

# INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



2012

Public sitting

held on Saturday, 15 December 2012, at 3 p.m.,  
at the International Tribunal for the Law of the Sea, Hamburg,

President Shunji Yanai presiding

## THE “ARA LIBERTAD” CASE

*(Argentina v. Ghana)*

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**Verbatim Record**

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<i>Present:</i>	President	Shunji Yanai
	Vice-President	Albert J. Hoffmann
	Judges	P. Chandrasekhara Rao
		Joseph Akl
		Rüdiger Wolfrum
		Tafsir Malick Ndiaye
		José Luís Jesus
		Jean-Pierre Cot
		Anthony Amos Lucky
		Stanislaw Pawlak
		Helmut Tuerk
		James L. Kateka
		Zhiguo Gao
		Boualem Bouguetaia
		Vladimir Golitsyn
		Jin-Hyun Paik
		Elsa Kelly
		David Attard
		Markiyan Kulyk
	Judge ad hoc	Thomas A. Mensah
	Registrar	Philippe Gautier

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*Argentina is represented by:*

Mrs Susana Ruiz Cerutti, Legal Adviser, Ministry of Foreign Affairs and Worship,

*as Agent;*

Mr Horacio Adolfo Basabe, Head, Direction of International Legal Assistance, Ministry of Foreign Affairs and Worship,

*as Co-Agent;*

*and*

Mr Marcelo Kohen, Professor of International Law, Graduate Institute of International and Development Studies, Geneva, Switzerland,

Mr Gerhard Hafner, Professor of International Law,

Mr Holger F. Martinsen, Deputy Legal Adviser, Ministry of Foreign Affairs and Worship,

*as Counsel and Advocates;*

Mr Mamadou Hebié, appointed lecturer, LLM in International Dispute Settlement (MIDS), Geneva, Switzerland,

Mr Gregor Novak, Mag. Iur., University of Vienna, Austria,

Mr Manuel Fernandez Salorio, Consul General of the Argentine Republic, Hamburg, Germany,

Ms Erica Lucero, Third Secretary, member of the Office of the Legal Adviser, Ministry of Foreign Affairs and Worship,

*as Advisers.*

*Ghana is represented by:*

Mrs Amma Gaisie, Solicitor-General, Attorney-General's Department, Headquarters,

Mr Ebenezer Appreku, Director/Legal and Consular Bureau, Legal Adviser, Ministry of Foreign Affairs,

*as Co-Agents and Counsel;*

*and*

Mr Remi Reichhold, Research Assistant, Matrix Chambers, London, United Kingdom,

*as Adviser;*

Mr Peter Owusu Manu, Minister Counsellor, Embassy of Ghana, Berlin, Germany.

1 **THE REGISTRAR** (*Interpretation from French*): The Tribunal will today deliver its  
2 Order in the “ARA Libertad” Case, Request for provisional measures, Case No. 20  
3 on the List of cases, the Argentine Republic, Applicant and the Republic of Ghana,  
4 Respondent.

5  
6 The Tribunal heard oral arguments from the parties at four public sittings on 29 and  
7 30 November 2012. The hearing concluded with the final submissions of both  
8 parties.

9  
10 (*Continues in English*) Argentina, in its final submissions, requested the prescription  
11 by the Tribunal of the following provisional measure pending the constitution of the  
12 arbitral tribunal under Annex VII of UNCLOS:

13  
14 that Ghana unconditionally enables the Argentine warship Frigate ARA  
15 Libertad to leave the Tema port and the jurisdictional waters of Ghana  
16 and to be resupplied to that end.

17  
18 Equally Argentina requests that the Tribunal rejects all the submissions  
19 made by Ghana;

20  
21 Ghana, in its final submissions, requested the Tribunal the following:

22  
23 (1) to reject the request for provisional measures filed by Argentina on  
24 14 November 2012; and

25  
26 (2) to order Argentina to pay all costs incurred by the Republic of  
27 Ghana in connection with this request;

28  
29 Mr. President.

30  
31 **THE PRESIDENT:** I now call on the Agent of Argentina, Ms Susana Ruiz Cerutti, to  
32 introduce the delegation of Argentina.

33  
34 [*Ms Ruiz Cerutti notes the representation of Argentina.*]

35  
36 **THE PRESIDENT:** Thank you, Ms Ruiz Cerutti.

37  
38 I therefore call on the Co-Agent, Mr Appreku, to introduce the delegation of Ghana.

39  
40 [*Mr Appreku notes the representation of Ghana.*]

41  
42 **THE PRESIDENT:** Thank you, Mr Appreku.

43  
44 I will now read relevant parts from the Order in the “ARA Libertad” Case.

45  
46 [*The President reads the extracts*]

47  
48 The sitting is now closed.

49  
50 (*The sitting closed at 3.40 p.m.*)