

(e) Letter dated 18 October 2012 from Ms Escobar Hernández to the Registrar objecting to the submission of documents under (d) above

Departamento de Derecho Internacional Público



18 October, 2012

VIA E-MAIL gautier@itlos.org

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

RE: Letter by the Co-agent of Saint Vincent and the Grenadines dated 18 October, 2012

Dear Mr. Gautier,

In reference to the above mentioned letter, as Agent of the Kingdom of Spain I am bound to express my firm opposition to the blatant attempts by the Co-Agent of Saint Vincent and the Grenadines to submit new arguments to the Tribunal once the Oral Proceedings before that Honourable Tribunal have come to an end.

Those new arguments are either linked to the *petitum* or to a reinterpretation of the contracts and the access to them by the Spanish Authorities. Both arguments could have been submitted at any moment during the Written and Oral Proceedings. However the Applicant never used those arguments.

The letter at issue not only shows a clear disrespect to the principle of equal arms but corroborates once again the wrong procedural practices used by the Applicant during the current proceedings. Spain would like to recall in this respect that the order of interventions during the Oral Proceedings was amongst those issues dealt with during the consultations with the parties held at the Tribunal headquarters in January 2012. On that occasion, at the request of the Applicant, the Secretary and the President of the Tribunal made clear that the basic principles guiding proceedings before any Tribunal require that the Respondent must be given the right to the last intervention.

Taking into account the above mentioned considerations, Spain would like to respectfully oppose to the submission to the Tribunal of the cover letter sent by the Agent of Saint Vincent and the Grenadines inasmuch as it clearly contains statements which either have nothing to do with the questions posed by the Tribunal on 11 October

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2012 (paragraph beginning "The Applicant did not ask for ...") either are aimed at guiding the assessment by the Tribunal regarding the documents submitted in connection with questions 3 and 4, questions which merely asked "for the terms of the contract (s)" (paragraph starting "We would also point out ...").

Furthermore, Spain would like to draw the attention of the Tribunal to the fact that the reiterative use of this kind of wrongful tactics adds an unjustified burden on the Spanish delegation and has a negative effect on the principle of equal arms and the credibility of the proceedings.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Concepción Escobar Hernández".

Concepción Escobar Hernández
Agent of the Kingdom of Spain

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