RELEASE OF VESSELS AND CREWS BEFORE THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

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PART 3 – CASES BEFORE THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Between November 1997 and December 2002 the International Tribunal for the Law of the Sea entered ten cases into its list of cases. Four of those cases were prompt release of vessel and crew cases. In three of those cases the applicants requested the prescription of provisional measures, but only one of those cases dealt with the release of vessel and crew. The following part of this work will provide a summary of facts and reasons given in those cases concerning the release of vessels.

VIII. PROMPT RELEASE CASES


1. Procedural Facts

On 13 November 1997 the Agent of Saint Vincent and the Grenadines filed in the Registry of the Tribunal an Application against Guinea for the Prompt Release of the motor vessel “Saiga” and its crew. The Registrar, on the same day, sent a certified copy of the Application to the Minister of Foreign Affairs of Guinea and also to the Ambassador of Guinea in


530 Chapters 1–4, Prompt Release Cases, Chapter 5, Request for the Prescription of Provisional Measures.

531 The Application was first filed by facsimile and later the original copy was sent to the Registrar of the Tribunal, see paragraph 10 of the Guidelines Concerning the Preparation and the Presentation of Cases before the Tribunal, in: International Tribunal for the Law of the Sea, Basic Texts 1998, 78, 79.
Germany and six days later notified the States Parties to the Convention of the Application. The Applicant had requested submission of the case to the Chamber of Summary Procedure but Guinea did not respond to this request. Therefore, the President ordered 21 November 1997 as the date for the opening of the hearing by the full Tribunal, which was continued on 27 November 1997. Therefore, the President ordered 21 November 1997 as the date for the opening of the hearing by the full Tribunal, which was continued on 27 November 1997. On 26 November 1997, 24 hours before the fixed continuance of the hearing, Guinea filed its Statement in Response, a certified copy of which was sent on the same day to the Agent of Saint Vincent and the Grenadines. On the same day and on the following day the President met with the agents of the parties to ascertain their views as regards the procedure for the hearing and the presentation of the case by the parties. At the same time additional written statements were filed in the Registry by both parties, which were transmitted immediately to the other party. At two public hearings held on 27 and 28 November 1997, the following representatives of the parties addressed the Tribunal:

For Saint Vincent and the Grenadines:  
Mr. Nicholas Howe  
Mr. Yérim Thiam

For Guinea:  
Mr. Hartmut von Brevern  
Mr. Barry Alpha Oumar  
Captain Ibrahim Khalil Camara  
Mr. Mamadi Askia Camara

532 Pursuant to Article 24 (2) of the Statute of the Tribunal and to Article 52 (2) (a) and Article 111 (4) of the Rules of the Tribunal.
533 In accordance with Article 24 (3) of the Statute of the Tribunal, inter alia, through Permanent Representatives.
534 See Article 112 (2) of the Rules.
535 See Article 112 (3) of the Rules.
536 Guinea had requested a postponement of the hearing on account of difficulties in the receipt of certain documentation.
537 In accordance with Article 68 of the Rules of the Tribunal.
538 The presence of Their Excellencies Mr. Maurice Zogbélemou Togba, Minister of Justice of Guinea, Mr. Lamine Bolivogui, Ambassador of Guinea to Germany, and Mr. Lothar Golgert, Honorary Consul-General of Guinea in Hamburg, at the hearing and at consultations with the President of the Tribunal and the Registrar was noted.