



*Ministero degli Affari Esteri  
e della Cooperazione Internazionale*

Rome, 12 August 2015

Dear Mr. Gautier,

the Italian Republic is pleased to respond to the question posed by Judge Cot as set out below.

1. Judge Cot asked as follows:

“On behalf of Italy, Sir Daniel Bethlehem proposed to transform the surety of 300,000 euros in respect of each of the marines ‘through some appropriate arrangement into a surety given to India in accordance with the stipulations of an order of this Tribunal’ (ITLOS/PV.15/A24/1, p.46).

Could Italy be more specific as to the proposal?”

2. Pursuant to the bail Order of the Indian Supreme Court in this case, Italy has been required to maintain bonds of approximately €300,000 in respect of each Marine. These bonds are maintained in the names of two Indian nationals, as is required by Indian law.
3. In offering to provide a bond pursuant to an Order of the Tribunal prescribing provisional measures, Italy does not propose that the Tribunal link any bond that it may prescribe to the bonds that are presently required by the bail Order of the Indian Supreme Court. This would give rise to unnecessary technical complications that would best be avoided.
4. Rather, Italy had in mind the possibility of an Order of the Tribunal that may be framed in terms of a requirement for Italy to post a bond in an appropriate amount into an escrow account, or in accordance with some other arrangement stipulated by the Tribunal, as a condition of the provisional measures prescribed.

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Mr. Philippe Gautier  
Registrar  
International Tribunal for the Law of the Sea  
Am Internationalen Seegerichtshof 1  
22609 Hamburg  
Germany

5. If Italy misunderstands Judge Cot's question, and the question rather seeks more specific information about technical arrangements that might be appropriate as regards an escrow account, or some other mechanism in respect of such bonds, Italy would be pleased to propose a number of possible alternative arrangements that might be adopted.

Please allow me to renew to you the assurances of my highest consideration.



Francesco Azzarello  
Agent of the Italian Republic