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INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
PLEADINGS, MINUTES OF PUBLIC SITTINGS AND DOCUMENTS

**THE M/V “SAIGA” (No. 2) CASE
(Saint Vincent and the Grenadines v. Guinea)
MERITS**

TRIBUNAL INTERNATIONAL DU DROIT DE LA MER
MÉMOIRES, PROCÈS-VERBAUX DES AUDIENCES PUBLIQUES
ET DOCUMENTS

**AFFAIRE DU NAVIRE « SAIGA » (No. 2)
(Saint-Vincent-et-les-Grenadines c. Guinée)
FOND**



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THE M/V “SAIGA” (No. 2) CASE
(SAINT VINCENT AND THE GRENADINES v. GUINEA)
MERITS

AFFAIRE DU NAVIRE « SAIGA » (No. 2)
(SAINT-VINCENT-ET-LES-GRENADINES c. GUINÉE)
FOND

The proceedings relating to the *M/V “SAIGA” (No. 2) Case* were instituted on 13 January 1998 by a Request for the prescription of provisional measures pending the constitution of an arbitral tribunal, pursuant to article 290, paragraph 5, of the United Nations Convention on the Law of the Sea (hereinafter “the Convention”). Following an agreement concluded by the parties by exchange of letters dated 20 February 1998, the arbitral proceedings instituted by Saint Vincent and the Grenadines on 22 December 1997 were transferred to the International Tribunal for the Law of the Sea and it was decided that the Request for the prescription of provisional measures would be considered as having been submitted to the Tribunal under article 290, paragraph 1, of the Convention. The Request for the prescription of provisional measures was the subject of the Order delivered by the Tribunal on 11 March 1998. The case was the subject of the Judgment delivered by the Tribunal on 1 July 1999.

The pleadings, oral arguments and documents in the *M/V “SAIGA” (No. 2) Case* are being published in the following order:

1998, Volume 2	Provisional Measures.
1999, Volume 3	Merits.

L’instance relative à l’*Affaire du navire « SAIGA » (No. 2)* fut introduite le 13 janvier 1998 par une demande en prescription de mesures conservatoires en attendant la constitution d’un tribunal arbitral, conformément à l’article 290, paragraphe 5, de la Convention des Nations Unies sur le droit de la mer (ci-après dénommée « la Convention »). A la suite d’un accord entre les parties conclu par un échange de lettres datées du 20 février 1998, la procédure arbitrale introduite par Saint-Vincent-et-les-Grenadines le 22 décembre 1997 fut transférée au Tribunal international du droit de la mer et il fut décidé que la demande en prescription de mesures conservatoires serait considérée comme ayant été soumise au Tribunal en vertu de l’article 290, paragraphe 1, de la Convention. La demande en prescription de mesures conservatoires fit l’objet de l’ordonnance rendue par le Tribunal le 11 mars 1998. L’affaire fit l’objet de l’Arrêt rendu par le Tribunal le 1er juillet 1999.

Les pièces de procédure écrite, les plaidoiries et les documents relatifs à l’*Affaire du navire « SAIGA » (No. 2)* sont publiés dans l’ordre suivant :

1998, volume 2	Mesures conservatoires.
1999, volume 3	Fond.

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⁶ ITLOS Pleadings, Minutes and Documents 1997, *M/V "SAIGA" (Saint Vincent and the Grenadines v. Guinea)*, Prompt Release; TIDM mémoires, procès-verbaux et documents 1997, Navire « SAIGA » (*Saint-Vincent-et-les-Grenadines c. Guinée*), prompte mainlevée.

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⁸ ITLOS Pleadings, Minutes and Documents 1998, Vol. 2, *M/V “SAIGA” (No. 2) (Saint Vincent and the Grenadines v. Guinea)*, Provisional Measures; TIDM mémoires, procès-verbaux et documents 1998, vol. 2, *Navire « SAIGA » (No. 2) (Saint-Vincent-et-les-Grenadines c. Guinée)*, mesures conservatoires.

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¹³ ITLOS Pleadings, Minutes and Documents 1997, *M/V “SAIGA” (Saint Vincent and the Grenadines v. Guinea)*, Prompt Release; TIDM mémoires, procès-verbaux et documents 1997, Navire « SAIGA » (*Saint-Vincent-et-les-Grenadines c. Guinée*), prompte mainlevée.

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²⁰ ITLOS Pleadings, Minutes and Documents 1998, Vol. 2, *M/V “SAIGA” (No. 2) (Saint Vincent and the Grenadines v. Guinea)*, Provisional Measures; TIDM mémoires, procès-verbaux et documents 1998, vol. 2, *Navire « SAIGA » (No. 2) (Saint-Vincent-et-les-Grenadines c. Guinée)*, mesures conservatoires.

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**Exhibits – Pièces à conviction
(not reproduced – non reproduites)**

Applicant – Demandeur

Set of colour prints of 30 colour photographs of *Saiga*

Set of transparencies of 30 colour photographs of *Saiga*

Copy of telex from ABS to the Master of the *Saiga* dated
22 October 1997

Transparency of nautical chart of Guinean waters

X-ray of Mr. Niasse taken on 12 November 1997

X-ray of Mr. Niasse taken on 1 December 1997

Transparency of photograph of Mr. Niasse and Mr. Klyuyev

Transparency of nautical chart showing course traversed by
Saiga and Guinean patrol vessels)

Colour print of nautical chart showing course traversed by
Saiga and Guinean patrol vessels)

Set of copies of additional documents concerning the dispute
between the owners and the charterers on the charter payment
for the period of detention

Respondent – Défendeur

Colour print in A3 format of nautical chart showing course traversed by *Saiga* and Guinean patrol vessels)

Transparency of nautical chart showing course traversed by *Saiga* and Guinean patrol vessels)

Original nautical chart showing course traversed by *Saiga* and Guinean patrol vessels)

Handwritten report on joint mission of customs and patrol vessels dated 27–29 October 1997 (in French)