



**INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER**

Press Release

**REQUEST FOR PROVISIONAL MEASURES SUBMITTED
BY ARGENTINA IN A DISPUTE OVER THE FRIGATE *ARA LIBERTAD*
(ARGENTINA v. GHANA)**

A request for the prescription of provisional measures was submitted today to the International Tribunal for the Law of the Sea by Argentina in a dispute with Ghana concerning the detention by the Ghanaian authorities of the frigate *ARA Libertad*. Proceedings were instituted on the basis of article 290, paragraph 5, of the 1982 United Nations Convention on the Law of the Sea.

In its Request for provisional measures, Argentina claims that the frigate *ARA Libertad* was illegally detained by the authorities of Ghana at the Port of Tema on 2 October 2012, where it is still being held. Argentina emphasizes that the *ARA Libertad* is a warship and the flagship of the Argentine Navy. It alleges that, at the time of its detention, the frigate *ARA Libertad* was on an official visit to Ghana and that the Government of Argentina and the Government of Ghana had agreed upon the vessel's arrival at the Port of Tema on 1 October 2012. According to Argentina, on 24 October 2012, it had to repatriate most of the ship's crew and all officers of foreign States participating in the expedition. The captain of the ship and 44 crew members are still on board the *ARA Libertad* at this time. Argentina claims that the ship was detained pursuant to an order rendered by a Ghanaian court in violation of international law and, in particular, of the immunities enjoyed by warships.

According to article 290, paragraph 5, of the Convention, pending the constitution of an arbitral tribunal to which a dispute is being submitted under annex VII of the Convention, any party to the dispute may request the International Tribunal for the Law of the Sea to prescribe provisional measures. The request may be submitted to the Tribunal by a party after a period of two weeks from the date of a request for provisional measures addressed to the other party. The Tribunal may prescribe provisional measures if it considers that *prima facie* the arbitral tribunal to be constituted would have jurisdiction and that the urgency of the situation so requires. By a notification addressed to the Minister for Foreign Affairs and Regional Integration of the Republic of Ghana, dated 29 October 2012, Argentina instituted arbitral proceedings under Annex VII of the Convention against Ghana and in the said notification requested Ghana to adopt a provisional measure.

In the request submitted today to the Tribunal Argentina seeks the prescription of the following provisional measure:

that Ghana unconditionally enable the Argentine warship Frigate *ARA Libertad* to leave the Tema port and the jurisdictional waters of Ghana and to be resupplied to that end.

Article 90, paragraph 2, of the Rules of the Tribunal provides that the Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date for the hearing.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's websites (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact the Press Office at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org