



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

Press Release

(Issued by the Registrar)

JUDGMENT TO BE DELIVERED IN THE *CAMOUCO* CASE (PROMPT RELEASE)

(Panama vs. France)

HAMBURG, 3 February. The International Tribunal for the Law of the Sea is scheduled to deliver its Judgment on Monday, 7 February 2000 at 3.00 p.m., for the prompt release of the fishing vessel *Camouco* and its Master, brought before the Tribunal on behalf of Panama against France on 17 January 2000.

The two days of oral proceedings in the *Camouco* case were concluded on 28 January. At the hearing, Mr. Ramon Garcia Gallardo, the Agent of Panama, in his opening statement made use of visual presentations of maritime charts showing the location of the arrest and the route of the vessel, and photographs and a video showing the method of longline fishing and the difficult conditions in the Southern seas.



The *Camouco*

It was the position of Panama that the *Camouco*, which is detained in Réunion Island for illegal fishing, had been fishing in the Southern seas outside the exclusive

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economic zone of the Crozet Islands. The vessel had changed course to traverse the zone due to bad weather, to continue its fishing only after it had left the zone.

The Tribunal heard the testimony of two experts, called by Panama. A representative of the shipowners of the *Camouco* was examined by the Agent of Panama and cross-examined by Mr. Quéneudec on behalf of France. He testified as to the previous ownership and registration of the *Camouco* and its specifications. He estimated that the damage resulting from its detention had already amounted to US\$ 250,000.

A Maritime Expert, called by Panama, testified as to the value of the *Camouco*, which he assessed at US\$ 575,000, as set out in a report presented by him. In his estimation, the bond of FF 20,000,000 (US\$ 3,115,751), demanded by the French authorities for the release of the vessel, would correspond to the value of a new fishing vessel of this type.

The Agent of Panama appealed to the Tribunal to order the release of the vessel and its Master upon payment of a reasonable bond. He stated that the Master of the vessel, Mr. Hombre Sobrido, had been detained in the Island of Réunion, 15,000 kilometres from his home, for almost four months. He refuted the accusation that the vessel was fishing in the exclusive economic zone of the Crozet Islands at the time of the arrest and stated that no evidence had been produced to prove that a buoy and a fishing line found in the waters belonged to the *Camouco*.

Mr. Jean-Francois Dobelle, the Agent of France, opened the Respondent's case in the afternoon of the first day of hearings. He outlined the French position on the circumstances surrounding the arrest, which took place on 28 September 1999:

- at 13:28 hours, the helicopter of the French surveillance frigate *Floréal* sighted the *Camouco* and made attempts to no avail to contact the vessel over the radio;
- at 13:30 hours, documents and 48 bags were seen being thrown overboard the *Camouco* (one of the bags was recovered and found to contain 34 kilos of fresh Patagonian toothfish);
- at 14:31 hours, the *Camouco* stopped;
- at 14:33 hours, three fishing lines were released;
- at 14:35 hours, the rear of the vessel was washed with water;
- at 14:50 hours, more documents were thrown overboard; and
- at 15:29 hours, crew members of the *Floréal* boarded the vessel.

Officials boarding the *Camouco* reportedly found 6 tonnes of frozen Toothfish in the holds, new fish hooks, pieces of sardines used as bait, bleeding waste and fresh, bleeding, filets on board. The day after the arrest, a procès-verbal was drawn up in which it was stated that the *Camouco* had been fishing illegally.

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Mr. Dobbela underlined the disastrous economic and ecological consequences of illegal, unregulated and unreported fishing, in which the *Camouco* was allegedly involved. Toothfish is one of the most expensive types of fish, most of which is sold on the Japanese market. He explained that only for the period 1996–1997, illegal fishing has been responsible for a loss of at least FF 375 million (US\$ 56 million) for the exclusive economic zone of the Crozet Islands. The illegal fishing of the stock also endangers its renewal.

He also mentioned the deplorable conditions of crew members on board the ships that had been arrested, with crew members often ill, badly nourished and living in unhygienic conditions close to slavery.

On the second day of oral hearings, each party had the opportunity to respond to issues raised by the other side, to answer questions put to them by the Tribunal and to make their final submissions to the Tribunal.

Final submissions of the parties

At the end of the last oral statement of each party, its Agent read out that party's final submissions.

On behalf of Panama:

The Tribunal is requested:

1. to declare that the Tribunal has jurisdiction to entertain the application pursuant to article 292 of the United Nations Convention on the Law of the Sea.
2. to declare that the present application made by the Republic of Panama on 7 January 2000 is admissible.
3. to declare that the French Republic has violated article 73, paragraph 4, by tardy and incomplete notification of the arrest and seizure of the vessel *Camouco* to the Republic of Panama of the measures taken and of those which were to be taken. [sic]
4. to find that the French Republic has failed to observe the provisions of the Convention concerning prompt release of the Master of the vessel *Camouco*.
5. to find that the French Republic has failed to observe the provisions of the Convention concerning prompt release of the vessel *Camouco*.

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6. to find that the non-observance by the French Republic of the provisions of article 73, paragraph 3 -- by applying to the Master of the *Camouco* provisional measures of a penal character -- constitutes unlawful detention.
7. to demand that the French Republic promptly release the vessel *Camouco* and, concomitantly, release its Master, against payment of a reasonable bond of one million three hundred thousand francs (1,300,000 FF) before deduction of the price of the cargo seized (350,000 FF), i.e. a final guarantee in a maximum amount of nine hundred and fifty thousand francs (950,000 FF).
8. to order that said amount be paid by means of a bank guarantee of a major European bank, to be entrusted to the care of the International Tribunal for the Law of the Sea in order that it may be duly delivered to the French authorities in exchange for the release of the vessel and of its Master.
9. pursuant to article 64, paragraph 4, of the Rules of Procedure, to prepare a Spanish translation of the Judgment of the International Tribunal for the Law of the Sea.

On behalf of France:

The Government of the French Republic requests the Tribunal, while rejecting all submissions to the contrary presented on behalf of the Republic of Panama, to declare and adjudge:

1. that the application requesting the Tribunal to order the prompt release of the *Camouco* and of its captain is not admissible.
2. as a subsidiary submission, if it decides that the *Camouco* is to be released upon the deposit of a bond, that the bond shall be not less than the sum of 20,000,000 francs and that this sum shall be posted in the form of a certified cheque or bank cheque.

Panama was represented by Mr. Ramon Garcia Gallardo as Agent and Mr. Jean-Jacques Morel and Mr. Bruno Jean-Etienne as Counsel. France was represented by Mr. Jean-Francois Dobelle as Agent and Mr. Jean Pierre Quéneudec, Mr. Francis Hurtut, Mr. Bernard Botte, Mr. Vincent Esclapez and Mr. Jacques Belot as Counsel.

At the end of the hearings, the Judges of the Tribunal withdrew to commence their deliberations. Further details concerning the case are contained in Press Release No. 33 and Press Notice 11 of the Tribunal, which may be obtained from the United Nations website and from the Registry of the Tribunal (see below).

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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. Please contact Mr. Robert van Dijk at 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: press@itlos.hamburg.de

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