

Public International Law

Colombia vs Peru, 17 ILR 28; ICJ Reports, 1950 Asylum case

Dee Nil Panandigan - PILA Section 9

Facts

This is an Asylum Case between Colombia and Peru, the case arose when Colombia granted asylum to Víctor Raúl Haya de la Torre, who was charged with directing a military rebellion in Peru. The dispute was referred to the International Court of Justice.

On October 3rd, 1948, a military rebellion broke out in Peru. The rebellion was suppressed on the same day, and an order was issued for the opening of judicial proceedings against Haya de la Torre and others for the crime of military rebellion. The President of Peru issued a decree stating that the party responsible for the rebellion, the American People's Revolutionary Alliance, was charged with having organized and directed the rebellion and that it had placed itself outside the law and its leaders would be brought to justice.

On the evening of January 3rd, 1949, Mr. Víctor Raúl Haya de la Torre, a Peruvian citizen, and chief of a political group in that country came to the Colombian Embassy in Lima and begged the Ambassador to grant him asylum in the Embassy. He was subsequently qualified as a political refugee by the Government of Colombia and was granted asylum at the embassy. On January 4th, the Colombian Ambassador sent to the Ministry of Foreign Affairs and Religion of Peru the written notification required by the Convention on Asylum of February 20th, 1928, and requested from the Peruvian Government the guarantees necessary for the departure of Mr. Haya de la Torre. In other words, the Colombian Ambassador requested the granting to Haya de la Torre of a safe-conduct, with the customary facilities.

The Colombian Government has presented two submissions, of which the first asks the Court to adjudge and declare that: "That the Republic of Colombia, as the country granting asylum, is competent to qualify the offense for the purpose of the said asylum, within the limits of the obligations resulting in particular from the Bolivarian Agreement on Extradition of July 15th, 1911, and the Convention on asylum of February 20th, 1928, and of American international law in general."

ISSUES

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