



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

Press Release

(Issued by the Registry)

HEARINGS CONCLUDED IN THE M/V "SAIGA" CASE JUDGMENT ORDERS PROMPT RELEASE

HAMBURG, 4 December. The International Tribunal for the Law of the Sea concluded its hearing in the M/V "SAIGA" case on 28 November 1997. Today, six days later, the Tribunal delivered its Judgment and ordered the prompt release of the oil tanker M/V "SAIGA" and its crew from detention in Conakry, Guinea. In addition to the cargo of gasoil, Saint Vincent and the Grenadines are to deposit 400.000 United States Dollars as a security for the release. The Judgment was delivered at a public sitting of the Tribunal in the Great Hall of the Hamburg City Hall with the full bench of 21 Judges and the Registrar sitting. President Mensah read the Judgment.

The case concerned 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. Guinea claimed that the M/V "SAIGA" was engaged in smuggling activities off its coast when arrested. The arrest, at a point outside Guinean waters, allegedly following a chase, was claimed to be in the exercise of the right of hot pursuit. Guinea also maintained that the Tribunal had no jurisdiction in the matter and that the claim was inadmissible. Saint Vincent and the Grenadines accused Guinea of piracy.

The arrest took place on 28 October 1997.

In view of the urgency attached to these proceedings and the humanitarian considerations for the crew, the Tribunal was obliged by the United Nations Convention on the Law of the Sea, to which both Countries are parties, and the Rules of the Tribunal to act rapidly.

- Within ten days of the arrest there had been no agreement between the parties to go before any other court. The application for release was then filed with the Tribunal by Saint Vincent and the Grenadines on 13 November.
- Within ten days of the filing of the application, the Judges convened to hear the case.
- Within ten days of the Tribunal convening, written statements were filed by the parties and two days of oral proceedings were held.
- Within ten days of the end of the oral proceedings the Judgment was delivered.

The whole procedure before the Tribunal has taken exactly three weeks.

(more)

For information media -- not an official record

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The Judges of the Tribunal heard oral argument on 27 and 28 November. It also heard oral testimony from two witnesses called by Saint Vincent and the Grenadines: Mr. Sergiy Klyuyev, Second Officer of the "SAIGA", and Mr. Mark Vervaet, representative in Senegal of the charterers of the "SAIGA". Mr. Klyuyev told the Tribunal under oath how he received fragments of a bullet in his arm when the Guinean authorities arrested the ship.

The Judges heard evidence on the activities and the route of the M/V "SAIGA", which was bunkering fishing boats in the coastal waters of Guinea, supplying them with gasoil. They were also told that the captain of the vessel was still kept imprisoned in Guinea. Extracts from the log book of the M/V "SAIGA" were also submitted to the Tribunal.

Agents and Counsel of both Saint Vincent and the Grenadines and Guinea participated at the hearings.

The Judges having completed their deliberations on the case, set up a Drafting Committee in accordance with the Internal Judicial Practice of the Tribunal. The Committee is composed of five Judges holding the majority opinion. The draft Judgment produced by this Committee went through two readings after which a final vote was taken to adopt the Judgment. The Judgement was delivered, six days after the end of the oral proceedings.

The Judgment was unanimous as to the Tribunal having jurisdiction, but divided 12 to 9 on the question of the release. The dissenting Judges filed two collective dissenting opinions and two dissenting opinions by individual Judges.

A more detailed account of the Judgment will be available in a further Press Release.

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), Tafsir Malick Ndiaye (Senegal).

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

The Rules of the Tribunal, the Resolution on the Internal Judicial Practice of the Tribunal, and the Guidelines concerning the Preparation and Presentation of Cases before the Tribunal

are available on the United Nations website: <http://www.un.org/Depts/los/>
Previous Press Releases, setting out the background and the composition of the Tribunal and its specialized chambers, are available from the Registrar of the Tribunal.

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