



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

Press Release

**JUDGMENT IN CASE NO. 13
TO BE DELIVERED ON SATURDAY, 18 DECEMBER 2004 AT 10:30 A.M.**

The Judgment of the International Tribunal for the Law of the Sea in *The "Juno Trader" Case (Saint Vincent and the Grenadines v. Guinea-Bissau)*, *Prompt Release* will be read by the President, Judge Dolliver Nelson on 18 December 2004 at 10:30 a.m.

The oral proceedings in the case were held on 1, 6 and 7 December 2004. The hearing concluded with the final submissions of both parties. Saint Vincent and the Grenadines requested the Tribunal to make the following orders and declarations:

- (a) a declaration that the International Tribunal for the Law of the Sea has jurisdiction, pursuant to Article 292 of the United Nations Convention on the Law of the Sea of 1982 (hereinafter the "Convention") to hear the Application.
- (b) a declaration that the Application is admissible.
- (c) a declaration that the Respondent has violated Article 73, paragraph 2, of the Convention in that the conditions set by the Respondent for the release from detention of the vessel "Juno Trader" and the release of all the members of its crew are not authorized pursuant to Article 73, paragraph 2, and are not reasonable in terms of Article 73, paragraph 2.
- (d) an order requesting the Respondent to release the "Juno Trader" from detention and to release all the members of its crew without posting a bond or any other financial security and, in that event, requesting the Respondent to return the bond or security posted.
- (e) alternatively, an order requesting the Respondent to release the "Juno Trader" from detention and to release all the members of its crew as soon as the owner of the vessel posts a bond or other security in an amount determined to be reasonable by the Tribunal in view of the particular circumstances of the present case.

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- (f) an order, in that last event, prescribing the form of the aforementioned bond or other security.
- (g) an order requesting the Respondent to rescind the confiscation of the cargo of fish found on board the vessel "Juno Trader".
- (h) an order requesting the Respondent to pay the Applicant's costs.

In its final submissions, Guinea-Bissau requested the Tribunal:

1. To declare:

- (a) that the Tribunal lacks jurisdiction under Article 292 of the United Nations Convention on the Law of the Sea to entertain the Application of St Vincent and the Grenadines in this case;

in the alternative,

- (b) that the Application of St Vincent and the Grenadines in this case is inadmissible;

in the further alternative,

- (c) that the Application of St Vincent and the Grenadines in this case is not well founded.

2. As a subsidiary submission, if the Tribunal decides that the *Juno Trader* and its cargo are to be released upon the deposit of a bond or other financial guarantee, to order:

- (a) that the bond shall be no less than EUR 1,227,214.00 (one million two hundred and twenty seven thousand two hundred and fourteen Euros);
- (b) that the bond shall be in the form of a bank guarantee from a bank present in Guinea-Bissau or having corresponding arrangements with bank in Guinea-Bissau;
- (c) that the bank guarantee shall state that it is issued in consideration of Guinea-Bissau releasing the *Juno Trader* in relation to the incidents dealt with in Minute No. 14/CIFM/04 dated 19 October 2004, and that the issuer undertakes to pay on first demand to the State of Guinea-Bissau such sums as may be determined by a final judgment, award or decision of the competent authority of Guinea-Bissau.

3. To decide that St Vincent and the Grenadines shall pay the costs of Guinea-Bissau incurred in connection with these proceedings, less any

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amount of financial assistance that may be provided to Guinea-Bissau by the Law of the Sea Trust Fund in connection with the case.

The text of the Judgment will be available shortly after its delivery on the website of the Tribunal.

The Press Releases of the Tribunal, documents and other information are available on the Tribunal's websites: <http://www.itlos.org> and <http://www.tidm.org> and from the Registry of the Tribunal. Please contact Ms. Julia Pope at Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227, Fax: +49 (40) 35607-245;
E-mail: press@itlos.org