

CASE No. 19 "VIRGINIA G"
ITLOS, HAMBURG - 6 SEPTEMBER 2013



1. SUBMISSIONS IN RELATION TO THE CLAIM

Panama respectfully requests the International Tribunal to declare, adjudge and order that:

1. The International Tribunal has full jurisdiction under the Special Agreement and under the Convention to entertain the full claims made on behalf of Panama;
2. The claims submitted by Panama are admissible;
3. The claims submitted by Panama are well founded;
4. The actions taken by Guinea Bissau, especially those taken on the 21 August 2009, against the *VIRGINIA G*, violated Panama's right and that of its vessel to enjoy freedom of navigation and other internationally lawful uses of the sea in terms of Article 58(1) of the Convention;
5. Guinea Bissau violated Article 56(2) of the Convention;
6. Guinea Bissau violated Article 73(1) of the Convention;
7. Guinea Bissau violated Article 73(2) of the Convention;
8. Guinea Bissau violated Article 73(3) of the Convention;
9. Guinea Bissau violated Article 73(4) of the Convention;
10. Guinea Bissau used excessive force in boarding and arresting the *VIRGINIA G*, in violation of the Convention and of international law;
11. Guinea Bissau violated the principles of Article 224 and 110 of the Convention;
12. Guinea Bissau violated Article 225 of the Convention as well as the SUA Convention, as well as the fundamental principles of safety of life at sea and collision prevention;
13. Guinea Bissau violated Article 300 of the Convention;
14. Guinea Bissau is to immediately return the gas oil confiscated on the 20 November 2009, of equivalent or better quality, or otherwise pay adequate compensation;
15. Guinea Bissau is to pay in favour of Panama, the *VIRGINIA G*, her owners, crew and all persons and entities with an interest in the vessel's operations, compensation for damages and losses caused as a result of the aforementioned violations, in the amount quantified and claimed by Panama in Paragraph 450 of its Reply (p. 84), or in an amount deemed appropriate by the International Tribunal;
16. As an exception to Point 15, the amount of moral damages requested in paragraph 470 of the Reply as due to Panama for moral damages is withdraw, and replaced by a request for a declaration of "satisfaction" / apology to the attention of the Republic of Panama, for the derogatory and unfounded accusations against the *VIRGINIA G* and her flag State and as regards all aspects of the merits of *VIRGINIA G* dispute as from the 21 August 2009;
17. Guinea Bissau is to pay interest on all amounts held by the International Tribunal to be due by Guinea Bissau;
18. Guinea Bissau is to reimburse all costs and expenses incurred by Panama in the preparation of this case, including, without limitation, the costs incurred in this case before the International Tribunal, with interest thereon; or

19. In the alternative to the previous paragraph 15, Guinea Bissau is to compensate Panama, the *VIRGINIA G*, her owners, crew (or spouse or dependant in the case of Master Guerrero), charterers and all persons and entities with an interest in the vessel's operations in the form of any other compensation or relief that the International Tribunal deems fit.

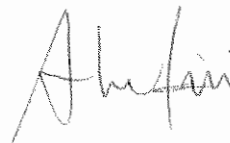
2. SUBMISSIONS IN RELATION TO THE COUNTER-CLAIM

PANAMA RESPECTFULLY REQUESTS THE INTERNATIONAL TRIBUNAL TO:

- A. **Declare, adjudge and order** that Guinea-Bissau's objections to the admissibility of Panama's claim are outside the time-limit and/or are brought in bad faith such that they should be dismissed, rejected or otherwise refused;
- B. **Dismiss, reject or otherwise refuse** Guinea-Bissau's counter-claim on the basis that Guinea-Bissau has no legal basis under international law and under the Convention to bring the counter-claim, given the existence of the required links between Panama and the *VIRGINIA G*, or, in the alternative, on the basis that Guinea-Bissau's counter-claim is unfounded in fact and at law, and that the counter-claim is frivolous and vexatious;
- C. **Dismiss, reject or otherwise refuse** each and all of the submissions of Guinea-Bissau, as set out in Chapter IX of Guinea-Bissau's Counter-Memorial, and **declare, adjudge and order that:**
20. Panama did not violate Article 91 of the Convention;
21. In connection with Submission B above, Panama is not to pay in favour of Guinea-Bissau compensation for damages and losses as claimed by Guinea-Bissau in its counter-claim as set out in Chapter VII of its Counter-Memorial; and
22. Panama is not to pay all legal costs and other costs that Guinea-Bissau has incurred in relation to this counter-claim.
- D. **Declare, adjudge and order** that Guinea-Bissau's Decree Law 6-A/2000, as was applied to the *VIRGINIA G* (and as applied in general) in the EEZ of Guinea-Bissau, is a unilateral extension of the scope of the Convention, restricting the freedoms under the Convention, and, in effect, an extension by Guinea-Bissau of a type of tax and/or customs-duty radius, in violation of the Convention.



RAMON GARCIA-GALLARDO



ALEXANDER MIZZI

AGENTS AND COUNSELS FOR THE REPUBLIC OF PANAMA

Hamburg, 6 September 2013