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Press Release

***THE M/T “HEROIC IDUN” (NO. 2) CASE
(MARSHALL ISLANDS/EQUATORIAL GUINEA)***

SPECIAL CHAMBER DELIVERS ITS JUDGMENT

At a public sitting held today, the Special Chamber of the International Tribunal for the Law of the Sea formed to deal with *The M/T “Heroic Idun” (No. 2) Case (Marshall Islands/Equatorial Guinea)* delivered its Judgment. The Judgment was read by Judge Hoffmann, President of the Special Chamber.

Factual and procedural background

The dispute concerns the lawfulness of the arrest and detention of the *M/T “Heroic Idun”* and its crew by Equatorial Guinea (para. 130). The *M/T “Heroic Idun”* is a very large crude carrier flying the flag of the Marshall Islands (para. 71). On 12 August 2022, while the vessel was drifting in the exclusive economic zone of São Tomé and Príncipe, it was approached by an Equatoguinean naval vessel, ordered to stop its engines and told to follow it to a port in Equatorial Guinea; the Equatoguinean naval vessel announced that it had received “orders to shoot” in case of any “suspect operation” (para. 76). Prior to that, Equatorial Guinea had received messages and communications from Nigerian authorities requesting Equatorial Guinea to “track and arrest the vessel” and stating that it had been “involved in the illegal entry into [Nigeria’s] territorial waters to load crude oil without proper approval” (para. 75). The *M/T “Heroic Idun”* arrived at Luba anchorage in Equatorial Guinea on 13 August 2022, where it remained detained until 11 November 2022 (para. 77). On 14 August 2022, Equatoguinean authorities boarded and inspected the *M/T “Heroic Idun”* and, on the same day, a part of the crew was transferred to a facility in Malabo, while the other crew members remained on the vessel (paras. 78, 79). On 23 September 2022, Equatoguinean authorities imposed a fine (“the Fine”) on the Master of the *M/T “Heroic Idun”*, which was paid by the owners of the vessel on 4 October 2022 (paras. 81, 82). On 11 November 2022, the vessel and crew were transferred to Nigeria, where they remained detained (para. 85) and were eventually released by the Nigerian authorities on 27 May 2023 (para. 86). The *M/T “Heroic Idun”* then sailed to South Africa, where it arrived on 7 June 2023, and from there it sailed to the United Arab Emirates, where it underwent inspection and repairs from 2 to 6 July 2023 (para. 86).

Proceedings in the case were instituted by a special agreement concluded between the Parties on 18 April 2023, whereby they agreed to submit to a special chamber of the Tribunal the dispute concerning the *M/T “Heroic Idun”* and its crew.

After the closure of the written proceedings, the public hearing in the case was held from 6 to 14 October 2025.

Jurisdiction (paras. 86-155)

In its Judgment, the Special Chamber first “finds that it has jurisdiction over the dispute concerning the *M/T “Heroic Idun”* and its crew” (para. 104). It then turns to the question whether “some of the claims made by the Marshall Islands fall outside the jurisdiction of the Special Chamber or, in the alternative, are inadmissible owing to the *Monetary Gold* principle” (para. 105). In this regard, the Special Chamber “holds that the legality of the apprehension and detention of the *M/T “Heroic Idun”* and its crew by Equatorial Guinea can be determined without a prior examination of Nigeria’s rights and interests” and that “[a] determination of the lawfulness of Nigeria’s conduct and its request to Equatorial Guinea is not a necessary prerequisite for the Special Chamber to adjudicate on the conduct of Equatorial Guinea” (para. 134). The Special Chamber thus finds that “it is required to consider only the lawfulness of Equatorial Guinea’s conduct towards the Marshall Islands, and that therefore Nigeria is not an indispensable third party in the present proceedings”, and rejects the objection raised by Equatorial Guinea pertaining thereto (para. 137).

With respect to the objection by Equatorial Guinea challenging the Special Chamber’s jurisdiction over alleged breaches of other treaties or rules of international law, the Special Chamber notes that “the jurisdiction conferred on it is restricted to determining possible breaches of the Convention” and “cannot be extended to the Special Chamber making determinations about breaches of other treaties or other rules of international law” (para. 143). Nonetheless, the Special Chamber may have regard to “external treaties and rules of international law that are not incompatible with the Convention when resolving a dispute concerning the interpretation or application of the Convention” (para. 145).

Admissibility (paras. 156-179)

With respect to admissibility, the Special Chamber examines whether the rule that local remedies must be exhausted applies in this case (para. 156). It considers that the alleged violations of rights claimed by the Marshall Islands are “direct violations of the rights of the Marshall Islands” (para. 171) and that “there was no jurisdictional connection between Equatorial Guinea and the crew sufficient to trigger” that rule (para. 177). Therefore, it “finds that the Marshall Islands’ claims for damages, including those in respect of injury to the crew of the *M/T “Heroic Idun”*, are not subject to the exhaustion of local remedies rule and are therefore admissible” (para. 178).

Interception and apprehension of the *M/T “Heroic Idun”* and its crew (paras. 180-313)

The Special Chamber turns to the question “whether Equatorial Guinea acted in violation of the Convention when it intercepted and then apprehended the *M/T “Heroic Idun”* and its crew” (para. 180). The Special Chamber explains that, to answer this question, it “will ascertain whether the *M/T “Heroic Idun”* was exercising the right to freedom of navigation in the exclusive economic zone of São Tomé and Príncipe under the conditions laid down by the Convention and other rules of international law

when it was intercepted by an Equatoguinean naval vessel, as the Marshall Islands claims, or whether, as Equatorial Guinea claims, the apprehension of the vessel and crew was justified on the basis of an exception expressly provided for in international treaties or in the Convention, namely, acts in the repression of piracy” (para. 180).

In this connection, the Special Chamber observes that “[t]he freedom of navigation is a fundamental principle of international law and is enhanced by the right of every State ... to sail ships flying its flag on the high seas, and the exclusive nature of that right” (para. 204). The Special Chamber notes that the Equatoguinean naval vessel “caused the *M/T “Heroic Idun”* to change its intended course ... by threatening the use of force” and is of the view that this “constitutes a breach of the freedom of navigation, unless justified by the Convention or other international treaties” (para. 206).

The Special Chamber then considers “whether the interception, arrest and detention of the *M/T “Heroic Idun”* were carried out for the purpose of repressing piracy and therefore do not violate articles 87, 90 and 92 of the Convention” (para. 208). In this connection, the Special Chamber examines the relationship between the Code of Conduct concerning the Repression of Piracy, Armed Robbery Against Ships, and Illicit Maritime Activity in West and Central Africa (“the Yaoundé Code”) and the Convention. It notes that “the Yaoundé Code is widely recognized as an important regional framework to coordinate and strengthen efforts to counter maritime crime in the Gulf of Guinea” (para. 222). It considers, however, that “there is no basis for concluding that the Yaoundé Code confers powers on its signatories with respect to vessels flying the flag of non-signatories beyond those powers provided in the Convention” and that it “cannot provide a legal basis for Equatorial Guinea to take measures contrary to the Convention” (para. 227).

The Special Chamber then turns to “the issue whether the provisions of the Convention concerning the repression of piracy are applicable in the circumstances of this case” (para. 228). With regard to the duty to cooperate in the repression of piracy referred to in article 100 of the Convention, the Special Chamber considers that, while this duty is necessary for the repression of piracy, “article 100 of the Convention does not provide an autonomous basis for the apprehension of the *M/T “Heroic Idun”*” (para. 247). The Special Chamber then proceeds to address “the definition of piracy under the Convention and the question whether there were ‘adequate grounds’ to intercept and seize the *M/T “Heroic Idun”*” (para. 248). In this connection, it notes that “[t]he jurisdiction conferred on all States by international law over pirate ships is an exception to the freedom of navigation and therefore must be strictly construed” (para. 270).

Referring to article 101, subparagraph (a), of the Convention, the Special Chamber emphasizes that “acts of piracy must be directed by a private ship against other ships” and “must entail some element of force and duress” (para. 274). It notes communications from Nigeria to Equatorial Guinea prior to the interception of the *M/T “Heroic Idun”* (para. 275) but considers that there are “no references to the crew of the *M/T “Heroic Idun”* taking actions directed against another ship or aircraft or against persons and property on board another vessel” (para. 276). It thus “finds nothing in the correspondence received by Equatorial Guinea from Nigeria that provides

adequate grounds for the interception and diversion of the *M/T "Heroic Idun"* to Luba Freeport on 12 August 2022" (para. 284).

The Special Chamber further points out that, while "the seizure of a vessel on the basis of article 105 of the Convention does not require conclusive evidence of piracy" (para. 294), article 106 "implies that sufficient corroboration of a suspicion of piracy constituting 'adequate grounds' is required before a private ship may be seized" (para. 296). The Special Chamber notes, however, that "Equatorial Guinea made no inquiries to clarify the nature of the activities of the *M/T "Heroic Idun"* in the Gulf of Guinea during the approximately 60 hours between receipt of the request for assistance from Nigeria and the interception of the vessel" (para. 303). The Special Chamber "does not find that the evidence adduced by Equatorial Guinea provides adequate grounds to justify the seizure of the *M/T "Heroic Idun"* on suspicion of piracy" (para. 304).

Consequently, the Special Chamber "finds that by intercepting and apprehending the *M/T "Heroic Idun"* and its crew in the exclusive economic zone of São Tomé and Príncipe, Equatorial Guinea violated articles 87, paragraph 1, 90 and 92, paragraph 1, of the Convention" (para. 306). In the Special Chamber's view, "it follows that the detention of the *M/T "Heroic Idun"* and its crew was a continuing wrongful international act" and that the breach of the respective international obligation "extends over the entire period during which the act continues and remains not in conformity with the international obligation" (para. 312).

Prescriptive jurisdiction (paras. 314-359)

The Special Chamber turns to the question whether the enforcement measures taken by Equatorial Guinea against the *M/T "Heroic Idun"* and its crew on the basis of its national legislation, in particular the levying of the Fine, are in conformity with the Convention (para. 344). It observes that, according to Equatorial Guinea, the Fine was founded on two grounds: "first, the entry of the *M/T "Heroic Idun"* into Equatorial Guinea's exclusive economic zone without prior authorization; and second, its failure to display a physical flag while navigating in its exclusive economic zone" (para. 347). The Special Chamber finds "no foundation upon which the Convention could be interpreted as permitting a coastal State to take enforcement measures on the basis of non-compliance with national legislation requiring authorization for entry into the exclusive economic zone and the display of a physical flag while navigating therein" (para. 357). It thus concludes that "by taking enforcement measures against the *M/T "Heroic Idun"*, in particular by levying the Fine on the Master in respect of the activities of the vessel and its crew in the exclusive economic zone of Equatorial Guinea, Equatorial Guinea violated articles 56, paragraph 1, 58, 87, 89 and 92, paragraph 1, of the Convention" (para. 359).

Obligation to notify the flag State (paras. 360-377)

The Special Chamber is of the view that the provisions of the Convention "cannot be read to impose a general obligation on a State Party to notify a flag State whenever it adopts enforcement measures in respect of a foreign-flagged vessel" (para. 371). The Special Chamber is also unable to identify a rule of customary international law or a general principle of law to that effect (paras. 374, 375). The

Special Chamber thus finds that Equatorial Guinea did not violate the rights of the Marshall Islands by failing to notify it of enforcement measures taken in respect of one of its vessels and its crew (para. 377).

Conditions of detention and the treatment of the *M/T “Heroic Idun”* and its crew (paras. 378-419)

In the view of the Special Chamber, “in the present case, the treatment of individuals in the context of detention and interrogation may raise humanitarian concerns, in particular as regards the conditions and length of the detention, the rights of the detainees as well as the mental and physical well-being of the crew” (para. 409). In this connection, the Special Chamber recalls its conclusion that Equatorial Guinea violated the Convention “through the interception and seizure of the *M/T “Heroic Idun”* and its crew, and that this was a wrongful act extending over the entire period during which the act continued” (para. 413). The Special Chamber considers that “Equatorial Guinea bears responsibility for the injury caused by its internationally wrongful act, including the mistreatment of the crew and the procedural injustices imposed upon them during their detention in Equatorial Guinea, and attributable to the acts and omissions of the Equatoguinean authorities” (para. 413). The Special Chamber adds that the transfer of the vessel and its crew to Nigeria “was unlawful because it was done without consideration of due process of law” (para. 414).

Condition of the vessel (paras. 420-461)

The Special Chamber then addresses the question whether Equatorial Guinea’s conduct in relation to the condition of the *M/T “Heroic Idun”* while in detention was in conformity with the Convention and other IMO conventions invoked by the Marshall Islands (para. 444). In this regard, the Special Chamber observes that “its jurisdiction would not extend to include the determination of breaches of those IMO conventions in isolation” (para. 450). In the view of the Special Chamber, it follows from Equatorial Guinea’s violation of articles 87, paragraph 1, 90 and 92, paragraph 1, of the Convention, “that all law enforcement measures taken by Equatorial Guinea vis-à-vis the *M/T “Heroic Idun”* with a causal connection subsequent to its interception and apprehension are unlawful”, and this includes “Equatorial Guinea’s transfer of a part of the crew from the vessel and its refusal to allow them back onto the vessel to meet the minimum safe manning requirements” (para. 456). By contrast, the Special Chamber concludes that Equatorial Guinea did not violate article 225 of the Convention (para. 461).

Reparation (paras. 473-659)

The Special Chamber finds that “the Marshall Islands is entitled to reparation for the injury caused by Equatorial Guinea, including compensation for damage or other loss suffered by the *M/T “Heroic Idun”* and all persons involved or interested in its operation” (para. 490). It emphasizes that “only the damage directly caused to the Marshall Islands by the wrongful acts of Equatorial Guinea is the subject of compensation” (para. 497) and “restrict[s] its examination to those claims of the Marshall Islands which concern (i) loss, damage and injury caused by Equatorial Guinea that was evident and quantifiable within the period from 12 August 2022 to 11 November 2022, and (ii) loss, damage or injury that was a direct consequence of

Equatorial Guinea's conduct within the period from 12 August 2022 to 11 November 2022 but became evident only after this period or became quantifiable in the period from 27 May 2023 to 24 July 2023, or both" (para. 531).

Specifically, the Special Chamber awards the Marshall Islands compensation in the amount of EUR 2,000,132, corresponding to the amount incurred by the owners of the *M/T "Heroic Idun"* in payment of the unlawful Fine imposed by Equatorial Guinea (para. 546); USD 276,296.99 for correspondent costs and medical costs to assist the crew during the 92-day period of detention in Equatorial Guinea (para. 563); USD 265,973.47 for additional salary paid to the crew of the *M/T "Heroic Idun"* during the 92-day period of detention (para. 566); USD 5,683.21 for travel costs (para. 567); USD 939,334.56 for bunker expenses incurred by the *M/T "Heroic Idun"* during the 92-day period of detention (para. 571); USD 75,295.88 for agency and port fees during the 92-day period of detention (para. 572); USD 54,000 for expenses incurred as a result of the increased war risk premium (para. 574); USD 5,900,000 for loss of hire (para. 598); USD 100,000 for the costs of repatriating the crew of the *M/T "Heroic Idun"* following their release and putting in place a replacement crew (para. 616); USD 300,000 for drydocking and repairs incurred by the *M/T "Heroic Idun"* (para. 624); and USD 4,186,000 for non-material damage suffered by the crew of the *M/T "Heroic Idun"* (para. 633). The Special Chamber also awards interest on the claims found to be compensable (para. 652).

Operative clauses (para. 664)

The operative paragraph of the Judgment of 27 May 2026 in the *M/T "Heroic Idun" Case (Marshall Islands/Equatorial Guinea)* reads as follows:

... the Special Chamber,

(1) Unanimously,

Finds that it has jurisdiction over the dispute concerning the *M/T "Heroic Idun"* and its crew;

(2) By 4 votes to 1,

Finds that Nigeria is not an indispensable third party to the present proceedings and therefore rejects the objection raised by Equatorial Guinea;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc* Couvreur;

(3) Unanimously,

Rejects the objection raised by Equatorial Guinea, based on the non-exhaustion of local remedies, to the admissibility of the Marshall Islands' claims for damages in respect of injury to the crew of the *M/T "Heroic Idun"*;

(4) Unanimously,

Finds that by intercepting and apprehending the *M/T “Heroic Idun”* and its crew in the exclusive economic zone of São Tomé and Príncipe, Equatorial Guinea violated articles 87, paragraph 1, 90 and 92, paragraph 1, of the Convention;

(5) Unanimously,

Finds that Equatorial Guinea, by taking enforcement measures against the *M/T “Heroic Idun”*, in particular by levying a fine on the Master in respect of the activities of the vessel and its crew in the exclusive economic zone of Equatorial Guinea, violated articles 56, paragraph 1, 58, 87, 89 and 92, paragraph 1, of the Convention;

(6) Unanimously,

Finds that there is no general obligation under the Convention requiring a State to notify the flag State of enforcement measures taken in respect of a vessel flying its flag;

(7) By 4 votes to 1,

Finds that the treatment of the crew, by Equatoguinean authorities, during their detention, including their forced transfer to a third State, was in violation of the rights of the Marshall Islands under the Convention;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(8) Unanimously,

Finds that Equatorial Guinea did not violate article 225 of the Convention;

(9) Unanimously,

Finds that Equatorial Guinea did not violate the obligation not to aggravate or extend the present dispute with the Marshall Islands;

(10) Unanimously,

Decides to award the Marshall Islands compensation in the amount of EUR 2,000,132 corresponding to the amount incurred by the owners of the *M/T “Heroic Idun”* in payment of the unlawful fine imposed by Equatorial Guinea, with interest as indicated in paragraphs 652, 653 and 655;

(11) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 276,296.99 for correspondent costs and medical costs of the crew during the 92-day period of detention of the *M/T "Heroic Idun"* and its crew in Equatorial Guinea, with interest as indicated in paragraphs 652, 653 and 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(12) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 265,973.47 for additional salary paid to the crew of the *M/T "Heroic Idun"* during the 92-day period of detention, with interest as indicated in paragraphs 652, 653 and 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(13) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 5,683.21 for certain travel costs, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(14) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 939,334.56 for bunker expenses incurred by the *M/T "Heroic Idun"* during the 92-day period of detention, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(15) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 75,295.88 for agency and port fees incurred by the *M/T "Heroic Idun"* during the 92-day period of detention, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(16) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 54,000 for expenses incurred as a result of the increased war risk premium levied by the insurers related to the operation of the *M/T "Heroic Idun"* in high-risk areas, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(17) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 5,900,000 for loss of hire incurred by the *M/T "Heroic Idun"*, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(18) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 100,000 for the costs of repatriating the crew of the *M/T "Heroic Idun"* and putting in place a replacement crew, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(19) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 300,000 incurred by the *M/T "Heroic Idun"* for drydocking and repairs, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(20) By 4 votes to 1,

Decides to award the Marshall Islands compensation in the amount of USD 1,750 per day for each of the 26 crew members of the *M/T "Heroic Idun"* for non-material damages they suffered during the 92-day period of their detention, amounting to a total of USD 4,186,000, with interest as indicated in paragraph 655;

IN FAVOUR: Judge HOFFMANN, *President of the Special Chamber*; Judges INFANTE CAFFI, BROWN; *Judge ad hoc* EIRIKSSON;

AGAINST: *Judge ad hoc Couvreur*;

(21) Unanimously,

Decides not to award the Marshall Islands compensation with respect to its claims for the expenses incurred for security escort services in the exclusive economic zone of Nigeria;

(22) Unanimously,

Decides that each Party shall bear its own costs.

Judge *ad hoc* Couvreur appended a declaration to the Judgment of the Special Chamber.

The text of the Judgment and declaration, as well as a recorded webcast of the reading, is available on the [case page](#) of the Tribunal's website.

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