



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA  
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

# Press Release

(Issued by the Registry)

## HEARINGS TO COMMENCE IN M/V "SAIGA" (No. 2) CASE ON 8 MARCH 1999

HAMBURG, 5 February. The hearings in the M/V "Saiga" (No. 2) case (*Saint Vincent and the Grenadines v. Guinea*) are scheduled to commence on 8 March 1999 and the Agents and counsel of both parties are expected to address the Tribunal and present evidence, including witness testimony, in support. The oral proceedings follow the completion of the written proceedings. The written proceedings on the merits (the substance) of the M/V "Saiga" (No. 2) case were completed on 28 December 1998 with the filing of the Rejoinder by Guinea. Saint Vincent and the Grenadines had filed its Memorial on 19 June 1998 and Guinea its Counter-Memorial on 16 October 1998. This was followed by the Reply of Saint Vincent and the Grenadines on 20 November 1998 and the Rejoinder on 28 December 1998. The written pleadings and documents annexed thereto filed in the case comprise over 1500 pages. The written pleadings will, in accordance with the Rules of the Tribunal, be made accessible to the public on the opening of the oral proceedings.

Upon the closure of the written proceedings, the President of the Tribunal by Order of 18 January 1999 fixed the date for the opening of the oral proceedings to 8 March 1999. The hearings on the merits of the case are open to the public and will commence at a time to be announced. The hearings will take place in the courtroom at the Tribunal's temporary premises in the centre of Hamburg, Germany. During the first round of oral arguments, statements will be made first on behalf of Saint Vincent and the Grenadines followed by Guinea. During a second round the parties may be allowed to respond to each others oral submissions.

Before the commencement of the hearings, the Judges will be meeting in private to exchange views concerning the written pleadings and the conduct of the case. During these deliberations, the Judges will identify what matters need clarification and whether any additional evidence or documents should be presented.

The 21 Judges of the Tribunal will assemble in Hamburg on Monday, 22 February 1999, for these deliberations and for the start of the seventh organizational session of the Tribunal, which will coincide with the proceedings on the case.

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**Press Release ITLOS/Press 19  
5 February 1999**

Saint Vincent and the Grenadines and Guinea in an Agreement have requested the Tribunal to deal with all aspects of the merits, including damages and costs, and the objection as to jurisdiction raised by Guinea in the dispute between them concerning the arrest off the coast of West Africa by Guinea of the oil tanker M/V "Saiga" flying the flag of Saint Vincent and the Grenadines.

The proceedings on the merits raise many important issues, including: the freedom of navigation, the enforcement of customs laws, re-fuelling (bunkering) vessels at sea, and the right of hot pursuit (See Press Release No. 13).

### **Background**

The case concerns the arrest of the oil tanker M/V "Saiga" and its crew on 28 October 1997 by the customs authorities of Guinea at a point outside its Exclusive Economic Zone. The vessel, flying the flag of Saint Vincent and the Grenadines, was manned by a crew of Ukrainian and Senegalese nationals and had been involved in re-fuelling vessels at sea within the Exclusive Economic Zone of Guinea. The arrest of the vessel involved shots being fired by the customs authorities of Guinea resulting in injuries to some members of the crew. Following its arrest, the vessel was taken to the port of Conakry in Guinea and its cargo of gas oil was discharged by the arresting authorities.

The Government of Saint Vincent and the Grenadines filed an Application with the Tribunal on 13 November 1997 seeking the release of the vessel and its crew. The Application was disposed of expeditiously by a summary procedure that took three weeks. The Judgment of the Tribunal was complied with and the vessel and its crew were released from detention by the Guinean authorities. The release was upon the posting of a bond for US\$ 400,000 as prescribed by the Tribunal in its Judgment delivered on 4 December 1997.

The Application was submitted to the Tribunal under the procedure for the prompt release of a vessel and its crew provided for in article 292 of the United Nations Convention on the Law of the Sea. In such a case, the Tribunal may only deal with the question of the release and the determination of the bond or other security on the basis of which the release may be ordered.

The procedure does not include a determination of the merits of the underlying dispute as to opposing rights and obligations nor does it prejudice the merits of any case before the appropriate domestic court of the arresting State. In order to obtain a decision on the essence of the dispute (the merits), the parties subsequently by joint agreement submitted the merits of the case to the Tribunal. Apart from many important law of the sea issues, a decision on the merits will also address the question whether the posted bond should be paid out or returned and whether any damages are due to any of the parties.

Further details concerning the case are contained in Press Releases Nos. 8 to 15 and 17 of the Tribunal. Earlier Press Releases and further information can be obtained from the Tribunal's Registry. Please contact Mr. Robert van Dijk, Legal Officer at the Tribunal, at Tel: (49) (40) 35607-228 or Ms. Isabelle Kreiner, Press Assistant, at Tel: (49) (40) 35607-227 or Fax: (49) (40) 35607-245. Press information will also be available at the hearing itself.

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**For information media -- not an official record**

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**Press attendance**

Members of the Press are invited to attend the hearing. Arrangements will be provided in a further press communication.

**The Tribunal**

The case has been submitted to the whole Tribunal comprised of 21 Judges. The Members of the Tribunal are President Thomas A. Mensah (Ghana), Vice-President Rüdiger Wolfrum (Germany), Judges Lihai Zhao (China), Hugo Caminos (Argentina), Vicente Marotta Rangel (Brazil), Alexander Yankov (Bulgaria), Soji Yamamoto (Japan), Anatoly Lazarevich Kolodkin (Russian Federation), Choon-Ho Park (Republic of Korea), Paul Bamela Engo (Cameroon), L. Dolliver M. Nelson (Grenada), P. Chandrasekhara Rao (India), Joseph Akl (Lebanon), David Anderson (United Kingdom), Budislav Vukas (Croatia), Joseph Sinde Warioba (United Republic of Tanzania), Edward Arthur Laing (Belize), Tullio Treves (Italy), Mohamed Mouldi Marsit (Tunisia), Gudmundur Eiriksson (Iceland), and Tafsir Malick Ndiaye (Senegal) in order of seniority.

Mr. Gritakumar E. Chitty (Sri Lanka) is the Registrar of the Tribunal. Mr. Philippe H. Gautier (Belgium) is the Deputy Registrar.

The Press Releases of the Tribunal, documents and other information are available on the United Nations website: <http://www.un.org/Depts/los/> and from the Registry of the Tribunal, Wexstrasse 4, 20355 Hamburg, Germany, Tel: (49) (40) 35607-227/228, Fax: (49) (40) 35607-245/275 or United Nations DC-1, suite 1140, New York, NY 10017, Tel: (1) (212) 963-6480, Fax: (1) (212) 963-0908, E-mail: [itlos@itlos.hamburg.de](mailto:itlos@itlos.hamburg.de)

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