

Note: only the annexes authorized by the Court are published on its website.

List of Annexes

1. Audio and Video Material*

- Annex 1** Video Material Event M/V “Observer”, 11 December 2018 (before dawn):
- a. First Video
 - b. Second Video
- Annex 2** Video Material Event M/V “Observer”, Colombian perspective of the Nicaraguan towing manoeuvre, 11 December 2018 (early morning after dawn):
- a. First Video
 - b. Second Video
- Annex 3** Video Material Event M/V “Observer”, recapture of the M/V “Observer” by the Nicaraguan Naval Force, 11 December 2018 (late morning):
- a. Full identification of the Nicaraguan FNN “Tayacán”
 - b. Collisions from the Nicaraguan FNN “Tayacán” to the M/V “Observer” during recapture
- Annex 4** Audio Material Event M/V “Observer”, 11 December 2018:
- a. Communication No.1 between the M/V “Observer” and the ARC-53 “Antioquia”, 11 December 2018 (late morning)
 - i. Audio Transcription (in English)
 - ii. Original Audio (in Spanish)

* Annexes 1, 2, and 3 are videos. Annexes 4 (a) ii and 4 (b) ii are audios. A CD-ROM containing them can be found at the end of these Comments.

- b. Communication No.2 between the M/V “Observer” and the ARC-53 “Antioquia”, 11 December 2018 (late morning)
 - i. Audio Transcription (in English)
 - ii. Original Audio (in Spanish)

2. Diplomatic Correspondence

Annex 5 Note Verbale No. S-DVRE-19-042070 from the Ministry of Foreign Affairs of Colombia to the Embassy of Nicaragua in Bogotá, 24 September 2019

3. Nicaraguan Official Documents

Annex 6 Nicaraguan Institute for Fishing and Aquaculture (INPESCA), Administrative Resolution No. 011-2019, Administrative Decision of First Instance regarding the M/V “Observer”, 8 February 2019

4. Statements by Nicaraguan Authorities

Annex 7 Speeches at the 39th Anniversary of the Nicaraguan Naval Force, 13 August 2019

5. Colombian Air Force Documents

Annex 8 Colombian Air Force, Communication No. 20191600562893-MDN-COGFM-COFAC-JEMFA-COA-CEOPA-SECOC, 23 October 2019

6. Affidavits

- Annex 9** Affidavit by Mr José Cristóbal Méndez Hernández (Captain of the ARC-53 “Antioquia”), 4 December 2019
- Annex 10** Affidavit by Mr Aaron Humphreys Sjøgreen (Crewmember of the M/V “Observer”), 12 December 2019

7. Other Documents

- Annex 11** Western Central Atlantic Fishery Commission, Ninth Session of the Scientific Advisory Group (SAG), MARPLESCA – The Regional Caribbean Spiny Lobster (*Panulirus argus*) fishery management plan, Bridgetown, Barbados 19-20 November 2018, Document WECAF/SAG/IX/2018/6
- Annex 12** Curriculum Vitae of Mr Walner Abraham Molina
- Annex 13** National Institute of Fisheries and Aquaculture (INAPESCA), Communiqué regarding the Central America Campaign 2018 of the research vessel “Jorge Carranza Fraser”, 8 October 2018
- Annex 14** National Institute of Fisheries and Aquaculture (INAPESCA), Communiqué regarding the Central America Campaign 2018 of the research vessel “Jorge Carranza Fraser”, 12 October 2018
- Annex 15** Colombian Navy, Communiqué regarding the successful completion of new multinational operation against drug trafficking, 10 October 2019
- Annex 16** Vessel Monitoring System (VMS) Track of the “M/V Observer”, Data Sheet, 10 December 2018 (18:48:04) to 11 December 2018 (01:45:18)

8. Comments on Nicaragua’s Annexed Documents

- Annex 17** Colombia’s Corrections to Nicaragua’s Translation of Diplomatic Correspondence Found in Nicaragua’s Annexes 1 to 10
- Annex 18** Colombia’s Corrections to the Edited Fragments by Nicaragua of Communications Between Commanders Found in Nicaragua’s Annex 17 (c)

9. Colombian Navy Documents

- Annex 19** National Navy of Colombia, Maritime Travel Report, ARC-53 “Antioquia”, Section 3 “Itinerary” and Section 5 “Novelties in Equipment and/or Machinery”, 10 January 2019

10. Figures

- Figure 1** Vessel Monitoring System (VMS) Track of the “M/V Observer”, Course Report (Screenshot)
- Figure 2** Vessel Monitoring System (VMS) Track of the “M/V Observer”, Data Sheet (excerpt from Colombia Annex 16)
- Figure 3** Coordinates of the detention and boarding of the “M/V Observer” by the Nicaraguan Naval Force superimposed over a bathymetry chart
- Figure 4** M/V “Observer” boarded and under control of heavily armed officials from the Nicaraguan Naval Force, 11 December 2018 (before dawn)
- Figure 5** Graphical depiction of Nicaraguan officials’ manoeuvres seeking to cause bumping between the ARC-53 “Antioquia” and the M/V “Observer” while being towed by the FNN “Tayacán”, 11 December 2018 (early morning after dawn)

Figure 6 Dangerous manoeuvring by Nicaraguan officials from point of view of the ARC-53 “Antioquia”, 11 December 2018 (early morning after dawn):

- a. Screenshot (taken from Colombia Annex 2 (a))
- b. Screenshot (taken from Colombia Annex 2 (b))
- c. Screenshot (taken from Colombia Annex 2 (b))

Figure 7 Nicaraguan FNN 405 “Tayacán” fully identified and undamaged after the alleged bumping with the Colombian vessel, 11 December 2018 (late morning) (screenshot taken from Colombia Annex 3 (a))

Figure 8 Nicaraguan FNN 405 “Tayacán” pursuing the M/V “Observer” in order to recapture it, colliding with it multiple times, 11 December 2018 (late morning)

- a. Screenshot (taken from Colombia Annex 3 (b))
- b. Screenshot (taken from Colombia Annex 3 (b))

Figure 9 National Institute of Fisheries and Aquaculture (INAPESCA), course and position of the Mexican flagged research vessel “Jorge Carranza Fraser” on 5 October 2018 (excerpt from Colombia Annex 13)

Annexes 1-3

Page intentionally left blank

Page intentionally left blank

Annex 4

Page intentionally left blank

Annex 5

**NOTE VERBALE NO. S-DVRE-19-042070 FROM THE MINISTRY OF FOREIGN
AFFAIRS OF COLOMBIA TO THE EMBASSY OF NICARAGUA IN BOGOTÁ,
24 SEPTEMBER 2019**

(Archives of the Colombian Ministry of Foreign Affairs)

[Official Seal]

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

S-DVRE-19-042070

The Ministry of Foreign Affairs – Vice-Ministry of Foreign Affairs – presents its compliments to the Honourable Embassy of Nicaragua in order to refer to the event occurred with the Honduran-flagged vessel “Observer”, affiliated to a Colombian company, on 10 and 11 December 2018, the consequences of which persist until the day of sending this Note. Likewise, it takes advantage of this opportunity to make some observations to your Note MRE/DM-DMC/DGAJST/00127/03/19 of 9 March 2019.

In this regard, it is worth noting that your Note acknowledges that there was a breach by Nicaragua of the Vienna Convention on Consular Relations, as the facts mentioned therein confirm that the Colombian citizen Aaron Humphreys Sjogreen was only granted consular access on 20 December 2018, i.e., 10 days after his unlawful detention.

Precisely regarding that unlawful detention by Nicaragua, it is recalled that already in its Note S-DVRE-19-004909 of 27 February 2019, Colombia noted that the vessel “Observer” was in transit, navigating between the Colombian islands of Quitasueño and Serranilla, as part of its routine tour between fishing trips on those islands, when the unlawful activities of the Nicaraguan Naval Force (“FNN” for its Spanish acronym) occurred, hindering its freedom of navigation by means of its unlawful visit, inspection and seizure of the vessel. The latter has been duly reconfirmed from the information and analysis subsequent to the sending of said Note.

[Official Seal]

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

This being so, the Ministry of Foreign Affairs, on behalf of the Government of Colombia, strongly protests the actions of the Nicaraguan authorities, which constitute a blatant violation of the freedom of navigation enjoyed by all vessels of all States under international law.

In addition to the latter, it is consternating that the vessel “Observer” is still detained in Nicaragua, potentially causing serious economic loss to the Colombian company to which it is affiliated, which for months has not been able to use this vessel for its lawful fishing activities.

The Ministry of Foreign Affairs of Colombia thanks the Honourable Embassy of Nicaragua for transmitting to the Government of Nicaragua the request of the Government of Colombia for it to:

- Guarantee the freedom of navigation enjoyed by all States, in accordance with international law, in the Southwestern Caribbean Sea;
- Return, to the greater immediacy, the vessel and all its occupied accessories;
- Grant due process guarantees for the claims that may be advanced for damages and losses, if applicable, to the Colombian company to which the vessel “Observer” is affiliated and/or by the Colombian crewmember, in accordance with international law;
- Identify and take all necessary punitive measures against those who carry out actions that hinder the freedom of navigation and threaten life and safety at sea;

[Official Seal]

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

- Guarantee the non-repetition of these facts against Colombian-flagged vessels or vessels authorized by our country.

Be this the opportunity to reiterate Colombia's concern for Nicaragua's attempt to fabricate a so-called "incident" to artificially improve its litigious position before the International Court of Justice in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*.

Finally, the Government of Colombia expresses its full willingness to continue cooperating with Nicaragua and to strengthen mechanisms to guarantee the freedom of navigation, in accordance with international standards on the matter.

The Ministry of Foreign Affairs – Vice-Ministry of Foreign Affairs – reiterates to the Honourable Embassy of Nicaragua the assurances of its highest and most distinguished consideration.

[Initialized illegible]

Bogotá, D.C., 24 September 2019

To the Honourable
Embassy of the Republic of Nicaragua
Bogota

Annex 6

**NICARAGUAN INSTITUTE FOR FISHING AND AQUACULTURE (INPESCA),
ADMINISTRATIVE RESOLUTION NO. 011-2019, ADMINISTRATIVE DECISION
OF FIRST INSTANCE REGARDING THE M/V “OBSERVER”,
8 FEBRUARY 2019**

(Archives of the Colombian Ministry of Foreign Affairs)

Here we are illuminated by a Sun that
does not decline

The Sun that illuminates the new
victories

Rubén Darío

Government of Reconciliation and National Unity	40
The Peoples, President!	2019

NICARAGUAN INSTITUTE FOR FISHING AND AQUACULTURE (INPESCA).
Managua, at the eight days of the month of February of the year two-thousand nineteen. At
eight thirty minutes of the morning.

ADMINISTRATIVE RESOLUTION No. 011-2019

WHEREAS

I

Since this administrative authority was informed by means of the Inspection Certificate No. 133078, prepared for that purpose by the Inspector of INPESCA [...] on the date fifteenth of December of the year two-thousand eighteen, at 3:30 P.M., that the vessel OBSERVER, with Honduran flag and Fishing License enacted by the Republic of Colombia, was captured by the Nicaraguan Naval Force of the Nicaraguan Navy conducting illegal fishing in the Exclusive Economic Zone (EEZ) of Nicaragua in the coordinates 14°58'00"N 081°00'00"W and when doing the fishing inspection together with the Naval Force to said vessel in Bluefields, there were found in the freezer of the vessel the amount of 5,357.65 pounds of frozen whole lobster; 2000 pounds of bait (cattle hide) [...], being the captain of the vessel Mr Tito Velásquez Cuevas, of Honduran nationality and identification 0203-1951-0016.

[...]

On the date tenth of January of the year two-thousand nineteen, Silvio Adolfo Lacayo Ortiz, legal representative of Mr JOSÉ DAVID VELÁSQUEZ COLÓN, owner of the foreign-flag vessel OBSERVER [...] stated that the vessel named OBSERVER, is a fishing vessel which has been contracted by the Colombian company CI ANTILLANA, S.A., based in San Andrés Islands, with the purpose of being affiliated to the active fleet intended for the catch and freezing on board of lobster in the waters of the Fishing Zone of the Archipelago of San Andrés, Providencia and Santa Catalina during the fishing season between 01 July 2018 and 28 February 2019. He continues stating that the company CI

ANTILLANA, S.A., has an Integral Permit of Commercial Industrial Fishing granted by the Governorship of San Andrés Island, and a fishing quota of lobster in the authorized fishing areas of the insular territory of the archipelago of San Andrés, Providencia and Santa Catalina and not in Nicaraguan waters according to the resolution of The Hague in 2012.

[...]

It [the M/V “Observer”] was boarded without prior notice by armed men of the Nicaraguan Naval Force in the coordinates, according to him 14°58’N - 80°58’W, at 22 hours and thirty minutes of 10 December 2018, where the seafloor has a depth between 541 – 760 meters. He further contends that the vessel [...] was not fishing in waters of Nicaragua, due to the hour and the depth of the sea in the location of the boarding, and that the incursion with the purpose of inspection or visit to any vessel navigating in innocent passage in that zone should have been announced by the patrol boat of Naval Force vessel of our country [Nicaragua] in accordance with the protocols established by the international maritime law, because doing it [boarding] without said notice or notification amounts for a violation of these norms. Other point raised, is the fact that the lobster fishing is conducted in the so-called fishing banks, in this case the platforms of the zone of Quitasueño and Serranilla because lobster inhabits in areas where depths do not exceed 35-45 meters, because it requires the temperature of tropical waters with sandy seafloors and at 500 meters of depth the water temperature is very cold, there is no light and as such there is little oxygen which makes the life conditions of this crustacean scientifically impossible [...] he highlights that lobster fishing cannot be conducted at night.

[...]

CONSIDERING

[...]

IV

That [...] parting from the beacon of the OBSERVER vessel [...] at 23 hours and fifty-six minutes of 10 December 2018 it [M/V “Observer”] was boarded by the crew of a coastguard patrol of the Nicaraguan Naval Force [...]

[...]

VI

That the stated by the legal representative of the owner [of the M/V “Observer”] regarding that the vessel was not conducting fishing activities in Nicaraguan waters, due to the time of the boarding and the depth of the sea in the boarding point, and that boarding for inspection or visit purposes of any navigating vessel [...] should have been announced by the patrol boat of the Naval Force of our State [Nicaragua] in accordance with the

established protocols of international maritime law, because conducting it [boarding] without such notice or notification amounts for a violation of these norms. This Authority highlights that in accordance with international norms and the domestic laws of our State, the Nicaraguan Naval Force has the right to visit and/or board any vessel in all the maritime spaces of Nicaragua. Likewise, this Authority points out that in accordance with the Certificate of Delivery of the 14 hours and fifty minutes, as well as the Certificate of Deposit of 15 hours and fifteen minutes, both from 15 December 2018, produced by the Naval Force of the Nicaraguan Army and the Inspection Certificate No.133078, prepared for that purpose on 15 December 2018 by the Inspector of INPESCA [...], the vessel "OBSERVER" was not only fishing and carrying 5,355.65 pounds of lobster, but 2,000 pounds of cattle hide, which is used as bait [...].

[...]

VIII

That the documentary evidence provided by Mr. Silvio Lacayo Ortiz [...] are: [...] simple copy of the set sail request from the tenth of November of two-thousand eighteen to navigate to the Northern Islands of Colombia [...] copy of the set sail issued by the General Maritime Direction of the Republic of Colombia [...]; only prove that the OBSERVER vessel was authorized to conduct fishing activities in waters under the jurisdiction of the Republic of Colombia [...].

[...]

RESOLVES:

FIRST: In accordance with paragraph 21 of article 123 of the Law 489, Law of Fishing and Aquaculture, to impose M. JOSE DAVID VELÁSQUEZ COLÓN, [...] owner of the Honduran-flag vessel OBSERVER, a fine of [...] US\$65,325.00 [...].

SECOND: To order the confiscation of the product seized per the Inspection Certificate No. 133078 [...].

THIRD: To order the confiscation of the tools and fishing gear seized per the Inspection Certificate No. 133078 [...].

[...]

[signed]. Edward Jackson Abella. Executive President.

[...] Managua [...] 8 February 2019.

Delivered: [initialized illegible]

Received:

[seal] Administrative Process No. 041-2018

FAITH
FAMILY
AND COMMUNITY

CHRISTIAN, SOCIALIST, SOLIDARY!
Nicaraguan Institute for Fishing and Aquaculture

Annex 7

**SPEECHES AT THE 39TH ANNIVERSARY OF THE NICARAGUAN NAVAL
FORCE, 13 AUGUST 2019**

(Available at:

<https://www.el19digital.com/articulos/ver/titulo:93087-acto-del-39-aniversario-de-la-fuerza-naval-del-ejercito-de-nicaragua-13-de-agosto-del-2019>)

39TH ANNIVERSARY OF THE NAVAL FORCE
13 August 2019

Rear-Admiral Ángel Eugenio Fonseca Donaire
Chief of the Nicaraguan Naval Force

[...]

“We have participated in the VII Caribbean Basin Coastal Surveillance and Maritime Security Summit, in Barbados; in the Warships and OPV Latin America Conference, in Brazil; in the Training and Exploitation of Surface Units, in Jamaica. We have been participating in the Naval Campaigns against Drug Trafficking ‘Orión’, organized by Colombia and where several countries participate, respecting each other’s maritime spaces.

This year we hosted and directed the IX Central American and Caribbean War Games, Exercise of Operation of Humanitarian Assistance in face of Natural Disasters, with the participation of Mexico, Honduras, Colombia and Jamaica.”

[...].

Annex 8

Page intentionally left blank

Page intentionally left blank

Page intentionally left blank

Page intentionally left blank

Annex 9

**AFFIDAVIT BY MR JOSÉ CRISTÓBAL MÉNDEZ HERNÁNDEZ,
(CAPTAIN OF THE ARC-53 “ANTIOQUIA”), 4 DECEMBER 2019**

(Archives of the Colombian Ministry of Foreign Affairs)

FOURTH NOTARY OF THE CIRCUIT OF CARTAGENA
Bocagrande, Carrera 3ª No. 9-98 Telefax No.6552723
email: notaria4cartagena@gmail.com

AFFIDAVIT MINUTE NO. 1581
 DECREE 1557 OF 1989

In the City of Cartagena de Indias, Capital of the Department of Bolívar, in the Republic of Colombia, on the fourth (4) day of the month of December of the year two-thousand nineteenth (2019), before this office whose head is doctor EVELIA ROSA AYAZO AGUILAR. Fourth Notary of the Circuit of Cartagena, appeared: JOSE CRISTOBAL MENDEZ HERNANDEZ, identified with Colombian National ID Card 79063950 issued in La Mesa, in order to render an affidavit in accordance with Decree 1557 of 1989. He stated next that the affidavit in this instrument is rendered under oath and that he is not related to the Fourth Notary of this Circuit. After asked about his general information he ANSWERED: My name and identification are as stated, of legal age, with Colombian nationality, civil status married, profession or occupation Military, with domicile and residence in [personal information redacted] and under oath stated: next the affiant answers the questions brought by him. Question: Say your name, age and occupation. Answer: Name: José Cristóbal Méndez Hernández, age: 44 years, occupation: military, naval officer in the rank of Frigate Captain, currently commander of the Frigate A.R.C. “Antioquia” of the Colombian Navy. Question: Mention the time you have been in service. Answer: My service time so far is 23 years and 9 months in the Colombian Navy. Question: Mention how long you have served as commander of the A.R.C. “Antioquia”. Answer: I have been commander of the A.R.C. “Antioquia” for 2 years and 3 months. Question: Describe the date and start period of the event with the Honduran vessel “Observer”. Answer: The event with the M/V “Observer” and the FNN vessel “Tayacán” began on December 10, 2018. As background, the M/V “Observer” was fishing in the territorial seas of Quitasueño and Serranilla, on 9 December by 0600 hours a report was received that the M/V “Observer” would travel from Serranilla to the Quitasueño area. Also, on 10 December by 1700 hours it [the M/V “Observer”] reported its position in Quitasueño and its departure to the area of Serranilla. Question: Describe the circumstances of the interaction with the vessel FNN “Tayacán” of the Nicaraguan Naval Force. Answer: On December 10, 2018, at approximately 2330 hours and midnight, an alert was received from the M/V “Observer” during its transit between Quitasueño and Serranilla. Then, the A.R.C. “Antioquia” sailed from its anchoring position in the Quitasueño area. After receiving the alert from the M/V “Observer”, attempts were repeatedly made to establish communication, but this was not possible. By 0330 hours on December 11, 2018, the A.R.C. “Antioquia” had radar contact, and minutes later visual contact, with the FNN vessel “Tayacán” and the M/V “Observer”. When it was approximately 3 nautical miles from the vessels, the proclamations were read to the FNN vessel “Tayacán”, according to the rules of operational procedure, requesting it to cease in its intentions to take the vessel to Nicaraguan territory. The FNN vessel “Tayacán” ignored the call and continued its course. The A.R.C. “Antioquia” kept escorting the FNN vessel “Tayacán”, maintaining visual contact with the vessels and recording the events with photographs and films. Subsequently, at approximately 0500 hours on December 11, 2018, the personnel of the Nicaraguan Naval Force that was on board the M/V “Observer” attempted to collide the A.R.C. “Antioquia”, which performed the necessary manoeuvres to avoid the collision and kept a safe distance. The filmic evidence was delivered to the Colombian authorities. The FNN vessel “Tayacán” continued its course in control of the M/V “Observer” with armed officers of the Nicaraguan Naval Force and

ignored the call, then [the A.R.C. "Antioquia"] continued reading the proclamations. Between 0600 and 0700 hours on December 11, 2018, an order was received from the commander of the Specific Command of San Andrés and Providencia not to take any action to achieve the recovery of the M/V "Observer", therefore, the A.R.C. "Antioquia" kept on escorting the two vessels at a safe distance. By 0630 hours on December 11, 2018, from the M/V "Observer", under the control of armed personnel of the Nicaraguan Naval Force, the FNN unit "Tayacán" was informed that they were having problems with the rudder and could not keep their course, without the A.R.C. "Antioquia" being aware of the causes [of the technical failure]. After 0700 hours, the towing manoeuvre of the M/V "Observer" was started by the FNN "Tayacán", since it appeared to be problems in the propulsion of the "Observer". Considering the situation of the M/V "Observer", which had lost steering, and in accordance with the instructions of the superior command, the A.R.C. "Antioquia", around 0900 hours, and according to the authorizations of the command, proceeded to invite again the FNN vessel "Tayacán" to desist from the actions to drive the "Observer" to Nicaraguan territory, approaching towards the vessels at a safe distance, without using force, inviting the FNN vessel "Tayacán" desist from driving the vessel to Nicaraguan territory, likewise, in order to communicate with the M/V "Observer" to offer the necessary help in the situation they presented. Between 1000 and 1100 hours, on December 11, 2018, the instruction was received from the Command of the National Navy to stay away from the M/V "Observer" and from the FNN unit "Tayacán" but continuing with the escort. During our stay in this area at a safe distance we observed from the A.R.C. "Antioquia" that the towing manoeuvre carried out by the FNN unit "Tayacán" to the M/V "Observer" was dropped. From the A.R.C. "Antioquia" we could not determine the reasons why said manoeuvre was dropped. Additionally, it was observed that the personnel of the Nicaraguan Naval Force disembarked from the M/V "Observer" to the FNN unit "Tayacán". After these events, the captain of the M/V "Observer" called the A.R.C. "Antioquia" frigate to ask for support to get out of control of the FNN unit "Tayacán", stating that he was going to solve the technical problems of the engine and rudder, maybe affected voluntarily, but it was not possible to do so since the officials of the Nicaraguan Naval Force again performed an approach manoeuvre, and as reported by the captain of the M/V "Observer", the personnel of the Nicaraguan Naval Force again boarded the "Observer" and regained control. Finally, at 1620 hours on December 11, 2018, the FNN vessel "Tayacán" and the fishing vessel "Observer", sailed west in position latitude 14°38'N longitude 82°00'W. Question: Was there any overflight during the event? Answer: In the period between 2330 hours and 1620 hours on December 10 and 11, 2018, there was no detection nor information of overflights by any type of aircraft. Question: Was there a speedboat present during the event? Answer: In the event with the M/V "Observer" and the FNN unit "Tayacán" I have no knowledge of the presence of any speedboat. Question: Did the A.R.C. "Antioquia" have a speedboat as part of its equipment during the event? Answer: For the date of the event the A.R.C. "Antioquia" did not have a speedboat and the davit was out of service. Question: Did you witness when personnel of the Nicaraguan Naval Force took control of the M/V "Observer"? Answer: We had knowledge of the presence the personnel of the Nicaraguan Naval Force on board the M/V. This was recorded in the videos where uniformed personnel with weapons can be seen on board the M/V "Observer". Question: describe the operation by the Nicaraguan Naval Force in relation to the Honduran ship "Observer". Answer: Regarding this operation, the personnel of the Nicaraguan Naval Force carried out manoeuvres that were not in accordance with the good and safe navigation, including the fact that during their operation they proceeded, I would understand, with the goal of provoking us. For example, in the early hours of the morning, the armed personnel of the Nicaraguan Naval Force in control of the M/V "Observer" tried to collide the A.R.C. "Antioquia" at the height of the half deck, the frigate

had to manoeuvre at maximum speed to avoid the collision. This was recorded on video. That said, neither at that time, nor hours later when the A.R.C. “Antioquia” was in the place of the events, there was never a touch, bump or collision between it and the FNN “Tayacán”. Another example is when the M/V “Observer” was being towed by the FNN unit “Tayacán” and they made manoeuvres changing course, which led to, not a crash, but maybe to a slight friction between the bow of the frigate A.R.C “Antioquia” with the M/V “Observer”, but never a bump as such. Question: Describe if at any time the personnel of the Nicaraguan Naval Force was threatened and/or targeted with guns or rifles “with an infrared sight”. Answer: From the moment of being informed about the illegal boarding by unit of the Nicaraguan Naval Force to the M/V “Observer”, the A.R.C. “Antioquia” was arranged to the maximum degree of enlistment and the corresponding orders were given not to point nor pursue any action against the personnel of the Nicaraguan Naval Force, and any action must always be carried out at the commander’s orders and at no time it was done or ordered to do so. It is noted that the A.R.C. “Antioquia” does not have, nor had for the date of the events any type of weaponry with infrared sights. Question: Do you want to add something to your statement? Answer: At all times the Naval Command was kept informed through the San Andres and Providencia Specific Command and orders and instructions were given not to generate any event that jeopardized the integrity of the personnel and elements of the frigate A.R.C. “Antioquia”, as well as not generating any action that threatened the integrity of the personnel of the Nicaraguan Naval Force on board the FNN “Tayacán” unit and the M/V “Observer”, also not to carry out any type of aggression or hostility. Not being other the subject of this diligence it is concluded and the people who intervened sign on it [the minute]. – Record is set, and it was warned to the affiant about the provisions in Article 7 of Decree 0019 from 10 January 2012, which states “Prohibition of the extra-procedural declarations. Article 10 of Decree 2150 of 1995, amended by Law 962 of 2005 will read: Article 10. Prohibition of the extra-procedural declarations. It is prohibited to demand as a requirement for the processing of an administrative proceeding extra-procedural declarations before an administrative authority or of any other kind. To comply with it, the statement made by the individual before the authority will be sufficient, which will be understood as made under the gravity of oath. This affidavit is authorized due the request of the interested. As it was stated, granted and signed. It was warned to the affiant about the responsibility of the oath. Dues \$13.100.00+ VAT \$2.489.00 Resolution 0691 of 24 January 2019. The affiant provided a text drafted for the affidavit. -

AFFIANT:

[Signed]

79.063.950

[Fingerprint]

Republic of Colombia

Evelia Rosa Ayazo

Aguilar

Fourth Notary of
the circuit of Cartagena

Department of Bolivar

[Stamped and

Initialized]

In the city of Cartagena, Department of Bolivar, Republic of Colombia, on the fourth (4) of December of two-thousand nineteen (2019), in the Fourth Notary (4) of the Circuit of Cartagena, appeared:

JOSE CRISTOBAL MENDEZ HERNANDEZ, identified with Cédula de Ciudadanía [Colombian National ID Card]/NUIP #0079063950.

[Signed] Autographic signature	[Barcode] 6whijtof1n1y 04/12/2019-14:22:03:051	[Photograph]
-----------------------------------	--	--------------

Pursuant to Article 18 of Decree-Law 019 of 2012, the affiant was identified by biometric authentication, through the comparison of his fingerprint against the biographical and biometric information of the database of the National Civil Status Registry.

This minute, is part of the extra-procedural declaration of EVENTS, rendered by the affiant.

[Digital signature and stamp]
[Stamped and initialized]

EVELIA ROSA DEL CARMEN AYAZO AGUILAR
Fourth Notary (4) of the Cartagena Circuit

Consult this document in www.notariasegura.com.co
Single Number of Transaction: 6whijtof1n1y

Annex 10

**AFFIDAVIT BY MR AARON HUMPHREYS SJOGREEN
(CREWMEMBER OF THE M/V “OBSERVER”), 12 DECEMBER 2019**

(Archives of the Colombian Ministry of Foreign Affairs)

**SINGLE NOTARY PUBLIC OF THE NOTARY CIRCUIT
OF SAN ANDRES ISLAND
ARCHIPIÉLAGO DEPARTMENT OF SAN ANDRÉS,
PROVIDENCIA AND SANTA CATALINA**

**ADDRESS: AVENIDA FRANCISCO NEWBALL
CENTRO COMERCIAL DANN LOCALES 133-134-
PHONE NUMBER – 5126119 – 5122112.**

RECEPTION OF AFFIDAVIT

In the city of San Andrés Island, Archipelago Department of San Andrés, Providencia and Santa Catalina on the (12) days of the month of December of the year two-thousand nineteen (2019), appeared before me **RAFAEL MEZA ACOSTA** – Single Notary Public San Andrés Island appeared **AARON THOMAS HUMPHREYS SJOGREEN** in order to render an **AFFIDAVIT AND STATED: FIRST:** That all the statements set out in this instrument are rendered **UNDER OATH**, and aware of the implications lying under oath. **SECOND:** That he has no impediment to render this affidavit, which he provides under his sole and entire liability. **THIRD:** That the statements rendered herein are given freely by having witnessed them first-hand. **FOURTH:** That this affidavit was rendered to be submitted and delivered to the **MINISTRY OF FOREIGN AFFAIRS OF COLOMBIA** with the purpose of being included as evidence before the **INTERNATIONAL COURT OF JUSTICE**, pursuant to the provisions of Decree **1557** of July 04/89 Art. 188 paragraph 2 of the General Code of Proceedings. **FIFTH:** My name is as stated in writing, I am thirty-five (35) years old, I live in [personal information redacted] in the following address [personal information redacted] phone No. [personal information redacted], profession or occupation **ARTISANAL FISHING** with fishing Id No **18.010.698**, civil status **SINGLE** I am identified with Colombian National ID Card [cédula de ciudadanía] No. **18.010.698** issued in **SAN ANDRÉS ISLANDS**. **SIXTH:** As stated. **I DECLARE UNDER OATH THAT:**

Regarding the following question “Describe the circumstances of your detention by the Nicaraguan Naval Force (“FNN” for its Spanish acronym) between 10 and 24 December 2018.”

This was my Answer: “We were just going from Quitasueño to Serranilla, that was where they boarded us on our way to arrive at dawn to continue pulling the [fishing] lines and they boarded us forcibly, they approached us and stopped the boat. The sailors were asleep, but I noticed it since I was sleeping on the deck, in a hammock, that was where I realized that the Nicaraguans were close, because they approached us. Then they pointed at us and had us cornered, three of them and the captain of their vessel.

We were on the ship, they approached us and pointed weapons at us and boarded us without questions. They pointed us as forcing us to obey them, we had no right to speak, anyone who disobeyed or spoke without permission it was clear that they could beat him. They held us and took us to the deck, entered the room, and closed the door and there was an officer there at the door, we did not have permission to leave, if we had to go out to pee or do something personal we had to ask permission beforehand.

Then they took us there. They took us to Bluefields and searched and checked the ship from head to toe asking what we had been doing there in those waters, asking if we did not know that it was not allowed to enter their waters.

The treatment was not very good, I had to withstand a little of everything, the food was not very good because that was bread with beans every day, their treatment in the requisitions and things like that as they kept everything. They gave us nothing back, I returned here but with nothing, like that, without clothes, with nothing, without product, with nothing, they kept everything.

I didn't have contact with an attorney, that was many days [after, that the] the Embassy of Colombia sent, I believe authorized personnel, since I was from San Andrés and had my papers.

They made us a paper for entering in their waters they took everyone, Hondurans also, and made [us] sign a paper there, and they came, made questions and we signed. We were captured as well as the vessel for entering the water and like that, successively, each one signed because when you are with them, well its different, its not the same, so in order not to have a misunderstanding or mistreatment we had to know how to answer, [you] have to know what to say.

In Bluefields we were like, how to say, some days there, that was in an, that is like an enclosed place, just one door, darkness, no windows, everyone slept there, amongst the Hondurans, and I was there on the floor, each one in a tiny space. They said that we could not get anything out of the boat, so each of us, one by one, we had to go to the boat and take out a mat and a pillow, so each one slept on a mat, cornered, there were fourteen of us.

They didn't beat us physically, but mentally yes.

They constantly came there to see like if we were doing something illegal, but no, that was not the idea, we were with all the papers in order, they kept everything, but the inspection they did to the boat was like looking for something. We had the nasas [lobster traps] on top, we already had a *lingada* [cargo] on top, they were like 200 nasas we had on top, the Nicaraguans also kept all of that.

Nicaraguans told me that they do not want to see my face there again and that if they catch me again, I will suffer consequences, I did not go out [fishing] again, I am afraid, they are not very friendly out there and they already told me face to face that if they find me again I

will suffer consequences and that I take that seriously, because it was not a good treatment the first time, now the second they already told me, they have warned me, if they catch me again there, I will suffer consequences.

Finally, I want to add that considering the materials and gear described above, I want collaboration so that said fishing gear is given back, such as hooks of different sizes, nylon of different sizes, nylon to float, nylon to catch large barracudas, since it was a very big investment and the livelihood of my family and of my parents depends on that since they are delicate of health, likewise, the lobster tail fishing product that was about 500 to 600 kilos and fish including red snapper, black fish that was like 400 to 500 kilos.”

THE AFFIANT DISPLAYED SOUND MIND, EXPRESSED HIMSELF CLEARLY AND SIGNS THE PRESENT MINUTE WITH THE UNDERSIGNED NOTARY PUBLIC, ONCE READ AND APPROVED. HIS RIGHT INDEX FINGERPRINT WAS SET.

NOTES. _____

[Signed] [fingerprint]

The Affiant: **AARON THOMAS HUMPHREYS SJOGREEN**

CC. [Colombian National ID Card No.] 18010698

[Signed]

The Notary Public

RAFAEL MEZA ACOSTA

[Signature and stamp]

[Document bears stamp reading: *That the biometric system mandated by law was not used and therefore there was no fingerprint digitalization for this act, due to the following reasons: (...) 4. Lack of connectivity. Article. Resolution 6467 of 2015 S.N.R.*]

Annex 11

**WESTERN CENTRAL ATLANTIC FISHERY COMMISSION, NINTH SESSION OF
THE SCIENTIFIC ADVISORY GROUP (SAG), MARPLESCA – THE REGIONAL
CARIBBEAN SPINY LOBSTER (*PANULIRUS ARGUS*) FISHERY MANAGEMENT
PLAN, BRIDGETOWN, BARBADOS 19-20 NOVEMBER 2018, DOCUMENT
WECAF/SAG/IX/2018/6**

*(Available at [http://www.fao.org/fi/static-
media/MeetingDocuments/WECAFC/SAG2018/6e.pdf](http://www.fao.org/fi/static-media/MeetingDocuments/WECAFC/SAG2018/6e.pdf))*

November 2018

E

منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)

NINTH SESSION OF THE SCIENTIFIC ADVISORY GROUP (SAG)

Bridgetown, Barbados, 19-20 November 2018

**MARPLESCA – The Regional Caribbean Spiny Lobster (*Panulirus argus*) fishery
management plan**

Contents

EXECUTIVE SUMMARY	2
PROLOGUE.....	4
REGIONAL AND INTEGRATED APPROACH	4
I. INTRODUCTION	5
II. CARIBBEAN SPINY LOBSTER	6
2.1 General overview	6
2.2 Life Cycle, Habitat	8
2.3 General information on Caribbean spiny lobster fisheries capture production and fishing effort.....	9
III. COMMON ELEMENTS MATRIX	10
IV. ASSUMPTIONS.....	16
V. OBJECTIVES	16
VI. IMPLEMENTATION STRATEGIES AND GOALS	16
VII. REGIONAL ACTIONS OF THE MARPLESCA PLAN	17
7.1 Implementation of Regulation OSP-02-09, St. George's Declaration and WECAFC Recommendations	17
7.2 Access Regime Harmonization	18
7.3 Best Practices for Lobster Fishing	18
7.4 Harmonized Landing Controls.....	18
7.5 Common Protocols for Fishing Fleets	18
7.6 Common processing protocol.....	19
7.7 Traceability of the lobster production chain	19
7.8 Common biological sampling methodology (on board and in processing plants) ..	19

Due to its wide distribution and its larval dispersion process, Caribbean spiny lobster has been considered as a meta-population¹ which means that it should be managed jointly by all countries with lobster fisheries (Sejjo, 2007; WECAFC, 2001). Studies of the life cycle also suggest that larval transportation by ocean currents constitutes an important replenishment that allows fishing in areas far from spawning sites (Ehrhardt, 1994). This in turn is an important transboundary link and could be considered as an externality of the fishery.

Challenges and opportunities around this fishery are similar. For example, obtaining information on the biology, distribution and abundance of lobster from all fishing areas is more feasible and of greater coverage if it is done harmonized and at regional level. Therefore, the SICA/OSPESCA, CARICOM/CRFM and WECAFC countries should strengthen efforts to establish harmonized and systematic guidelines at regional level to implement policies and fishery management.

2.2 Life Cycle, Habitat

Caribbean spiny lobster has a complex life cycle that includes five stages: egg, larva (phyllosoma), postlarvae (puerulus), juvenile and adult (Marx and Herrnkind, 1986). The life cycle begins with the mating of mature adults, from 78 mm to 81 mm carapace length (CL) (Cruz-Leon, 1991). Upon mating the male attaches a spermatophore to the female, which is a sperm package or patch wrapped in a cementing substance. Next, fertilization occurs when the female breaks the spermatophore releasing gametes that fertilize the female's eggs, which remain attached to the pleopods until spawning. Usually gravid females spawn in deep reef areas with appropriate conditions such as shelter, water quality and larval transport by currents (Marx and Herrnkind, 1986).

Reproductive fecundity varies directly with the size of the female (Max and Herrnkind, 1986) and can be affected by the intensity of fishing effort (Lyons et al., 1981). Sexual maturity is reached between 78-81 mm LC sizes (Cruz and Leon, 1991; Baisre and Cruz, 1994) and mating takes place mainly from February to March. In ovigerous females hatching occurs in 3-4 weeks, mainly from April to May. The number of eggs in the pleopods range between 159,000 and 1,629,000 and is related to carapace length (mm) by the following equation: $F = 59,110 CL^{2.9666}$ (Cruz-Leon, 1991). After the eggs are released, the lobster begins its life as a phyllosoma larva: tiny, flat and transparent except for the eye pigment. The phyllosomas are dispersed in the ocean, where they feed on plankton and go through eleven stages or phases over a period of 6-12 months.

After successive metamorphosis, the phyllosomas become postlarvae or pueruli, which migrate to the coast where they settle on substrates with complex structures preferably covered with red algae of the genus *Laurencia* (Marx and Herrnkind 1986). This crustacean can reach 40 cm in total length and as adult inhabits coral reefs at depths of 3-55 meters. In Nicaragua, Caribbean spiny lobster has shown increased sexual activity in May and October (Martinez, S., 1997) with a peak in recruitment in June (Barnutti, 2000; Barnutti, 2001, FAO, 2003). This documented information was a key element in establishing the four-month regional closed season in the OSPESCA Regional Regulation OSP-02-09.

¹ the different populations of a species are not isolated in nature, but maintain a certain contact through the migration of individuals. These groups or groups of populations of the same species, interconnected by the migration of individuals between them, are known as metapopulations (Valverde, 1999).

Annex 12

CURRICULUM VITAE OF MR WALNER ABRAHAM MOLINA

(Archives of the Ministry of Foreign Affairs of Colombia)

General information:

According to public available information, Mr Walner Abraham Molina Pérez is a retired member of the Nicaraguan Army as of 24 September 2019.¹

Participation in cases involving Nicaragua before the International Court of Justice (ICJ):

Since 2009, Mr Molina Pérez has been a member of the delegation representing Nicaragua before the ICJ as “*Juridical Adviser, Ministry of Foreign Affairs*”.

His involvement includes those cases in which Colombia and Nicaragua are parties, and is registered in Nicaragua’s delegation as follows:

No.	Case	See Nicaraguan Delegation at:
1	Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)	Judgment of 13 July 2009
2	Territorial and Maritime Dispute (Nicaragua v. Colombia)	Judgments of 4 May 2011 (Applications by Costa Rica and Honduras for Permission to Intervene) Judgment of 19 November 2012
3	Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)	Judgment of 17 March 2016 (Preliminary objections)

¹ Radio Nicaragua, “23 Officials of the Army go into retirement”, 25 Sep. 2019. Available at: <<https://www.radionicaragua.com.ni/pasan-a-retiro-23-oficiales-del-ejercito-de-nicaragua/>> (Last visited: 11 Dec. 2019)

4	Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)	Judgment of 17 March 2016 (Preliminary objections)
5	Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)	Judgment of 16 December 2015 (Merits)
6	Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)	Judgment of 2 February 2018 (Merits)
7	Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)	Judgment of 16 December 2015 (Merits)
8	Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)	Judgment of 2 February 2018 (Merits)

Overall, Mr. Molina Pérez has been a member of the Nicaraguan delegation in 8 out of the 15 cases before the ICJ in which Nicaragua has been involved.

* * *

Annex 13

NATIONAL INSTITUTE OF FISHERIES AND AQUACULTURE (INAPESCA), COMMUNIQUÉ REGARDING THE CENTRAL AMERICA CAMPAIGN 2018 OF THE RESEARCH VESSEL “JORGE CARRANZA FRASER”, 8 OCTOBER 2018

(Available at:

<https://www.gob.mx/inapesca/es/articulos/transcurre-en-nicaragua-la-tercera-semana-de-la-campana-america-central-2018-del-b-i-jorge-carranza-fraser?idiom=es>)

(<http://www.gob.mx>) National Fishing Institute (/inapesca) **Blog**

The third week of the Central America Campaign 2018 of the R/V “Doctor Jorge Carranza Fraser” continues in Nicaragua

Third week of activities of the Research Vessel “Dr. Jorge Carranza Fraser” in Central America



Collecting samples, Central America campaign 2018

Author
National Fishing Institute of Mexico

Date of Publishing
08 October 2018

Scientists from Mexico and Central America leading the project “Prospection and Evaluation of the Fishing Resources in Central America” aboard the research vessel Jorge Carranza Fraser from INPESCA, carried out the tasks programmed for the third week of the Central America Campaign in the Exclusive Economic Zone of Nicaragua, whereas until now 761 nautical miles have been navigated (70% of the planned route for that country).

Despite adverse climatologic conditions and complications due to the configuration of the seafloor, 27 transects have been made (5 in the Mexican Caribbean, 18 in Honduras and 4 in Nicaragua), as well as several fishing hauls in which samples of different species have been obtained, some with fishing potential, and oceanography stations with sargassum sampling, activity in which several species of organisms related to the presence of the plague have been identified.

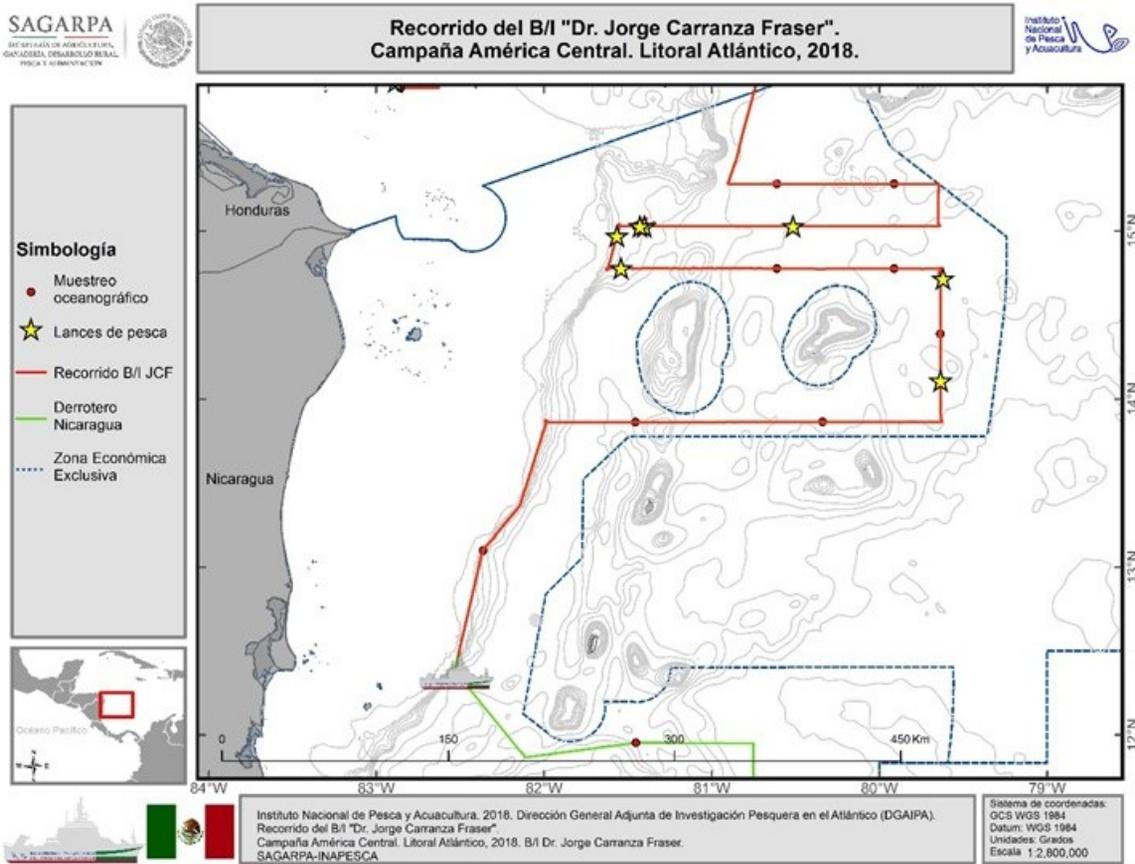
It is estimated that research activities in Nicaraguan waters will finish on the upcoming 10 of October.



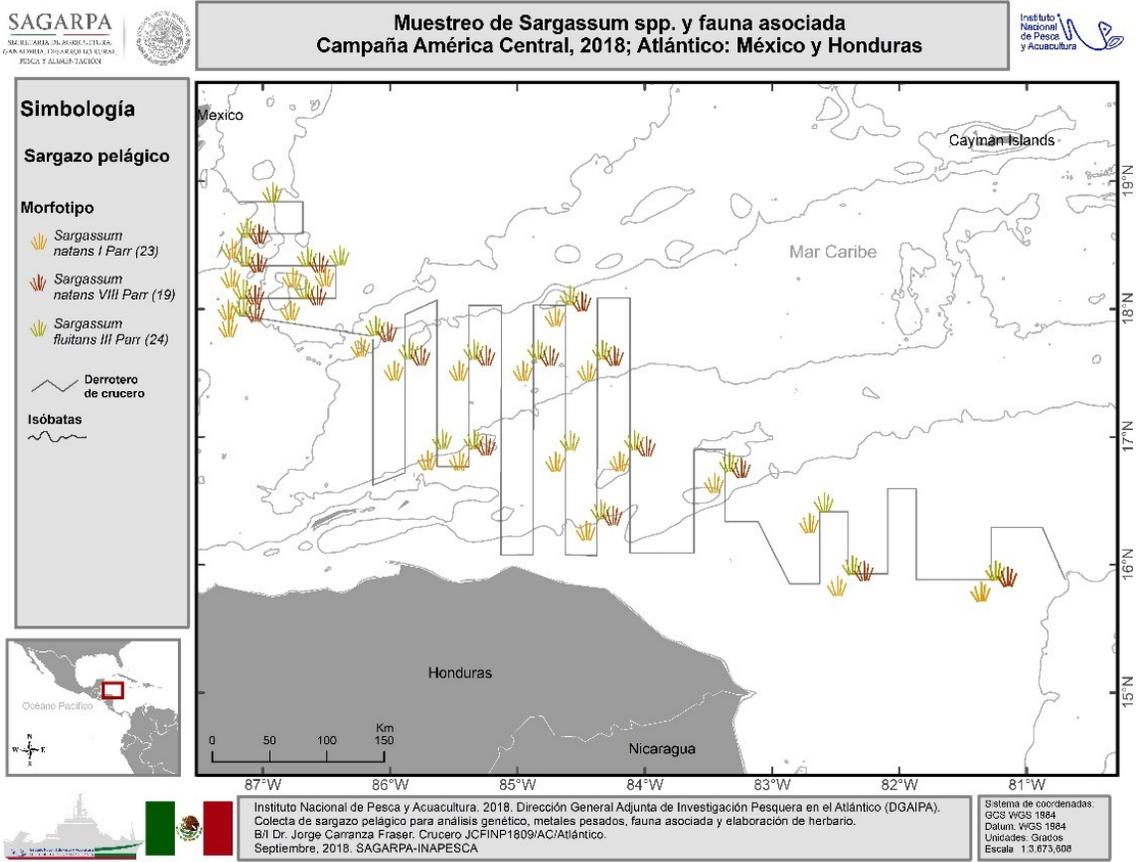
Biological samples.



Fauna related to sargassum.



Course and position of the Vessel on 5 October



Map, shows the points of sargassum collection.

Annex 14

**NATIONAL INSTITUTE OF FISHERIES AND AQUACULTURE (INAPESCA),
COMMUNIQUÉ REGARDING THE CENTRAL AMERICA CAMPAIGN 2018 OF
THE RESEARCH VESSEL “JORGE CARRANZA FRASER”, 12 OCTOBER 2018**

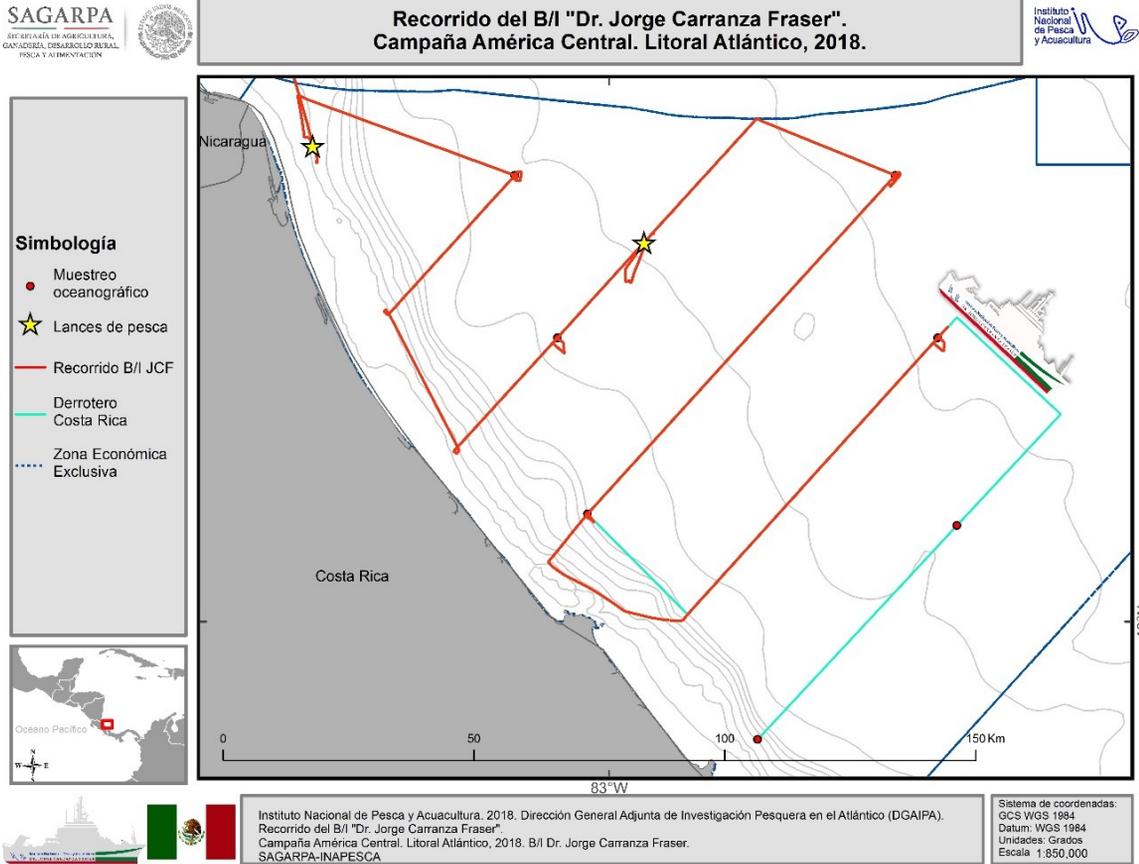
(Available at:

<https://www.gob.mx/inapesca/articulos/actividades-del-b-i-dr-jorge-carranza-fraser-en-costa-rica-en-el-marco-de-la-campana-america-central-2018?idiom=es>)

(<http://www.gob.mx>) National Fishing Institute (/inapesca) **Blog**

Activities of the R/V. Dr. “Jorge Carranza Fraser” in Costa Rica, in the framework of the “Central America Campaign 2018”

Communiqué of the activities of the Research Vessel Dr. Jorge Carranza Fraser during the “Central America Campaign 2018”



Route and location on 12 October 2018

Author
National Fishing Institute of Mexico

Date of publishing
12 October 2018

With 230 nautical miles navigated until the morning of 12 October in waters of Costa Rica, Research Vessel Doctor Jorge Carranza Fraser from INAPESCA continues with the established work plan within the research project “Prospection and Evaluation of the Fishing Resources in Central America”, which represent 80% of the contemplated total in waters of that Central America nation.

Until today the whole cruise has covered a total of 37 transects, 5 of them in the Mexican Caribbean, 18 in Honduras, 9 in Nicaragua and 5 in Costa Rica. In this last phase in the exclusive economic zone of Costa Rica, five oceanography stations have been completed, four bongo net trawls and five hauls of CTD probes, and despite that the detection in deep-sea waters has been weak in general, the capture of predominant species has been accomplished.

During the next hours the cruise will resume activities in the waters of Costa Rica and then head towards the exclusive economic zone of Panama, where its arrival is expected for this weekend.

Annex 15

**COLOMBIAN NAVY, COMMUNIQUÉ “A NEW PHASE OF THE
MULTINATIONAL DRUG TRAFFICKING OPERATION CULMINATED
SUCCESSFULLY”, 10 OCTOBER 2019**

(Available at:

<https://www.armada.mil.co/es/content/con-exito-culmino-una-nueva-fase-operacion-multinacional-lucha-contra-narcotrafico>)

A new phase of the multinational drug trafficking operation culminated successfully

Date:

Thursday, October 10, 2019 - 05:45

[Colombian Navy Logo]

The Orion Naval, Maritime and Fluvial Campaign, completed its fourth phase [Orion IV], allowing continuity to the regional initiative led by the Colombian National Navy, to strengthen interoperability among countries engaged in the fight against drug trafficking.

During this fourth phase, 49.3 tons of cocaine hydrochloride, 10.27 tons of marijuana, 106 laboratories destroyed for the production of alkaloids and 227 captured by these illegal activities were seized. The impact on the expectation of gain from the seizure of Orion IV, allowed to have an effect on 1,662'185,100 (USD) to drug trafficking organizations.

The trust and commitment of the participating countries and institutions was the key to success in developing eight coincident, joint, coordinated and inter-institutional operations, with a solid exchange of intelligence information in a sustained manner and the provision of surface, river and air resources, counting with a total of 67 Interceptors, 30 Maritime Surface Units, eight Aero maritime Patrollers, eight River Combat Elements, seven River Surface Units, six Helicopters, and three unmanned Systems. All of them capabilities that were operationally integrated through the International Operational Coordination Center and its Liaison Officers in Cartagena, Colombia.

Integrating the capabilities of the Military Forces under the concept of "Joint Operations" and Operational Synergy, coupled with the efforts of the National Police and the National Prosecutor's Office, the drug trafficking scourge was significantly impacted. In addition to this initiative, the development of combined, coordinated and interagency operations through a strategic alliance, under the framework of international cooperation agreements of 22 participating countries, (Argentina, Belize, Brazil, Canada, Colombia, Costa Rica, Chile, Ecuador, United States, Spain, France, El Salvador, Guatemala, Honduras, Italy, Jamaica, Mexico, Nicaragua, Panama, Netherlands, Peru, Dominican Republic).

[...]

Annex 16

**VESSEL MONITORING SYSTEM (VMS) TRACK OF THE “M/V OBSERVER”,
DATA SHEET, 10 DECEMBER 2018 (18:48:04) TO 11 DECEMBER 2018 (01:45:18)**

(Archives of the Colombian Ministry of Foreign Affairs)

2018-12-11 01:45:18	Panic	5 Knots	Unidentified driver	True	-81°8'7.0000'	14°56'40.0000'	0.0	Caribbean Sea
2018-12-11 01:45:12	Panic	5 Knots	Unidentified driver	True	-81°8'7.0000'	14°56'40.0000'	0.0	Caribbean Sea
2018-12-11 01:45:10	Panic	5 Knots	Unidentified driver	True	-81°8'7.0000'	14°56'40.0000'	0.0	Caribbean Sea
2018-12-11 00:48:06	Periodic message	2 Knots	Unidentified driver	True	-81°3'26.0000'	14°59'7.0000'	0.0	Caribbean Sea
2018-12-10 23:56:02	Panic	0 Knots	Unidentified driver	True	-80°59'26.0000'	14°59'52.0000'	0.0	Caribbean Sea
2018-12-10 23:55:48	Panic	0 Knots	Unidentified driver	True	-80°59'26.0000'	14°59'52.0000'	0.0	Caribbean Sea
2018-12-10 23:48:05	Periodic message	0 Knots	Unidentified driver	True	-80°59'24.0000'	14°59'54.0000'	0.0	Caribbean Sea
2018-12-10 22:48:06	Periodic message	6 Knots	Unidentified driver	True	-81°3'4.0000'	14°55'18.0000'	0.0	Caribbean Sea
2018-12-10 21:48:05	Periodic message	5 Knots	Unidentified driver	True	-81°6'51.0000'	14°50'13.0000'	0.0	Caribbean Sea
2018-12-10 20:48:05	Periodic message	6 Knots	Unidentified driver	True	-81°10'38.0000'	14°45'6.0000'	0.0	Caribbean Sea
2018-12-10 19:48:04	Periodic message	5 Knots	Unidentified driver	True	-81°14'58.0000'	14°39'52.0000'	0.0	Caribbean Sea
2018-12-10 18:48:04	Periodic message	6 Knots	Unidentified driver	True	-81°19'45.0000'	14°34'49.0000'	0.0	Caribbean Sea

Annex 17

**COLOMBIA'S CORRECTIONS TO NICARAGUA'S TRANSLATION OF
DIPLOMATIC CORRESPONDENCE FOUND IN NICARAGUA'S
ANNEXES 1 TO 10**

(Archives of the Colombian Ministry of Foreign Affairs)

[Note to the Court: Colombia is not in agreement with the translation presented by Nicaragua concerning the diplomatic correspondence contained in Nicaragua's Annexes 1 to 10, therefore, an accurate translation of certain relevant paragraphs of said diplomatic correspondence is provided below (text of translation by Colombia is underlined).]

NICARAGUA ANNEX 1. Diplomatic Note MRE/VM-AMM/DGAJST/1545/11/18 dated 15 November 2018:

- In paragraph 1, line 2, it reads “(...) *Army of the Republic of Colombia* (...)”.

It should read: “ (...) Navy of the Republic of Colombia (...)”.

- In paragraph 2, line 5, it reads “*The Colombian Armada* (...)”.

It should read: “*The Colombian Navy* (...)”.

NICARAGUA ANNEX 2. Diplomatic Note MRE/DM-DMC/DGAJST/00553/12/18 dated 5 December 2018:

- In paragraph 4, line 4, it reads “(...) *the fishing vessel ‘MISS SOFIA’ was in Colombian territorial waters* (...)”.

It should read: “(...) *the fishing vessel ‘MISS SOFIA’ was in Colombian territorial sea* (...)”.

NICARAGUA ANNEX 3. Diplomatic Note MNIMNG 263 dated 13 December 2018:

- In paragraph 3, line 2, it reads: “(...) *while they remain in the hands of the Nicaraguan authorities* (...)”.

It should read: “(...) *while under the custody of Nicaraguan authorities* (...)”.

NICARAGUA ANNEX 4. Diplomatic Note MNIMNG 264 dated 14 December 2018:

- In paragraph 2, line 2, it reads: “(...) *to provide them with due attention* (...)”.

It should read: “(...) *to provide them with the required assistance* (...)”.

- In paragraph 2, line 2, it reads: “(...) *in accordance with international standards*”.

It should read: “(...) *in accordance with international norms*”.

NICARAGUA ANNEX 5. Diplomatic Note MNIMNG 270 dated 19 December 2018:

- In paragraph 1, line 5, it reads: “(...) *seized by the Navy of Nicaragua* (...)”.

It should read: “(...) captured by the Navy of Nicaragua (...)”.

NICARAGUA ANNEX 6. Diplomatic Note MRE/DM-DM/DGAJST/00585/12/18 dated 22 December 2018:

- In paragraph 6, line 2, it reads: “(...) *with the commander of the Colombian Armada* (...)”.

It should read: “(...) *with the commander of the Colombian Navy* (...)”.

NICARAGUA ANNEX 7. Diplomatic Note S-GACIJ-19-000336 dated 9 January 2019:

- In paragraph 6, line 2, it reads: “(...) *Mexico only refers to some problems that arose during the campaign* (...)”.

It should read: “(...) *Mexico only refers to some difficulties that arose during the campaign* (...)”.

- In paragraph 6, line 3, it reads: “(...) *due to ‘adverse marine conditions’* (...)”.

It should read: “(...) *due to ‘adverse weather conditions’* (...)”.

- In paragraph 7, lines 4 to 6, it reads: “*Due to the above, it is unlikely to say that several days later it was still in the same area, even more so when its plan did not include oceanographic sampling or fishing sets in that area, only passage through it*”.

It should read: “*Due to the above, it is not credible to state that several days later it was still in the same area, even more so when its navigation course had not planned to make oceanographic sampling or fishing hauls in that area, only transit through it*”.

NICARAGUA ANNEX 8. Diplomatic Note S-DVRE-19-004909 dated 27 February 2019:

- In paragraph 2, line 5, it reads: “(...) *the situation of the Colombian crewmember retained as a result of the detention and towing of the vessel ‘Observer’*”.

It should read: “(...) *the situation of the Colombian crewmember detained as a result of the detention and towing of the vessel ‘Observer’*”.

- In paragraph 2, line 10, it reads: “(...) *they remained retained there for at least three and half a day completely uncommunicated and defenseless*”.

It should read: “(...) *they remained detained there for at least three and half a day completely uncommunicated and defenseless*”.

- In paragraph 5, line 1, it reads: “*Thanks to the official records of the Colombian Armada (...)*”.

It should read: “*Thanks to the official records of the Colombian Navy (...)*”.

- In paragraph 5, line 3, it reads: “(...) *this was not fishing but transiting between the Colombian islands of Quitasueño and Serranilla*”.

It should read: “(...) *this was not fishing but navigating in transit between the Colombian islands of Quitasueño and Serranilla*”.

- In paragraph 6, line 1, it reads: “(...) *at dawn, on December 11, 2018 (...)*”.

It should read: “(...) *before dawn, on December 11, 2018 (...)*”.

- In paragraph 8, line 2, it reads: “(...) *at least three times, the vessel ‘Tayacán’ cut the way of the Colombian Frigate (...)*”.

It should read: “(...) *at least three times, the vessel ‘Tayacán’ cut the bow of the Colombian Frigate (...)*”.

- In paragraph 8, line 5, it reads: “(...) *the Colombian ship was without blows or dents*”.

It should read: “(...) *the Colombian ship was without bumps or dents*”.

NICARAGUA ANNEX 9. Diplomatic Note M RE/DM-DMC/DGAJST/00127/03/19 dated 9 March 2019:

- In paragraph 2, line 3, it reads: “(...) *distorts the events that took place (...)*”.

It should read: “(...) *misconstrues* *the facts that took place (...)*”.

- In paragraph 3, line 2, it reads: “(...) *which will be reinforced in due time (...)*”.

It should read: “(...) *which will be supported in due time (...)*”.

- In paragraph 7, line 2, it reads: “(...) *in general, the crew remained defenseless and in solitary confinement (...)*”.

It should read: “(...) *in general, the crew remained in a state of defenselessness and without communication (...)*”.

NICARAGUA ANNEX 10. Diplomatic Note MRE/DM-DMC/DGAJST/00367/08/2019 dated 2 August 2019:

- In paragraph 4, line 3, it reads: “(...) *especially with regards to the disputes before the International Court of Justice (...)*”.

It should read: “(...) *especially with regards to the cases before the International Court of Justice (...)*”.

Annex 18

COLOMBIA'S CORRECTIONS TO THE EDITED FRAGMENTS BY NICARAGUA OF COMMUNICATIONS BETWEEN COMMANDERS FOUND IN NICARAGUA'S ANNEXES 17 (C)

(Archives of the Colombian Ministry of Foreign Affairs)

[Note to the Court: In view of the partial transcription provided by Nicaragua of the conversations between commanders, found in Nicaragua's Annex 17(j) (Audios) and transcribed in Annex 17(c) (Audio Transcripts), Colombia herein adds the complete transcription of the relevant passages of said audios. Passages omitted by Nicaragua via the use of ellipsis ("[...]") are transcribed below as taken from Nicaragua's Annex 17(j) (Audios) and have been underlined.]

AUDIO TRANSCRIPTION 2. HEAD OF THE NAVAL FORCE OF THE ARMY OF NICARAGUA AND HEAD OF THE ARMADA OF COLOMBIA. 08:31 hours – 11 December 2018:

- In paragraph 9, it reads: “ARC: *To be able to specify managing this, to the extent that we can talk to prevent this from having, let's say, any transcendence and ramifications [...] At this moment, the "Observer" burst, as it was being towed away, while being adrift, [...] it has no propulsion. It has rudder problems, fortunately the frigate Antioquia is there, so the recommendation is to allow us to pick it up and you deliver it to us. [...] good communications and the agreement that has been handled with you and the previous commander to avoid this from having some inconveniences of a political and commercial nature*”.

It should read: “ARC: *To be able to specify managing this, to the extent that we can talk to prevent this from having, let's say, any transcendence and ramifications. At this moment, the "Observer" burst, in the towing maneuver, while being adrift, it has no propulsion. It has rudder problems, fortunately the frigate Antioquia is there, so the recommendation is to allow us to pick it up and you deliver it to us, because, well, I insist, the good, say, the good communications and the agreement that has been handled with you and the previous commander to avoid this from having some inconveniences of a political and commercial nature*”.

AUDIO TRANSCRIPTION 3. HEAD OF THE NAVAL FORCE OF THE ARMY OF NICARAGUA AND HEAD OF THE ARMADA OF COLOMBIA. 8:33 hrs - 11 December 2018:

- In paragraph 1, it reads: “ARC: *As of the agreement [...] remember what we had agreed. that in case these incidents arise, we would neither retain Nicaraguan flag ships nor you ours, if we finally solve these here [...]*”.

It should read: “ARC: *As of the agreement, and I want, may I respectfully, remember what we had agreed. that in case these incidents arise, we would neither retain Nicaraguan flag ships nor you ours, if we finally solve these here, the intention in relation to them, of course, for the rights that both aspire to, and in the good understanding that exists between the two Navies, then, try to solve this in a way that also serves us as experience and avoid situations that affect in some way the relationship between the two countries*”.

- In paragraph 5, it reads: “ARC: *Yes but right now it has an emergency because the tow burst, the ship is adrift and there we are, we want to offer you support and take advantage of the situation and the situation to leave [...], **understand that these things obey the role of the constitutional mission that you and we also have, which is a political issue and hopefully we can resolve this situation soon so as***

not to have this type of inconvenience and that of course end up in some way affecting the good relations we want to strengthen with you”.

It should read: *“ARC: Yes but right now it has an emergency because the tow burst, the ship is adrift and there we are, we want to offer you support and take advantage of the situation and the situation to leave things as they are according to the pact that was being sustained with you in which we respect, of course, the commitment and the role of each of the Navies, you understand that these things obey the role of the constitutional mission that you and we also have, which is a political issue and hopefully we can resolve this situation soon so as not to have this type of inconvenience and that of course end up in some way affecting the good relations we want to strengthen with you”.*

- In paragraph 9, it reads: *“ARC: No [...], coincidentally, the ship had been standing still, it had already stopped, now we learn that it has an emergency with the maneuver because it burst, the instruction was given to precisely communicate with the Tayacan to offer support, that is what is happening right now”.*

It should read: *“ARC: No, I politely request from you, coincidentally, the ship had been standing still, it had already stopped, now we learn that it has an emergency with the maneuver because it burst, the instruction was given to precisely communicate with the Tayacan to offer support, that is what is happening right now”.*

“AUDIO TRANSCRIPTION 5. HEAD OF THE NAVAL FORCE OF THE ARMY OF NICARAGUA AND HEAD OF THE ARMADA OF COLOMBIA. 8:50 hrs - 11 December 2018”:

- In paragraph 2, it reads: *“ARC: No, that is not so, that is not so, I just spoke to the commander [...] because they are evidently at a distance, they communicated by VHF [...] keeping in mind that the novelty reported requires assistance, nothing else has been done. Hello ”.*

It should read: *“ARC: No, that is not so, that is not so, I just spoke to the commander, the commander has [inaudible] to say that they know the sensitivity of this issue. They just sent me some pictures, if you wish, I can re-send them to you, because they are evidently at a distance, they communicated by VHF, the only instruction they were given is that, keeping in mind that the novelty reported requires assistance, nothing else has been done. Hello ”.*

- In paragraph 3, it reads: *“FNN: Yes, I hear you, what the commander of our ship is reporting to me is that there is obstruction of navigation and constant siege,*

harassment, what we want is that he instructs his vessel [...] to leave the area and we will continue with our work” .

It should read: “FNN: Yes, I hear you, what the commander of our ship is reporting to me is that there is obstruction of navigation and constant siege, harassment, what we want is that you instruct your vessel...”

ARC: no, no, no, that is not the instruction.

FNN: ... I request that you instruct your vessel, your surface unit, to leave the area and we will continue with our work” .

- In paragraph 6, it reads: “ARC: In any event, I do not know if you can ring my phone, here at your service, waiting to see if we can manage this situation in a better way”.

It should read: “ARC: In any event, I do not know if you can ring my phone, here at your service, waiting to see if we can manage this situation in a better way [inaudible] the agreement that was being sustained with you in that sense”.

AUDIO TRANSCRIPTION 6. HEAD OF THE NAVAL FORCE OF THE ARMY OF NICARAGUA AND HEAD OF THE ARMADA OF COLOMBIA. 9:10 hrs - 11 December 2018:

- In paragraph 5, it reads: “ARC: No, I already gave [...] the order to the commander-in-chief to withdraw from there, Rear Admiral so that you know, [...] **the order was given to him to stay still.** Ok, then tell your commander to send me a picture to verify how far away the ship stopped, because the information I have is that the ship is at a distance [...] where it was as of the offer that was made [...] yes, if support was needed, provide it” .

It should read: “ARC: No, I already gave the specific order to the commander to withdraw from there, Rear Admiral so that you know, the order was given to him to stay still. Ok, then tell your commander to send me a picture to verify how far away it is from the ship, because the information that I have is that the ship is at a distance from where it was as of the offer that was made to provide support if needed” .

- In paragraph 7, it reads: “ARC: I already said it, I already said it [...] let me know if there is any novelty, but instructions are perfectly clear Admiral Fonseca” .

It should read: “ARC: I already did it, I already did it. Please confirm and let me know if there is any novelty, but instructions are perfectly clear Admiral Fonseca” .

AUDIO TRANSCRIPTION 7. HEAD OF THE NAVAL FORCE OF THE ARMY OF NICARAGUA AND HEAD OF THE ARMADA OF COLOMBIA. 9:18 hrs - 11 December 2018:

- In paragraph 6, it reads: “ARC: --- our ship and it is damaged, of course and we are clear. **I just spoke five minutes ago reconfirming with the commander [...] that he would report the situation to me, and he tells me that he is in the process of leaving since the last time we spoke. Tell him, as I already asked the commander here to send me a photo to see the evidence, that is not happening in those circumstances, Admiral Fonseca [...]**” .

It should read: “ARC: no, no, if [inaudible] bumps our ship, it gets damaged, of course and we are clear. I just spoke five minutes ago reconfirming with the commander of the CESYP [Specific Command of San Andres and Providencia] that he would report the situation to me, and he tells me that he is in the process of leaving since the last time we spoke. Tell him, as I already asked the commander here to send me a photo to see the evidence, that is not happening in those circumstances, Admiral Fonseca, please let us be careful that the commanders there are not misinforming us”.

- In paragraph 10, it reads: “ARC: Well, mine is also real Admiral Fonseca, believe me [...] the best will and for that reason I called you so that this does not transcend to other instances [...] very respectful, when you say no, the order was given for the ship to leave the area, the ship already proceeded more than [...] to leave the area [...]” .

It should read: “ARC: Well, what I am telling you is also real Admiral Fonseca, believe me, I think that [inaudible] the utmost good will and for that reason I called you precisely so that this does not transcend to other instances, it was a very respectful request, when you say no, the order was given for the ship to leave the area, the ship already proceeded more than [inaudible] to leave the area, it has to be [inaudible] far away, I request for you to request your commander to...” .

- In paragraph 12, it reads: “ARC: That is why, no, as I say [...] there is no intention, there is no aggression, there is no instruction in this regard Mr. Almirante Fonseca [...] you can rest assured that what I am saying is so, we are not going to place ourselves under any risk [...]” .

It should read: “ARC: That is why, no, as I say, there are, we have evidence, there is no intention, there is no aggression, there is no instruction in this regard Mr

Admiral Fonseca... you can rest assured that what I am saying is so, we are not going to place ourselves under any risk, of doing it that way, since it is not the intention at all, nor are we going to have [inaudible] specially to a fishing unit, and specially to one of your units” .

- In paragraph 14, it reads: “ARC: As soon as I hang up with you, I will verify again to reconfirm the report that I have [...] I will be back and call you. Ok? [...]” .

It should read: “As soon as I hang up with you, I will verify again to reconfirm the report that I have, and I will be back and call you. Ok? and I strongly ask you, as I asked here to the commander of the ship that left the records, that he gives to [inaudible] the distance [inaudible] of the vessel from the two units that you have there. I call you again” .

Annex 19

Page intentionally left blank

Page intentionally left blank

Page intentionally left blank

FIGURES

Figure 1 Vessel Monitoring System (VMS) Track of the “M/V Observer”, Course Report (Screenshot)

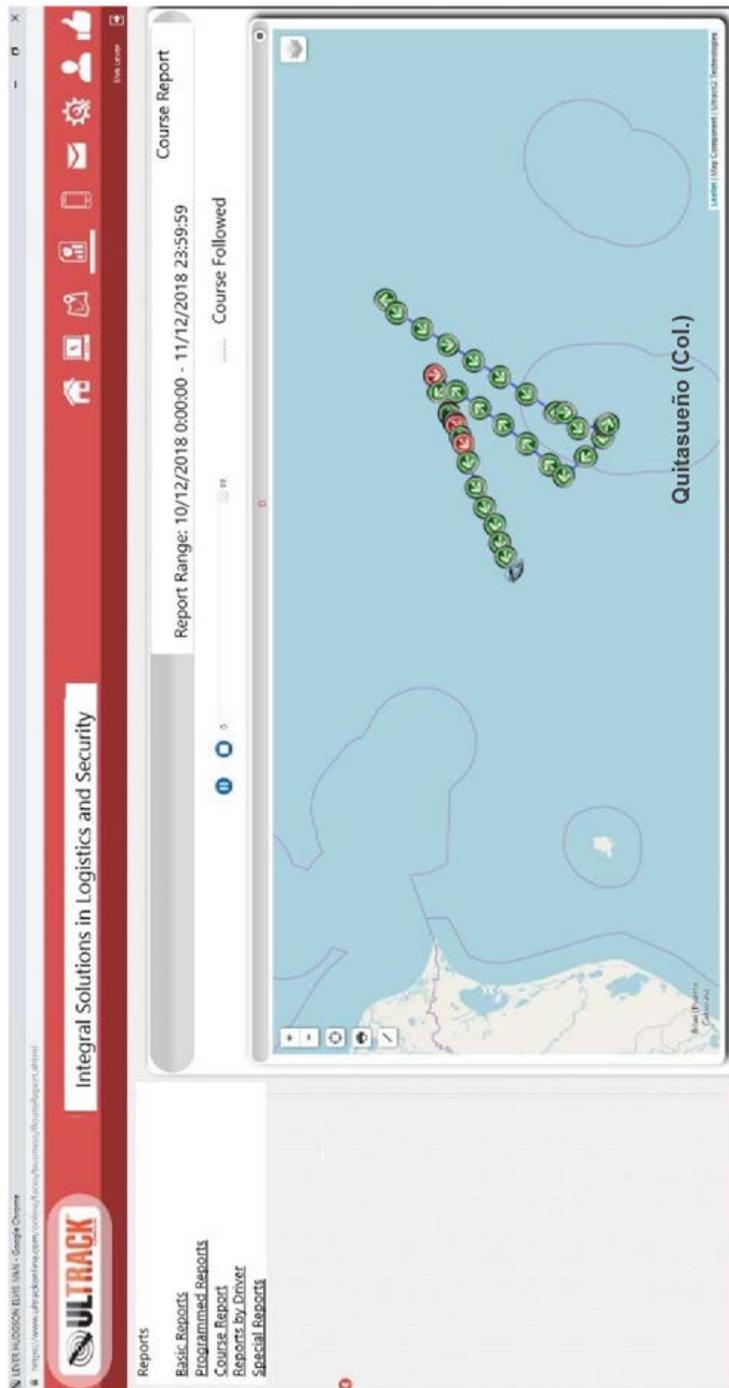


Figure 1: Screenshot of VMS Track system showing M/V “Observer” navigating from the Colombian Island of Serranilla into territorial sea of Quitasueño and then back to Serranilla. Directional arrows show the course of the vessel. Red dots signal locations where distress (panic) calls were made. A change of course southwest bound corresponds to the direction the M/V “Observer” took after being captured by the Nicaraguan Naval Force. (Quitasueño has been referenced for context.)

Figure 2 Vessel Monitoring System (VMS) Track of the “M/V Observer”, Data Sheet (excerpt from Colombia Annex 16)

2018-12-10 23:55:48	Panic	0 Knots	Unidentified driver	True	-80°59'26.0000' 14°59'52.0000'	0.0	Caribbean Sea
2018-12-10 23:48:05	Periodic message	0 Knots	Unidentified driver	True	-80°59'24.0000' 14°59'54.0000'	0.0	Caribbean Sea
2018-12-10 22:48:06	Periodic message	6 Knots	Unidentified driver	True	-81°34.0000' 14°55'18.0000'	0.0	Caribbean Sea
2018-12-10 21:48:05	Periodic message	5 Knots	Unidentified driver	True	-81°6'51.0000' 14°50'13.0000'	0.0	Caribbean Sea
2018-12-10 20:48:05	Periodic message	6 Knots	Unidentified driver	True	-81°10'38.0000' 14°45'6.0000'	0.0	Caribbean Sea

Panic	0 Knots
-------	---------

Figure 2: Excerpt from data sheet corresponding to the VMS Track showing that in the hours prior to the illegal detention the M/V “Observer” had been travelling at an average speed of 6 knots. At 23:55 hours the panic button was first pressed by its crew. (Excerpt from Colombia Annex 16)

Figure 3 Coordinates of the detention and boarding of the “M/V Observer” by the Nicaraguan Naval Force superimposed over a bathymetry chart

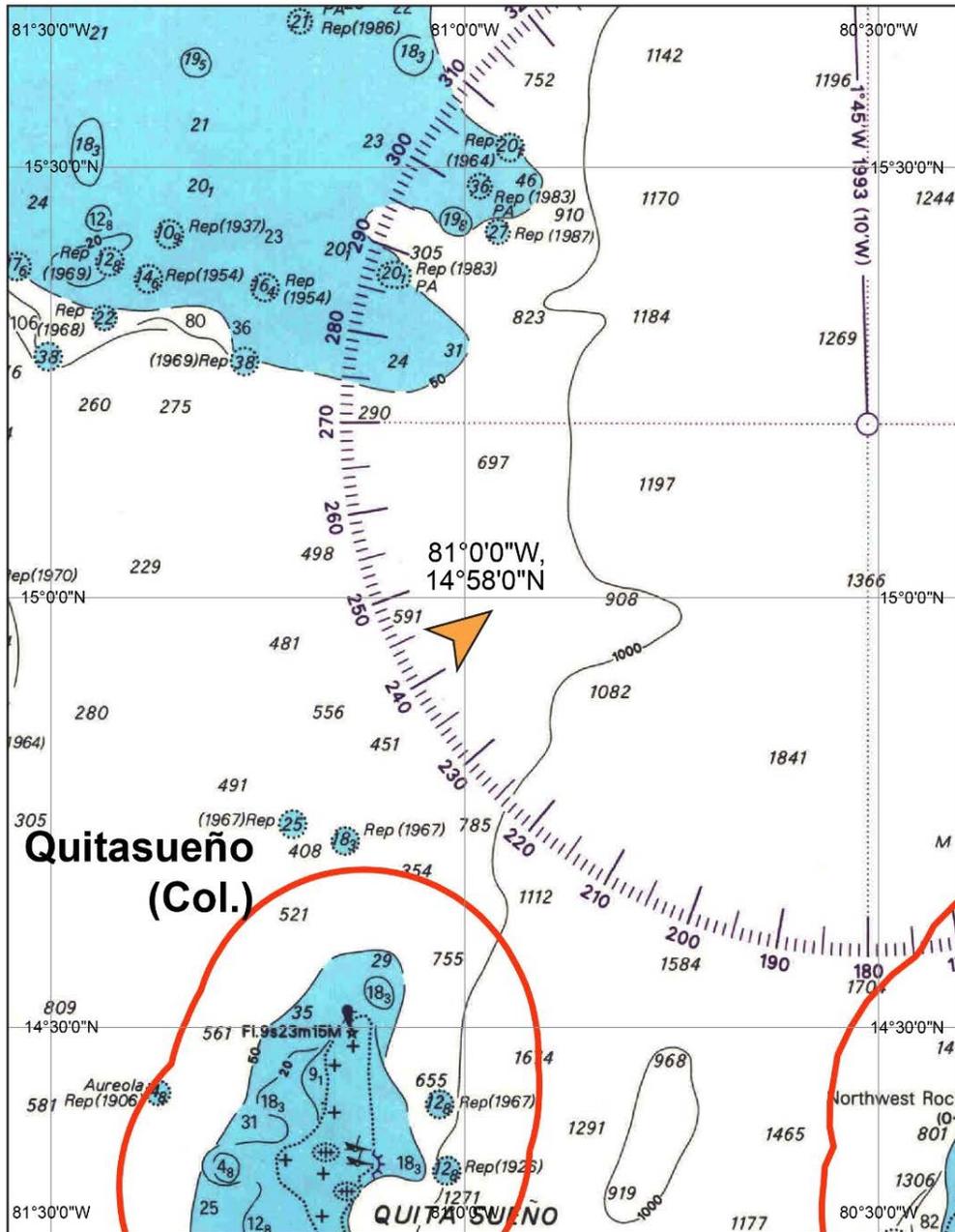


Figure 3: Coordinates where the M/V “Observer” was illegally detained by Nicaraguan Naval Force at 14°58’00” N - 81°00’00” W (depicted in orange arrowhead with course towards Serranilla) superimposed over a bathymetry chart of the area (showing depths of over 591 metres close to the point of detention).

[Source of nautical chart with bathymetry: British Admiralty, *Nautical Chart 1218*, New Ed. 10 Sep. 1993 (rev. 1999)]

Figure 4 M/V “Observer” boarded and under control of heavily armed officials from the Nicaraguan Naval Force, 11 December 2018 (before dawn)



Figure 4: Screenshot taken from Colombia Annex 1(a) showing that when the Colombian vessel arrived to the scene of the event on 11 December 2018 (before dawn), the M/V “Observer” was boarded and under control of heavily armed officials from Nicaragua.

Figure 5 Graphical depiction of Nicaraguan officials' manoeuvres seeking to cause bumping between the ARC-53 "Antioquia" and the M/V "Observer" while being towed by the FNN "Tayacán", 11 December 2018 (early morning after dawn)

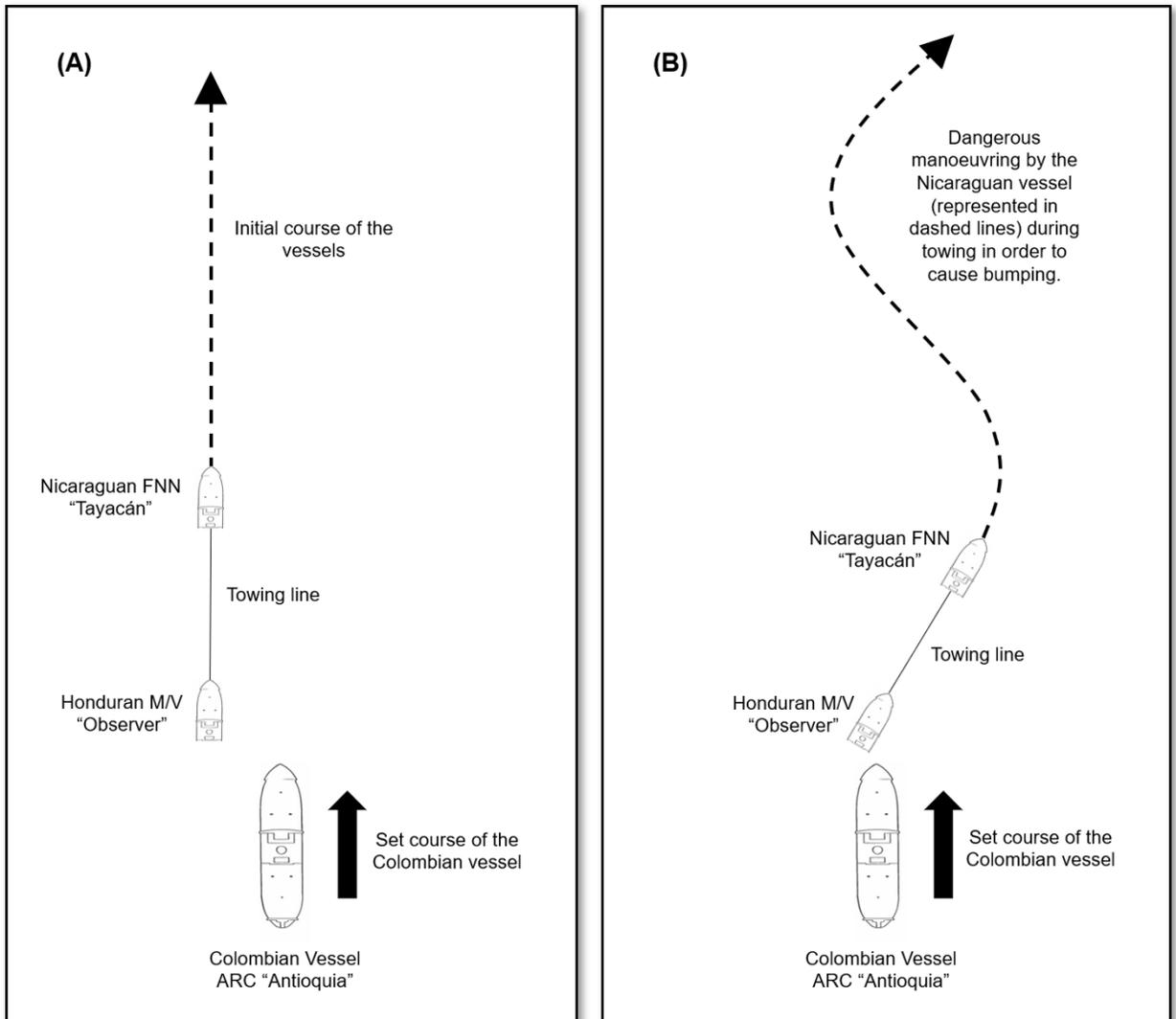


Figure 5: Graphical depiction of Nicaraguan officials' manoeuvres seeking to cause bumping between the ARC-53 "Antioquia" and the M/V "Observer" while being towed by the FNN "Tayacán" on 11 December 2018 (early morning after dawn)

Figure 6(a) Dangerous manoeuvring by Nicaraguan officials from point of view of the ARC-53 “Antioquia”, 11 December 2018 (early morning after dawn)



Figure 6(a): Dangerous manoeuvring by Nicaraguan officials while towing the M/V “Observer” from point of view of ARC-53 “Antioquia” on 11 December 2018 (early morning after dawn) (screenshot taken from Colombia Annex 2(a))

Figure 6(b) Dangerous manoeuvring by Nicaraguan officials from point of view of the ARC-53 “Antioquia”, 11 December 2018 (early morning after dawn)



Figure 6(b): Dangerous manoeuvring by Nicaraguan officials while towing the M/V “Observer” from point of view of ARC-53 “Antioquia” on 11 December 2018 (early morning after dawn) (screenshot taken from Colombia Annex 2(b))

Figure 6(c) Dangerous manoeuvring by Nicaraguan officials from point of view of the ARC-53 “Antioquia”, 11 December 2018 (early morning after dawn)



Figure 6(c): Dangerous manoeuvring by Nicaraguan officials while towing the M/V “Observer” from point of view of ARC-53 “Antioquia” on 11 December 2018 (early morning after dawn) (screenshot taken from Colombia Annex 2(b))

Figure 7 Nicaraguan FNN 405 “Tayacán” fully identified and undamaged after the alleged bumping with the Colombian vessel, 11 December 2018 (late morning) (screenshot taken from Colombia Annex 3 (a))



Figure 7: Images show the Nicaraguan FNN 405 “Tayacán” fully identified and undamaged on 11 December 2018 (late morning) after the alleged bumping with the Colombian vessel (screenshot taken from Colombia Annex 3(a))

Figure 8(a) Nicaraguan FNN 405 “Tayacán” pursuing the M/V “Observer” in order to recapture it, colliding with it multiple times, 11 December 2018 (late morning)



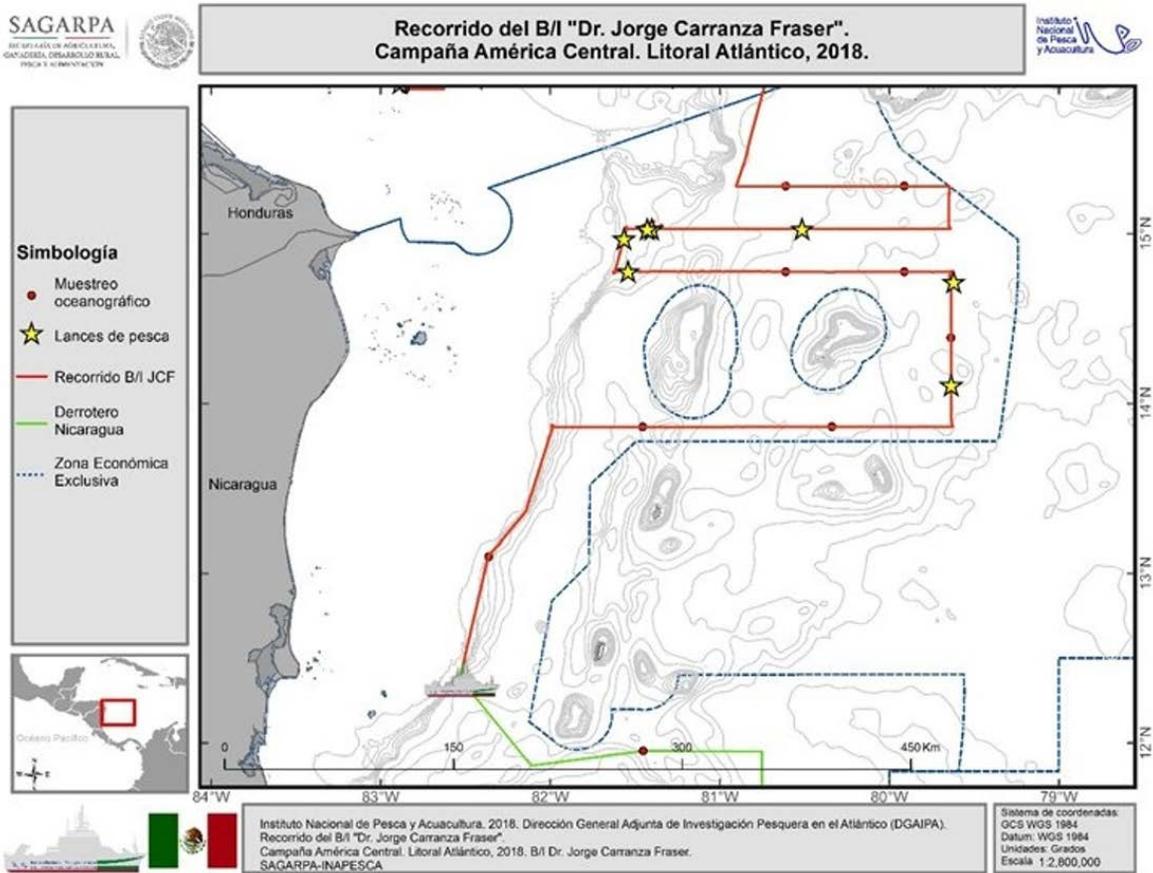
Figure 8(a): FNN “Tayacán” pursuing the M/V “Observer” on 11 December 2018 (late morning) in order to recapture it, colliding with it multiple times (screenshot from Colombia Annex 3(b))

Figure 8(b) Nicaraguan FNN 405 “Tayacán” pursuing the M/V “Observer” in order to recapture it, colliding with it multiple times, 11 December 2018 (late morning)



Figure 8(b): FNN “Tayacán” on 11 December 2018 (late morning) colliding against the M/V “Observer” on four different occasions while trying to recapture it (screenshots taken from Colombia Annex 3(b))

Figure 9 National Institute of Fisheries and Aquaculture (INAPESCA), course and position of the Mexican flagged research vessel “Jorge Carranza Fraser” on 5 October 2018 (excerpt from Colombia Annex 13)



Course and position of the Vessel on 5 October

Figure 9: Excerpt from communiqué from INAPESCA published on 8 October 2018. (Excerpt from Colombia Annex 13).