

REPUBLIC OF THE MARSHALL ISLANDS

FINAL SUBMISSIONS

Pursuant to Article 75(2) of the Rules of the Tribunal, having regard to its written and oral submissions, the Republic of the Marshall Islands requests the Special Chamber to adjudge and declare as follows:

1. The Special Chamber has jurisdiction in respect of each of the claims of the Republic of the Marshall Islands and the claims are admissible.
2. By its conduct in intercepting the “*Heroic Idun*” on 12 August 2022 in the exclusive economic zone of São Tomé and Príncipe, by forcing it to divert course to Luba anchorage, and by detaining the “*Heroic Idun*” at Luba anchorage, the Republic of Equatorial Guinea acted in breach of the Republic of the Marshall Islands’ Flag State freedom of navigation rights and/or exclusive flag State jurisdiction with respect to the “*Heroic Idun*” contrary, *inter alia*, to Articles 87(1), 90 and 92(1) of UNCLOS, having regard to Article 58(2) of UNCLOS.
3. By detaining the “*Heroic Idun*” and her crew, by criminally charging the Master, and by levying a fine of EUR 2,000,132.00 on the Master, without any basis in and contrary to UNCLOS, the Republic of Equatorial Guinea acted in breach of Articles 56(1), 58(2), 87(1), 89 and 92(1) of the Convention and/or Article 300 read with Part V of UNCLOS.
4. All measures adopted by the Republic of Equatorial Guinea subsequent to its detention of the “*Heroic Idun*” in Luba anchorage, including but not limited to its extra-judicial hand-over of the “*Heroic Idun*” and her crew to the Federal Republic of Nigeria on 11 November 2022, were without basis in international law and, accordingly, in breach of general principles of legality in international law.
5. Insofar as the Republic of Equatorial Guinea is alleging that it was undertaking an anti-piracy operation vis-à-vis the “*Heroic Idun*”:
 - a. There was no credible basis for the contention that the Republic of Equatorial Guinea was undertaking an anti-piracy operation vis-à-vis the “*Heroic Idun*”.
 - b. In addition or in the alternative to 5(a) above, by its conduct in intercepting the “*Heroic Idun*” on 12 August 2022 in the exclusive economic zone of São Tomé

and Príncipe, by forcing it to divert course to Luba anchorage, and by detaining the “*Heroic Idun*” at Luba anchorage, the Republic of Equatorial Guinea failed to cooperate with the Republic of the Marshall Islands in its capacity as Flag State of the “*Heroic Idun*” contrary, *inter alia*, to Article 100 of UNCLOS, having regard, on the facts of this case, to the ample opportunity to do so before the Republic of Equatorial Guinea took steps to seize the “*Heroic Idun*”, including:

- i. by failing to inform the Republic of the Marshall Islands of allegations regarding the conduct of the “*Heroic Idun*”, and/or
 - ii. by failing to seek the cooperation of the Republic of the Marshall Islands, in its capacity as Flag State, with regard to the investigation of the “*Heroic Idun*” and her crew.
- c. Having regard to the right of visit pursuant to Article 110 of UNCLOS:
 - i. the Republic of Equatorial Guinea had no reasonable ground for suspecting that the “*Heroic Idun*” was engaged in piracy;
 - ii. in the alternative, insofar as the Republic of Equatorial Guinea can establish that it had reasonable grounds to suspect the “*Heroic Idun*” was engaged in piracy, the Republic of Equatorial Guinea failed to undertake the verifications, checks and examination on board the “*Heroic Idun*” with all possible consideration, in breach of Article 110 of UNCLOS.
- d. In addition or in the alternative to 5(c) above, by its conduct in seizing the “*Heroic Idun*”, the Republic of Equatorial Guinea acted in breach of Article 105 of UNCLOS, having regard to Article 103 of UNCLOS and having failed to establish that the persons in dominant control of the “*Heroic Idun*” intended to use the Vessel for the purpose of committing any act of piracy, including for the reason that, on the facts of this case, the Republic of Equatorial Guinea did not seek to assess, including with the Republic of the Marshall Islands as Flag State, whether the persons in dominant control of the Vessel intended to use the Vessel for the purpose of committing any act of piracy.

6. In addition or in the alternative to the preceding:
- a. By failing to notify the Marshall Islands, *inter alia*, of the interception, diversion and detention of the “*Heroic Idun*” and her crew, of the imposition of a criminal charge and fine on the Master of the Vessel, and of the transfer of the Vessel to the Federal Republic of Nigeria, the Republic of Equatorial Guinea breached its duty to notify the Republic of the Marshall Islands as the Flag State of enforcement measures adopted in respect of its Vessel.
 - b. Having regard, *inter alia*, to the Convention on Safety of Life at Sea and its Protocols, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers at Sea, and the Convention on the International Regulations for Preventing Collisions at Sea, the Republic of Equatorial Guinea:
 - i. failed to have due regard for and frustrated the exercise of the rights, duties and responsibilities of the Republic of the Marshall Islands as Flag State of the “*Heroic Idun*” under, *inter alia*, Articles 94 and 217, in breach of Article 2(3) and 87(2), of UNCLOS;
 - ii. breached its obligations under Article 1(b) of the Convention on Safety of Life at Sea, Article I(2) of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers at Sea, and Article 1 of the Convention on the International Regulations for Preventing Collisions at Sea, by failing to take necessary steps to enable the conventions to be given full and complete effect, thereby preventing the Republic of the Marshall Islands from exercising its rights, duties and responsibilities thereunder.
 - c. Having regard to the matters in paragraph 6(b) and by, *inter alia*, requiring the “*Heroic Idun*” to be anchored in an unsuitable location where it was at significant risk of collision and by the unsafe manoeuvring of its naval vessel “*Wele Nzas*” on 26 September 2022, Equatorial Guinea breached Article 225 of UNCLOS.
 - d. Having regard to the detention and treatment of the crew of the “*Heroic Idun*” in the period 12 August 2022 to 11 November 2022, the Republic of Equatorial Guinea acted in breach of considerations of humanity and UNCLOS, including, *inter alia*, Articles 2(3) and 87(1).

- e. By failing to engage with the Republic of the Marshall Islands in respect of the “*Heroic Idun*” and her crew, and by handing over the Vessel and her crew to the Federal Republic of Nigeria on 11 November 2022, the Republic of Equatorial Guinea acted in breach of the general obligation not to aggravate the dispute with the Republic of the Marshall Islands.
7. Having regard to the preceding alleged breaches, as well as, *inter alia*, to Article 106 and 110(3) of UNCLOS, the Republic of the Marshall Islands requests the Special Chamber to order the payment of reparations by the Republic of Equatorial Guinea to the Republic of the Marshall Islands in the following amounts:
- a. Loss, damage and injury caused by the Republic of Equatorial Guinea that was visible and quantifiable within the period 12 August 2022 to 11 November 2022, including:
 - i. EUR 2,000,132.00, being the amount of the fine improperly levied by the Republic of Equatorial Guinea to release of the “*Heroic Idun*” and her crew;
 - ii. USD 7.628 million for material loss, damage or injury sustained by the “*Heroic Idun*” in the period 12 August 2022 to 11 November 2022;
 - iii. USD 4.784 million for non-material loss, damage or injury sustained by the crew of the “*Heroic Idun*” in the period 12 August 2022 to 11 November 2022.
 - b. Loss, damage or injury that was a direct consequence of Equatorial Guinea’s conduct within the period 12 August 2022 to 11 November 2022 but only crystallised after this period or only became quantifiable after this period, specifically: USD 3.339 million for material loss and damage to the “*Heroic Idun*” that was a direct consequence of Equatorial Guinea’s conduct within the period 12 August 2022 to 11 November 2022 but was only quantifiable in the period 27 May 2023 to 24 July 2023, namely, loss of hire, costs and expenses to repatriate the crew, and costs and expenses to repair the Vessel.
 - c. Loss, damage or injury to the “*Heroic Idun*” and her crew in the period 11 November 2022 to 27 May 2023 in consequence of the Republic of Equatorial Guinea’s extra-judicial rendition of the “*Heroic Idun*” and her crew to the Federal Republic of Nigeria that is sufficiently proximate to that rendition and

is properly traceable to Equatorial Guinea, in an amount to be determined by the Special Chamber.

- d. An award of interest on the sums specified above, as appropriate.
- e. An award of such other sums as the Special Chamber may consider appropriate.
- f. Order the Republic of Equatorial Guinea to acknowledge its wrongful conduct in respect of the Republic of the Marshall Islands and provide an assurance and guarantee of non-repetition.
- g. An award of the costs of the Republic of the Marshall Islands in these proceedings, subject to assessment in the case of dispute.



Ms. Meredith Kirby
Agent
Republic of the Marshall Islands

13 October 2025