



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

Press Release

(Issued by the Registry)

21 JUDGES DECIDE UNANIMOUSLY ON ORDER FOR PROVISIONAL MEASURES

HAMBURG, 11 March. The International Tribunal for the Law of the Sea delivered its Order on the Request for the prescription of provisional measures in the case between Saint Vincent and the Grenadines and Guinea. The Tribunal's decision was unanimous on all measures.

Guinea to refrain from enforcement measures

In response to the Request of Saint Vincent and the Grenadines the Tribunal ordered the following provisional measure:

“Guinea shall refrain from taking or enforcing any judicial or administrative measure against the M/V "Saiga", its Master and the other members of the crew, its owners or operators, in connection with the incidents leading to the arrest and detention of the vessel on 28 October 1997 and to the subsequent prosecution and conviction of the Master”

The M/V "Saiga" an oil tanker supplying gas oil to fishing vessels off the coast of West Africa had been arrested by the Guinean authorities. Following the arrest, Saint Vincent and the Grenadines requested, and the Tribunal ordered, the release of the vessel on the deposit of a reasonable bond. That Judgment was delivered on 4 December 1997.

Guinea released the vessel, the Master and the crew in compliance with the Judgment of 4 December 1997 while the proceedings were underway with respect to the Request for the prescription of provisional measures (See Press Release No. 14). The Tribunal therefore no longer had to deal with the release of the vessel.

The Master of the vessel was prosecuted for a violation of Guinean customs laws, which led to a Guinean court imposing a fine of approximately US\$15,000,000 and ordering the confiscation of the vessel and sentencing the Master to six months imprisonment. This was a suspended

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**Press Release ITLOS/Press 15
11 March 1998**

sentence. The Order for provisional measures requires Guinea to refrain from carrying out its national courts decision, or any other administrative measures against the vessel, the Master and the other crew.

Parties to prevent aggravation or extension of the dispute

The Tribunal, in its Order of today's date, recommended that, pending the decision on the merits, Saint Vincent and the Grenadines and Guinea should make every effort to avoid incidents similar to those which led to the arrest and detention of the M/V "Saiga" and its crew. The parties are to ensure that no action is taken that might aggravate or extend the dispute.

Tribunal to keep compliance under active review

The Tribunal also ordered the parties each to submit an initial report on the steps they have taken, or propose to take, in order to ensure prompt compliance with the measures prescribed. The report is to be submitted as soon as possible, but not later than 30 April 1998.

Costs

Guinea asked the Tribunal to order that the costs it incurred with respect to the Request be paid by Saint Vincent and the Grenadines. The Tribunal decided that this question should be dealt with when deciding on the merits of the case.

Further details concerning the dispute in general are contained in Press Releases Nos. 8 to 14 of the Tribunal.

The Rules of the Tribunal, the Resolution on the Internal Judicial Practice, the Guidelines concerning the Preparation and Presentation of Cases, and previous Press Releases, setting out the background and the composition of the Tribunal are available on the United Nations website:
<http://www.un.org/Depts/los/> and from the Registrar of the Tribunal.
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