



---

## PCA PRESS RELEASE

---

### ARBITRATION BETWEEN THE ITALIAN REPUBLIC AND THE REPUBLIC OF INDIA

THE HAGUE, 3 MAY 2016

#### Arbitral Tribunal Issues Order in Arbitration concerning the “Enrica Lexie” Incident

On 29 April 2016, the Arbitral Tribunal in the arbitration concerning the “Enrica Lexie” incident (*Italy v. India*) adopted its Order in respect of a request by Italy for the prescription of provisional measures pursuant to Article 290, paragraph 1, of the United Nations Convention on the Law of the Sea (“UNCLOS”).

In the operative part of the Order, the Arbitral Tribunal unanimously prescribed the following provisional measures:

- a) *Italy and India shall cooperate, including in proceedings before the Supreme Court of India, to achieve a relaxation of the bail conditions of Sergeant Girone so as to give effect to the concept of considerations of humanity, so that Sergeant Girone, while remaining under the authority of the Supreme Court of India, may return to Italy during the present Annex VII arbitration.*
- b) *The Arbitral Tribunal confirms Italy’s obligation to return Sergeant Girone to India in case the Arbitral Tribunal finds that India has jurisdiction over him in respect of the “Enrica Lexie” incident.*
- c) *The Arbitral Tribunal decides that Italy and India each shall report to the Arbitral Tribunal on compliance with these provisional measures, and authorizes the President to seek information from the Parties if no such report is submitted within three months from the date of this Order and thereafter as he may consider appropriate.*

The arbitral proceedings were instituted on 26 June 2015, when Italy served on India a “Notification under Article 287 and Annex VII, Article 1 of UNCLOS and Statement of Claim and Grounds on Which it is Based”. According to Italy, the Parties’ dispute arises from an incident approximately 20.5 nautical miles off the coast of India involving the “MV Enrica Lexie”, an oil tanker flying the Italian flag, and India’s subsequent exercise of criminal jurisdiction over the vessel and two Italian marines from the Italian Navy, Chief Master Sergeant Massimiliano Latorre and Sergeant Salvatore Girone, in respect of that incident. According to India, the “incident” in question concerns the killing of two Indian fishermen, on board an Indian vessel named the “St. Antony”, and the subsequent exercise of jurisdiction by India. It is alleged that the fishermen were killed by the two Italian marines stationed on the “Enrica Lexie”.

The Arbitral Tribunal’s Order of 29 April 2016 arises from a Request for the Prescription of Provisional Measures filed by Italy on 11 December 2015. On 26 February 2016, India submitted its

Written Observations on that Request. On 30 and 31 March 2016, a public hearing on provisional measures was held at the headquarters of the Permanent Court of Arbitration (“PCA”) in the Peace Palace, The Hague, the Netherlands. Both Parties presented two rounds of oral arguments.

The full text of the Order is available on the Case Repository of the PCA (<http://www.pcacases.com/web/view/117>), as are the written submissions of the Parties, the transcripts of the hearing and high-resolution photographs of the hearing.

The Arbitral Tribunal is composed of Professor Francesco Francioni, Judge Jin-Hyun Paik, Judge Patibandla Chandrasekhara Rao and Judge Patrick Robinson as arbitrators, and Judge Vladimir Golitsyn as arbitrator and President of the Arbitral Tribunal.

The PCA acts as Registry in the arbitration by agreement of the Parties. The PCA is an independent intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 119 Member States, including India and Italy. It is headquartered at the Peace Palace in The Hague, the Netherlands.

\* \* \*

Contact: Permanent Court of Arbitration  
E-mail: [bureau@pca-cpa.org](mailto:bureau@pca-cpa.org)

HEARING ON PROVISIONAL MEASURES, PEACE PALACE, THE HAGUE, 30-31 MARCH 2016

The following high-resolution pictures are available on the PCA Case Repository (<http://www.pcacases.com/web/view/117>). These photographs may be freely downloaded and reproduced (with appropriate credit).

a) The Arbitral Tribunal



The Arbitral Tribunal

(from left to right):  
Professor Francesco Francioni  
H.E. Judge P. Chandrasekhara Rao  
H.E. Judge Vladimir Golitsyn (President)  
H.E. Judge Jin-Hyun Paik  
H.E. Judge Patrick L. Robinson  
Dr. Dirk Pulkowski (Registrar)



H.E. Judge Vladimir Golitsyn  
President of the Arbitral Tribunal



H.E. Judge Patrick L. Robinson  
Professor Francesco Francioni



H.E. Judge P. Chandrasekhara Rao  
H.E. Judge Jin-Hyun Paik

**b) Hearing in session**



Preparation for the hearing



Hearing in session - 1



Hearing in session - 2



Hearing in session - 3

**c) Delegation of the Italian Republic**



H.E. Ambassador Francesco Azzarello  
Agent of the Italian Republic



Delegation of the Italian Republic



Counsel for the Italian Republic - 1



Counsel for the Italian Republic - 2



Counsel for the Italian Republic - 3

**d) Delegation of the Republic of India**



Dr. Neeru Chadha  
Agent of the Republic of India



H.E. Ambassador J.S. Mukul  
Co-Agent of the Republic of India



Delegation of the Republic of India



Counsel for the Republic of India - 1



Counsel for the Republic of India - 2