

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



1999

Public hearing

held on Tuesday, 9 March 1999, at 14.00 p.m.,
at the International Tribunal for the Law of the Sea, Hamburg,

President Thomas A. Mensah presiding

in the M/V “SAIGA” (No.2)

(Saint Vincent and the Grenadines v. Guinea)

Verbatim Record

Uncorrected
Non-corrigé

Present:

President	Thomas A. Mensah
Vice-President	Rüdiger Wolfrum
Judges	Lihai Zhao
	Hugo Caminos
	Vicente Marotta Rangel
	Alexander Yankov
	Soji Yamamoto
	Choon-Ho Park
	Paul Bamela Engo
	L. Dolliver M. Nelson
	P. Chandrasekhara Rao
	Joseph Akl
	David Anderson
	Budislav Vukas
	Joseph Sindi Warioba
	Edward Arthur Laing
	Tullio Treves
	Mohamed Mouldi Marsit
	Gudmundur Eiriksson
	Tafsir Malick Ndiaye
Registrar	Gritakumar E. Chitty

Saint Vincent and the Grenadines
represented by

Mr. Carlyle D. Dougan Q.C., High Commissioner to London for Saint Vincent and the Grenadines,

as Agent;

Mr. Richard Plender Q.C., Barrister, London, United Kingdom,

as Deputy Agent and Counsel;

Mr. Carl Joseph, Attorney General and Minister of Justice of Saint Vincent and the Grenadines,

and

Mr. Yérim Thiam, Barrister, President of the Senegalese Bar, Dakar, Senegal,
Mr. Nicholas Howe, Solicitor, Howe & Co., London, United Kingdom,

as Counsel and Advocates.

Guinea
represented by

Mr. Hartmut von Brevern, Barrister, Röhreke, Boye, Remé, von Werder, Hamburg, Germany,

as Agent and Counsel;

Mr. Maurice Zogbélémou Togba, Minister of Justice and Attorney General of Guinea,

and

Mr. Namankoumba Kouyate, Chargé d'Affaires, Embassy of Guinea, Bonn, Germany,
Mr. Rainer Lagoni, Professor at the University of Hamburg and Director of the Institute for Maritime Law and Law of the Sea, Hamburg, Germany,
Mr. Mamadi Askia Camara, Director of the Division of Customs Legislation and Regulation, Conakry, Guinea,
Mr. André Saféla Leno, Judge of the Court of Appeal, Conakry, Guinea,

as Counsel.

1 **THE PRESIDENT:** Mr von Brevern, I understand that you wish to continue the
2 cross-examination of Captain Orlov. May Captain Orlov please be asked to come to the
3 witness stand?
4

5 **CAPTAIN MIKHAYLO ALEXANDROVICH ORLOV, recalled**

6 **Further Cross-Examined by MR VON BREVERN**
7

8 Q Captain Orlov, I have some final questions with respect to the photos that we have
9 seen yesterday and which you have commented upon. I wonder whether we have
10 these photographs still available to be put on the screen. Perhaps we can also go
11 along without it. My first question is, do you know who made the photos, when they
12 were made and where, and have you been present?

13 A (Interpretation from Russian) These photographs were taken upon the arrival of our
14 ship to Dakar, when the representative of the shipowning company, to be exact, the
15 chief manager of Seascot, and these photographs were taken in my presence.
16

17 Q I would like to refer to pictures 3 and 4. I would be grateful, Captain Orlov, if you
18 could describe where you see damages to the vessel on pictures 3 and 4, where we can
19 see the vessel is rather big? Can you perhaps demonstrate this to the court?

20 A Probably these white spots mean the place where the bullet hit at the upper part of
21 the... On the fourth photograph, one can see the fender and here to the left another
22 bumper.
23

24 Q I refer to pictures 12 and 13 and I would like you to show us on photograph number 3
25 where you think these damages were located?

26 A These damages were on the port side, in the upper part on the level of the bulkhead.
27

28 Q In any particular room?

29 A These bullet holes were made and they penetrated to the left side of the bridge, so to
30 say free space.
31

32 Q Could you also please demonstrate where what you see on photo number 13, located
33 on picture number 3?

34 A On this photograph you cannot see because it is the port side, and the radio room is on
35 the same level with the bridge, that is the left side of the bridge.
36

37 Q Finally, on picture number 29 you can see the door. You will remember that. I would
38 like to ask you again, do you think that this was damage by a gun, a bullet, or would
39 you not agree that it seems to be damaged by a hammer or something like that?

40 A This crack around the handle, we think that something heavy was used to strike it,
41 with a sub-machine gun perhaps. This is not bullet damage.
42

43 Q It is not bullet damage, not machine gun damage? Is that what you said?

44 A Speaking in contrary terms, on the picture and in general, it is obvious that something
45 heavy was used to strike the doors.
46

47 Q Captain Orlov, under number 14 of your statement, the last sentence, where you say
48 "It was clear that they had used their guns to open the doors on the *M/V SAIGA*
49 breaking 15 of them", you would agree that this could also be a hammer, for example?

1 A When I was speaking, I meant it was only one door, which is a waterproof door and
2 which is used to close the navigation room. There, on the left side, they used a bullet,
3 but the other doors were opened with the help of some heavy instruments or things.
4

5 Q Is it correct that, in this bundle of photos, there is not a photo with a door damaged by
6 a gun?

7 A The door which was opened or pierced with a bullet is not present on these
8 photographs.
9

10 Q Captain Orlov, could we ask the lady to show us picture 3, 4, 12 and 13, and I would
11 like you to tell us the diameter of the holes that you may see on these pictures?

12 A In relation to the diameter of the holes, I can tell you nothing. I see only the traces of
13 the paint which was off. What is the diameter of the holes is hard to say, judging on
14 the basis of this photograph.
15

16 Q Can we have 4? They are the same?

17 A This is the same which we saw before. Therefore, I cannot tell you about the
18 diameter in these two places. This is a big hole, I think 4-6mm in diameter. The
19 smaller holes are perhaps 2-3mm in diameter. This is also a big hole, average 4-6mm
20 in diameter.
21

22 Q My question Captain Orlov, just for clarification, your estimation of 4-6 mm refers to
23 the reality on board of the vessel, or to the diameter you see on the picture?

24 A I think this is an actual diameter which I saw directly on the ship, because on the
25 photograph it is impossible to determine the diameter.
26

27 Q Thank you. I have still one more question. Do you remember that during your time in
28 Conakry rather soon after you had arrived there that you were together, that you had a
29 meeting with an official person from the Guinean government, speaking Russian? and
30 do you remember whether in this meeting, in this discussion, you complained about
31 any damages to the vessel?

32 A Do you mean the first visit when we were moored, or do you mean the visits which
33 followed afterwards?
34

35 Q I mean both, if you had meetings with Guinean officials.

36 A During the first meeting I naturally said that the ship was damaged, and I said it
37 orally, in oral form, but in concrete terms I worked out a list of damages and set it out
38 later on.
39

40 Q To whom, to the Government of Guinea?

41 A No, this list was sent over to the ship owner and a copy was sent over to the charterer
42 through the Ukrainian Consulate.

43 Q Do you remember the names of the persons of the Guinean Government who you met,
44 to whom you, as you now say, mentioned and referred to the damages to the vessel?

45 A I do not remember names but the faces, the persons, one of the persons was
46 representing the Customs. I do not know his rank or position. When he came on
47 board on 29 October accompanied by officers I told him of the damages and also
48 about the fact that the personal belongings of the crew members were missing.
49

1 Q Do you remember the reaction of this Guinean official?
2 A They paid no attention to my statement.
3
4 Q And did you insist?
5 A In that particular case I could not insist in front of the armed people, on some rights,
6 I could not insist on these.
7
8 Q Then I have a question in respect of no. 24 of your statement. You said it was not
9 until 17 November that further crew members were allowed to leave the vessel. Did
10 anyone of the crew members you or ask someone else to leave the vessel, and if so
11 where did they want to go?
12 A Do you mean I personally, or members of the crew?
13
14 Q Of the crew.
15 A Some members of the crew immediately after the fire wanted to leave for home, and
16 I told this already in the presence of the officials that the people were scared and some
17 of them wanted to go home, and I also asked that the representative of the ship owner
18 or ambassador, the representative of the embassy, that they would be allowed to visit
19 the ship, and I was denied in my request.
20
21 Q Do you remember whether the passports or any other documents of the crew members
22 were taken away by the government of Guinea?
23 A Yes, the customs representative immediately before the arrival to the port of Conakry,
24 they took all the passports and counted them, and logbook and other documents, they
25 were immediately expropriated as soon as they boarded the ship, and the passports
26 were taken away immediately before we came to the port of Conakry.
27
28 Q And when did they return the passports to you and the crew?
29 A The passports practically were returned, they were returned not to me, the first part of
30 the crew left on 17 November and they got their passports ashore. Nobody gave me
31 their passports.
32
33 Q Now, Captain Orlov, finally the last question, under no. 30 of your statement, you
34 refer to the agreement to release the vessel. Do you remember when such agreement
35 was presented the first time? It has been signed to you as you write at the end of
36 February, but when was it was presented to you the first time?
37 A The first time we discussed the contents of such a document in the presence of the
38 superintendent of the company who came in November, and who secondly visited in
39 December, and in December this document was discussed, but it was not signed, it
40 was not to be signed at that time, and I signed it only at the end of February.
41
42 Q But could you confirm that on 13 February you have been asked to sign the agreement
43 in the presence of your lawyers, but that it was your decision not to sign it because
44 you wanted to ask the authority of your employer or anybody else; could you confirm
45 that?
46 A I do not remember when it was, but there was such a moment when first of all I was
47 offered to sign this document, which was written in French, and I asked to work it out
48 in the English language, and there was such a time when I said, before I put my

1 signature to it, I should consult with my employer or send him a copy - either send
2 him a copy or another way to get his approval and confirmation.

3
4 Q And you understand that finally you got the approval of - was it your employer?

5 A The superintendent, he was the second person to come, and when he left he told me
6 that I could sign this document if no alterations were made to it.

7
8 Q The very last question. Why did you not insist to your superintendent that a
9 reservation be made with respect to the damages to the vessel?

10 A This was so because at the initial moment it was not the main thing. The main thing
11 was the morale of the crew, and it was necessary to calm them down, and those who
12 wanted to go home should be sent home. Therefore at the beginning the matter was
13 not so important concerning the damages.

14
15 Q Did you try to bring any reservation into the deed of release, or your lawyers?

16 A I cannot say for the lawyers, and I made only oral statements, and as I already
17 mentioned, I sent a written suggestion through the embassy to the charterer of the
18 ship.

19
20 Q Captain Orlov, thank you very much. This was the end of our cross-examination.
21 Thank you Mr. President.

22
23 **THE PRESIDENT:** Thank you very much. Dr Plender, do you wish to re-examine?

24
25 **Re-examined by DR. PLENDER:**

26
27 Q Captain Orlov, will you kindly take your headset off. Do you speak any English?
28 Please answer my questions in English, do you understand?

29 A Yes, I understand.

30
31 Q Is your English fluent?

32 A Well my English is not fluent, but it is enough to my work as a captain to the vessel.

33
34 Q Do you find that when you had to deal with lawyers in the English language it is more
35 difficult than speaking through an interpreter?

36 A Well sometimes I have to be sure about the question, I mean exactly the question that
37 a lawyer asked me.

38
39 Q Can you tell me what is the difference between a "petrol" boat and a "patrol" boat?

40 A The difference between a "petrol" boat and a "patrol" boat?

41
42 Q Just one more question of that kind Captain Orlov. At annex 1 tab 16 the following
43 words were made by somebody talking about you. Do you understand what I have
44 just said?

45 A Yes.

46
47 Q He said - I hope you will forgive me - "This guy is out of his mind Daniella, he's
48 really lost his marbles". Do you understand what that means?

49 A Can you repeat?

1
2 Q I have made my point Captain Orlov. Please put your head set back on. Was your
3 statement prepared in English?
4 A Yes, I have prepared my statement in English.
5
6 Q Before you arrived, did you have a draft ready?
7 A Yes, I got my draft at home and arrived with my draft here.
8
9 Q When preparing your draft did you rely upon recollection alone or also on records?
10 A Well, while preparing my statement, my draft statement, I used the paper, the
11 memorandum, and some correspondence which I took from the vessel before signing
12 off.
13
14 Q Captain Orlov, you now have the benefit of an interpreter again. If you would prefer
15 to speak in Russian, you may. Did you arrive in Hamburg on Monday?
16 A (Interpreted) Yes, I came to Hamburg on Monday evening.
17
18 Q When you arrived, did you bring your draft with you?
19 A Yes, it was about me. I took it with me.
20
21 Q Were you then asked questions about your draft?
22 A Yes. I met with the lawyers and they asked me questions concerning my statement.
23
24 Q In the light of those questions, was your draft expanded?
25 A Some paragraphs were given in greater detail.
26
27 Q Was all this done in English?
28 A Yes.
29
30 Q Did it take a long while?
31 A I was preparing the final version somewhat by 4 o'clock in the morning.
32
33 Q By the time you had finished at 4 o'clock in the morning -- by the time we had
34 finished -- did you understand the statement?
35 A Yes, I was completely understanding the document and I wrote it in my own words.
36
37 Q Now, Captain Orlov, to use a nautical expression, I am about to change tack. I have
38 to ask you questions about the provisional certificate. Have you any knowledge of the
39 law of Saint Vincent and the Grenadines?
40 A Concerning the law of that country, practically I knew nothing.
41
42 Q Have you any reason to believe that a vessel ceases to be registered under the law of
43 Saint Vincent when a provisional certificate expires?
44 A Of course the shipowner shall get a permanent certificate and I think they were
45 elaborating in that direction and were sending some documents to Saint Vincent and
46 the Grenadines.
47
48 Q Now, I am going to ask you about flying the flag on the high seas. In your
49 experience, is it normal to fly one's flag on the high seas?

1 A On the high seas I have already said it was not necessary, and we lowered our flag
2 just to avoid its getting shabby.
3

4 Q Do other vessels in your experience do the same?
5 A Practically all, yes.
6

7 Q Now, I have to ask you about the logbook entries. Is it the case that some entries are
8 made at the end of the watch?
9 A It is not just right to say at the end of the watch. The entries can be done during the
10 watch but immediately after an event happened, for example, you first stopped the
11 ship and then made a relevant entry.
12

13 Q When we read in an entry that says "04.24 engine stopped", would you ordinarily
14 expect such an entry to be made in the logbook?
15 A I think that such an entry was done by the person on watch immediately after the
16 completion of the order.
17

18 Q My next question is about the telexes. When you received the telex of 22 October
19 warning of gasoil supplies hunters, who did you imagine might be the hunters?
20 A This telex was received on 22 October a bit earlier and at that moment I believed,
21 I thought, that it could be pirates and, assuming from the information received from
22 Mr Li, I also thought that it could be the officials of Guinea.
23

24 Q When you received the telex of 27 October warning of a risk from normally fast navy
25 boats, did you understand this to be warning you of ordinary police action?
26 A I was tending to think that these were the pirates.
27

28 Q When the patrol boats first came into sight, did you understand them to be exercising
29 normal police action?
30 A At the beginning it was difficult to see what they were doing because in the same
31 region there were a few fishing boats and I just saw two targets on a radar screen
32 which were moving toward us.
33

34 Q I now have to ask you about the instructions sent to you to change course. When you
35 received instructions to go to a point 9.50N 16.15W, did anything in your charts
36 indicate whether that was within or outside a zone claimed by any State as an
37 exclusive economic zone?
38 A I have already said that on my maps and on the navigation charts the exclusive
39 economic zone is not indicated. I was moving towards this point to be outside the
40 100 mile distance from the shore.
41

42 Q When you were then told to go to 9 degrees N, 15 degrees West did you understand
43 that it was the effects of the instructions to take you outside the area that Guinea
44 claims as its exclusive economic zone?
45 A At that moment I did not think. It was just that the telex said that as a rule Greek
46 tankers worked in that area and that meant that the operator knew that this was a safe
47 area.
48

- 1 Q On 27 October were you paying attention to the question whether you were in or out
2 of any area claimed as an exclusive economic zone?
- 3 A Concerning this and other questions I know that there is an economic zone for each
4 coastal country or State, and that it reaches out to 200 miles and at that moment I just
5 did not think whether we were in or not in the zone. Anyway, being 100 miles away
6 from the shore, we should have been in this zone, and prior to that our ship had
7 already worked in that zone for four months from Morocco to Mauritania and
8 practically the ship was always working within the so-called exclusive economic
9 zone.
- 10
- 11 Q What do you understand to be the significance of an exclusive economic zone?
- 12 A The basic difference between the economic zone and territorial waters is that the
13 economic zone is not covered by the customs, sanitary and other rules. The exclusive
14 economic zone exists to enable the coastal States, or a coastal State, to extract
15 minerals from the shelf, or fish, or collect seaweed. It is along these lines.
- 16
- 17 Q Do you know of other vessels than *The Saiga* engaging in bunkering of vessels within
18 economic zones of States?
- 19 A Quite a few. Quite a few such ships work within the zone and, if you need, I can
20 name these ships.
- 21
- 22 Q Have you ever heard of any State prohibiting bunkering in its exclusive economic
23 zone?
- 24 A I never came across any documents that somebody was prohibited to supply fuel to
25 the fishing boats in any economic zone of any particular State.
- 26
- 27 Q Captain Orlov, while at sea have you ever, in the course of your career, received a
28 communication from a coastguard or armed force of a State?
- 29 A Not always. I cannot say that always, but I can say that there were cases when a ship
30 was asked, either from an airforce craft or from a ship, and being in the Caribbean, for
31 example, a naval vessel of the United States asked us. The same happened in the
32 Adriatic Sea when we were questioned by an aircraft. It was many a time.
- 33
- 34 Q How did they communicate with you?
- 35 A They called. If an aircraft was circling around us, and he saw, the pilot saw, the name
36 and they called us by our name, or they used the 16th channel, or they said the ship
37 and named the co-ordinates and asked us to establish a radio communication.
- 38
- 39 Q Did you establish radio communication?
- 40 A Of course, in every concrete case the crew member who was on watch called me to
41 the bridge and I just negotiated with a ship or an aircraft.
- 42
- 43 Q If the Guinean authorities had communicated with you by radio, how would you have
44 behaved?
- 45 A I think that if they called me by radio, and told me who they are and told me about
46 their intentions, most probably I would have stayed, and the engine would be off.
- 47
- 48 Q If they had sent a visual signal to you, would you have behaved in the same way?

1 A Visual signals, one has to know the visual signals. They exist, for example, just to
2 attract attention. It is one thing, but in any case they should have come into contact
3 with me by radio.
4

5 Q When dealing with Guinean Government officials on your arrival in Conakry, did you
6 complain about the treatment of the vessel, its contents and its crew?
7 A At the first meeting I started talking. I talked about the crew, and at that moment it
8 was the most important thing, the morale of the crew. Quite naturally I talked about
9 the damages done to the ship and also about the personal belongings which were
10 missing from the crew members.
11

12 Q At the time when you spoke about these matters, were there armed personnel present?
13 A On the first stage, before the ship was unloaded, there were always about 15 armed
14 people on board. They were permanently there.
15

16 Q Was any threat at any time made to you?
17 A I was told that if I won't do unloading of the cargo, then I will have problems and
18 I will be imprisoned.
19

20 Q When did the Guinean authorities first ask you to sign a document?
21 A I do not remember the exact date but it was in December when the representative of
22 Seascot, Captain Laszlo Merenyi, arrived. At that time negotiations were carried out
23 concerning this document, but it was not a question of signing this document; it was
24 just a question of formulating it.
25

26 Q Why did you not sign it at once?
27 A I cannot sign a document being blind. I represent the shipowner. I should have his
28 agreement and, moreover, because it was written in a language which I did not
29 understand.
30

31 Q Did you eventually sign a document?
32 A Yes, in February I signed this document.
33

34 Q Is the document that you signed in February identical to the document supplied to you
35 earlier or is it different?
36 A The initial variant had differences because it was in French, but the last – the one
37 before the last - was practically the same as the final document.
38

39 Q When you were bunkering vessels on 27 October, did you believe that you were
40 acting in breach of any law?
41 A No.
42

43 Q To the best of your knowledge, did you at any time throughout the voyage act in
44 breach of any law?
45 A I think that the ship worked legally and did not make any breach of any legislation of
46 any country.
47

48 **DR PLENDER:** Thank you. I have no further questions.
49

1 **THE PRESIDENT:** Dr Plender, I refer to the telex of 22 October 1997. Could you kindly
2 make it available to the Registrar so that it can be marked for the record?
3

4 **DR PLENDER:** Certainly, Mr President. That was done this morning, but we shall ensure
5 that it is communicated to you.
6

7 **THE PRESIDENT:** Thank you very much.
8

9 **DR PLENDER:** Captain Orlov, subject to the President's leave, your evidence is completed.
10

11 **THE PRESIDENT:** Mr von Brevern, would you like, at this stage, to put any further
12 questions to the witness? In the absence of that, I propose to release him.
13

14 **MR VON BREVERN:** No, we have not the intention to put any further questions.
15

16 **THE PRESIDENT:** Captain Orlov, we thank you very much indeed. You are released.
17 You may stay if you wish, but you may leave.
18

19 **(Witness withdrew)**
20

21 **DR PLENDER:** With the Court's leave, my next witness is Captain Laszlo Merenyi.
22

23 **THE REGISTRAR:** Mr President, I shall ask that the oath be administered to
24 Captain Merenyi.
25
26

27 **CAPTAIN LASZLO MERENYI, sworn**
28 **Examined by DR PLENDER**
29

30 Q Captain Merenyi, have you prepared a written statement of evidence?
31 A Yes.
32

33 Q Do you have a copy with you?
34 A No.
35

36 Q May a copy be presented to the witness?
37 A If I do not have one, there is no problem. (Same handed)
38

39 Q Is this your statement?
40 A Yes, it is my statement.
41

42 Q Do you fully understand the whole of it?
43 A Yes, sir.
44

45 Q Is it all true?
46 A That is true.
47

48 Q Captain Merenyi, I shall take you through only the principal parts of your statement.
49 What is your current occupation?

1 A I am the superintendent of Seascot, and I am working with several other vessels, and
2 somewhere in this case I have a connection with *The Saiga* as well.
3

4 Q Have you experience of commanding vessels?
5 A Yes, I started in navigation in 1963. Later I became an officer and from 1982 I hold
6 a first class master's. Just five years ago I stopped navigation, and during this period
7 I commanded several other vessels with different companies.
8

9 Q Does it ever happen in the course of a vessel's voyage that instructions are given to a
10 captain other than by a charterer?
11 A Yes, it can happen several times, because actually the charterparty several times is
12 made between the charterers and between the owners, and later somebody can act on
13 behalf of the charterers and on behalf of the owners as well. Like in our case, we are
14 dealing with several vessels, the Seascot, and several times we are acting on behalf of
15 the owner as well.
16

17 Q Do you know the company ABS?
18 A Yes.
19

20 Q Is there anything unusual about instructions being sent by ABS?
21 A No, because in this case ABS could act or in this time had been acting on behalf of the
22 charterers, Lemania, and like we on the other side at Seascot, we have been acting on
23 behalf of Tabona Shipping, the owner.
24

25 Q Are Lemania and ABS associated companies?
26 A No, they are not associated companies, because ABS was acting on behalf of
27 Lemania.
28

29 Q When did you first become involved with *The Saiga*?
30 A I had two vessels in North Europe when my boss, Mr. Allan Stewart, was calling me
31 by phone that what happened and what was the last news relating to *The Saiga*. I was
32 just in Belgium and in that time I was informed, and at the same time I was instructed
33 to go down to Conakry, but before I have not had any deal, what I mean, in the
34 management of this vessel.
35

36 Q What was the purpose of going down to Conakry?
37 A First of all, the information was almost nothing, because the last information was
38 from the vessel which arrived, a short telex, that the vessel was attacked by gunfire
39 down in Conakry and escorted into the port. That was the first request to go down to
40 find out what ---
41

42 Q Would you please take pauses between sentences for the interpreter?
43 A That's okay.
44

45 Q What did you hope to do in Conakry?
46 A That was a request from the company to go down and to find out actually what had
47 happened with the vessel, later, what was the reason why the vessel was detained, and
48 what was the accusation against the vessel; then later to give all possible assistance to

1 the owner, to the crew, to the charterers, and also to try to find out what was the
2 damage on the vessel.

3
4 Q Why was this information not simply conveyed by telex or radio?

5 A It was impossible because whenever they took the vessel and escorted the vessel into
6 the port, part of the radio station was destroyed, and on the other hand they locked the
7 radio station and they made all communication between any parties involved
8 prohibited. They locked the doors and they confiscated keys.

9
10 Q When you got to Conakry, were you able to communicate with the vessel?

11 A I arrived to Conakry on 1 November, late evening, and in the time that was met
12 Mark Vervaet in the hotel and calling me immediately. By the time when I went to
13 the room, I found the P&I representative, Mr Gerald Collins, then the agent,
14 Mr Ketmar, and I wanted to find out what it could be the way to communicate with
15 the vessel. In the time, Mr Mark Vervaet told me that he was allowed to
16 communicate with the vessel with hand sign and shouting from the shore, but it is
17 ended a couple of minutes later because the armed guards push the master into the
18 accommodation. So that was all the information what I had in the time, and the
19 information that the vessel was accused smuggling, or territorial water – no, the
20 economic zone of Guinea – which the Guinean authorities considered as 200 miles
21 from the coast.

22
23 Q Until you arrived, had anybody been allowed to board *The Saiga* to obtain
24 information?

25 A No, that was definitely prohibited. Before my arrival, the Ukrainian Ambassador
26 wanted to board, attend the vessel, and he had permission from the Customs, written
27 permission, but because on the shore the coastguard person that guarded the vessel,
28 they did not recognize this permission, and his attempt failed.

29
30 Q Had anybody been allowed to leave the vessel?

31 A No, definitely not. They told me at the very beginning that the vessel was under
32 arrest.

33
34 Q Did there come a time when two people were removed from the vessel?

35 A Yes, I was informed, because by the time I arrived over there, there are two people
36 they already left. I was informed during the attack that two seamen had been injured,
37 were taken to the military hospital, having been attended medical attention, then later
38 because of both resistance they were really requesting to go in another place because
39 they were not satisfied with the condition of the military hospital; finally they were
40 allowed to get repatriated and to have medical attendance in Dakar.

41
42 Q Did there come a time when you were able to get aboard the vessel?

43 A Knowing the fact what happened with the Ukrainian Ambassador, the next day I tried
44 to get permission to get on board.

45
46 Q Did you get that permission?

47 A The first day not, because the first day when we went to the Head of the Customs,
48 who was actually let's say declared to be responsible for that, he directed me down to
49 Mr Bangoura, the Commander of the Mobile Brigade. By the time, knowing the fact

1 what happened with the Ukrainian Ambassador, I tried to get a helping hand from
2 another side, and finally the second day I got the permission to come on board,
3 escorted by Customs armed guard, which escort I was requested personally.
4

5 Q How long were you allowed to be on the vessel?

6 A It was really restricted for about 30 minutes and, of course, my movement on the
7 vessel was fully restricted, but the main reason or the main aim of my visit was just
8 really to talk to the captain and to assure him that we try our best, we are here, and we
9 try to give all assistance to the vessel and to release as soon as possible. So actually
10 I was able to talk freely, honestly speaking, freely, because everybody was speaking
11 French and we were able to talk with the master for 50 minutes in English.
12

13 Q Did you see any damage on the vessel?

14 A As I was able to see when I was escorted and directed to the master cabin, the front
15 wall of the accommodation several trace of bullets, then the bulwark of the monkey
16 island, then the navigation bridge with broken windows, and the port side of the
17 navigation lamp, the radio station with broken windows. I was not allowed to move
18 all over that, but what I was able to see in the time from about 15 metres, the
19 deflected (Yokohama?) fenders, which that got bullet as well.
20

21 Q What was the morale like among the crew at the time?

22 A Unfortunately, the morale among the crew members, it was really very, very low, and
23 the crew wanted to leave the vessel and they emphasized and they underlined to me
24 that they signed a contract not for get a war zone and not just to get fired, so most of
25 the crew wanted to leave the vessel.
26

27 Q Were the crew free to leave?

28 A No, the crew was absolutely restricted to stay on board, and the crew movement was
29 also some way restricted because the armed guards, headquarters was their mess
30 room, which is actually the biggest place of the vessel, and that was a place when it
31 was a television. In the time the air-conditioning broke down, so I do not need to
32 explain the condition of the crew when they were really requested to stay in their own
33 cabin without air-conditioning system, and they could not gather and let's say to relax
34 in the mess room or even to watch TV or just to have a chat together.
35

36 Q Is it the case that you were able to visit again?

37 A Yes, it became I would say the custom, authorities they became so flexible with me
38 and Ukrainian Ambassador actually later I have an access every time whenever
39 I wanted, but unfortunately nobody else. I felt that the crew is counting on the
40 Ukrainian Ambassador and counting on me as well, and when I wanted let's say the
41 third party to come on board as the P&I, you know with cargo dimension, with crew
42 member, when P&I is on board, there is always the feeling there is something special,
43 but to obtain permission for the P&I it was impossible and the gentlemen could not
44 have any chance until the last moment, so the vessel left so many months later
45 without any P&I attendance.
46

47 Q Did there come a time when two others left the vessel?

48 A Yes, on my second visit, if I am not mistaken, on 4 November the master reported me
49 that he had two crew member injured and they need medical attendance. One was

1 said hit by the rifle with the armed guard, and the other had hit on his knee, said also
2 by the armed guard.

3
4 Q Did you see those two members of the crew?

5 A Yes.

6
7 Q What was their condition when you saw them?

8 A One of the crew member who had a knock on his head, he was really serious,
9 psychologically serious condition depressed, and almost very difficult to conduct to
10 him, and the other that was with a smaller knee, coloured blue and grey. I had
11 permission from both of the customs, Commander Bangoura, and personally I took
12 these two gentlemen to the Russian hospital. They had medical treatment and that
13 was also a good sign for the morale when they felt that OK somehow they are under
14 care and under some kind of management.

15
16 Q Were there further contacts between your team and the Guinean authorities early in
17 November?

18 A During this period we were running or moving on a different way. On one side
19 Maître Thiam, dealing with the high level authorities, and on the other side on the
20 spot and on the ground I was dealing with the different authorities, mostly with the
21 customs, because it became clear that everything was belonging to the customs.

22
23 Q Your statement at paragraph 12 says that you were able to gain access because you
24 would pay the appropriate people.

25 A Yes, definitely, because that was the only way to make everything easier, you have to
26 find a way to get a helping hand, and it was the way, and for this movement I would
27 say that most of the doors, they became open.

28
29 Q Were you asked to make payment, or invited to make payment?

30 A Very shortly at the beginning, I had a feeling that would be the easiest way, and I did
31 not need to tempt so somehow I understood, and nobody refused that.

32
33 Q And did the payment of money bring about a change in the reactions of the persons
34 involved?

35 A Definitely it made a lot of things easier, and made so many things quite better. First
36 of all we were able to arrange immediately the free ship's chandler and movement,
37 whatever the Master asked, because at the beginning, by the time I arrived I changed
38 10,000 times the paper giving to the agent and somehow the agent could not find a
39 ship's chandler, somehow the ship's chandler could not supply, somehow it was a
40 misunderstanding in the least, but later everything was so smooth, ship's was prompt,
41 fresh water supply was prompt, so later the service was much, much better.

42
43 Q Did there come a time when the cargo was discharged from the vessel?

44 A Yes, a couple of days since my arrival, that was a different negotiation, and we
45 arrived on 10 November, then I had the usual permission morning and evening
46 escorting by helping hand, and being on board when Mr. Bangoura arrived, if I
47 remember there were four or five armed customs officials, Then they gave orders
48 straight to the Master to start to discharge the cargo, and the poor Master was
49 absolutely shocked, and he did not understand what is happening, and he asked some

1 written order that Mr. Bangoura emphasized that you have about ten minutes to start
2 the cargo, the vessel is under arrest and you have to comply with the order, and the
3 Master was looking at me really with begging eyes, and I asked Mr, Bangoura, and
4 I explained to Mr. Bangoura that according to any kind of law it should be local or
5 international, there must be somehow responsible for the cargo and for the safety of
6 the cargo, and therefore when he asks some kind of written order, he is absolutely
7 right. The answer was that Captain Laszlo it is not your affair, you should be really
8 happy that you have contact with the crew, and the Master has five minutes to start to
9 discharge the cargo, otherwise as I understood we could find ourselves in prison very
10 soon . That was when I told the Captain do not take any risk, I am the representative
11 of the owner, so start discharge the cargo and do not put into danger the vessel, crew
12 or what.

13
14 Q Was a decision then taken to bring legal proceedings?

15 A The legal proceedings, it was – I will tell you it was a threat every day. What I mean,
16 the local legal procedure. They emphasized to the Master every day that you should
17 be in front of the local court and you can have in five years prison, and somehow this
18 feeling was always on the shoulder of the crew as well.

19
20 Q On the other side was any consideration given to bringing matters to this court?

21 A When we started to discharge the cargo and the cargo was under discharging, Maître
22 Thiam and Mark Vervaeet left Conakry, and they went back to Dakar, and it was
23 already decided in the time to put the case in front of the International Tribunal. Then
24 first of all it was the first question mark for the local authorities, what happened with
25 Maître Thiam and Mr. Vervaeet and when we started, because they disappeared
26 without any negotiation, then they became aware that they left the country, because
27 they could not see any progress, and the cargo was confiscated, and they had no other
28 choice just to ask the International Tribunal. They became a little bit more and more
29 aggressive or repressive against the vessel, and they wanted to make us understand
30 that everything was legal, confiscation of the cargo and arrest of the vessel, and they
31 already lined up about 15 milliard Guinean franc should be the fine to release the
32 vessel.

33
34 Q What do you mean by saying that they became more aggressive?

35 A Actually when it was the discharging, the authorities, what I mean the Customs, they
36 promised the Captain that after discharging everything will be better and the crew will
37 be free, because they have local legal right to take their cargo, and everything will be
38 sorted out by local court, there is no harm against the crew, and the crew can move
39 freely. Nothing happened, even the first a little bit the armed guards on board, and the
40 crew was absolutely restricted, they could not go ashore, they could not call their
41 families, they could not send information. As a further negotiation again really on
42 spot with the local customs officials, of course the extension a couple of days later it
43 became smoother, and sometimes we were dreaming about release of the vessel. My
44 feeling was that some kind of amicable agreement should have solved the problem.

45
46 Q What was the reaction of the Guinean authorities to the prospects of proceedings in
47 this Tribunal?

48 A Several times I visited the Director of Customs, who was – I would not say that is
49 really frankly against the vessel, and he declared that they are not afraid of anybody,

1 this is the local law, and they are going to give good evidence and a good example to
2 the world that nobody can break the Guinean law, so that was some kind of wall in
3 the negotiation. On one side that was the higher level.
4

5 Q Did this decision have any effect upon the treatment of the crew?

6 A Actually this is a really good question because one side when we were able to manage
7 everything in a certain way, I already managed in this way. Everything was smooth
8 and let us say manageable, but on the other hand then the question came in front of
9 the higher level officials that became hard again. The Director of the Customs
10 decided that because the owner and the charterers, they went to the International
11 Tribunal, that should be the solution to remove the crew from the vessel to put in a
12 hotel under armed guard and put a padlock on board, and we shall see what will be
13 the decision of the International Tribunal. Of course knowing the fact, let us say as a
14 seaman minded calculation, what does it mean to put padlock on board and remove
15 the crew? I do not talk about the condition of the crew under armed guard in a hotel,
16 just talking about the vessel, the property of the vessel. The deterioration or
17 abandoned, so actually that would have been the last hour of the vessel. But for the
18 fact that Mr. Bangoura, or Commander Bangoura had order from the boss, the
19 Director of Customs to do that, later with several negotiations we were able to
20 achieve to keep the crew on board and the vessel remained for another couple of days
21 in the port, and later disembarking a few crew members then moved the vessel
22 anchorage.
23

24 Q How many members of the crew were you able to release?

25 A Eight crew members had been repatriated in that time. For the rest of the crew of
26 course we had to offer a special bonus because quite understandably most of the crew
27 wanted to leave the vessel.
28

29 Q Why was it necessary for the remainder to stay with the vessel?

30 A OK. You cannot leave the vessel without crew because of deterioration, because of
31 pilferage, because abandoned, and we decided that the minimum crew should be
32 around, 14 person, and really I was down to decide who would be the 14 persons, and
33 I tried to make them understand, so more or less is 14 crew members that were
34 volunteered to stay on board, except for the Master, who was officially detained.
35

36 Q Is it right that you left Guinea at the end of November?

37 A At end of November I had to leave because in that time that was the process of the
38 International Tribunal and we decided to wait for the decision for the International
39 Tribunal and I went back to Glasgow to report everything what happened during this
40 period.
41

42 Q Following the decision of this Tribunal, did you return to Conakry?

43 A Yes, just a couple of days before Christmas on 20 December I took a plane again and
44 I went to Conakry with a brilliant dream that we should be able to relieve the vessel
45 from Guinea in a couple of days, maybe in the New Year or something for the crew
46 and everybody will be OK. But at the same time, on one side there was also the
47 feeling that we were not sure what would be the reaction. So on 20th I went down to
48 Guinea again.
49

1 Q Did you have discussions with the Guinean authorities?

2 A Yes. After my arrival I felt immediately a certain animosity against the vessel, not
3 exactly against the vessel because the poor vessel was riding at anchorage, against
4 Seascot and against Addax. At the same time, having a certain connection with the
5 Customs, my feeling was that the authorities OK, they took a long time, it was about
6 almost two weeks; they were absolutely split in this matter. The Customs, led by
7 Mr Bangoura, were working in every respect really to release the vessel -- I do not
8 know exactly -- just to comply with the International Tribunal decision or just their
9 own decision. But, on the other hand, the higher authorities, the Justice and the
10 Finance Ministers, and especially the boss or the head of Customs stopped any
11 movement when we reached some kind of level. At that time really the head of
12 Customs could not stop emphasizing that they would make a good example to all
13 countries if necessary to the International Tribunal. This is their own role and they
14 are not going to release the vessel. On the other hand, the Customs really started to
15 make several documents to release the vessel in their own way. That was a big
16 dispute with all parties involved in this matter. They considered the \$400,000 as not
17 a bond but a cash payment or some kind of agreement fee when they take that one.
18 Later the confiscated cargo was legal and we have to sign such a kind of agreement
19 but to pay \$400,000 and sign that we will not take any action against the Guinean
20 Government and that this is an amicable agreement and the vessel gets sailing
21 permission immediately.

22
23 Q Up until the time when you left Guinea, was the vessel free to leave?

24 A No, because it took me about 10 days dealing with even local lawyers, with different
25 authorities, and later my feeling was that my staying there would not be helpful any
26 more because it should be the case for the lawyers to really find out the way that
27 complies with the decision of the International Tribunal.
28

29 **DR PLENDER:** Thank you, Captain Merenyi. I have no further questions. You may face
30 cross-examination.
31

32 **THE PRESIDENT:** Thank you very much. Mr von Brevern, would you like to
33 cross-examine the witness? We have 22 minutes before the end of the sitting.
34

35 **Cross-examined by MR VON BREVERN**
36

37 Q Captain Merenyi, I have some questions. In one of your first statements today you
38 were asked about the relationship between a charterer and someone else acting for the
39 charterer. Would you not agree that normally a time charterer directs the command of
40 the vessel in relation to port and crew and gives the vessel perhaps navigational
41 instructions? Would you agree that these are the normal instructions of a charterer to
42 a vessel?

43 A It can be.
44

45 Q You said you would at least sometimes have made the experience that someone else
46 acted for the charterer. Do you think that this is the case when the charterparty
47 expressly refers to "charterer X" and states that the instructions for the ship's
48 command come from "company Y"?

1 A But this company should be well know by the master. I can give you some examples.
2 For example, being an owner of a vessel under the charter, for example a
3 multinational oil company, actually the agreement is between a multinational oil
4 company and the owner and later this multinational oil company will give an order
5 and let the owner know: OK, from now on Shell is my partner who is acting on
6 behalf of me and Shell is going to send the order to the vessel. That is well-known by
7 the master because the master is informed as well and the owner agrees.

8
9 Q Do you refer to particularities in the tanker business or do you also mean that this
10 happens in the normal charter business?

11 A It can happen in a normal charter business. I know honestly because I spent half of
12 my life at sea. When the charterers and the owners write a charterparty, as a poor
13 master at the end of the story you receive an extract from the charterparty, even if you
14 do not know who he is, with whom you have the order, the condition of the
15 charterparty, and they let you know from the owners side, "OK, your commander or
16 managing organisation, for example, is now Addax".

17
18 Q We do not want to exchange theoretical ideas. My question is: do you know -- of
19 course you know -- what the position of ABS Geneva was in connection to this
20 vessel? Can you explain that?

21 A Yes. Addax gave the order to the vessel, where they go, where they discharge, where
22 they load. Actually, that was in the management of Addax.

23
24 Q Was there not a little closer connection between the vessel and Addax? I refer to
25 ABS: is it the same company? Is ABS Geneva the same company as Addax?

26 A It is a different company.

27
28 Q You referred to Addax -- Addax would have given the instructions to the captain, or
29 to ABS.

30 A I do not like to mix up this question of who gave the straight order, whether it was
31 Addax or ABS, that these orders were fully approved by the owner and the original
32 charterers.

33
34 Q Now, there are several companies involved. I would imagine that if I was a captain I
35 would not agree that I just got an extract of the charterparty but that may be your
36 experience. The captain gets the charterparty and he sees the charterer is, in our
37 case -- well, you know who the charterer is. It was not ABS and it was not Addax,
38 according to the charterparty. Now, the instructions to the captain come from quite a
39 different company. What would you think what you as Captain of *The Saiga* would
40 have to do. Would you have to follow these instructions?

41 A Whenever the charterers made agreement with an owner and they charter a vessel -
42 actually they sent the contact persons to the master - if they do not drop down the
43 complete charter party, they send a message to the captain, "Ok, these gentlemen or
44 ladies, they are dealing with the vessel and you are on that charter."

45
46 Q So I understand you, there were oral instructions from a representative of the charterer
47 to the captain to follow the instructions of Addax or ABS?

48 A I think we have the two mixed here.

49

1 Q Do you know whether there is, or there has been, an agreement between the charterer
2 and either Addax or ABS Geneva?

3 A They have to have an agreement but this is out of my hands because I was not dealing
4 with this matter, actually. That was not my mission.
5

6 Q Yes, I agree. I think this subject, indeed, was not put down by you in writing.
7 A Definitely not.
8

9 Q Thank you very much for these answers. I understand that you were not aware of all
10 these relationships because you were the representative of the owner and employer, or
11 one of the company?

12 A Yes, I am an instrument and an agent of the owner.
13

14 Q So my understanding is that Seascot is the representative of the owner ?
15 A And an agent of the owner, and at the same time, I am an instrument, fully responsible
16 for the crew matters and all technicalities.
17

18 Q You referred to your experience in Conakry. I am not quite aware, I think your paper
19 said you arrived in Conakry on 3 November. Is that correct?
20 A 1 November.
21

22 Q The first?
23 A The first.
24

25 Q You said that you were not allowed to board the vessel. My question is, to whom did
26 you direct yourself and ask for permission?

27 A At first we wanted to follow the officialry. We asked the agent to obtain some
28 permission. At the end of a complete day, the agent, Mr Ketmar, came back. Then
29 the next morning we had to go to ask permission from the head of the customs. In
30 that time the head of customs, it was just, for certain reason, replaced. The old
31 director was still acting but the new director was either coming, or nobody knew, and
32 the director asked the so-called lady Olga, who was the second person of the customs.
33 I say "Olga" because I do not remember her name. She gave an answer to go to
34 Mr Bangoura. In the same time, in Africa, if you are moving and you have an
35 appointment at four o'clock, you are still waiting until the next morning at six o'clock
36 and there is nobody else there. It was absolutely clear, OK, find a way to get the door
37 open to Mr Bangoura. And when the door was open, I had the permission needed.
38

39 Q I understand that this was a normal procedure in Africa?
40 A Yes. I am not against that. It is well known.
41

42 Q You said, "I did not get permission", but you got permission?
43 A I got permission.
44

45 Q And it was not a long time that you got permission?
46 A It was one second, Sergei(?) was aboard.
47

48 Q You then found, or at least you told us, that nobody could leave the vessel?
49 A Yes.

1
2 Q That was at least only until 17 November because on 17 November the first eight
3 crew members could leave?
4 A On a special variant because they refused to give their passport to the customs, to the
5 agent, who arranged all the travelling, and I had to step in. Somehow I got the
6 passport, so that is a certain variant.
7
8 Q If you had perhaps given a little more, perhaps they could have gone earlier? Might
9 that have been possible?
10 A But earlier we did not like to remove the crew from the vessel.
11
12 Q So eight crew members could leave on 17 November?
13 A Yes.
14
15 Q And the other 14? Is my understanding of what you have said correct, that they
16 stayed on board voluntarily because you offered them a certain bonus on behalf of the
17 employer?
18 A Correct.
19
20 Q Then you explained that the ship, later on, at the end of February, left without prior
21 P&I assistance? Is my understanding correct?
22 A No. What happened at 28 February, that I could not tell you, but when I left on
23 4 January, until that time, P&I could not have any access to attend. But, as I was
24 informed, he did not visit the vessel until the last moment.
25
26 Q Because he did not want to?
27 A No, he requested several times permission and, as I told you, that is a circle.
28
29 Q But the P&I representative, is he from Conakry? Is he situated there?
30 A Yes.
31
32 Q Is it Mr Ketmar?
33 A No, no. It is Mr Collins, actually.
34
35 Q Is he Guinean?
36 A No, he is a Frenchman. He is living with his family down in Conakry. It is a certain
37 time. It is a contract, let us say. Gerald Collins.
38
39 Q He lives there but he did not know the ways, unlike yourself?
40 A Yes.
41
42 Q Did you talk to him?
43 A You force me to tell something which I do not like to mention.
44
45 Q If you do not want to mention it –
46 A I can tell it to make it clear. This gentleman obeying, or let us say complying, a
47 couple of years ago, with a local court decision, which was for another vessel to
48 release a vessel - he was really acting to comply with the local court decision. Later

1 he had a lot of enemies down from a high level. Of course, when he found the door
2 shut, he did not force it open.

3
4 Q Another subject is when you said it was decided not to go to court in Conakry. I do
5 not quite remember the question put to you, but your answer was that. Who do you
6 mean by, "It was decided"? Did you decide? Who decided? Did you contact Seascot
7 or the owner on whether any court measures should be taken in Conakry?

8 A The court measures taken in Conakry are always out of our hands because local
9 customs, they put the case on at Conakry Tribunal and they make a usual decision,
10 which is, according to the local regulation, five times the value of the cargo, which is
11 confiscated, and the value of the vessel. But this is requested always by the customs
12 and, at the same time, if it is the question of criminal life that they were threatening
13 the master for five years, that is so. For that, we have no choice, just to defend.

14
15 Q I understand that, but what you just referred to is the criminal proceedings.

16 A Yes.

17
18 Q That is my understanding. I thought the question was put, but may I put the question
19 to you: Have you ever thought about or discussed with anybody, and yes with whom,
20 to go to court against, for example, the discharge of the cargo?

21 A Locally?

22
23 Q Yes.

24 A No.

25
26 Q You did not speak about it with anyone?

27 A No.

28
29 Q Did you ever think to go to a local court with respect to the poor people on board the
30 vessel?

31 A Honestly speaking, no.

32
33 Q Perhaps there was a misunderstanding about the question. You gave the impression
34 that you knew the ways and that at your level it worked quite well, but, that it did not
35 work on the higher level. From whom did you get that impression? Did you talk to
36 persons on the higher level?

37 A Yes.

38
39 Q To the Minister of Finance?

40 A Yes, to the Minister of Finance, to the Minister of Justice and I even reached the
41 adviser of the President, together with a lawyer of Addax, a local lawyer. We were
42 talking, and that was an honest discussion. When I told them ok, even in my
43 impression and my opinion that Guinea do not need this reputation, that they do not
44 follow orders, they do not comply with the decision of the International Tribunal, the
45 adviser of the President told me that if it is necessary – and you can get the local
46 lawyer any time as a witness – "Captain Laszlo, the President has already given order
47 to release the vessel" and nothing happened. That was the President.

1 Q If it had come to the solution you thought of, would you have had to pay? Were you
2 prepared to? What would you have been prepared to give to the other side? Did you
3 think about that?

4 A Honestly speaking, we are deviating a little bit, but I will tell you. It is the local
5 practice there, when they arrest a vessel, later they do not proceed. They sit down,
6 they start to negotiate. They have a fixed amount given to them. Later the vessel is
7 released. This amount taken by certain authorities follows the procès verbal which is
8 declared: "We found the vessel guilty." Therefore, the fine is a certain amount and
9 now there is an amicable agreement, there is nothing to do on their side, and they set
10 us free. In my opinion, a door was absolutely open for this kind of negotiation, but
11 I do not think it would have been in the interests of either the owner or the charterers.

12
13 Q So I understand that, if it had only been the ship and crew, and you on the one side,
14 and the Guineans on the other side, you would have come to an agreement rather
15 sooner?

16 A I would not be the first person.

17
18 **MR VON BREVERN:** Thank you very much. Mr President, I have to say that I did not
19 have enough time to go through the whole statement, but I just concentrated on the points
20 that Dr Plender has brought up. That is all I wanted to say, so I will not go on. My
21 colleague, Professor Lagoni, has still some questions, if you would allow.

22
23 **THE PRESIDENT:** If you want to continue the cross-examination, it will have to be
24 tomorrow because it just so happens that we are one minute from the time of closing the
25 session. (To the witness) The understanding is, Captain Laszlo, that you will be available
26 tomorrow for the continuation of the cross-examination and, if Dr Plender so chooses, for re-
27 xamination. You are now released but please be available tomorrow morning at 10 o'clock.

28
29 **THE WITNESS:** Yes, sir.

30
31 **THE PRESIDENT:** The sitting will now be closed.

32
33 **(Adjourned at 1600 hrs until 1000 hrs on Wednesday, 10 March 1999)**

34
35
36
37