

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



2000

Public sitting

held on Friday, 8 December 2000, at 14.15 p.m.,
at the International Tribunal for the Law of the Sea, Hamburg,

President P. Chandrasekhara Rao presiding

The “Monte Confurco” case
(Application for prompt release)

(Seychelles v. France)

Verbatim Record

Present:

President	P. Chandrasekhara Rao
Vice-President	L. Dolliver M. Nelson
Judges	Hugo Caminos
	Vicente Marotta Rangel
	Alexander Yankov
	Soji Yamamoto
	Anatoli Lazarevich Kolodkin
	Choon-Ho Park
	Thomas A. Mensah
	Paul Bamela Engo
	Joseph Akl
	David Anderson
	Budislav Vukas
	Rüdiger Wolfrum
	Edward Arthur Laing
	Tullio Treves
	Mohamed Mouldi Marsit
	Gudmundur Eiriksson
	Tafsir Malick Ndiaye
	José Luis Jesus
Registrar	Gritakumar E. Chitty

Seychelles represented by:

Mr. Ramón García Gallardo, *Avocat*, Bar of Brussels, Belgium, and Bar of Burgos, Spain,

as Agent,

Mr. Jean-Jacques Morel, *Avocat*, Bar of Saint-Denis, Réunion, France,

as Deputy Agent,

and

Mrs. Dolores Domínguez Pérez, Attorney, Bar of La Coruña and Brussels, Legal Assistant, S.J. Berwin & Co., London, United Kingdom, Brussels, Belgium,

Mr. Bruno Jean-Etienne, Legal Assistant, S.J. Berwin & Co., Brussels, Belgium,

as Counsel,

France represented by

Mr. Michel Trinquier, Deputy Director for the Law of the Sea, Fisheries and the Antarctic, Office of Legal Affairs of the Ministry of Foreign Affairs,

as Agent,

and

Mr. Jean-Pierre Quéneudec, Professor of International Law at the University of Paris I, Paris, France,

Mr. Jacques Belot, *Avocat*, Bar of Saint-Denis, Réunion, France,

as Counsel,

1 **THE PRESIDENT:** I give the floor to the Agent of France.

2

3 **MR TRINQUIER** (Interpretation): Thank you, Mr President. Before I start, I should
4 like to hand to the court the documents which we were requested to provide relating
5 to the confiscation under French legislation of the vessel, the cargo of fish and
6 fishing tackle. We have also added text relating to bonds in criminal cases.

7

8 This afternoon I should like to revert to what was said this morning. First, I should
9 like to make a few comments on the representation of states before international
10 jurisdictions. I shall also comment on the remarks relating to what Professor
11 Duhamel said yesterday. After that I shall give the floor to M Belot who will say
12 something about statements made this morning which seem important to us and
13 open to criticism. Professor Quenendec will then conclude by making final
14 comments relating to a hearing before an international tribunal.

15

16 I shall start with a few comments on the representation of states before international
17 jurisdictions. I said yesterday, and I still say, that organisations of illegal fishing are
18 properly organised. Such organisations have, at their service, lawyers who come
19 into play very swiftly and intervene systematically in matters of this kind. As proof of
20 that, perhaps I may refer you to Annex 2 of the Application. The Agent designated to
21 represent the Republic of the Seychelles received a mandate on 20 November. The
22 *apostille* is dated 20 November. I remind you that the order fixing the bond by the
23 Tribunal at Saint-Denis was on 22 November. Everything I heard yesterday has
24 nothing to do with what was said this morning.

25

26 I have heard that apparently there was a note verbale sent to the Government of the
27 Seychelles in which the Government of the French Republic complained because
28 the Seychelles have taken a lawyer to defend them from the French Ministry of
29 Foreign Affairs who is responsible for everything relating to the Law of the Sea and
30 Fisheries. I have never seen that note verbale. It just does not exist. On the
31 contrary, France is particularly concerned to ensure that all states, whatever their
32 financial means, should have equal access to international jurisdiction. As you
33 know, Mr President, and members of the Tribunal, it is because of that that the
34 General Assembly of the United Nations decided to set up a fund for legal aid for

1 small states so that they should be able to plead before international tribunals
2 without being prevented from so doing for financial reason.

3

4 That fund was created by a Resolution of the United Nations, adopted recently within
5 the framework of the Law of the Sea. France has supported that initiative from the
6 beginning and is very happy that it has been successful. However, it is true – I am
7 witness to it – that there were diplomatic contacts between France and the
8 Seychelles relating to this case. However, this contact was entirely different. We
9 expressed to the Seychelles our astonishment that we should have been brought
10 before your Tribunal without there having been any contact between them and us,
11 whereas we would have liked these contacts to have led to a friendly settlement.

12

13 Therefore, the letter which we were sent by the Agent representing the Republic of
14 the Seychelles cannot be considered as a proposal to negotiate or to have an
15 *arbitrage*. I conclude my comments on this matter and shall leave it in your hands.

16

17 My second point relates to the comments made this morning on the statement of
18 Professor Duhamel. First, I should like to highlight the fact that the French
19 delegation disagrees with map number 5, or chart number 5. This map cannot be
20 taken seriously to the extent that its presentation narrows down the EEZ of France in
21 that area. It leads us to believe that there is a void between the EEZ and the
22 Australian EEZ. Therefore, one has the impression that the vessel might have fished
23 in international waters, but in this particular case the vessel could not be in both
24 Australian and French waters.

25

26 Having said that, is Professor Duhamel some sort of fantasist who always stays in
27 his office, who has a brain in the shape of France and who thinks only in French
28 terms? That is certainly not the case. That is exactly what one tried to make you
29 believe this morning. I am sorry that Professor Duhamel cannot come to defend
30 himself before you. However, I have asked him to make comments to me which I
31 shall try to sum-up before you now.

32

33 Professor Duhamel has carried out many fishing campaigns on French, German,
34 Ukrainian and Russian vessels with various types of fishing: longline, trawling, and

1 so forth. The evaluation campaigns of resources in the French EEZ were always
2 carried out by vessels which had been chartered and not by scientific vessels.
3 Professor Duhamel is a scientist and is very open minded about practical
4 campaigns. It is not scientific vessels that were used, but actual fishing vessels.

5
6 His experience of longline fishing is important. Between 1991 and 1999 he managed
7 the Ukrainian fisheries in the EEZ of Kerguelen. He has been Chief of Mission. His
8 engineer also went on the vessel in order to get the data from the Franco-Japanese
9 evaluation campaign for the EEZ of Kerguelen in 1996 and Crozet in 1996/97 in
10 respect of toothfish up to a depth of 1900 to 2,000 metres.

11
12 The fishing method was very similar to that which was described as the Spanish type
13 this morning and definitely not automatic. This was a manual system. Since then
14 the four longliners – two automatic and two manual – have been monitored by him.
15 So, these zones are very well known. France has carried out authorised exploratory
16 campaigns in the CCAMLR zone in July 2000. The Tribunal will be able to check
17 because the data has been deposited with CCAMLR.

18
19 The presence of toothfish in the Indian sector has not been proven in South Africa or
20 Namibia, contrary to what we were told this morning. The Museum of Cape Town
21 and the Captains operating in those sectors have been consulted and they deny the
22 assumption that no scientific observer has in fact confirmed. It is probable that there
23 is some confusion with a fish of a similar morphology, which is called
24 *polyprion oxygéniose*.

25
26 Lastly, to end this chapter, one must not confuse exploratory fishing and established
27 fishing, which is the case for toothfish fishing at the Kerguelen Islands and the dates
28 for the opening of fishing relating to the CCAMLR zone. The established fisheries
29 are those of Kerguelen in France, Perth in Australia and Prince Edward in South
30 Africa, for where there are no special restrictions.

31
32 So much for the comments of Professor Duhamel. I would have preferred him to be
33 able to make these comments himself. That would no doubt have been more
34 convincing. However, I shall end with this point. I would have finished for this

1 afternoon if I did not feel obliged to come back on some of the insinuations and
2 accusations made this morning against the crew of the *Floreal*, which appeared to
3 have added their own buoys to those of the *Monte Confurco*. Nor will I come back to
4 refer to another case, which has nothing whatever to do with the case which
5 concerns us now and which the French national navy has nothing to do with.
6 Perhaps I may say that one has to be very sure of good arguments to use such
7 insinuations. Thank you, Mr President and members of the Tribunal for your
8 attention. I should now like to give the floor to M Belot.

9

10 **M BELOT** (Interpretation): Mr President, members of the Tribunal, I shall not take
11 much time with my comments. There is no question of returning to all the facts and
12 examining in detail how the legal process works. Your jurisdiction has available to it
13 all the documents on the file which has led to the arrest of the *Monte Confurco* and
14 will be able to make up its mind on the similitude of the accusations made against
15 the Master.

16

17 As regards the facts, of course there are disagreements. That is perfectly normal.
18 The examination of the facts will occur on 8 January next by a French court which
19 will then make a judgement and will either condemn or release. However, the
20 explanations given this morning and certain statements made comfort me in my
21 belief that *Monte Confurco* was, indeed, fishing, and that its Master is not the victim
22 of an error of justice.

23

24 It was explained that the vessel was preparing a longline, which is perfectly normal.
25 According to the Spanish method, the preparation of a longline takes between
26 10 and 12 hours to complete. It is said that they were preparing this longline so that
27 they could start fishing immediately as soon as they had reached the zone where
28 they said they were going. In that case, why did they jettison boxes of unfrozen
29 sardines? Why did they jettison the bait if quite legally they were preparing to lay
30 longlines? How can one justify the fact that they were doing this in a perfectly legal
31 manner? The explanation was rather surprising. However, I looked at the map to
32 see the route which the *Monte Confurco* was to take. I found that after 10 or 12
33 hours it would either be in the French EEZ or at the beginning of the Australian EEZ.

1 That means in either case that to prepare a longline trawl for hours ahead made no
2 sense at all, unless one believes that the vessel was ready to fish in EEZs.

3

4 Another argument I heard was that the catch was transferred to another vessel.
5 However, in the dossier, the Captain is being reproached for not having kept a
6 proper logbook. He spoke about 39 members of crew whereas they had 40. I heard
7 this morning that they actually had 41. The means put forward by the Captain, the
8 logbook behind which he hides, had really very little value. It certainly allows us to
9 cast doubt on the sincerity of what he says. However, I shall say no more about that.

10

11 I should like to return to untruths told this morning relating to the French legal
12 system. I shall deal with this briefly and shall talk about the machinery, at the end of
13 which the Master of the *Monte Confurco* will be taken before the courts. The vessel
14 was surprised in the EEZ. Therefore, an inquiry was started by the officers of the
15 French Navy. They have the power to start a case in respect of illegal fishing.

16

17 I believe that the officers of the French Navy acted objectively. I do not think that
18 they can be suspected of having invented proofs, of having tried to find elements
19 which would allow one to prove that there was, indeed, a violation. I mention that
20 because it was referred to this morning. I shall mention the three fish which were not
21 present and which were found in the hold. However, we were told that that has no
22 value whatever because it was not toothfish. That does not matter. It does not
23 matter what the three types of fish were. But where did the 158 tonnes that we
24 found in the hold come from? That is where the problem really lies. One may also
25 believe that if French sailors needed proof they would not have photographed only
26 three types of fish; they would have unfrozen one or two tonnes. However, the
27 French sailors made do with the three types of fish they found. They were also
28 reproached for not having pulled up the buoys in the presence of the other party.
29 That is not a serious argument.

30

31 We can imagine the weather conditions at sea and the possibility of lifting the buoys
32 in the presence of others. Throughout the investigations of the *Monte Confurco* the
33 Master was completely free. He could do exactly as he pleased and certainly did so.
34 He devoted some time to communicate with the shipowners and his lawyers. He

1 was, therefore, quite freely able to organise his defence. It was quite impossible that
2 we could oblige the Master to be present when the buoys were lifted.

3

4 That is not really the question. The problem is to find out whether the buoys found in
5 the sea are identical to those which were found on the longliner. That is the real
6 question. It is not a matter of knowing how they were lifted, unless one has a great
7 deal of imagination and considers that it is the national navy, the French Navy, that
8 has deposited the buoys themselves and in turn lifted them in order to confound the
9 captain even more. That is one way of putting things, but it is not a serious
10 argument.

11

12 The officers of the French Navy found that there had been a violation. They
13 immediately informed the procureur of the Republic in the Island of la Réunion and
14 the Directorate of Maritime Affairs, and they were told to bring in the vessel. That is
15 when the first procès-verbal d'infraction was drafted, and then, of course, the inquiry
16 continues. It is no longer the officers of the navy but the military police dealing with
17 maritime matters that came into play. These policemen listened to the captain.
18 They also interrogated the crew. In your dossier you have all the procès-verbaux of
19 the hearings which were conducted.

20

21 Once the survey was finished, and it only took a few days, the Attorney-General of
22 the Republic then decided what was going to be done. He had two possibilities. He
23 could either start a case, he could entrust the matter to an examining judge to
24 continue the matter, or, if he thought that the matters were sufficiently definitive, he
25 could send the matter to the criminal court directly. The second possibility was
26 chosen in this case. There was no examination. One can say that the whole thing
27 was simple and that it was obvious that there was guilt. That was not the case. To
28 take account of your case law in order that a legal solution could be achieved for this
29 case, we acted as we did. Just a few weeks after the vessel was arrested, the
30 captain will be judged and then one can make up one's mind about what is going to
31 happen to the vessel.

32

33 I would like to remind you of the *Camouco* matter. An examination was started there
34 and weeks and months went by, during which the captain remained in the

1 *department* and the vessel had been immobilised. But, in order to avoid problems of
2 that kind in this case, the French judges chose the swiftest procedure, which quite
3 obviously does not prevent France from being before you today, but I can guarantee
4 that under French legislation it is rather difficult to do things quicker. It was therefore
5 decided to invite the captain, who is perfectly free to do as he likes, and to send him
6 before the criminal court on the date that he was given.

7

8 From that moment onwards, around 20 November, the various documents of the
9 dossier could be consulted quite freely, and they were consulted by the lawyers of
10 the Master of the *Monte Confurco*. The dossier is available to them in its entirety
11 and they could have been given copies of all the documents without any restriction
12 whatsoever. It is exactly because it is possible to get a copy of that dossier that the
13 documents concerned have been sent to you.

14

15 In the *Camouco* case, which was one of illegal fishing, we were not able to produce
16 any elements. There was no procès-verbal, no interrogations, because all this was
17 a secret and the French state had to respect that secret, and the judges are entirely
18 independent. It simply was not possible to present these elements. This is not the
19 case today. We can provide all these documents and establish that there is a fair
20 probability for saying that the facts with which one reproaches the Master of that
21 vessel are in fact true. We have provided all the documents, except one, which was
22 already mentioned. I am talking about the video cassette that was filmed from the
23 helicopter of the *Floreal*. It shows that the crew of the *Monte Confurco* jettisoned
24 crates of sardines. It was said this morning that it was astonishing that it was not
25 possible to get in touch with the lawyers of the captain, which might have been one
26 way of getting at the videocassette.

27

28 From the moment when a date has been chosen for an appearance before court, the
29 prosecuting authorities are no longer concerned with the dossier. The dossier in
30 front of the tribunal are available to both parties. So we were able to produce
31 elements which showed that the photographs could be copied and made available,
32 and the video had been sealed. One therefore had to ask the President of the Court
33 to break the seal, and the seal subordinated this authorisation to the fact that either
34 the master himself had to be present or his lawyers had to be present. Obviously his

1 lawyers were not there. That was not very surprising. We had no idea where the
2 master was. La Réunion is a very small *department* but there are still 700,000
3 inhabitants, that is three times more than Corsica. It is not easy in just a few hours
4 to find somebody, if one does not know where that person is. This is a minor matter,
5 but that is the reason why the videocassette was not produced before you. Either
6 party could discuss the elements of the accusation and the matter comes before the
7 court.

8

9 I would clarify once again – this was already clarified earlier by Professor
10 Queneudec – that there is no legal presumption which would lead the Tribunal to
11 condemn simply on the basis of the dossier. There is no legal presumption in civil
12 law that exists. For example, the child of a married woman is presumed to be the
13 child of her husband. That is a legal presumption. It displaces the onus of proof, but
14 that does not exist in criminal matters. In criminal matters the French judge has to
15 decide according to his intimate conviction. He has to consider the material
16 produced by each party and form an opinion as to whether the alleged facts are
17 correct. We shall see what decision is taken by the tribunal d'instance.

18

19 Suppose – and it is by no means a vain hypothesis – that the Tribunal does
20 condemn the Defendant; that will not be the end of the matter. At that point other
21 difficulties will arise. I referred to them yesterday, but I would again like to very
22 briefly go over some difficulties which are practically insoluble as a practical matter,
23 because the French procedural system is not really adapted to this sort of offence. It
24 works pretty well, on the whole, but there are some points where it does not.

25

26 Let us imagine that the Tribunal finds the Defendant guilty. There is a possibility of
27 an appeal, and the appeal suspends the initial decision. You cannot execute the
28 judgement during the appeal. Suppose a bond has been deposited; that bond
29 cannot be realised. A definitive decision has to be awaited. It is then sufficient for
30 the master to appeal through his advocate. It normally takes two or three weeks for
31 the decision to be announced. At the end of the hearing, the judicial supervision is
32 suspended and the passport is usually returned straight away, so the result is that
33 the master is never there when the Tribunal gives its decision.

34

1 The person found guilty then has the possibility of appealing through his advocate,
2 which he normally does, except in very rare cases, such as in the *Camouco* case,
3 where he has an interest not to do so. So an appeal is lodged and then he has to be
4 notified of the date of the hearing, the date when the Court of Appeal will decide,
5 supposing, of course, that you can contact him. I heard this morning – and I am
6 embarrassed to have to repeat this – that the shipping company was represented by
7 his consignee. That is true. In all civil cases involving a transporter or a shipping
8 firm, or any other maritime matter, all applications are made to the consignee.

9

10 However, we are here in criminal proceedings. It is not the shipping line which is
11 being pursued. It is the master who is being prosecuted. You cannot have a choice
12 of representative in criminal matters, because the notification has to be given to the
13 person concerned directly. When it is a person living abroad, it is more difficult than
14 if he lives in the country. The prosecutor has to send the notification to the Foreign
15 Ministry of the country in which the person concerned is residing, and that Ministry
16 then passes the notification to the judicial authorities of that country, and that takes
17 months and months. If unfortunately the time limit has been made incorrectly, then
18 one has to start all over again.

19

20 It has been said that since the passport has been confiscated, you can find the
21 master's address on it, but it is pretty difficult to contact the master of a fishing vessel
22 in person, except when his ship is arrested. On dry land, it is very difficult. Normally,
23 it is impossible to notify him and it is impossible to set the time limits running. In
24 other words, a definitive decision cannot be produced. It is impossible to succeed in
25 rendering the decision executory. For that specific reason, it is extremely important
26 that the bond which has been fixed should be of a reasonable amount, not
27 necessarily that of the judge of first instance, but, as French law provides, the bond
28 must be effectively paid, because that is the only way to ensure effective execution.

29

30 I am rather embarrassed to have had to explain this further in front of this Tribunal,
31 because I am aware that this level of explanation could be singularly emphasised.
32 The only purpose is to show that if the Master is found guilty in January, that will be
33 through a proper procedure and one which respects the rights of the defence, and
34 that the guarantee, which is at the centre of our discussions, has as its purpose to

1 ensure that a proper procedure takes place. That is why that bond has to be of
2 a reasonable amount. Thank you, Mr President.

3

4 **MR QUENEUDEC** (Interpretation): Mr President, Members of the Tribunal, it is my
5 duty to present to you a few final observations before the Agent of the French
6 Government states the submissions of France at the close of this procedure.

7

8 As a professor of law, I have always had a very elevated view of justice, and, as
9 a professor of international law, I have always had an even more elevated view of
10 international justice and international jurisdictions. That is why it seems to me to be
11 necessary to recall one or two obvious points which were perhaps lost sight of this
12 morning by our opponents.

13

14 Article 2 of the statute of the International Tribunal for the Law of the Sea provides
15 that it is a body of 21 independent members, elected from among persons of the
16 highest reputation and impartiality and integrity, possessing an established
17 competence in the field of the law of the sea. In implementing the provisions of that
18 statute, the rules of the Tribunal in Article 75 make it clear that the oral statements
19 made on behalf of each party shall be as succinct as possible, within the limits of
20 what is requisite, for the adequate presentation of that party's contentions at the
21 hearing, as before any court and any international court.

22

23 In the course of these hearings, which are under the control of the President, there
24 are hearings which should be conducted in a certain way. I recall the texts and it
25 seems to be necessary to respect them because certain aspects of the hearing this
26 morning were of a somewhat strange character, even surreal in character. One
27 might have thought that one had been transported at some time before the
28 competent French court dealing with the merits of this case, that is to say the French
29 criminal court, or even before an assize court. The body of judges forming the
30 International Tribunal of the Law of the Sea was, as it were, likened to a popular jury.
31 We were told of the *corpus delicti*. Mention was made of official corpses,
32 non-existent corpses. It was even suggested that the longline fishing lines which
33 were marked by the buoys found at sea, those that had not been hauled in,
34 represented, as it were, the missing weapon in the crime.

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Comment was made about the fact that one of the photographs submitted by France and representing three fish which apparently had recently been caught did not all belong to the species of toothfish. In short, stress was laid upon what seems to me to be a deviation of the discussion. At moments one had the impression that the International Tribunal for the Law of the Sea had been transformed into a sort of penal or commercial tribunal of fishing companies.

I think we have to put our discussions back onto the proper ground and in this case that is simply the procedure for prompt release laid down by Article 292 of the United Nations Convention for the Law of the Sea, a procedure between two state parties to that Convention, the French Republic and the Republic of Seychelles.

To repeat, what is at stake is solely the question whether France has or has not respected in this case the provisions of Article 73, para. 2 of the Convention. That is the sole subject matter of the case before this Tribunal. It follows that the duty of the applicant state has thus exclusively to establish that their allegations are well founded, allegations to the effect that France was in breach of Article 73, para. 2 of the Convention. In our view, and we hope also in the view taken by the Tribunal, it has not been shown that that allegation is well founded, or even that it had any basis whatsoever.

France, for its part, in the present case has tried to show that in the circumstances of the case in their general context the action taken by the French authorities was reasonable and appropriate and, furthermore, that the bond required for the release of the *Monte Confurco* was reasonable security, taking into account the circumstances of the case, reasonable as to its amount and its form.

Mr President, members of the Tribunal, there is no need to dwell further on this. It did appear essential in closing the recent discussion to recall what is really at stake in these proceedings. That is the reason why I shall stop here.

I ask you, Mr President, to give the floor to the Agent of the French Government so that he can make the final submissions of France in the case.

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Thank you for your attention.

MR TRINQUIER (Interpretation): Mr President, members of the Tribunal, with your permission, I shall now read the submissions of the French Government in the case of the *Monte Confurco*.

The Government of the French Republic requests the Court to reject the second submission made on behalf of the Republic of Seychelles and to declare and adjudge that the bond set by the competent French court for the release of the *Monte Confurco* is reasonable in the circumstance of the case, in the light of all the relevant factors. Secondly, that consequently the application submitted to the Tribunal on 28 November 2000 on behalf of the Republic of Seychelles is therefore not admissible.

I shall now hand in a copy of these submissions to the Tribunal, an original for the Tribunal and a second original for the other party. Thank you, Mr President.

THE PRESIDENT: I thank the Agent of France.

That brings us to the end of the oral proceedings in the *Monte Confurco* case.

I would like to take this opportunity to thank the Agents and Counsel for both parties for their fluent presentations made before the Tribunal over the past two days. In particular, the Tribunal appreciates the professional competence and personal courtesies exhibited so consistently by Agents and Counsel on both sides.

The Registrar will now address questions in relation to documentation.

THE REGISTRAR: Mr President, in conformity with Article 86, para. 4 of the Rules of the Tribunal, the parties have the right to correct the transcripts in the original language of their presentations and statements made by them in the oral proceedings. Any such corrections should be submitted as soon as possible but in any case not later than the end of the day on Tuesday, 12 December 2000.

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In addition, the parties are requested to certify that all the documents that have been submitted and which are not originals are true and accurate copies of the originals of those documents. For that purpose, they will be provided with a list of documents concerned.

In accordance with the Guidelines concerning the preparation and presentation of cases before the Tribunal, parties are also requested to furnish the Registry with additional copies of documents that have not been supplied in sufficient numbers.

THE PRESIDENT: The Tribunal will now withdraw to deliberate on the case. The judgement will be read on a date to be notified to the Agents. The Tribunal has tentatively set a date for the delivery of the judgement. That date is 18 December 2000. The Agents will be informed reasonably in advance if there is any change to the schedule.

In accordance with the usual practice, I request the Agents kindly to remain at the disposal of the Tribunal in order to provide any further assistance and information that it may need in its deliberations of the case prior to the delivery of the judgement.

This hearing is now closed.

(Adjourned)