

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



2012

Public sitting

held on Thursday, 4 October 2012, at 10 a.m.,
at the International Tribunal for the Law of the Sea, Hamburg,

President Shunji Yanai presiding

THE M/V “LOUISA” CASE

(Saint Vincent and the Grenadines v. Kingdom of Spain)

Verbatim Record

| | | |
|-----------------|----------------|------------------------|
| <i>Present:</i> | President | Shunji Yanai |
| | Vice-President | Albert J. Hoffmann |
| | Judges | Vicente Marotta Rangel |
| | | L. Dolliver M. Nelson |
| | | 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 |
| | | Markiyany Kulyk |
| | Registrar | Philippe Gautier |

Saint Vincent and the Grenadines is represented by:

Ms Rochelle A. Forde, Esq., Kingstown,
Mr S. Cass Weiland, Esq., Patton Boggs LLP, Dallas, Texas, USA,

as Co-Agents, Counsel and Advocates;

and

Mr Robert A. Hawkins, Esq., Patton Boggs LLP, Dallas, Texas, USA,
Mr William H. Weiland, Esq., Houston, Texas, USA,

as Counsel and Advocates;

Mr Myron H. Nordquist, Esq., Center for Oceans Law and Policy, University of
Virginia, School of Law, Charlottesville, Virginia, USA,

as Advocate;

Ms Dharshini Bandara, Esq., Fleet Hamburg LLP, Hamburg, Germany,

as Counsel.

The Kingdom of Spain is represented by:

Ms Concepción Escobar Hernández, Professor, International Law
Department, Universidad Nacional de Educación a Distancia (UNED), Spain,

as Agent, Counsel and Advocate;

and

Mr José Martín y Pérez de Nanclares, Professor, Head of the International
Law Division, Ministry of Foreign Affairs and Cooperation, International Law
Department, Universidad de Salamanca, Spain,

Mr Mariano J. Aznar Gómez, Professor, International Law Department,
University “Jaume I”, Castellón, Spain,

Mr Carlos Jiménez Piernas, Professor, International Law Department,
Universidad de Alcalá de Henares, Spain,

as Counsel and Advocates;

Ms María del Rosario Ojinaga Ruiz, Associate Professor, International Law
Department, Universidad de Cantabria, Spain,

Mr José Lorenzo Outón, Legal Adviser, Ministry of Foreign Affairs and
Cooperation,

as Counsel;

Mr Diego Vázquez Teijeira, Technical Counsel at the Directorate-General of Energy and Mining Policy, Ministry of Industry, Energy and Tourism,

as Adviser.

1 **THE PRESIDENT:** The Tribunal meets today pursuant to article 26 of its Statute to
2 hear the parties' arguments on the merits of the case concerning the vessel
3 *M/V Louisa*.

4
5 On 24 November 2010 an application instituting proceedings before the Tribunal was
6 submitted by Saint Vincent and the Grenadines against Spain in a dispute
7 concerning the *M/V Louisa*. The case was named the *M/V Louisa* case and entered
8 in the list of cases as case No. 18.

9
10 On the same day, Saint Vincent and the Grenadines submitted a request for the
11 prescription of provisional measures under article 290, paragraph 1, of the United
12 Nations Convention on the Law of the Sea. The Tribunal dealt with this request in a
13 first phase of the proceedings. After a public hearing was held on 10 and
14 11 December 2010, the Tribunal issued an order on the request for the prescription
15 of provisional measures on 23 December 2010.

16
17 I now call on the Registrar to summarize the procedure in the case further to the
18 adoption of this order.

19
20 **THE REGISTRAR:** (*Interpretation from French*) Thank you, Mr President.

21
22 By an Order dated 12 January 2011, the President of the Tribunal set the dates of
23 expiry of the time-limits for the filing of written pleadings on the merits, namely
24 11 May 2011 for the Memorial of Saint Vincent and the Grenadines and 11 October
25 2011 for the Counter-Memorial of Spain.

26
27 Following requests made by the Parties, the expiry dates for these time-limits were
28 put back to 10 June 2011 for the Memorial and 12 December 2011 for the Counter-
29 Memorial by two Orders of the President dated 28 April 2011 and 4 November 2011,
30 respectively.

31
32 The Memorial and Counter-Memorial were filed within the prescribed time-limits.

33
34 By its Order of 30 September 2011, the Tribunal authorized the submission of a
35 Reply by Saint Vincent and the Grenadines and a Rejoinder by Spain, and fixed
36 11 December 2011 and 11 February 2012, respectively, as the time-limits for the
37 filing of these pleadings. These time-limits were subsequently extended to 10
38 February 2012 and 10 April 2012, respectively, by the President's Order of 4
39 November 2011.

40
41 The Reply and Rejoinder were filed within the prescribed time-limits.

42
43 I shall now, Mr President, read the submissions of the Parties.

44
45 For the Applicant, the submissions are to be found in paragraphs 2 and 86 of the
46 Memorial of Saint Vincent and the Grenadines.

47
48 (*Continued in English*)

49
50 In paragraph 2:

1
2 “The Applicant requests the Tribunal:
3 (a) declare that the Memorial is admissible, that the allegations
4 of the Applicant are well-founded, and that the Respondent
5 has breached its obligations under the United Nations
6 Convention on the Law of the Sea ("Convention");
7 (b) order the Respondent to return the vessel *Louisa* and its
8 tender, the *Gemini III*;
9 (c) order the return of scientific research data and property
10 held since 2006;
11 (d) order the Respondent to pay direct damages for its
12 improper and illegal actions in the amount of \$5,000,000
13 (USD);
14 (e) order the Respondent to pay consequential damages for its
15 improper and illegal actions in the amount of \$25,000,000
16 (USD); and
17 (f) order the Respondent pay the costs incurred by the
18 Applicant in connection with this Request, including but not
19 limited to Agents’ fees, attorneys’ fees, experts’ fees,
20 transportation, lodging, and subsistence.”
21

22 In paragraph 86 of the Memorial:

23
24 “[T]he Applicant requests the Tribunal to prescribe the
25 following measures
26 (a) declare that the Request is admissible;
27 (b) declare that the Respondent has violated articles 73,
28 87, 226, 245, and 303 of the Convention;
29 (c) order the Respondent to release the *MV Louisa* and the
30 *Gemini III* and return property seized;
31 (d) declare that the detention of any crew member was
32 unlawful;
33 (e) order reparations in the amount of 30,000,000 (USD);
34 and
35 (f) award reasonable attorney’s fees and costs associated
36 with this request as established before the Tribunal.”
37

38 In its Counter-Memorial dated 12 December 2011 Spain makes the following
39 submissions:

40
41 “Spain respectfully asks the Tribunal to reject the requests
42 made in paragraphs 2 and 86 of the Applicant’s Memorial.
43 Spain therefore asks the Tribunal to make the following orders:
44 (1) to declare that this honourable Tribunal has no
45 jurisdiction in the case;
46 (2) subsidiarily, to declare that the Applicant’s contention
47 that Spain has breached its obligations under the Convention
48 is not well-founded;
49 (3) consequently, to reject each and all of the requests
50 made by the Applicant; and
51 (4) to order the Applicant to pay the costs incurred by the
52 Respondent in connection with this case, including but not
53 limited to Agents’ fees, attorneys’ fees, experts’ fees,
54 transportation, lodging, and subsistence.”

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THE PRESIDENT: Thank you, Mr Registrar.

By a further order dated 4 July 2012 the Tribunal fixed 4 October 2012, that is today, as the date for the opening of the hearing. Pursuant to the Rules of the Tribunal, copies of the written pleadings are being made accessible to the public as of today. They will be placed on the Tribunal’s website. The hearing will also be transmitted live on this website.

The first round of the hearing will begin today and will close on Wednesday, 10 October 2012. The second round of the hearing will begin on Thursday, 11 October and will end on Friday, 12 October 2012.

I note the presence at the hearing of the Agent of Spain and of the Co-Agents, Counsel and Advocates of both parties. We have been informed by the Co-Agent of Saint Vincent and the Grenadines, Mr Weiland, that the Agent of Saint Vincent and the Grenadines, Mr Bollers, will not be present at the hearing. I therefore call on the Co-Agent, Mr S. Cass Weiland, to introduce the members of the delegation of Saint Vincent and the Grenadines.

MR WEILAND: Thank you, Mr President. It is a privilege for me to be here again and to introduce the delegation of Saint Vincent and the Grenadines. Mr Bollers sends his regrets but we have present Ms Rochelle Forde, whom I would like to introduce first, as Co-Agent, originally appointed by the government to serve as Co-Agent with me. I will have more to say about Ms Forde in a few minutes, when she gives an opening statement for our side. I will say briefly now that she is a graduate of the University of the West Indies in Barbados and was admitted to the bar through the Society of Inner Temple in London.

We also are privileged to have as a member of our delegation on this round Mr Myron Nordquist. Mr Nordquist will serve as an advocate for our delegation and will make a presentation during the course of our case. He is a distinguished authority on the law of the sea. I believe many of you are acquainted with Mr Nordquist. He has formerly held several important positions in the United States and has served as an officer in the Marine Corps. He is a Professor of Law at the University of Virginia and Associate Director of the Center for Oceans Law and Policy. Mr Nordquist is author or editor of more than 50 books and numerous articles and, most importantly perhaps, he is the Editor-in-Chief of the Virginia Commentary on the Law of the Sea. He has served as the Alternate Representative and Secretary to the Third UN Conference on the Law of the Sea. He has also served as a Professor of Law at the United States Air Force Academy and the United States Naval War College.

It is really no exaggeration to describe Mr Nordquist as one of the world’s premier authorities on the law of the sea and we are truly privileged to have him as a member of our delegation. We believe that you will find his presentation enlightening and persuasive.

Also present this morning as a member of our delegation again, as he was with me in December 2010, is Mr William Weiland, who serves as counsel. He is an

1 international lawyer. Mr Weiland has served as an officer in the United States Army
2 and has been a partner in a large United States law firm where he served as partner
3 in charge of its office in Mexico City. Mr Weiland is listed in the Best Lawyers in
4 America and in the Euromoney Guide to the World's Leading Energy and Resource
5 Lawyers. I am truly blessed to have him as my brother.

6
7 We also have present this morning Mr Robert Hawkins. Mr Hawkins is a graduate of
8 the Baylor University Law School and one of my most trusted partners. He is an
9 outstanding writer and researcher and advocate in his own right.

10
11 We also have as our local counsel Ms Dharshini Bandara. Ms Bandara is a member
12 of the firm Fleet Hamburg here in the city, and she is a qualified English barrister and
13 the managing partner of that firm.

14
15 We also have our right-hand man, Mr Travis Whittington. Mr Whittington is an expert
16 in audio-visual matters and, we hope, will help us keep things moving smoothly. He
17 hails from the great state of Texas.

18
19 **THE PRESIDENT:** Thank you, Mr Weiland. I now call on the Agent of Spain, Ms
20 Concepción Escobar Hernández, to introduce the members of the Spanish
21 delegation.

22
23 **MS ESCOBAR HERNÁNDEZ** (*Interpretation from French*): Thank you, Mr President,
24 members of the Tribunal. Before introducing my delegation, please allow me to say
25 what an enormous honour and privilege it is for me to appear before you once again
26 today in the *M/V Louisa* case. In accordance with the Tribunal's practice, I would
27 now like to introduce the members of the Spanish delegation.

28
29 Mr José Martin is currently Head of the International Legal Service of the Ministry of
30 Foreign Affairs, but I would like to point out that he is also a Professor of
31 International Law at the University of Salamanca, one of Spain's most ancient and
32 highly regarded universities.

33
34 Mr Aznar Gómez is a Professor of Public International Law at the Castellón
35 University in the Valencian Community. He is one of the leading experts on the
36 underwater heritage. He has, for example, published a significant number of articles
37 and studies on the subject and he was appointed to UNESCO's Expert Committee
38 tasked with drafting an explanatory note on the Convention on Underwater Cultural
39 Heritage, which, as you know, is one of the most important challenges still requiring
40 attention.

41
42 Mr Carlos Jiménez Piernas is a Professor of Public International Law at Alcalá de
43 Hernandez University, another of Spain's most famous universities. Mr Jiménez
44 Piernas is one of the leading specialists in Spain and elsewhere on the subject of the
45 law of the sea. He has published important studies on the law of the sea and was
46 one of the first academics to work on certain questions such as the structure of
47 archipelagos for the purposes of the Convention. He participates actively in work
48 relating to the law of the sea in Spain and abroad. I would also like to point out that
49 he has served as counsel and adviser before the International Court of Justice on
50 many occasions in cases concerned with delimitation and law of the sea issues.

1
2 Ms Rosario Ojinaga Ruiz teaches at the University of Cantabria in Santander (there
3 is no French translation of her administrative status, but she is a professor in her
4 own right). She has worked with us in a number of fields relating to the work of the
5 Tribunal and she has written a monograph, which will be published shortly, on
6 procedures before the International Tribunal for the Law of the Sea.
7

8 Mr José Lorenzo Outón is a diplomat and legal adviser in the International Legal
9 Service of the Ministry of Foreign Affairs and Cooperation. As you know very well, he
10 has been following this case from the outset.
11

12 Mr Diego Vázquez Teijeira is an attaché at the Directorate-General of Energy and
13 Mining Policy at the Ministry of Industry, Energy and Tourism.
14

15 That is our delegation, Mr President. After introducing my colleagues and before the
16 hearings begin, let me assure you once again that you can count on the full
17 cooperation of the Spanish delegation. Thank you, Mr President.
18

19 **THE PRESIDENT:** Thank you, Ms Escobar Hernández. Since both parties have
20 indicated to the Tribunal that they intend to call a number of experts and witnesses, I
21 wish to explain briefly the procedure that is to be followed in this regard.
22

23 Pursuant to article 80 of the Rules of the Tribunal, a witness or expert shall remain
24 out of court before testifying. Only after a Party signals to me that it intends to call a
25 witness or expert will I invite the witness or expert to enter the courtroom. Once the
26 witness or expert has taken his or her place, the Registrar will ask the witness or
27 expert to make the solemn declaration in accordance with article 79 of the Rules of
28 the Tribunal. Different declarations are to be made by witnesses and experts, as set
29 out in subparagraphs (a) and (b) of article 79 respectively. Witness-experts will make
30 the declaration as provided for experts.
31

32 Under the control of the President, witnesses and experts will be examined first by
33 the Agent, Co-Agents or counsel of the Party who has called them. After that, the
34 other Party may cross-examine the witness or expert. If a cross-examination takes
35 place, the Party calling the witness or expert will, when the cross-examination is
36 concluded, be asked if it wishes to re-examine. Of course, a re-examination shall not
37 raise new issues but shall limit itself to the issues dealt with in cross-examination.
38

39 Thereafter, if the Tribunal wishes to put questions to the witness or expert, questions
40 will be posed by the President on behalf of the Tribunal, or by individual Judges.
41 After that, or if the Tribunal does not wish to put questions, the witness or expert will
42 be allowed to withdraw.
43

44 In accordance with article 86, paragraph 5, of the Rules of the Tribunal, witnesses
45 and experts will also have the opportunity to correct the verbatim record of their
46 testimony produced by the Tribunal. However, in no case may such corrections
47 affect the meaning and scope of the testimony given.
48

49 As a final procedural remark, let me highlight that, pursuant to article 71 of the Rules
50 of the Tribunal, after the closure of the written proceedings, no further documents

1 may be submitted to the Tribunal by either Party except with the consent of the other
2 Party or if authorized by the Tribunal.

3
4 Do I understand that the first speaker on the Saint Vincent and the Grenadines side
5 will be Ms Forde?

6
7 **MR WEILAND:** Mr President, I have a brief statement to make and then I will
8 introduce Ms Forde.

9
10 **THE PRESIDENT:** So, Mr Weiland, you have the floor.

11
12 **MR WEILAND:** As I mentioned a few minutes ago, Ms Rochelle Forde, my
13 Co-Agent, will make an opening statement shortly but, before she does, I wish to
14 give you a little bit of an introduction to the manner in which Saint Vincent and the
15 Grenadines will present its case today. I think on 23 December 2010, most of you
16 must have believed that you had seen the last of this case. Surely the Parties would
17 somehow come together, something good would happen to the *Louisa* and the case
18 would be concluded – after all, in December 2010 the ship had been illegally seized
19 for more than four and a half years – but nothing has happened to the *Louisa*. We
20 are back to see you, now to ask for substantial compensation for what the
21 Respondent has done to the ship, has done to the crew, and has done to the owner
22 of the ship – and has done to a bystander. We are going to present you with some
23 real witnesses – not expert witnesses, necessarily – people who come to the Court, I
24 am sure, with great trepidation to be before such an august body, not professional
25 witnesses. They are going to tell their stories so you understand exactly what has
26 happened in Cádiz.

27
28 In addition to some of the victims of the abuses heaped upon them by the Spanish,
29 we are going to bring to you Mr Myron Nordquist, who is an eminent scholar and, as
30 I said a few moments ago, surely a leading expert on law of the sea matters. I
31 believe that you will find his remarks extremely interesting and, as I said,
32 enlightening and persuasive.

33
34 We do not intend to try the case that has been going on in Cádiz now for about
35 seven years – I think the Spanish may try to do that – but we are going to give you
36 some information about what the *Louisa's* objective really was before it was illegally
37 arrested and detained, now for so long. We will also present to you a witness who
38 will tally what we believe to be the damages to which Saint Vincent and the
39 Grenadines are entitled.

40
41 Our first presentation is going to be made by Ms Forde. I would like to give you a
42 little more background on her qualifications, because we are indeed privileged to
43 have her as appointed by the government as Co-Agent. As I mentioned, she is a
44 graduate of the University of the West Indies and also of the Society of Inner Temple
45 in London. She is a practising barrister and solicitor in Kingstown. She happens to be
46 the mother of two small children and, despite that, carries on a very active law
47 practice in Saint Vincent. She has served as a Senator and also as a Deputy
48 Speaker of the House. Finally, she is a member of the Saint Vincent and the
49 Grenadines Human Rights Association, which we believe is highly appropriate in this
50 case.

1
2 May I present Ms Rochelle Forde?

3
4 **THE PRESIDENT:** Thank you. I now give the floor to the further Co-Agent of Saint
5 Vincent and the Grenadines, Ms Forde, to make her statement.

6
7 **MS FORDE:** Mr President, Members of the Tribunal, we are grateful for the privilege
8 today to present an overview of our case before the International Tribunal for the
9 Law of the Sea. Saint Vincent and the Grenadines is a small country with limited
10 resources, and it is a tribute to this Tribunal and the letter as well as the spirit of the
11 1982 Convention on the Law of the Sea that we have an opportunity to be heard on
12 an equal footing with the Kingdom of Spain. We are here to seek justice, at long last,
13 on a case where justice delayed is truly justice denied.

14
15 We recognize that this case raises issues involving the progressive development of
16 international law in many respects. This is a modern Tribunal, however, and we are
17 confident and assured that the Tribunal will hear all the facts, with an open mind, and
18 render a fair legal judgment based on international law, as it is particularly embodied
19 in article 300 of the 1982 Convention, which both parties are bound to honour.

20
21 There will be those who will seek to give a restrictive interpretation of the mandate of
22 this Tribunal. However, there can be no legitimate assertion that a genuine dispute
23 does not exist between the Applicant and the Respondent herein over the
24 interpretation or application of article 300 in this specific case. While there are other
25 provisions in the Convention that are also in dispute between the Parties, the
26 arguments already presented in the record speak to an undeniable truth: that a
27 genuine dispute exists between the Parties over article 300 that in and of itself
28 confers jurisdiction, on the merits, for this Tribunal, in this case.

29
30 This case presents a most timely opportunity for this Tribunal, allowing it to assume
31 its rightful place at the forefront of international courts and as a leader in progressive
32 jurisprudence based on equal justice for all nations. We strongly urge that the
33 Tribunal not yield to naysayers who deny the legitimacy of international law treaty
34 obligations dealing with abuse of rights and, in the instant case, abuse with respect
35 to both human and property rights.

36
37 Please allow me to briefly review the history and background of this case.

38
39 This dispute arose because a research vessel flying the flag of my country, Saint
40 Vincent and the Grenadines, was seized by local authorities in Spain over six and a
41 half years ago, on 1 February 2006, while docked in the port of Puerto Santa Maria
42 near Cadiz. The *Louisa* has been detained ever since. Local Spanish authorities not
43 only wrongfully imprisoned two persons at that time but also seized a second vessel,
44 the *Gemini III*, a tender to the *Louisa*. An entire shipload of valuable equipment and
45 computers was impounded, which included intellectual property of the rightful owners
46 who are engaged in the oil and gas service industry. The Respondent now urges this
47 Tribunal to condone these and subsequent procedural and substantive abuses while
48 the Applicant will show why justice in this case has not been rendered in Spain.

49

1 The *Louisa* is, or was, a seagoing vessel flying the Applicant's flag that is operated
2 by Sage Maritime Scientific Research Inc. (hereinafter referred to as "Sage"), a
3 United States corporation registered in Texas. The owner is a United States
4 corporate affiliate of Sage organized under the laws of the State of Texas, an entity
5 called Sage Maritime Partners Limited, of which John Foster is a beneficial owner.
6 The *Louisa* was flying the Saint Vincent and the Grenadines' flag at the time of
7 detention and still retains the Applicant's nationality with registration maintained in
8 Saint Vincent and the Grenadines. Due to its unreasonably prolonged detention, the
9 estimated value of the *Louisa* is now unknown, but at the time of its detention its
10 estimated value was approximately \$600,000 (USD). The appearance of the ship
11 three years ago is captioned in the following photograph, as illustrated for your
12 benefit. Equipment on board the *Louisa* was valued at the time of detention at
13 approximately \$800,000 (USD).

14
15 The *Gemini III* is a workboat of approximately 11 metres whose detention is part and
16 parcel of this case against our flagship. When detained, it had a value of
17 approximately \$200,000 (USD). We have illustrated a picture of the *Gemini III* for
18 your convenience. This tender has been stored in a facility in Puerto Sherry, Spain, a
19 location near Puerto Santa Maria, since on or about 1 February 2006.

20
21 The *Louisa* had several crew members, including its master, all of whom were
22 Hungarian nationals except for one US citizen. The Respondent detained some of
23 the crew for several days after the vessel's arrest. The master was never detained.
24 However, a United States citizen, Mario Avella, was jailed unjustly and abused for
25 many months. Another United States citizen – a young woman with no connection
26 whatsoever to any alleged criminal activity – was arrested and also unjustly jailed for
27 five days. The Respondent then grossly abused this young woman by refusing to
28 return her passport to her for eight months, thus resulting in considerable
29 unjustifiable hardship to the young woman, who at the time was only 21 years of
30 age; what an entry into the world of adulthood! Two Hungarian crewmen had
31 remained on board. They were jailed and once released, due in great part to the
32 efforts of their local attorneys engaged by John Foster, the Spanish kept their
33 passports and subjected them to terrible hardships as they effectively were confined
34 to Spain with no income. You will also hear of the effect of these abuses on one of
35 the beneficial owners of the ship himself – John Foster.

36
37 Mr President, Judges, this Tribunal cannot be expected to endorse such an abuse of
38 a young woman's rights and the rights of the crew members. It appears obvious that
39 the local judge, Louis de Diego Alegre, had no concern about the abuse of the rights
40 of this young woman when he clearly held as a relevant consideration, "She is the
41 daughter of the main person implicated in this case". That comes from the Order of 5
42 June 2006. Our respective States as members of the United Nations are honour
43 bound to hold steadfast to the fundamental principle of respect for persons, property
44 and their attendant rights, liberties and freedoms. No modern and progressive
45 system of justice as represented by this Tribunal can approve the virtual "house
46 arrest" by the unlawful detention of these persons.

47
48 This Tribunal will hear first-hand accounts of the illegal seizure of the vessels and
49 equipment, the abuse of these foreign citizens' rights, and the unrepentant – indeed

1 in several instances arrogant – conduct of certain Spanish officials for whom the
2 Respondent is responsible.

3
4 Saint Vincent and the Grenadines is a small nation that is no longer a colonial
5 possession. We have been independent since 1979 and will proudly celebrate 33
6 years of independence on 27 October 2012. We can stand before this Tribunal and
7 seek justice as a sovereign State entitled to equal standing before the law with other
8 sovereign States irrespective of our small size. We believe that modern history and
9 current international civilized practices are on our side in condemning abusive
10 conduct, and we are grateful for the opportunity presented here to expose such
11 abuses. We are assured that this Tribunal will squarely face the issues presented
12 and set honourable precedents for future actions by the nations of the international
13 community.

14
15 In the records of this specific case we bring to your attention that no timely notice of
16 the vessel's detention was transmitted by the Kingdom of Spain or received by Saint
17 Vincent and the Grenadines. The burden of proof is on the Respondent to satisfy this
18 requirement. On the contrary, in this case multiple pleas for justice were ignored
19 (probably now to the regret of the central government of Spain) until the case was
20 filed with the International Tribunal for the Law of the Sea.

21
22 During the hearing on Provisional Measures in December 2010, the Respondent
23 produced a copy of an alleged diplomatic note, issued after the seizure, which had
24 no proof of delivery and of which the Applicant has no record of receiving. Most
25 alarmingly, the content of the note failed to state that the vessels had been seized. It
26 is therefore, on its face, substantively defective, as it failed to state that the vessels
27 had been seized. This action does not meet even a minimal standard of notice under
28 international law. At the very best, the note conveyed an equivocal message. Spain
29 has now conceded that no notice was delivered prior to the seizure of the *Louisa* and
30 that the captain did not give his consent to board. This Tribunal has been presented
31 with highly credible testimony by the Applicant that the *Louisa* was seized in violation
32 not only of Spanish law but also of UNCLOS and international law.

33
34 Throughout the “judicial procedure” in Spain, which in this case we submit is most
35 unusual for a modern democratic nation, representatives of one of the beneficial
36 owners, and our government as Agent for the Applicant, attempted all procedural
37 and diplomatic measures available to obtain closure to these unfortunate
38 circumstances now presented in this case. These efforts included attempting to
39 obtain the release of the *Louisa*, the *Gemini III*, and their valuable equipment. These
40 efforts entailed repeated travel to Cadiz, meetings with the local judge and
41 prosecutor in Spain, meetings at the US Embassy in Madrid, a request directed to
42 the Spanish Ambassador to the United States dated 27 April 2010, and a meeting in
43 New York attended by colleague and Co-Agent for Saint Vincent and the
44 Grenadines, Grahame Bollers. After this, the Applicant was reluctantly left with no
45 choice but to challenge the good faith of the Respondent. Over six and a half years
46 of justice delayed is truly not justice at all. We now look to this Tribunal to judge what
47 has taken place and to let the international community know the true meaning of the
48 1982 Convention. We are indeed convinced that article 300 and other provisions,
49 which we will and have cited, have meanings much different from those advanced by
50 the Respondent.

1
2 With respect to the case before this honourable Tribunal, the representatives of the
3 owner of our vessel repeatedly contacted and met in Cadiz with Magistrate Judge
4 Louis de Diego Alegre and other officials attempting to obtain relief, and formal
5 letters were sent to the judge dated 11 February 2009 and 27 August 2009
6 respectively. The pleas in the letters were ignored and not even the courtesy of a
7 response was ever received. As of this date, one of the ship's beneficial owner's
8 urgent attempts, with our full knowledge and support, to secure even the release of
9 valuable computers has been unsuccessful. Property rights appertain to humans and
10 are protected by article 300, and these rights have been grossly abused in this case.

11
12 What has been Spain's response to these abusive actions? Foremost, Spain argues
13 that the Tribunal has no jurisdiction on the merits of this case. Its position at this
14 stage is that the Tribunal must ignore articles 300, 293(1) and basic tenets of
15 international law, and refrain from deciding this case. Spain argues that ITLOS's
16 mandate deals only with selected articles in the Convention. Indeed, this Tribunal
17 has decided upon matters focused on captured fishing vessels and boundary
18 disputes. However, we believe that accepting such a limitation as proposed by
19 Spain, based solely on cases decided to date, would be an undesirable precedent
20 and a highly erroneous interpretation of the Tribunal's authority and responsibility.
21 We also believe that to do so would be to completely ignore and disregard various
22 provisions of the Convention.

23
24 We wish to invite the Court to attune its mind to some pertinent issues of this case.
25 In particular we speak to issues that the Tribunal previously addressed in its order of
26 23 December 2010.

27 28 Exhaustion of Local Remedies

29
30 Our query is: how long does a sovereign State wait for the "local remedies" in this
31 case to be exhausted in Spain? More particularly, what local remedies are actually
32 available to the sovereign State of Saint Vincent and the Grenadines in the relevant
33 Spanish provinces? The unfortunate reality in this case is that the stage is long
34 overdue for this case to be concluded, and local remedies are more than exhausted.

35
36 In fact, the exhaustion of local remedies is not even required in the present case, as
37 pointed out by Judge Paik in his separate opinion to the Tribunal's Order of 23
38 December 2010, in which he stated at paragraph 9:

39
40 "At this stage, I would simply like to point out that, with respect
41 to the exhaustion of local remedies, the Applicant apparently
42 claims that the breach of obligations by the Respondent under
43 the relevant provisions of the Convention resulted in damage
44 to what the Applicant perceives to be its own rights. It should
45 be reminded that the Tribunal stated in the *M/V Saiga* (Case
46 No. 2) that the claims in respect of such damage are not
47 subject to the rule that local remedies must be exhausted.
48 (*M/V "Saiga" (No. 2) (Saint Vincent and the Grenadines v*
49 *Guinea)* Judgment of 1 July 1999, ITLOS Reports 1999, para.
50 98)."
51

1 The Tribunal has, therefore, already made it clear that in cases where the claim is for
2 damages the exhaustion of local remedies is not a prerequisite for the exercise of
3 jurisdiction of this Tribunal. It is thus pellucidly clear, on the strict application of article
4 295, that international law does not require the exhaustion of local remedies in the
5 circumstances of those in the instant case.

6
7 To be abundantly clear, this is our position with respect to local remedies: the rights
8 of Saint Vincent and the Grenadines have been violated by the illegal seizure and
9 detention of our flag vessel, the *Louisa*, and all abuses in respect to natural or
10 juridical persons and property rights arise directly from the facts in the case that is
11 before the Tribunal. We have waited for six and a half years for the local remedies, if
12 any, to be extended to us, and we therefore cannot continue to wait in perpetuity. In
13 the alternative, we reiterate the position of this Tribunal in the *M/V Saiga* No. 2 case
14 and submit that a claim for damages, as is part of our claim here today, is not subject
15 to the rule that local remedies must be exhausted. This Tribunal has already
16 established – we submit correctly so – its position as it relates to the exhaustion of
17 local remedies.

18
19 If, however, the Tribunal believes that the issue requires additional scrutiny, the
20 Applicant's position – fully supported by the facts already presented – is that there
21 are no effective local remedies that could be further exhausted by persons suffering
22 damages as a result of the illegal actions of Spain. There has not been the slightest
23 hint, not a scintilla of an indication, of a willingness by Spain to settle this case. The
24 Tribunal need look no further than the time line already provided by the Applicant in
25 the records of the proceedings. The justice system in Spain has been disappointingly
26 dysfunctional in this case, and it is submitted that the Tribunal must not allow
27 persons injured by the illegal activity involved here to endure further and continued
28 abuses with no end in sight. Indeed, this conclusion would represent a reasonable
29 application of the rationale in the *M/V Saiga* (No. 2) case. This can only auger well
30 for the development of jurisprudence in this area of the law, both for this Tribunal and
31 elsewhere.

32
33 In any event, if applicable at all, the requirements of article 295 have been satisfied,
34 and there have been numerous attempts by the Applicant to have this matter
35 resolved. The Respondent disputes this interpretation or application of article 295
36 and argues that Saint Vincent and the Grenadines' claims can be heard only in a
37 Spanish court. This Tribunal is therefore being told by the Respondent to ignore
38 Treaty obligations, as the Respondent believes that exhaustion of local remedies is
39 compulsory when there is any type of pending proceeding, even if the case has no
40 end in sight. However, this Tribunal must ask itself: what is the pending proceeding?
41 Saint Vincent and the Grenadines is not in litigation with Spain. To the best of our
42 knowledge and information, the *Louisa* and *Gemini III* are not even named as parties
43 in Spain. We submit that any argument as it relates to the necessity to exhaust local
44 remedies is just a sleight-of-hand argument to prolong a case that by all reasonable
45 standards should have been settled long, long ago.

46
47 Spain also argues that the owner of the vessels delayed the proceedings in Spain,
48 as if to somehow suggest that our government or the vessels' owner had the
49 comparably virtually unlimited resources of Spain. This argument is another disputed
50 fact that the Tribunal may want to consider on the merits and, if necessary, we will

1 show the Tribunal that this argument cannot be taken seriously in view of the
2 abusive and totally unjustified delays caused in this case by the failures of the
3 Spanish judicial system, especially at local levels. In this regard, we invite the
4 Tribunal to direct its attention to our previously submitted detailed discussion at
5 pages 17–21 of our Reply.

6
7 Please allow me next to address the final jurisdictional issue raised in Spain’s
8 Counter-Memorial.

9
10 Nationality of the Claim

11
12 In its Counter-Memorial, Spain calls into question the extent of the “nationality” of the
13 claim, through strained arguments at best, that attempt to separate the *Louisa* from
14 its crew, tender and owners. This can be found at pages 83–107 of the Counter-
15 Memorial. This is another tactic by the Respondent to attempt to avoid jurisdiction by
16 cleverly mischaracterizing facts, and this endeavour runs counter to clear precedent
17 set by this Tribunal.

18
19 In paragraph 70 of its 6 August 2007 Final Judgment in the *Tomimaru* case, the
20 Tribunal found:

21
22 “The juridical link between a State and a ship that is entitled to
23 fly its flag produces a network of mutual rights and obligations,
24 as indicated in article 94 of the Convention.”

25
26 In paragraph 106 of its judgment on the merits of the *M/V Saiga* (No. 2) case, the
27 Tribunal wrote:

28
29 “... Convention considers a ship as a unit, as regards the
30 obligations of the flag State with respect to the ship and the
31 right of a flag State to seek reparation for loss or damage
32 caused to the ship by acts of other States and to institute
33 proceedings under article 292 of the Convention. Thus the
34 ship, everything in it, and every person involved or interested
35 in its operations are treated as an entity linked to the flag
36 Stage. The nationalities of these persons are not relevant.”

37
38 Spain attempts to distinguish the clear precedent set by the Tribunal by discussing
39 the need for a genuine link between the flag State, the ship, its crew, its owners and
40 tender, and vaguely alludes to problems faced by international tribunals in matters
41 dealing with parties comprised of entities of various nationalities. (Counter-Memorial,
42 paragraph 91)

43
44 Mr President, Judges, we wish to take this opportunity to remind the Respondent
45 that this is the International Tribunal for the Law of the Sea. The decisions of this
46 Tribunal are not overturned or disregarded simply because they do not suit a
47 country’s purposes: certainly not. To embark on arguments soliciting decisions
48 contrary to those already settled before this Tribunal is, respectfully, a waste of the
49 Tribunal’s time.

1 Further, may it please the Tribunal, the Applicant is far better qualified both factually
2 and legally, to present evidence to this Tribunal on vessels flying its own flag.

3
4 In modern times, with a global economy, it would indeed be impossible for each
5 person sustaining damage in a given case to be required to look for protection only
6 from his or her national State. Such a procedure would also negate one of the
7 essential values for the creation of an international tribunal such as this. Saint
8 Vincent and the Grenadines is the proper country for both legal and practical
9 reasons to seek reparations not only for the crew who were abused and imprisoned
10 but also for the daughter of a crewman whose rights were despicably abused by her
11 arrest, imprisonment and confinement in Spain.

12
13 Unless the position of the Respondent in this case is to assert that the rights of a
14 daughter are meaningless, we ask: what country is better positioned to bring her
15 abuses to the attention of this Tribunal? Again, the interests of justice enshrined in
16 the Convention are best considered by this Tribunal, which can view this case as a
17 whole in context. This Tribunal is the only venue with a complete set of facts about
18 the case as a whole and, moreover, which has a duty under articles 288, 293 and
19 300 to consider the abuse of rights and denial of justice issues in this specific case.

20
21 Reparations: We submit the Saint Vincent and the Grenadines' declaration pursuant
22 to article 287 does not limit the scope of the dispute.

23
24 The Applicant has sustained substantial harm, which is ongoing, and seeks
25 substantial reparations from the responsible Party. In its Counter-Memorial Spain
26 attempts to limit the scope of this dispute to claims under articles 28, 73, 97, 220 and
27 226 of the Convention (Counter-Memorial paragraph 135). Spain references Saint
28 Vincent and the Grenadines' 22 November 2010 declaration, choosing the Tribunal
29 as a means of settling disputes concerning the arrest or detention of its vessels as
30 support for this argument (paragraph 132). Amazingly, in reaching its conclusion,
31 Spain attempts to usurp a formal declaration of Saint Vincent and the Grenadines
32 with one of its own construction and to construe the Law of the Sea Convention as if
33 it allowed for reservations in this regard.

34
35 To be clear, Saint Vincent and the Grenadines has formally accepted the Tribunal as
36 a means of settling the dispute in this case concerning the arrest and detention of
37 one of its vessels. The Applicant has not excluded itself from any disputes
38 concerning the interpretation of specific articles in UNCLOS. Spain's attempt to read
39 Saint Vincent and the Grenadines' declaration as limiting the jurisdiction of the
40 Tribunal to disputes concerning articles in the Convention that contain the words
41 "arrest" or "detention" (i.e., articles 28, 73, 97 and 226 as suggested by Spain)
42 attempts to replace a formal declaration of Saint Vincent and the Grenadines with
43 one that better suits the Respondent's purposes here. The Applicant formally rejects
44 the Respondent's interpretation of our actions.

45
46 We now turn to the information presented to the Tribunal. Information has come to
47 light since the hearing on Provisional Measures in December 2010 which we believe
48 mandates jurisdiction on the merits and warrants imposition of monetary remedial
49 measures against the Kingdom of Spain.

1 May it please the Tribunal-for purely contextual and background purposes- we
2 remind this Tribunal that at the Provisional Measures hearings, Spain conveniently
3 produced two domestic tribunal orders not previously shared with the Applicant. The
4 first was called an “indictment”. This alleged order from a Cadiz magistrate was
5 dated 27 October 2010. The order never was released publicly, and we fear it may
6 have been manufactured to retaliate against the corporate ship-owner and its flag
7 country for bringing the ITLOS action. Saint Vincent and the Grenadines, much less
8 this Tribunal, was never advised as to how Spain’s representatives obtained an
9 alleged court document which we fear had been conveniently backdated to a time
10 some six weeks prior to the December hearing.

11
12 Potentially an even more obvious and flagrant affront to the integrity of the Tribunal’s
13 process was seen in the alleged domestic order of 29 July 2010 (Respondent’s
14 Annex 9; Applicant’s Annex 33). During the hearing in December 2010 the Kingdom
15 of Spain urged the Tribunal to reject the claim that the *M/V Louisa* posed an
16 environmental threat. In support of the notion that its port authorities were
17 “monitoring” the ship, Spain suddenly produced this additional non-public order. Yet
18 the document presented did not attach a critical report of the marine inspector,
19 warning of a possible environmental threat. This may have been detrimental to the
20 Respondent’s arguments, but it simply was not attached. The Applicant has
21 comforted itself by a most charitable conclusion that it must have been a plain error
22 by Spain – perhaps caused by the ineptitude of some junior clerk in his failure to
23 staple and attach the report of the marine inspector. The Applicant, however, has not
24 been able to reconcile why the Kingdom of Spain has not corrected the record, even
25 in a review of Annex 6 submitted by Spain with its Counter-Memorial and which
26 contains a series of court orders from Cadiz. To be sure, nowhere to be found is the
27 29 July 2010 order, much less the report of the port captain warning of a possible
28 environmental problem.

29
30 Mr President, Members of the Tribunal, no adjudicating body can be faulted if the
31 conclusion is drawn that these are most curious and even bizarre occurrences. At a
32 minimum these are certainly not proper exercises of due process.

33
34 We regret the necessity of raising these incidents, but believe that the very integrity
35 of the Tribunal’s processes is undermined by the non-disclosure of key documents
36 under the circumstances just described. While the Respondent might dispute our
37 conclusion, we believe that the actions are undeniably an abuse of rights, an abuse
38 of due process and a denial of justice.

39
40 For the foregoing reasons, we believe that this Tribunal may enter a final judgment,
41 and we urge it so to do.

42
43 The Spanish investigation: Spain apparently wishes to use this proceeding as a
44 forum for waging a trial over whether the crew of the *Louisa* was prospecting for
45 methane gas or shipwrecks. We believe they were properly and legally engaged in
46 both activities.

47
48 We invite the Tribunal to recall that the Spanish arranged and issued the *Louisa*’s
49 permits. Yes, the Spanish Tupet company was interested in treasure and the
50 contract contemplated the possibility of finding artefacts. It was also contemplated

1 that at a further stage additional permits would be sought if significant artefacts were
2 sighted; but those are not issues for the Tribunal's concern in this case. Those,
3 honourable Judges, are issues for Spain to pursue in their domestic courts, if they so
4 wish; although, parenthetically, it would be difficult to conceive of such a course of
5 action now after the passage of such a long period of time – the evidence would be
6 stale. Again, those issues are not to trouble the Tribunal in the instant case before it.
7

8 Please consider some facts. The ship was arrested on 1 February 2006.
9

10 Remarkably, over six and one-half years later there has never been a trial. Perhaps
11 there will never be a trial in Andalusia. How could we know? How can over six years
12 of delay and abuse be rectified?
13

14 But ITLOS is not a trial tribunal and the abuse of the Respondents cannot be further
15 condoned or excused. The appropriate issues for ITLOS are: (1) Are the seizure and
16 associated abuses acceptable under international law? (2) Are over six and one-half
17 years of detention of the *Louisa* and its tender, the *Gemini III*, and the abuse of rights
18 of Mario Avella, Alba Avella, John Foster and the two Hungarian crew members
19 violations of article 300 or other articles under the Convention? (3) What damages
20 should be awarded?
21

22 So today we remind the Respondent in this case that we seek justice because in this
23 case Spain has neither settled the matter nor given any signal that it will. Saint
24 Vincent and the Grenadines is not charged in Spain. The *Louisa* and the *Gemini III*
25 are not charged in Spain. We are here to present the illegal treatment of the ships,
26 some members of the crew, the young woman Alba Avella and one of the beneficial
27 owners of the *Louisa*. Also, we are here to explain why these violations necessitate
28 reparations.
29

30 Finally, we emphasize that Saint Vincent and the Grenadines asserts as a basis for
31 jurisdiction as well as relief, that a genuine dispute exists over articles 300 and
32 293(1) of the Convention. It is undeniable that the interpretation and application of
33 articles 293(1) and 300 are relevant to this case.
34

35 The Tribunal is aware of the provisions contained in article 300 in Part XVI (General
36 Provisions).
37

38 We urge that in this case Spain has violated this provision in at least the following
39 ways: (1) by abusing the human rights of persons only remotely connected to the
40 *Louisa*; (2) by holding the *Louisa* without charges since 1 February 2006; (3) by
41 submitting apparently contrived documents to the Tribunal as previously discussed;
42 and (4) by the discriminatory treatment of the Applicant when compared with the
43 approach taken with other States on similar issues.
44

45 This fourth basis deserves elaboration. The Odyssey Marine Exploration vessel, the
46 *Ocean Alert*, serves as a fitting example. According to published reports and facts
47 known to us as a consequence of the court proceedings in Cadiz and Hamburg,
48 Odyssey Marine Exploration, utilizing the *Odyssey Explorer*, salvaged 17 tonnes of
49 gold and silver coins (with a value estimated at US \$500 million), exported them to
50 the United States and then in April 2007 filed in US Courts for salvage rights.

1
2 In July 2007 the Spanish Guardia Civil seized the *Odyssey* vessel at sea and sent it
3 to Algeciras to be searched. Several hours after the seizure the Guardia Civil
4 returned passports to the crew and allowed most of them to depart the vessel –
5 several hours after. The *Ocean Alert* was cleared to depart port two days after its
6 seizure (i.e., days, not months – not six and one-half years as in this case.)
7

8 In October 2007 the Guardia Civil intercepted at sea and forced the *Odyssey*
9 *Explorer* into port in Algeciras. The Guardia Civil arrested the ship's captain, charged
10 him with grave disobedience and then released him the day after his arrest. The ship
11 was released shortly thereafter. The ship's captain ultimately was declared innocent
12 of the charges because, interestingly, the court determined the arrest of the vessel
13 was illegal as it was made without proper advance notice being given to the flag
14 State, the Bahamas.
15

16 Let us compare the discriminatory treatment of the Applicant's vessel, the *Louisa*.
17 The Guardia Civil, in February 2006, boarded, searched and quarantined the *Louisa*
18 and the *Gemini III*. The vessels had been in the port of Santa Maria for months, more
19 than a year, in the case of the *Louisa*, their research activities having been
20 completely terminated. Nonetheless the Spanish magistrate did not inform the
21 diplomatic representatives of any flag State prior to ordering the arrest of the
22 vessels. This Tribunal has heard an opinion from Don Javier Moscoso, former
23 Attorney General of Spain, that the seizure was illegal during the proceedings held in
24 December 2010 in Hamburg.
25

26 The two Hungarian crewmen were imprisoned and then detained in Spain for
27 approximately eight months without trial.
28

29 A United States citizen, Mario Avella, who was attempting to fly from Lisbon to the
30 United States, was arrested in the airport in Lisbon, removed to Spain, and
31 imprisoned by the investigating magistrate for approximately seven months without
32 trial and thereafter he was deprived of his passport for an additional twelve months.
33

34 The daughter of the US citizen who was visiting Spain to study Spanish was arrested
35 when the *Louisa* was boarded by the Guardia Civil. After a week in prison, the
36 investigating magistrate refused to return her passport to her for several months and
37 she was effectively imprisoned in Spain because she could not depart the country to
38 return to her home.
39

40 This Tribunal is further reminded of the discriminatory treatment meted out to the
41 *Louisa* when compared with the *Odyssey* in these material particulars. The
42 *Odyssey's* vessel was engaged in pure treasure-hunting; the *Louisa* was not. The
43 courts in the United States dispensed justice to Spain: \$500 million in treasure was
44 quickly ordered to be repatriated. The courts in Spain have discriminated against
45 Saint Vincent and the Grenadines and a beneficial owner of the *Louisa* since 2006.
46 Justice in this case has still not been done after six and one-half years of abuse of
47 human and property rights. Before this Tribunal, as stated as we have presented it in
48 this case, squarely rest the abuses prohibited by UNCLOS and other international
49 law principles.
50

1 In conclusion, the Kingdom of Spain's disdain for the judicial process of the Tribunal
2 should not be rewarded. The Respondent has belittled and heaped scorn upon Saint
3 Vincent and the Grenadines as it has sought to achieve justice here in this case. We
4 urge you to consider the effect of precedent were this Tribunal to reward the non-
5 disclosure of what appears to be contrived documents.

6
7 Spain wants to dictate the mandate for the Tribunal and restrict its authority. This
8 must be rejected. The Applicant believes this Tribunal has full powers to resolve
9 disputes concerning either interpretation or application of any of the articles in
10 UNCLOS. Frankly, this is plainly the object and purpose for ITLOS, and this is being
11 accomplished with great success.

12
13 Finally, we respectfully submit that Spain's view of the role of this Tribunal is far too
14 restrictive. This is a modern Tribunal fully capable of considering progressive
15 developments in international law, and the Applicant cannot consider a case more
16 fitting for your determination.

17
18 Moreover, Saint Vincent and the Grenadines urges the Tribunal not only to accept
19 jurisdiction on the merits of the case but to find the Respondent in violation of
20 numerous provisions of the Convention and international law, and to award
21 damages, legal fees, and costs.

22
23 President, Judges, by way of closing remarks the Applicant wishes to let this
24 Tribunal and the Respondent know that even at this time, now today, we are still
25 open to a settlement from Spain, provided it is adequate, reasonable and executed
26 in a clearly defined, timely manner. I am obliged.

27
28 **THE PRESIDENT:** It is now 11.25 and a break is scheduled from 11.30 to noon. The
29 next step will be the examination of a witness, and I see that it will not be possible to
30 conclude that before the break, so may I take it that we have the break right now?

31
32 **MR WEILAND:** Yes, Mr President.

33
34 *Break (11:30 a.m. to noon)*

35
36 **THE PRESIDENT:** We will now continue the hearing. Mr Weiland.

37
38 **MR WEILAND:** Thank you, Mr President. May it please the Court, the Applicant
39 would call its first witness, Ms Alba Avella.

40
41 **THE PRESIDENT:** Thank you, Mr Weiland. The Tribunal will proceed to hear the
42 witness, Ms Avella. She may now be brought into the courtroom.

43
44 I call upon the Registrar to administer the solemn declaration to be made by the
45 witness.

46
47 **THE REGISTRAR:** Thank you, Mr President. Good afternoon, Ms Avella. The
48 witness is required to make a solemn declaration under article 79 of the rules of the
49 Tribunal before making any statement before the Tribunal. You have been provided
50 with the text of the declaration. May I invite you to make the solemn declaration.

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The witness, MS ALBA AVELLA, made the solemn declaration

THE PRESIDENT: I now give the floor to the Co-Agent of Saint Vincent and the Grenadines, Mr Weiland, to start the examination of the witness.

Examined by MR WEILAND

MR WEILAND: Ms Avella, would you please state your full name for the Tribunal?

MS AVELLA: Alba Avella.

MR WEILAND: What is your nationality?

MS AVELLA: I am a citizen of the United States of America.

MR WEILAND: Where do you live, Ms Avella?

MS AVELLA: I live in Denver, Colorado.

MR WEILAND: Did you travel all the way from Denver in the last couple of days just to testify here?

MS AVELLA: Yes, sir.

MR WEILAND: Have you ever testified in court before?

MS AVELLA: No.

MR WEILAND: I would ask you to please listen to my questions and do not feel you have to hurry to answer. There is an interpreter involved in this process and if you give him a little time it would be appreciated. How old are you now?

MS AVELLA: I am 28 years old.

MR WEILAND: Tell the Tribunal just a little bit about yourself. Are you employed?

MS AVELLA: I am. I work at a property management company in Denver, Colorado, and I am also a yoga instructor.

MR WEILAND: You work for a firm that manages real property?

MS AVELLA: Yes.

MR WEILAND: You also do some yoga instructing?

MS AVELLA: Yes.

MR WEILAND: How long have you been involved in those two activities?

1 **MS AVELLA:** I have been at the property management company for a year and a
2 half now and I have been teaching yoga for about four years now.
3
4 **MR WEILAND:** You are the daughter of Mario Avella. Is that right?
5
6 **MS AVELLA:** That is correct, yes.
7
8 **MR WEILAND:** What kind of work does Mr Avella do?
9
10 **MS AVELLA:** He is an engineer, mechanic of sorts, on ships.
11
12 **MR WEILAND:** An engineer?
13
14 **MS AVELLA:** Yes.
15
16 **MR WEILAND:** Does he do mechanic work, as far as you know?
17
18 **MS AVELLA:** Yes.
19
20 **MR WEILAND:** To your knowledge, has your dad ever been a ship captain?
21
22 **MS AVELLA:** Not that I am aware of, no.
23
24 **MR WEILAND:** When you were a child did he go to sea?
25
26 **MS AVELLA:** No.
27
28 **MR WEILAND:** So he worked on ships just in the shipyard?
29
30 **MS AVELLA:** Yes.
31
32 **MR WEILAND:** Do you recall in August 2004 that your father became involved in a
33 project that required him to go to Spain?
34
35 **MS AVELLA:** Yes.
36
37 **MR WEILAND:** What do you remember about that?
38
39 **MS AVELLA:** He just mentioned that he was travelling overseas to do some work for
40 his boss and that was all I knew of it.
41
42 **MR WEILAND:** Did there come a time that your dad invited you to travel to Spain
43 and join him for a while?
44
45 **MS AVELLA:** Yes.
46
47 **MR WEILAND:** When did you first talk to Mario about that, that you can recall?
48
49 **MS AVELLA:** Mid-January of 2006.
50

1 **MR WEILAND:** Were you living in Denver at the time?
2
3 **MS AVELLA:** I was, yes.
4
5 **MR WEILAND:** Were you working?
6
7 **MS AVELLA:** Yes, and going to school.
8
9 **MR WEILAND:** In 2006 you were 21?
10
11 **MS AVELLA:** I was 21 at the time, yes.
12
13 **MR WEILAND:** Were you supporting yourself at the time?
14
15 **MS AVELLA:** Yes.
16
17 **MR WEILAND:** Tell the Tribunal how you were supporting yourself, what you were
18 doing, as a 21-year-old in Denver.
19
20 **MS AVELLA:** I was a server at a restaurant, as well as a maître d' and hostess at
21 another restaurant. So I had two separate restaurant jobs while I was going to school
22 as well.
23
24 **MR WEILAND:** You also went to school?
25
26 **MS AVELLA:** Yes.
27
28 **MR WEILAND:** Where did you go to school?
29
30 **MS AVELLA:** I went to a college called the Metropolitan State College of Denver.
31
32 **MR WEILAND:** What were you studying?
33
34 **MS AVELLA:** English was my major but I was doing my undergrad there.
35
36 **MR WEILAND:** And some liberal arts type things?
37
38 **MS AVELLA:** Yes.
39
40 **MR WEILAND:** Had you been to Spain before?
41
42 **MS AVELLA:** I had never been to Spain before, no.
43
44 **MR WEILAND:** As a 21-year-old, had you travelled abroad very much?
45
46 **MS AVELLA:** I was an exchange student in Sweden when I was 14 for a month, and
47 that was it.
48
49 **MR WEILAND:** So you had been to Sweden for a month even before high school?
50

1 **MS AVELLA:** Yes. I was very young.
2
3 **MR WEILAND:** Tell the Tribunal when you got to Spain where did you go?
4
5 **MS AVELLA:** When I got to Spain I was picked up by my father at the airport and we
6 headed to the *Louisa*, to the boat that he was staying on.
7
8 **MR WEILAND:** You were staying on the *Louisa*?
9
10 **MS AVELLA:** Yes.
11
12 **MR WEILAND:** Had you ever seen the boat before then?
13
14 **MS AVELLA:** No.
15
16 **MR WEILAND:** Did you know what kind of work the *Louisa* was engaged in?
17
18 **MS AVELLA:** No.
19
20 **MR WEILAND:** We see here on our screens a picture of the *Louisa*. I believe the
21 testimony is going to be that [it was taken] when it was first being refitted before it
22 went to Spain. But what kind of shape was the ship in when you arrived?
23
24 **MS AVELLA:** It was in good shape. It was clean. It just looked like any other boat.
25
26 **MR WEILAND:** Let me ask you if it looked like this later picture.
27
28 **MS AVELLA:** No.
29
30 **MR WEILAND:** This is a picture taken perhaps in 2009 or 2010.
31
32 **MS AVELLA:** It did not look like that.
33
34 **MR WEILAND:** Was it in that bad a shape?
35
36 **MS AVELLA:** No.
37
38 **MR WEILAND:** When you arrived at the airport, was that in Madrid or was that
39 outside of the city?
40
41 **MS AVELLA:** It was in Jerez, where I arrived.
42
43 **MR WEILAND:** So you flew directly from Colorado to Jerez?
44
45 **MS AVELLA:** No. I believe I connected in London Heathrow and then from London
46 Heathrow to Madrid and then on to Jerez.
47
48 **MR WEILAND:** So it was a long trip.
49
50 **MS AVELLA:** Yes.

1
2 **MR WEILAND:** That was not something you were used to?
3
4 **MS AVELLA:** No, certainly not.
5
6 **MR WEILAND:** So your dad picked you up in Jerez and you went to the boat, the
7 ship.
8
9 **MS AVELLA:** Yes.
10
11 **MR WEILAND:** You were going to live on the ship and take a vacation.
12
13 **MS AVELLA:** Yes.
14
15 **MR WEILAND:** I think you said that part of your objective was to study Spanish.
16
17 **MS AVELLA:** Yes, I was going to be enrolled in Spanish classes as well as travel
18 around the country a little bit and just enjoy Spain.
19
20 **MR WEILAND:** Was the Spanish thing a serious idea? Had your dad investigated
21 the possibility of where you might study?
22
23 **MS AVELLA:** Yes, he already had it all set up. We enrolled the following day, the
24 next day that I was there, my first day.
25
26 **MR WEILAND:** Just very briefly, was it like a school?
27
28 **MS AVELLA:** It was a small school. It was just six or seven students, immersion
29 learning, conversation and learning how to communicate with people in Spain, and it
30 was right in the town of El Puerto.
31
32 **MR WEILAND:** In El Puerto?
33
34 **MS AVELLA:** Yes.
35
36 **MR WEILAND:** The Tribunal has heard the name El Puerto de Santa Maria.
37
38 **MS AVELLA:** Yes, that is correct.
39
40 **MR WEILAND:** That was the town that you were attending school?
41
42 **MS AVELLA:** Yes.
43
44 **MR WEILAND:** Also nearby was docked the *Louisa*.
45
46 **MS AVELLA:** Yes.
47
48 **MR WEILAND:** On the *Louisa*, of course, your father was living. Was there anybody
49 else on the ship when you arrived?
50

1 **MS AVELLA:** There were two Hungarian gentlemen who were on the boat as well.
2
3 **MR WEILAND:** Can you remember their names?
4
5 **MS AVELLA:** Yes, Alex and Zsolt were the two gentlemen.
6
7 **MR WEILAND:** Alex and Zsolt?
8
9 **MS AVELLA:** Yes.
10
11 **MR WEILAND:** Tell the Tribunal what you recall about the two Hungarian crewmen.
12
13 **MS AVELLA:** They did not speak any English, very broken English. Alex was an
14 older gentleman, very sweet. We nicknamed him “Geppetto” because he was a very
15 nice, grandfatherly type gentleman. He cooked and helped maintain the cleanliness
16 of the ship. Zsolt was a nice man. They were very warm.
17
18 **MR WEILAND:** How was their English?
19
20 **MS AVELLA:** Very broken.
21
22 **MR WEILAND:** How was your Spanish?
23
24 **MS AVELLA:** Very broken.
25
26 **MR WEILAND:** How was your Hungarian?
27
28 **MS AVELLA:** Nothing.
29
30 **MR WEILAND:** So when it got to speaking Hungarian with “Geppetto” – is his actual
31 name Gellert Sandor? Do you remember that?
32
33 **MS AVELLA:** Yes.
34
35 **MR WEILAND:** And Szusky Zsolt?
36
37 **MS AVELLA:** Yes.
38
39 **MR WEILAND:** Mr Sandor and Mr Zsolt will not be with us this week or next but you
40 seem to be able to remember them pretty well for not being able to converse much.
41
42 **MS AVELLA:** Well, we spent a lot of time together.
43
44 **MR WEILAND:** We will get to that. When you got to the *Louisa* we have heard about
45 its tender, a much smaller boat called *Gemini*. Was that nearby when you arrived?
46
47 **MS AVELLA:** No.
48
49 **MR WEILAND:** Did your dad take you out to see the *Gemini*?
50

1 **MS AVELLA:** No.
2
3 **MR WEILAND:** I want to ask you about your first day or two on the boat. You say it
4 was well kept.
5
6 **MS AVELLA:** Yes.
7
8 **MR WEILAND:** We have heard more than a rumour actually – we have seen
9 pictures – that the ship had rifles on board. Did your dad take you to see the rifles?
10
11 **MS AVELLA:** No.
12
13 **MR WEILAND:** You are a western girl. Did you ever shoot rifles?
14
15 **MS AVELLA:** No.
16
17 **MR WEILAND:** So you do not have any familiarity with weapons yourself?
18
19 **MS AVELLA:** Not at all.
20
21 **MR WEILAND:** It was not that one of the first things you did was to go down to the
22 gunsafe and check out the rifles?
23
24 **MS AVELLA:** No, I did not even know there was anything like that.
25
26 **MR WEILAND:** We have also heard that the *Louisa* was involved in a massive
27 international conspiracy to steal the patrimony of Spain. I am going to ask you, when
28 you got on board did your dad take you on a tour around to see all the patrimony that
29 they had been squirreling away for a couple of years?
30
31 **MS AVELLA:** No.
32
33 **MR WEILAND:** Did you see anything that seemed to resemble something – I am
34 talking about when you first got on board – that came from under the sea?
35
36 **MS AVELLA:** No.
37
38 **MR WEILAND:** We have heard stories about a laboratory, in a newspaper article,
39 that was being conducted on the deck of the *Louisa*, where the crewmen were
40 reconditioning patrimony that had been taken from the sea. Did you see anything like
41 that?
42
43 **MS AVELLA:** No.
44
45 **MR WEILAND:** The record reflects that after you were on the ship a very short time
46 your father departed. Is that right?
47
48 **MS AVELLA:** Yes.
49

1 **MR WEILAND:** Tell the Tribunal what were the circumstances of your father's
2 departure shortly after you arrived.
3
4 **MS AVELLA:** It was a family emergency. His mother was extremely ill and he had to
5 return back to attend to her, and that was it.
6
7 **MR WEILAND:** I guess that came as a big surprise.
8
9 **MS AVELLA:** Absolutely.
10
11 **MR WEILAND:** I guess your dad was pretty upset.
12
13 **MS AVELLA:** He was. I was as well.
14
15 **MR WEILAND:** Your Spanish had not improved too much in the first three days?
16
17 **MS AVELLA:** No, not at all.
18
19 **MR WEILAND:** So what was the plan? Was there a plan? He was going to go back
20 to the United States for a very short time?
21
22 **MS AVELLA:** Yes. He said he was going to only be gone a few days and he would
23 return as soon as he could.
24
25 **MR WEILAND:** I know 2006 is a long time ago but do you recall how many days you
26 overlapped, so to speak, before he had to depart?
27
28 **MS AVELLA:** It was no more than a day or two. Two, maybe three days, I think it
29 was. I cannot remember exactly.
30
31 **MR WEILAND:** Had you actually started Spanish by then?
32
33 **MS AVELLA:** Yes. I enrolled the day after I arrived and I started classes the next
34 day.
35
36 **MR WEILAND:** So you had never been in Spain before. You had only been abroad
37 for a month when you were 14 and your father was going to leave you on the *Louisa*
38 with these two Hungarian gentlemen.
39
40 **MS AVELLA:** Yes.
41
42 **MR WEILAND:** I guess that was a bit of a tension-packed day or two.
43
44 **MS AVELLA:** Yes. I was a little nervous about it but they were very nice men and
45 there was no threat there or anything like that. They very much took care of me while
46 my father was away.
47
48 **MR WEILAND:** Did you continue with your Spanish after your dad left?
49
50 **MS AVELLA:** Yes.

1
2 **MR WEILAND:** How did you get around?
3
4 **MS AVELLA:** Alex had the little truck that was right near the *Louisa* and he drove
5 me to and from class. Other than that, I walked around.
6
7 **MR WEILAND:** Was that by any chance the truck known as the Berlingo vehicle?
8
9 **MS AVELLA:** The Berlingo, yes.
10
11 **MR WEILAND:** We have seen references to it here and there. So it is a small truck.
12
13 **MS AVELLA:** Just a small work truck, yes.
14
15 **MR WEILAND:** That belonged to the company that owned the *Louisa*?
16
17 **MS AVELLA:** Yes.
18
19 **MR WEILAND:** I want you to direct your attention now to 1 February 2006 and tell us
20 what happened on that day. First of all, did you go to your Spanish class?
21
22 **MS AVELLA:** I did. My Spanish class started at 8 a.m. that morning.
23
24 **MR WEILAND:** I think the calendar would reflect that was a Wednesday.
25
26 **MS AVELLA:** It was a Wednesday, yes.
27
28 **MR WEILAND:** Wednesday, 1 February 2006 you went to Spanish. What happened
29 after the Spanish class?
30
31 **MS AVELLA:** I left Spanish class. I was waiting for Alex to come pick me up to take
32 me back to the *Louisa* and I waited for quite a while. I did not really know what had
33 become of him and then a Guardia civil truck showed up.
34
35 **MR WEILAND:** You were waiting after your Spanish class out on the street?
36
37 **MS AVELLA:** Yes.
38
39 **MR WEILAND:** In Puerto de Santa Maria?
40
41 **MS AVELLA:** Yes.
42
43 **MR WEILAND:** The Hungarian, Mr Sandor, was supposed to pick you up?
44
45 **MS AVELLA:** Yes.
46
47 **MR WEILAND:** Instead, a truck with the Guardia Civil emblem on?
48
49 **MS AVELLA:** Yes.
50

1 **MR WEILAND:** So this was not a city policeman?
2
3 **MS AVELLA:** No.
4
5 **MR WEILAND:** You knew the Guardia Civil was the Federal Police of the State of
6 Spain?
7
8 **MS AVELLA:** I know that now. I did not really know the details of them.
9
10 **MR WEILAND:** They looked like police.
11
12 **MS AVELLA:** They were official.
13
14 **MR WEILAND:** They had an official-looking car.
15
16 **MS AVELLA:** Yes.
17
18 **MR WEILAND:** Did they have uniforms?
19
20 **MS AVELLA:** They were wearing uniforms, yes.
21
22 **MR WEILAND:** What did they say to you?
23
24 **MS AVELLA:** One gentleman approached me, asked if I was Alba. I said, "Yes." He
25 said, "Alex asked me to come and pick you up and take you back to the *Louisa*."
26
27 **MR WEILAND:** By the way, do you remember how you were dressed that day?
28
29 **MS AVELLA:** It was February so it was chilly. I had my black pea coat, jeans and a
30 T-shirt.
31
32 **MR WEILAND:** Jeans and a T-shirt but you had your coat.
33
34 **MS AVELLA:** Yes, I had my coat with me.
35
36 **MR WEILAND:** So these fellows say that "Geppetto", Mr Sandor, had sent them to
37 pick you up?
38
39 **MS AVELLA:** Yes.
40
41 **MR WEILAND:** Did you think twice before you got in the truck?
42
43 **MS AVELLA:** I did. I did not really know what was going on but I had seen them on
44 and around the port where the *Louisa* was and they had a guardhouse, so I
45 recognized the truck and the official uniforms, but I did not really think anything of it. I
46 just got into the truck and ...
47
48 **MR WEILAND:** So it is clear that the place where the *Louisa* was berthed had
49 controlled access.
50

1 **MS AVELLA:** Yes.
2
3 **MR WEILAND:** So it was like controlled access.
4
5 **MS AVELLA:** Yes.
6
7 **MR WEILAND:** So there was a guardhouse and either these guys or similar looking
8 fellows were in the guardhouse from time to time.
9
10 **MS AVELLA:** Yes.
11
12 **MR WEILAND:** You had been there four or five days by then?
13
14 **MS AVELLA:** Yes.
15
16 **MR WEILAND:** So you got in the truck, and what happened?
17
18 **MS AVELLA:** We got into the truck and they drove me back to the *Louisa*.
19
20 **MR WEILAND:** As you drive up to the *Louisa*, what is going on on the ship on 1
21 February?
22
23 **MS AVELLA:** There was people everywhere. There was Guardia Civil trucks. There
24 was people going on and off the boat. A bunch of gentlemen in suits.
25
26 **MR WEILAND:** You must have enquired of the gentlemen who were driving you
27 "What is happening?"
28
29 **MS AVELLA:** Yes.
30
31 **MR WEILAND:** What did they tell you?
32
33 **MS AVELLA:** They did not speak very much English. They escorted me on to the
34 boat and there I was met by five or six gentlemen that were wearing suits, who
35 asked me who I was and I told them who I was. I said I was Alba Avella and I said,
36 "What is everyone doing here?" and they said that they were here to search the ship.
37
38 **MR WEILAND:** So they were there to search the ship and they had suits on. Did
39 they show you any credentials or anything?
40
41 **MS AVELLA:** No. They stated that they had come down from Madrid and that they
42 were here to search the ship.
43
44 **MR WEILAND:** So these were, at least it appeared these were Federal Police.
45
46 **MS AVELLA:** Yes.
47
48 **MR WEILAND:** This was not some city operation?
49
50 **MS AVELLA:** No.

1
2 **MR WEILAND:** They identified themselves from the outset as being from Madrid?
3
4 **MS AVELLA:** Yes.
5
6 **MR WEILAND:** So what were Mr Sandor and Mr Zsolt doing?
7
8 **MS AVELLA:** They were sitting on the boat. They were just sitting there and looking
9 terrified and I was not really able to talk to them very much.
10
11 **MR WEILAND:** For the reasons you have already expressed?
12
13 **MS AVELLA:** Right.
14
15 **MR WEILAND:** Your Hungarian was lacking and I am sure you all three were quite
16 excited.
17
18 **MS AVELLA:** I do not know if “excited” would be the term I would use but nervous
19 and wondering what was going on, yes.
20
21 **MR WEILAND:** So one of the officers explained they were doing a search of the
22 boat.
23
24 **MS AVELLA:** Yes.
25
26 **MR WEILAND:** What time of day was this approximately that you arrived at the
27 *Louisa* and were put on board?
28
29 **MS AVELLA:** It was mid-afternoon, mid-morning.
30
31 **MR WEILAND:** Mid-morning?
32
33 **MS AVELLA:** Between maybe 11 and 12.
34
35 **MR WEILAND:** When was your Spanish class over?
36
37 **MS AVELLA:** Class ended at ten and so I would say between 11 and 12 probably.
38
39 **MR WEILAND:** You are on the boat probably before noon and they explain they are
40 conducting a search. How long did you observe what was going on?
41
42 **MS AVELLA:** I observed them for the whole day.
43
44 **MR WEILAND:** Were you out on the deck?
45
46 **MS AVELLA:** There was a little kitchenette area that I sat at, and they were asking
47 me some questions and asking me to follow them around and asking me questions
48 about the boat and whose cabin was whose and things like that.
49

1 **MR WEILAND:** Were you able to communicate with at least some of these people in
2 English?
3

4 **MS AVELLA:** Yes. It was very broken English but we were able to communicate
5 enough.
6

7 **MR WEILAND:** Did you try to explain to them at all that "I just got here. I just arrived
8 in the country, I do not know what you are asking me about"?
9

10 **MS AVELLA:** I did. When I first arrived on the boat one of the gentlemen asked me if
11 I had my passport on me and I said yes and he asked if he could have it and I asked
12 him, "Well, am I going to get it back?" and he said, "Yeah, eventually."
13

14 **MR WEILAND:** I presume he looked at the passport?
15

16 **MS AVELLA:** He did look at the passport.
17

18 **MR WEILAND:** If a trained police officer looked at the passport and checked your
19 entry stamp, I guess he would be able to tell that you were only in the country for a
20 very few days.
21

22 **MS AVELLA:** You would think, yes.
23

24 **MR WEILAND:** You say they asked you to follow them around. What were they
25 looking at? Did they explain what they were looking for?
26

27 **MS AVELLA:** They did not explain what they were looking for. They were just
28 harassing me with questions.
29

30 **MR WEILAND:** What kind of questions?
31

32 **MS AVELLA:** Like "Whose cabin is this?" "What is this?" "Where did this come
33 from?"
34

35 **MR WEILAND:** Slowly, please.
36

37 **MS AVELLA:** I am sorry. "Whose cabin is this? Where did this come from? What are
38 these books?" things like that.
39

40 **MR WEILAND:** Did you have any answers to those questions?
41

42 **MS AVELLA:** No.
43

44 **MR WEILAND:** So did they take you down into the hold of the ship?
45

46 **MS AVELLA:** Not at that time, no.
47

48 **MR WEILAND:** Did they take you down into the hold at any time on that day?
49

50 **MS AVELLA:** Not on that day, no.

1
2 **MR WEILAND:** It moved towards dusk, so to speak, at the end of the day, what
3 happened then?
4
5 **MS AVELLA:** I was met by a friend of my dad's and she was able to communicate
6 with the gentlemen from Madrid. She spoke fluent Spanish. They told me that they
7 were going to take me to go see the *Gemini*, as I now know it, which was another
8 boat that was in another marina.
9
10 **MR WEILAND:** So a lady showed up who spoke fluent Spanish and she lived in the
11 area?
12
13 **MS AVELLA:** Yes.
14
15 **MR WEILAND:** What was her name, just for the record?
16
17 **MS AVELLA:** Her name was Anna.
18
19 **MR WEILAND:** You know her last name?
20
21 **MS AVELLA:** I cannot pronounce it. It was Milcarz, spelt M-i-l-c-a-r-z, I believe.
22
23 **MR WEILAND:** What was her nationality, if you know?
24
25 **MS AVELLA:** She was Polish.
26
27 **MR WEILAND:** She was a polish lady living in Puerto?
28
29 **MS AVELLA:** She had lived in Puerto for a while and was there working.
30
31 **MR WEILAND:** So she came and was she helping you communicate?
32
33 **MS AVELLA:** Yes.
34
35 **MR WEILAND:** Did she explain to these officers that you were 21 years old and you
36 had just arrived in the country?
37
38 **MS AVELLA:** Yes.
39
40 **MR WEILAND:** What happened then?
41
42 **MS AVELLA:** We got into the cars and they took us, the Hungarians in one car and
43 myself in one car and Anna in one car, to the marina where the *Gemini* was and told
44 me that I had to be witness to them searching that boat as well.
45
46 **MR WEILAND:** Let us go a little more slowly. About what time was that?
47
48 **MS AVELLA:** It was in the evening. It was dark.
49
50 **MR WEILAND:** Was it daylight?

1
2 **MS AVELLA:** No, it was dark.
3
4 **MR WEILAND:** So they had been searching the boat ever since you arrived.
5
6 **MS AVELLA:** Yes.
7
8 **MR WEILAND:** Who knows for how long? They get a car caravan of at least three
9 cars and they head off.
10
11 **MS AVELLA:** Yes.
12
13 **MR WEILAND:** They said they were going to take you to the search of the *Gemini*.
14 Did you know what the *Gemini* was?
15
16 **MS AVELLA:** Not at that time, I did not, no.
17
18 **MR WEILAND:** You had never even heard of it?
19
20 **MS AVELLA:** No.
21
22 **MR WEILAND:** So did you express some lack of information about the *Gemini* to
23 these people?
24
25 **MS AVELLA:** Yes.
26
27 **MR WEILAND:** Where was the *Gemini*?
28
29 **MS AVELLA:** It was in another marina. I now know it as Puerto Sherry but I did not
30 know at the time where it was, where we were going.
31
32 **MR WEILAND:** How long did you drive? Do you remember?
33
34 **MS AVELLA:** Maybe 15, 20 minutes.
35
36 **MR WEILAND:** So you drive in through this other marina and was the boat known as
37 the *Gemini III* out of the water? Do you remember?
38
39 **MS AVELLA:** I do not remember.
40
41 **MR WEILAND:** It was getting dark or it was dark.
42
43 **MS AVELLA:** Yes, it was dark.
44
45 **MR WEILAND:** You had never seen it before.
46
47 **MS AVELLA:** No.
48
49 **MR WEILAND:** What happened at that point? Did they board the boat and search it?
50

1 **MS AVELLA:** They did, and they were on there for a short time, and then they came
2 off of it.
3
4 **MR WEILAND:** The evidence in the case is, or will be, that there was a lot of diving
5 going on in connection with the work that the *Louisa* and the *Gemini* were doing. Did
6 they recover a large amount of patrimony from the *Gemini*, a small amount or none
7 at all?
8
9 **MS AVELLA:** Nothing that I saw.
10
11 **MR WEILAND:** I guess it is seven o'clock at night or something like that?
12
13 **MS AVELLA:** I would say, yes, around seven.
14
15 **MR WEILAND:** Is that a fair estimate?
16
17 **MS AVELLA:** Yes.
18
19 **MR WEILAND:** What happened then after you had looked at the *Gemini* for the first
20 time?
21
22 **MS AVELLA:** They arrested me.
23
24 **MR WEILAND:** They arrested you then. That must have seemed rather peculiar to
25 you, that you were being arrested. What were they arresting you for?
26
27 **MS AVELLA:** They never said. They read me my rights and they told Anna that they
28 were going to take me into custody. She was very upset about that and kept telling
29 them, "No", that I was just there on vacation, that I had just arrived, and they read me
30 my rights and put handcuffs on me.
31
32 **MR WEILAND:** They put handcuffs on you?
33
34 **MS AVELLA:** Yes.
35
36 **MR WEILAND:** I hate to ask this personal question, but were you a much larger lady
37 in those days?
38
39 **MS AVELLA:** No; smaller, if anything.
40
41 **MR WEILAND:** What did they do with you once they had you in handcuffs?
42
43 **MS AVELLA:** They put me in the back of the car.
44
45 **MR WEILAND:** I have not heard about any female officers. Did they have some
46 female officers come up and help out?
47
48 **MS AVELLA:** There were no female officers.
49

1 **MR WEILAND:** What did they do with you after they had put you in handcuffs and
2 into one of the police cars?
3
4 **MS AVELLA:** They took me to a small jail in Cádiz.
5
6 **MR WEILAND:** They drove you to Cádiz?
7
8 **MS AVELLA:** Yes.
9
10 **MR WEILAND:** Just tell the Tribunal about what happened when you arrived at the
11 jail.
12
13 **MS AVELLA:** They checked me in, I had to give them fingerprints, and they put me
14 in a jail cell.
15
16 **MR WEILAND:** What was the jail cell like?
17
18 **MS AVELLA:** It was a small room in the basement of a police station. It was
19 concrete and cold and there was a small camera in the corner of the ceiling.
20
21 **MR WEILAND:** There were cameras, so they had you under surveillance. You say
22 that it was a small cell. Can you describe it in terms of length and width?
23
24 **MS AVELLA:** Maybe eight feet by eight feet; a concrete slab; no chair; nothing
25 inside of it; just a hole.
26
27 **MR WEILAND:** Just a concrete slab?
28
29 **MS AVELLA:** Yes.
30
31 **MR WEILAND:** There was no built-in cot or sleeping place?
32
33 **MS AVELLA:** No.
34
35 **MR WEILAND:** You say that there was no chair in the cell?
36
37 **MS AVELLA:** No.
38
39 **MR WEILAND:** Was there at least a bath facility?
40
41 **MS AVELLA:** I would not call it a bathroom. It was a hole in the floor around the
42 corner from the cell.
43
44 **MR WEILAND:** There was a hole in the floor?
45
46 **MS AVELLA:** Yes.
47
48 **MR WEILAND:** But it was not in the cell?
49
50 **MS AVELLA:** No.

1
2 **MR WEILAND:** You had to get permission to get out of the cell to go?
3
4 **MS AVELLA:** Yes, I had to ask to go to the bathroom.
5
6 **MR WEILAND:** By then, of course, I presume in the 21st century Spain had a female
7 officer to look after you?
8
9 **MS AVELLA:** There was never a female officer.
10
11 **MR WEILAND:** What was your mental condition? You are 21 years old, you have
12 been arrested, handcuffed, driven to a basement cell, your father is in the United
13 States, you do not speak Spanish. What was your feeling?
14
15 **MS AVELLA:** I was terrified. It was extremely scary and very hard. It was very scary.
16
17 **MR WEILAND:** Once you had decided to bed down for the night, did the guards
18 bring you a couple of blankets or something?
19
20 **MS AVELLA:** No. I used my coat.
21
22 **MR WEILAND:** You used your pea coat?
23
24 **MS AVELLA:** Yes.
25
26 **MR WEILAND:** You slept on your pea coat?
27
28 **MS AVELLA:** Yes.
29
30 **MR WEILAND:** I guess that was pretty scary?
31
32 **MS AVELLA:** Yes, it was.
33
34 **MR WEILAND:** What happened the next morning?
35
36 **MS AVELLA:** The next morning I was picked up by the same gentlemen who were
37 there the previous day. They picked me up in the morning and told me that I had to
38 go back to the *Louisa* to be a witness to all the things that they were taking off the
39 boat.
40
41 **MR WEILAND:** Can I ask you again, please, do not hurry? We have to take this
42 down and we have to interpret it.
43
44 **MS AVELLA:** Okay.
45
46 **MR WEILAND:** The same gentlemen appear. Did they handcuff you again or not this
47 time?
48
49 **MS AVELLA:** No, they just put me in the back of a car.
50

1 **MR WEILAND:** Perhaps they had decided that you were not too much of a threat to
2 their physical health?
3
4 **MS AVELLA:** Yes.
5
6 **MR WEILAND:** You drove back to the ship?
7
8 **MS AVELLA:** We drove back to the *Louisa*.
9
10 **MR WEILAND:** This is Thursday, 2 February?
11
12 **MS AVELLA:** Yes, Thursday, 2 February.
13
14 **MR WEILAND:** They wanted you to be a witness to the further investigation in the
15 ship?
16
17 **MS AVELLA:** Yes.
18
19 **MR WEILAND:** Did they not have enough people out there on the first day, or what
20 was their thinking? Did they explain it?
21
22 **MS AVELLA:** No, they did not. They did not talk to me at all.
23
24 **MR WEILAND:** Except that they told you that they wanted you to be a witness?
25
26 **MS AVELLA:** Right.
27
28 **MR WEILAND:** What happened when you got to the ship?
29
30 **MS AVELLA:** I arrived at the boat. Anna was there to meet me. Alex and Zsolt were
31 there. They told me that I had to just sit there and wait while they investigated
32 further.
33
34 **MR WEILAND:** Then they put you in the lower kitchen area again to sit?
35
36 **MS AVELLA:** Yes.
37
38 **MR WEILAND:** You say that Mr Sandor and Mr Zsolt were there. Had they been
39 allowed to stay on the boat that night?
40
41 **MS AVELLA:** No. They were taken into custody as well.
42
43 **MR WEILAND:** They were handcuffed and led off to jail the night before as well?
44
45 **MS AVELLA:** Yes.
46
47 **MR WEILAND:** Were they in your jail, or do you remember?
48
49 **MS AVELLA:** I do not know. I never saw them.
50

1 **MR WEILAND:** Let us talk about what happened on day two. They wanted you to
2 watch the search, so did they ask you to follow them around again?
3
4 **MS AVELLA:** They did. They asked me a few questions about some of the material
5 that was on the boat and then they asked me about the safe that was on the lower
6 level of the ship.
7
8 **MR WEILAND:** So you went down into the hold?
9
10 **MS AVELLA:** Yes.
11
12 **MR WEILAND:** There were various pieces of equipment down there?
13
14 **MS AVELLA:** Yes.
15
16 **MR WEILAND:** They kept asking you, "What is this?" or "What is that?"?
17
18 **MS AVELLA:** Yes.
19
20 **MR WEILAND:** Had you been down there and inspected all that before?
21
22 **MS AVELLA:** No.
23
24 **MR WEILAND:** You had never been even down to the hold?
25
26 **MS AVELLA:** No.
27
28 **MR WEILAND:** Did you tell them that you had never been there?
29
30 **MS AVELLA:** Yes, many times.
31
32 **MR WEILAND:** You mentioned something about the safe. What do you mean?
33
34 **MS AVELLA:** There was a large safe looking thing in the second level of the boat.
35 They asked me what the combination was to the safe. I told them that I did not know.
36 They said, "Who does know?" and I said, "I do not know". Then they told me that I
37 needed to call my father.
38
39 **MR WEILAND:** You then called your father to get the combination to the safe. That
40 was the idea?
41
42 **MS AVELLA:** Yes.
43
44 **MR WEILAND:** How did that go down? What happened there?
45
46 **MS AVELLA:** I was escorted by a Guardia Civil agent to where the guard house
47 was.
48
49 **MR WEILAND:** That is the guard house for the dock area?
50

1 **MS AVELLA:** For the port area, and I was told to call my dad, and there was a
2 phone there for me to use.
3
4 **MR WEILAND:** Of course, you had his number, so you used their phone and called
5 your dad?
6
7 **MS AVELLA:** Yes.
8
9 **MR WEILAND:** That must have been an interesting phone call. You had not spoken
10 to him since the events of the previous day?
11
12 **MS AVELLA:** No. The Guardia Civil told me that I could only ask for the combination
13 of the safe. I was not allowed to tell him anything that was going on on the boat.
14
15 **MR WEILAND:** Can you tell the Tribunal what happened in that phone call?
16
17 **MS AVELLA:** I called my dad. I asked him what the combination was to the safe. He
18 was very confused and did not know why I was asking that question. He picked up
19 on my nervousness, I feel, and started asking me some 'yes' or 'no' questions,
20 asking me if there were people on the boat, asking me what was going on, and I told
21 him that I did not know what was going on. The Guardia Civil agent then saw that I
22 was having a conversation with him and took the phone away from me and got on
23 the phone with my dad. They asked him where the combination was to the safe and
24 my dad was not able to give it to them.
25
26 **MR WEILAND:** He was not able to?
27
28 **MS AVELLA:** He did not know it.
29
30 **MR WEILAND:** After the discussion about getting into the safe, what happened with
31 you and the police officers?
32
33 **MS AVELLA:** They took me back to the ship. I was talking to Anna about some stuff
34 that had happened to me the night before in jail. She became extremely upset and
35 was talking to the officials, and she was very upset with them. We were both very
36 upset.
37
38 **MR WEILAND:** I know that when we talk about personal things it is difficult. I know
39 that testifying in this court room is hard in itself. I want you to tell the Tribunal what
40 was going on with you that day and why, among other things, Anna got so upset. By
41 the way, Anna is just a little bit older than you or ...?
42
43 **MS AVELLA:** A few years older than myself, yes.
44
45 **MR WEILAND:** Tell them what was happening.
46
47 **MS AVELLA:** The night before I had started menstruating and I did not have any
48 clothes, I did not have any female products, I did not have anything, so I told Anna
49 this and that is when she got very upset.
50

1 **MR WEILAND:** She got very upset?
2
3 **MS AVELLA:** Yes.
4
5 **MR WEILAND:** Was she speaking to these federal police officers in an animated
6 fashion?
7
8 **MS AVELLA:** She was screaming at them.
9
10 **MR WEILAND:** Screaming?
11
12 **MS AVELLA:** Yelling and screaming and telling them how barbaric and horrible their
13 treatment was and that this was absolutely absurd.
14
15 **MR WEILAND:** What was their reaction?
16
17 **MS AVELLA:** They had cut the power to the ship, but they told me that I could take a
18 shower, so I took a freezing cold shower, and they told me that I was able to change
19 my clothes.
20
21 **MR WEILAND:** You then changed into some new clothes?
22
23 **MS AVELLA:** Yes.
24
25 **MR WEILAND:** Did you pack a few to take with you?
26
27 **MS AVELLA:** They allowed me to pack a bag and take it with me.
28
29 **MR WEILAND:** Let us talk for a couple more minutes about the search that was
30 going on on day two. You went around and did you see the results of the search in
31 terms of what was happening to the ship itself?
32
33 **MS AVELLA:** It was being ransacked. My cabin was torn to pieces. They took my
34 personal belongings.
35
36 **MR WEILAND:** We actually have some pictures that the record is going to indicate
37 were taken some time after 2006. The ship was left like *this*. What is this first picture,
38 if you could tell us?
39
40 **MS AVELLA:** That is the kitchen area. That is where we ate our meals.
41
42 **MR WEILAND:** Apparently they were searching for whatever in the cabinets in the
43 kitchen, and this is how it was left?
44
45 **MS AVELLA:** Yes.
46
47 **MR WEILAND:** What about the cabins themselves? What happened then in the
48 cabins?
49

1 **MS AVELLA:** They were torn apart. My cabin specifically, they threw my clothes
2 everywhere, they took my computer, they took my camera, they started to take my
3 suitcase until I told them that they were just my clothes, so they left the clothes, but
4 they took my computer and my camera.
5
6 **MR WEILAND:** You had just brought a computer from Denver?
7
8 **MS AVELLA:** It was my school computer, yes.
9
10 **MR WEILAND:** Do you remember what kind it was?
11
12 **MS AVELLA:** It was a Dell laptop.
13
14 **MR WEILAND:** You say that they took a camera?
15
16 **MS AVELLA:** Yes, it was my brand new Nikon SLR camera.
17
18 **MR WEILAND:** Did you ever get that back?
19
20 **MS AVELLA:** No, nor my computer.
21
22 **MR WEILAND:** They never gave your computer back to you?
23
24 **MS AVELLA:** No.
25
26 **MR WEILAND:** They certainly did not give you your passport on that day, did they?
27
28 **MS AVELLA:** No, they did not.
29
30 **MR WEILAND:** After this excellent search is completed, I am going to ask you what
31 happened that night, but before that, since patrimony is such a big issue – we are on
32 day two now – did you see them take any evidence of sunken treasure or anything
33 that resembled something that could have been taken from the sea?
34
35 **MS AVELLA:** I saw some rocks. They looked like maybe some concrete pieces.
36 That was all I saw.
37
38 **MR WEILAND:** We have a picture that the Respondent introduced into evidence. It
39 is Spain's Annex 16, for the record, and this is photograph number 7. We have tried
40 to enhance this as much as we can, because it is quite difficult to tell what we are
41 looking at here. It appears that in the back there are three rocks, as you say. Do any
42 of these look familiar, or is it just impossible to remember?
43
44 **MS AVELLA:** I never saw them take this picture. It might have been.
45
46 **MR WEILAND:** You might have seen them take one or two of these off the ship?
47
48 **MS AVELLA:** Yes.
49

1 **MR WEILAND:** Do you think that this picture might possibly depict the entire group
2 of artefacts that the people on the *Louisa* are accused of collecting over a period of
3 two years?
4
5 **MS AVELLA:** That is what I was told. That is what I know now.
6
7 **MR WEILAND:** So this photo 7 is possibly why we are here?
8
9 **MS AVELLA:** Apparently so.
10
11 **MR WEILAND:** What happened after they let you shower and change and the day
12 wound down on day two? What happened then?
13
14 **MS AVELLA:** They told me that they were taking me back to the cell.
15
16 **MR WEILAND:** You had been arrested, or at least detained, for two days by then?
17
18 **MS AVELLA:** This was day two of my detainment.
19
20 **MR WEILAND:** Did you see a judge?
21
22 **MS AVELLA:** No.
23
24 **MR WEILAND:** Did they talk about taking you to see a judge?
25
26 **MS AVELLA:** No.
27
28 **MR WEILAND:** Perhaps Spain does not have any rules about seeing a judge, but for
29 the first two days there was no judge?
30
31 **MS AVELLA:** No.
32
33 **MR WEILAND:** What was your reaction when they said, "Miss, we are going to take
34 you back to jail"?
35
36 **MS AVELLA:** I was hysterical, terrified and hysterical.
37
38 **MR WEILAND:** Was that because you knew what was coming, you had been there
39 before?
40
41 **MS AVELLA:** Yes.
42
43 **MR WEILAND:** When you say that you were hysterical, were you crying?
44
45 **MS AVELLA:** Yes, very much so.
46
47 **MR WEILAND:** Was Miss Anna still around?
48
49 **MS AVELLA:** Yes.
50

1 **MR WEILAND:** When the police announced that they were taking you back to jail,
2 after everything that she had been doing on the day before and on that day to
3 convince them that you were just a bystander, what was her reaction?
4
5 **MS AVELLA:** She was very agitated. She was very upset and very angry.
6
7 **MR WEILAND:** Was she speaking to them in Spanish?
8
9 **MS AVELLA:** Yes.
10
11 **MR WEILAND:** Was she explaining to them in their own language what your
12 situation was?
13
14 **MS AVELLA:** Yes.
15
16 **MR WEILAND:** Notwithstanding that, I take it that you went off to jail?
17
18 **MS AVELLA:** They took me to the hospital first actually.
19
20 **MR WEILAND:** They took you to the hospital?
21
22 **MS AVELLA:** Yes.
23
24 **MR WEILAND:** Why did they take you to the hospital?
25
26 **MS AVELLA:** They took me there because they thought I would need a sedative
27 because of how upset I was.
28
29 **MR WEILAND:** They had to sedate you. That would be a healthy thing to do
30 because you were so upset, in their minds?
31
32 **MS AVELLA:** In their minds, yes.
33
34 **MR WEILAND:** You went to the hospital to be sedated after being arrested on
35 charges that were never made clear to you. What happened at the hospital?
36
37 **MS AVELLA:** One of the agents was with me in a hospital room. A doctor came in.
38 Neither of them spoke English. He asked me what was wrong. I could not tell him. I
39 was not able to communicate with them very well. He told me that I should take *this*,
40 and he handed me a small pill.
41
42 **MR WEILAND:** The police in their wisdom take you to a hospital to see a doctor who
43 does not speak English, and you are supposed to explain to the doctor why you are
44 so upset?
45
46 **MS AVELLA:** Yes.
47
48 **MR WEILAND:** He gives you a pill anyway. Did it make you feel better?
49
50 **MS AVELLA:** It put me to sleep.

1
2 **MR WEILAND:** I guess that made the concrete floor a little more comfortable that
3 night too?
4
5 **MS AVELLA:** Yes.
6
7 **MR WEILAND:** Were you taken back to the same cell?
8
9 **MS AVELLA:** Yes.
10
11 **MR WEILAND:** Had they by any chance put a bed in the cell or anything?
12
13 **MS AVELLA:** No.
14
15 **MR WEILAND:** It was the same concrete floor?
16
17 **MS AVELLA:** Yes.
18
19 **MR WEILAND:** The same pea coat?
20
21 **MS AVELLA:** Yes.
22
23 **MR WEILAND:** The same hole in the floor to relieve yourself?
24
25 **MS AVELLA:** Yes.
26
27 **MR WEILAND:** Did they give you anything to eat?
28
29 **MS AVELLA:** They offered me a sandwich. I was not in a right capacity to eat. I did
30 not accept it. I was just exhausted at that point.
31
32 **MR WEILAND:** You got some sleep that night as a result of having had a pill?
33
34 **MS AVELLA:** Yes.
35
36 **MR WEILAND:** What happened on Friday morning?
37
38 **MS AVELLA:** On Friday morning I was taken to a courthouse and put in a cell in a
39 courthouse.
40
41 **MR WEILAND:** Was that a courthouse in Cádiz, or do you not remember?
42
43 **MS AVELLA:** It was in Cádiz, yes.
44
45 **MR WEILAND:** They take you from one jail cell to another jail cell?
46
47 **MS AVELLA:** Yes.
48
49 **MR WEILAND:** This is a jail cell in the courthouse building, like in the masonry or
50 something?

1
2 **MS AVELLA:** Yes.
3
4 **MR WEILAND:** Did they try to explain to you the purpose of the trip to the
5 courthouse?
6
7 **MS AVELLA:** They did not. None of the agents spoke English. They were not able to
8 communicate with me.
9
10 **MR WEILAND:** You may have inferred, "Maybe I am going to see a judge, so I will
11 finally get out of this situation"?
12
13 **MS AVELLA:** Yes.
14
15 **MR WEILAND:** Had you been able to call your father?
16
17 **MS AVELLA:** No.
18
19 **MR WEILAND:** You had not been able to call your father for three days?
20
21 **MS AVELLA:** The only time I was able to call him was when I was told to ask him for
22 the combination to the safe.
23
24 **MR WEILAND:** During this time, were the Hungarians also under arrest?
25
26 **MS AVELLA:** Yes.
27
28 **MR WEILAND:** Mr Zsolt and Mr Sandor were also being imprisoned at least for this
29 time?
30
31 **MS AVELLA:** Yes.
32
33 **MR WEILAND:** Were they at the courthouse with you on the third day, or did you
34 see them?
35
36 **MS AVELLA:** I did not see them. I do not recall ever seeing them on that day, no.
37
38 **MR WEILAND:** You still had not had any female guards?
39
40 **MS AVELLA:** No.
41
42 **MR WEILAND:** Maybe the police force does not employ females. What happened at
43 the courthouse? You saw the judge and got a bail set like in a civilized country?
44 What happened?
45
46 **MS AVELLA:** No. I was sitting in the jail cell. I met my lawyer for the first time that
47 morning. He told me that the judge was unable to see me that day and that I was
48 going to be taken back to jail for the weekend.
49

1 **MR WEILAND:** Maybe the judge was involved in another international patrimony
2 conspiracy investigation. He could not see you?
3
4 **MS AVELLA:** He could not see me.
5
6 **MR WEILAND:** That was Friday afternoon?
7
8 **MS AVELLA:** That was Friday.
9
10 **MR WEILAND:** If he could not see you, you were not going to get out of jail for the
11 weekend, were you?
12
13 **MS AVELLA:** No.
14
15 **MR WEILAND:** You did not get out of jail, did you?
16
17 **MS AVELLA:** No.
18
19 **MR WEILAND:** Where did the lawyer come from?
20
21 **MS AVELLA:** I am assuming that my father made some phone calls. I do not know.
22
23 **MR WEILAND:** A local lawyer appeared and at least gave you the word that after
24 being in the holding cell most of the day the judge was too busy?
25
26 **MS AVELLA:** Yes.
27
28 **MR WEILAND:** Was that Judge de Diego Alegre whom Ms Forde mentioned earlier
29 on?
30
31 **MS AVELLA:** Yes, that was his name.
32
33 **MR WEILAND:** I guess by then you are getting to be a real veteran going back to
34 your jail cell?
35
36 **MS AVELLA:** Feel better?
37
38 **MR WEILAND:** No, a veteran. You were used to it. You must have felt no
39 apprehension at all?
40
41 **MS AVELLA:** No, that certainly was not the case. I was extremely terrified. I did not
42 know what was going on.
43
44 **MR WEILAND:** On Friday at some time in the late afternoon you were taken back to
45 the same cell that you had been in for Wednesday, Thursday and Friday morning?
46
47 **MS AVELLA:** Yes.
48
49 **MR WEILAND:** Was the condition of the cell the same?
50

1 **MS AVELLA:** Yes.

2

3 **MR WEILAND:** Mr President, I am watching my time a little bit. Would you just tell
4 me when you would prefer to take a break? This might be a natural spot, but I will be
5 happy to keep going until whenever you would prefer.

6

7 **THE PRESIDENT:** I am sorry to tell you that we have almost reached the end of the
8 morning session. It is very close to one o'clock, so would you like to continue the
9 examination this afternoon?

10

11 **MR WEILAND:** With pleasure. If that is your preference, that is fine.

12

13 **THE PRESIDENT:** The examination of the witness will have to be continued this
14 afternoon. The hearing will be resumed today at three o'clock. The sitting is now
15 closed.

16

17 **(Luncheon adjournment)**