the challenged judge should abstain from making within the time specified, the report prescribed in the next preceding article, it shall be presumed that he admits the truth of the facts alleged by the complainant as a basis for his petition.

#### ARTICLE 25

When the judge shall have admitted the truth of the facts determining [200] the challenge, or when by his silence his affirmative shall be presumed according to the next preceding article, and the other party to the controversy shall not oppose it with his own evidence, the incident shall be decided by decreeing the separation of the aforesaid judge. If the party not challenging should have produced evidence contrary to the grounds alleged, the case shall be decided according to the results of the opposed contentions.

The incident shall be decided against the claim of the party propounding the challenge whenever he shall abstain from proving the truth of the cause alleged, and the challenged judge shall deny the facts upon which the same was based, or shall admit only a part which is insufficient for that purpose.

#### ARTICLE 26

In the decree which ordains the separation of a judge for excuse or challenge, the appointment of the alternate who must substitute for him shall be made.

#### ARTICLE 27

In all incidents relating to excuses the special tribunal shall hear the parties to the same during a common term of three days, and at the expiration of that time it shall render a decision according to law.

#### ARTICLE 28

The excuse of a judge shall be dismissed.

1. Whenever it shall be founded upon the grounds set forth in No. 1 of Article 24 of the regulations, and the parties to the action shall thus request it, before the decision of the incident.
2. Whenever in connection with one of the grounds for challenge included in Nos. 2 and following, of Article 25 of the regulations, neither of the parties shall support the excuse at the hearing provided for in the next preceding article of this ordinance.

#### ARTICLE 29

By virtue of the decree sustaining a challenge or excuse, the judge or judges whom it shall affect shall cease to be such in the respective cause or incident.

#### [201] ARTICLE 30

During the pendency of an excuse or challenge propounded against a judge or judges, the terms established by the convention of Washington for the development of the judicial debate and the rendering of the decision shall be suspended.

#### ARTICLE 31

The secretary of the court may be challenged upon the same grounds prescribed for the judges. Experts may be challenged for the same causes and, in addition for lack of skill.

To both challenges shall be applied the provisions of Article 18, and the incident shall be decided by the tribunal upon a previous three days' hearing of the other party to the controversy.

#### ARTICLE 32

Challenges against an expert must be made according to the following rules:

1. Upon answering the complaint, in case of an opinion produced and attached to the same as documentary evidence.
2. Within three days following the notification of the decree declaring the complaint as answered, in case of an opinion presented by the defendant as rebutting evidence.
3. Within three days following the notification of the decree appointing the expert, in case of any proceeding to obtain evidence which might be carried out during the trial, according to the provisions of Article XVI in fine of the convention.

#### ARTICLE 33

The secretary shall cease to intervene in the proceedings of a cause and he shall be substituted *ad interim* by the chief clerk (Official Mayor) from the moment in which he shall be challenged, resuming his functions in the same cause, or being finally incapacitated, according to the decision of the incident.

#### ARTICLE 34

None of the terms allowed for the establishment of the excuses and challenges shall be extended.

[202] CHAPTER THIRD. *Judicial Resolutions*

ARTICLE 35

The resolutions of the court are:

1. Sentences, if they finally decide the question in controversy, or, if upon an incident, they put an end to the litigation by making its prosecution impossible.
2. Decrees (*autos*) if their object is to decide an incidental question.
3. Orders (*providencials*) if they refer to questions of mere procedure.

ARTICLE 36

All judicial resolutions shall be headed by the name of the court; they shall state the place, the hour, the day, the month and the year in which they are issued, and must be signed by all the judges and by the secretary.

ARTICLE 37

If a judge refuses to sign a resolution, or if he should die, or if for any cause he should be incapacitated or rendered unable to do so, the secretary shall write at the foot of said resolution the explanatory reason of the defect, and that will cure the same for all legal purposes.

A dissenting judge may separate his opinion by stating the same in the book provided for in Article 45 of the regulations, provided that he does so within three days following the adoption of the resolution.

ARTICLE 38

The orders shall be issued within three days from the moment in which their propriety may be determined, and the decrees, within five days after the parties shall have rested their case, save the instances which are specially excepted.

The sentence must be pronounced within the thirty days fixed by Article XVI of the convention of Washington.

ARTICLE 39

The court shall keep a book of decisions, in which shall be entered the decrees and sentences which it may issue.

#### [203] ARTICLE 40

Every decree, as well as every sentence, shall be inscribed and signed in the aforementioned book and shall be afterward certified in the record by the secretary.

#### ARTICLE 41

The orders shall express clearly the act or proceeding which they may decree, with citation of the articles of the convention of Washington, of the regulations or of this ordinance upon which the same may be founded.

#### ARTICLE 42

The decrees shall express the findings upon which they proceed relative to such points of fact or points of law as they decide.

#### ARTICLE 43

The sentence shall be pronounced in conformity with Article XXIV of the convention of Washington, and shall contain the following requisites :

1. It shall express who the contending parties are, stating name, nationality, domicile and occupation, if private persons; their capacity in the litigation, the names and qualifications of their attorneys or representatives, and the object of the litigation.

2. In separate paragraphs, which shall begin with the words *It Results* or *Resulting*, the claims of the parties and the facts upon which they are founded shall be stated clearly and as briefly as possible, provided that they are related to the questions which are to be decided.

3. The points of fact and of law constituting the controversy shall be set forth also in separate paragraphs, headed by the word *Considering*; the juridical reasons and grounds which shall be deemed as controlling the decision, and the laws, international treaties and principles of law applicable to the case, shall also be cited.

4. Lastly, the resolute part of the decision shall be pronounced in the name of the Republics of Central America.

#### ARTICLE 44

Before its notification to any of the parties, the tribunal may, *ex officio*, modify the sentence, either wholly or in part, by a new decision which shall be delivered with the formalities and requisites set forth in [204] the next preceding article, and in which the defect or error committed in the consideration of the facts or the application of the laws or principles of law relating to the case shall be expressed.

To proceed to such a modification, it is indispensable that the court previously agrees to the revision, upon request of one of the justices, stating the grounds for the same.

#### ARTICLE 45

The court may revoke, *ex officio*, its own decrees and orders before notification, if it shall judge that there has been some error in the issuance of the same. After said notification, the court may revoke said order or decree upon the petition of any of the parties, filed within the five days following. In any case, the decree of revocation shall specifically state the error upon which it is grounded.

#### ARTICLE 46

After the time specified in the next preceding article, the said revocation may be decreed, when such revocation shall be decided by the unanimous consent of the members of the court, or at least by a majority of four, and expressing always the error or errors which may justify the amendment

#### ARTICLE 47

Whenever the said revocation must necessarily affect any further proceeding subsequent to the decree or order which is revoked, the cause shall be ordered to be restored to the same state in which it was at the time of issuing the same

#### ARTICLE 48

The power accorded to the parties by Article XXIV of the convention to request the interpretation of a decision, must be exercised within thirty days following the notification of said decision.

### CHAPTER FOURTH. *Judicial Formalities*

#### ARTICLE 49

There shall be no abbreviations employed in any judicial paper or document; dates and quantities shall be written in words, and no error shall be erased or amended by changing the writing, but every error [205] must be rectified by a note at the foot of the said paper or document.

#### ARTICLE 50

Every plea which shall be filed in the case, including the declaration and answer, as well as all documents constituting the evidence adduced in the controversy, shall be accompanied by the moving

party with as many literal copies, signed by said party, as there shall be litigants, to whom they shall be delivered at the time of notification or hearing, or immediately, if such procedure shall not be in order.

The secretary shall certify the filing and correctness of said copies and in case of inaccuracy he shall point out the difference.

The court shall not consider any plea or petition which does not comply with the requisites established by this article, and in case the failure to comply with the same shall be that of a government, said court will order the retaking of the said copies at the expense of the said government.

#### ARTICLE 51

The files (*expedientes*) and documents annexed thereto shall not be delivered to the parties for the purpose of notification or upon any other excuse whatsoever, but they may examine the same in the office under the supervision of the secretary.

#### ARTICLE 52

The parties have the right to solicit certified copies of all papers constituting the files (*expedientes*) but they may exercise that right only once for each of the said papers.

#### ARTICLE 53

All pleas must be filed with the secretary of the tribunal by the party in interest himself or by his attorney or legal representative, unless the signature which authorizes it shall be authenticated by a notary public whose signature has been legalized in due form; provided, however, that the governments may always address their petitions through their foreign office (*Secretaria de Relaciones Exteriores*), or through their diplomatic representatives, and the legislative and judicial departments by the organ of their respective secretaries.

### [206] CHAPTER FIFTH. *Notices*

#### ARTICLE 54

All judicial resolutions shall be notified to the parties, unless they have expressly or impliedly renounced the right to such notice.

#### ARTICLE 55

No resolution shall be effective against the parties to the controversy unless they are in fact or constructively notified in accordance with the provisions of this chapter.

#### ARTICLE 56

The resolutions having the character of sentences shall be communicated in every case to the five governments of Central America.

#### ARTICLE 57

The judicial decree by which an action is declared to be admitted must be notified personally to the defendant, in order that he may answer the same.

In such a case, the communication to the respective government or public authority shall be made through the foreign office, the office of the secretary of congress, or the secretary of the supreme court; and in case of governments or other authorities which are not those of the country where the court has its seat, there shall be attached to the notice a literal copy of the libel, setting forth the complaint, the evidence presented and the resolution taken.

Said communication, upon previous telegraphic notice, if possible, in which an extract of the libel shall be given, shall be sent by registered mail, and the notification shall be deemed as made as soon as the defendant government acknowledges receipt of the postal dispatch, and in any case after thirty days from the date in which, according to the record in the post office, the notice has been mailed, unless it be clearly shown that the notification was in fact made subsequently.

#### ARTICLE 58

The orders which the court shall issue, according to the provisions of Article XVIII of the convention, to establish the situation in which the contending parties must remain while the final decision is pronounced [207] shall be communicated immediately by the most rapid transit to the parties in interest, and also to all other Central American Governments.

#### ARTICLE 59

The complainant in the libel or declaration, and the defendant in his first plea, shall designate a person or a public office in the place where the court has its seat to receive any notifications not included in Article 56; and when, according to the provisions in Article V of the convention, the tribunal may temporarily change its seat, it shall decree that the parties, within a period of five days, which is not to be extended, shall make in said place a new designation of a person or office to receive the notifications.

#### ARTICLE 60

If in either of the two cases provided for in the next preceding article, the litigants should abstain

from making the designation therein prescribed, they shall be deemed as having waived the right to receive any notification whatsoever, and the orders shall be effective as against the remiss party or parties only during the period of forty-eight hours after they shall be issued.

#### ARTICLE 61

All notifications shall be made by the secretary of the court and included in the record upon return made, which must express the day, hour, place and circumstances attending the service of said notification, and which shall be signed by said functionary and the notified person or the person who shall receive the notification.

In case these shall refuse to sign or be incapacitated to do so, the fact shall be mentioned in the return.

When the party shall *personate himself in the office*, or when the secretary shall find him, he shall notify him, reading to him the whole of the order in question.

In all other cases, the notification shall be made by means of a warrant which shall be delivered to the designated person or to any employee in the office chosen for the purpose.

In case the party who must receive the warrant shall not be found in his domicile, or in case the office indicated shall not be open, the warrant shall be sent by registered mail to said person, or to the chief, secretary, or chief clerk of the office, which will be equivalent to a legal compliance with the act of notification.

#### [208] ARTICLE 62

Every warrant of notification shall express the nature and object of the litigation; shall designate the parties to the same, shall contain, in the proper case, an extract of the petition or plea to which the resolution shall refer, and shall include a literal copy of the dispositive part of the same.

#### CHAPTER SIXTH. *Evidence*

#### ARTICLE 63

The plaintiff shall present, together with the libel that initiates the action, the evidence upon which he shall base his claim, and the defendant shall do the same upon answering the declaration.

In the course of the controversy no other evidence or offer thereof is admissible, unless, according to Article XVI of the convention, any of the parties should request and obtain a special leave to introduce or offer the same.

#### ARTICLE 64

Only upon petition of a party shall the tribunal have power to decree the introduction of evidence; and in order that, in such a case, the procedure shall be deemed proper, there must concur the following requisites:

1. That the petition shall express its nature and object, and at the same time state the reason why such justification was omitted from the libel or answer.

2. That, if it shall consist of public documents or instruments, their character and contents, and when the party does not as yet possess them, the archives wherein they are, shall be mentioned.

3. That, if it shall consist of testimony of witnesses or experts already given, the name, nationality, residence and other qualifications of the witnesses or experts, as well as the facts that appear from their depositions or opinions, shall be stated, and if it shall consist of information as yet to be obtained, that, together with the name, nationality, residence and other personal data, shall be stated, besides the interrogatories or corresponding questions.

4. That the evidence shall be relevant and of undoubted importance for the decision, in the judgment of the court.

5. That the petition shall be made before the decree of the court that the cause is in the stage of decision.

[209] 6. That the said evidence could not have been produced with the declaration or answer, whether the facts to which it refers or the acts in which it consists have been produced afterwards, or whether by involuntary and excusable omission, in the judgment of the Court.

#### ARTICLE 65

Every petition for the appointment of a term to introduce evidence shall be decided upon within ten days during which time the opposite party may be heard, and if the requisites of the next preceding article have been complied with, and the tribunal deems it proper to grant the said term, it shall do so, ordering for such a purpose a prudential term not longer than sixty days.

If, upon the granting of said term, the party who has obtained it, shall amplify his petition, the new evidence shall be subject to the aforesaid qualification, with an equal hearing to the opposite litigant; but the term fixed for the introducing of evidence shall not be extended.

#### ARTICLE 66

The term fixed by the tribunal for the introduction of evidence according to the next preceding article, shall not be granted more than once, it cannot be extended, and evidence not introduced during the

said term shall be deemed as abandoned.

#### ARTICLE 67

The term fixed for introducing evidence is common to all the parties to the suit, and the evidence which may be offered or introduced by the party who has not requested the said term shall be subject to the formalities and reservations established in the three next preceding articles.

#### ARTICLE 68

The tribunal shall not decree, *ex officio*, any proof upon questions, facts or circumstances which the party shall not have stated or alleged in the declaration or answer thereto.

#### ARTICLE 69

In the proceedings for the taking of evidence, decreed *ex officio*, the parties shall not have any more intervention than that which the tribunal [210] may allow them; they do not imply the fixing of a given period, and must be executed without prejudice to the course of the terms prescribed by the convention of Washington for the progress and the termination of the controversy.

#### ARTICLE 70

For the taking of evidence, the court shall address itself, when necessary, to the governments and courts of justice of the Republics of Central America, requesting their indispensable intervention or collaboration, in accordance with Article XIX of the convention of Washington.

#### ARTICLE 71

When the court shall constitute special commissions to carry out some proceeding of investigation, it shall communicate the respective order and appointment to the government of the state wherein it must be executed, and ask the coöperation and assistance to that effect stipulated in Article XX of the convention.

#### ARTICLE 72

The tribunal shall consider the facts to which the controversy refers with absolute freedom of judgment, and the questions of law upon which it may depend according to the treaties and the principles of law.

CHAPTER SEVENTH. *Proceedings of the Case*

ARTICLE 73

After an action has been admitted, the defendant shall be notified and invited to answer the same within thirty days, in case the defendant shall be the government of the republic where the court has its seat, and within sixty days, if the defendant is one of the other governments.

ARTICLE 74

The government complained against may file dilatory pleas during the first half of the period fixed to make answer, and on doing so the plea shall be decided upon during the other half

No plea made outside that period can determine any incident requiring a previous finding, but it shall be reserved for the final decision.

[211] ARTICLE 75

If the dilatory pleas are sustained, the decision so declaring shall act as a stay to proceeding with the action until the irregularities and deficiencies upon which said pleas are based are remedied, and when this be done by the plaintiff, the action shall be proceeded with just as if it had then been instituted, without prejudice to the provisions of Article 10 of the present ordinance.

ARTICLE 76

After the expiration of the terms of thirty or sixty days, prescribed in Article 73, if the defendant has not made answer to the declaration, or shall not have filed a dilatory plea, or has made them without success, the court shall fix a new term of twenty days within which he may state his allegations and proofs, after which the court shall proceed, within the following thirty days, to decide the litigation, in accordance with the procedure prescribed in Articles 77 and 78.

ARTICLE 77

The term of thirty days fixed by Article XVI of the convention of Washington within which to render a decision, shall begin to run from the time the declaration is answered or after the expiration of the legal period fixed therefor, and the court shall, in due season, issue the decree declaring the cause to be ready for sentence; but if it has allowed any term for the introduction of evidence in accordance with Articles 63, 64 and 65 of this ordinance, the above mentioned period shall begin to run after the term fixed for the proofs, and the court will then issue the declaratory decree above ordered.

ARTICLE 78

The decree which declares that the cause is ready for sentence shall designate the day and hour for the hearing of the final arguments of parties within the first ten days of the term fixed for the rendition of the decision, and after that hearing the judicial debate shall be considered as ended.

ARTICLE 79

The parties may make their arguments orally before the court on the day of the hearing, or they may do so in writing.

ARTICLE 80

Whenever both parties shall appear at the said hearing to make their arguments, each will be entitled to speak twice, alternatively, and the first turn shall belong to the plaintiff.

If there should be several plaintiffs or defendants appearing at the hearing, all shall be entitled to speak in alternative order, and the tribunal shall fix the turn of each.

ARTICLE 81

The voting on a decision shall be made in accordance with an interrogatory (*questionario*), in which reference shall be made to all points of law and fact at issue, as they shall appear from the record, and which the presiding judge must formulate and submit to the approval of the tribunal.

The votes shall refer to what the resolute part of the decision must be, and shall be recorded in a proceeding which shall state the hour and date of voting, and be signed by the judges and secretary; after which, the decision shall be drawn in accordance with the said vote, the formalities and requisites of Article 43 being observed.

ARTICLE 82

The sentences shall be drawn by the president of the tribunal; but whenever the said sentence shall be voted by a majority, the said majority shall designate the judge among them who must formulate the sentence.

ARTICLE 83

Whenever there shall not be three votes in accord upon a judicial resolution, the court shall proceed in accordance with the provisions of Article XXIII of the convention of Washington.

#### ARTICLE 84

If in any pleading which shall not contain a petition or application necessary for the exercise of the action or defence, there should be expressions or phrases of disrespect or scandalous matter against the tribunal, or its members, or against the other parties to the controversy, or against the states or their public authorities, the court shall decree that the original of it be returned to the author through the office of the secretary, with the reasons therefor at the foot of it, as being irregular.

[213] If it shall contain a petition or application meriting attention, the tribunal shall point out the objectionable words or phrases and order the secretary to notify the petitioner or applicant that he must, within twenty-four hours, replace the memorial, omitting the objectionable parts of it; and if he shall not do this, the pleading shall be returned to him, retaining for its legal effects a certified copy only of such part of its contents as is not objectionable.

#### ARTICLE 85

If the offences indicated should be committed during the oral arguments provided for in Articles 79 and 80, the president of the court shall interrupt the pleader, calling his attention to the respect he owes, and in case he should repeat the offence, he shall be denied the right to speak and be invited to address the tribunal in writing.

#### ARTICLE 86

This ordinance cannot be amended, either in whole or in part, except by virtue of a proposition which a judge shall present in writing, stating the grounds for such a change, and which shall be unanimously approved by a majority of four votes, during two sessions held with an interval of no less than fifteen days. The amendments which shall be made are not to affect pending cases.

Given in the Hall of Sessions of the Court of Justice of Central America, San José, Costa Rica, sixth of November, one thousand nine hundred and twelve.—Let it be communicated to the Governments of Central America.

DANIEL GUTIÉRREZ NAVAS,

*President Judge for Nicaragua,*

JOSE ASTÚA AGUILAR,

*Vice-President, Judge for Costa Rica,*

ANGEL M. BOCANEGRA,

*Judge for Guatemala,*

ALBERTO UCLÉS,  
*Judge for Honduras,*

MANUEL I. MORALES,  
*Judge for Salvador,*

ERNESTO MARTÍN,  
*The Secretary.*