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*CR 2021/4*

**International Court  
of Justice**

**THE HAGUE**

**Cour internationale  
de Justice**

**LA HAYE**

**YEAR 2021**

*Public sitting*

*held on Thursday 18 March 2021, at 3 p.m., at the Peace Palace,*

*President Donoghue presiding,*

*in the case concerning Maritime Delimitation in the Indian Ocean  
(Somalia v. Kenya)*

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**VERBATIM RECORD**

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**ANNÉE 2021**

*Audience publique*

*tenue le jeudi 18 mars 2021, à 15 heures, au Palais de la Paix,*

*sous la présidence de Mme Donoghue, présidente,*

*en l'affaire relative à la Délimitation maritime dans l'océan Indien  
(Somalie c. Kenya)*

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**COMPTE RENDU**

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*Present:* President Donoghue  
Vice-President Gevorgian  
Judges Tomka  
Abraham  
Bennouna  
Yusuf  
Xue  
Sebutinde  
Bhandari  
Robinson  
Salam  
Iwasawa  
Nolte  
Judge *ad hoc* Guillaume  
Registrar Gautier

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*Présents* : Mme Donoghue, présidente  
M. Gevorgian, vice-président  
MM. Tomka  
Abraham  
Bennouna  
Yusuf  
Mmes Xue  
Sebutinde  
MM. Bhandari  
Robinson  
Salam  
Iwasawa  
Nolte, juges  
M. Guillaume, juge *ad hoc*  
M. Gautier, greffier

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***The Government of Somalia is represented by:***

H.E. Mr. Mahdi Mohammed Gulaid, Deputy Prime Minister of the Federal Republic of Somalia,

*as Agent;*

H.E. Mr. Ali Said Faqi, Ambassador of the Federal Republic of Somalia to the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg,

*as Co-Agent;*

Mr. Mohamed Omar Ibrahim, Senior Adviser to the President of the Federal Republic of Somalia,

*as Assistant Deputy Agent;*

Mr. Paul S. Reichler, Attorney at Law, Foley Hoag LLP, member of the Bars of the United States Supreme Court and the District of Columbia,

Mr. Alain Pellet, Professor Emeritus of the University Paris Nanterre, former Chairman of the International Law Commission, member of the Institut de droit international,

Mr. Philippe Sands, QC, Professor of International Law, University College London, Barrister, Matrix Chambers, London,

Ms Alina Miron, Professor of International Law, University of Angers,

Mr. Edward Craven, Barrister, Matrix Chambers, London,

*as Counsel and Advocates;*

Mr. Lawrence H. Martin, Attorney at Law, Foley Hoag LLP, member of the Bars of the United States Supreme Court, the District of Columbia and the Commonwealth of Massachusetts,

Mr. Yuri Parkhomenko, Attorney at Law, Foley Hoag LLP, member of the Bar of the District of Columbia,

Mr. Nicholas M. Renzler, Attorney at Law, Foley Hoag LLP, member of the Bars of the United States Supreme Court, the District of Columbia and the State of New York,

Mr. Benjamin Salas Kantor, Attorney at Law, Foley Hoag LLP, member of the Bar of the Supreme Court of the Republic of Chile,

Mr. Ysam Soualhi, Researcher, Centre Jean Bodin (CJB), University of Angers,

*as Counsel;*

H.E. Mr. Abukar Dahir Osman, Permanent Representative of the Federal Republic of Somalia to the United Nations,

Mr. Sulayman Mohamed Mohamoud, Attorney General of the Federal Republic of Somalia,

H.E. Mr. Yusuf Garaad Omar, Special Envoy of the President of the Federal Republic of Somalia for the Red Sea and the Gulf of Aden,

***Le Gouvernement de la Somalie est représenté par :***

S. Exc. M. Mahdi Mohammed Gulaid, vice-premier ministre de la République fédérale de Somalie,

*comme agent ;*

S. Exc. M. Ali Said Faqi, ambassadeur de la République fédérale de Somalie auprès du Royaume de Belgique, du Royaume des Pays-Bas et du Grand-Duché de Luxembourg,

*comme coagent ;*

M. Mohamed Omar Ibrahim, conseiller juridique principal auprès du président de la République fédérale de Somalie,

*comme agent adjoint en second ;*

M. Paul S. Reichler, avocat au cabinet Foley Hoag LLP, membre des barreaux de la Cour suprême des Etats-Unis d'Amérique et du district de Columbia,

M. Alain Pellet, professeur émérite de l'Université Paris Nanterre, ancien président de la Commission du droit international, membre de l'Institut de droit international,

M. Philippe Sands, QC, professeur de droit international au University College London, avocat, Matrix Chambers (Londres),

Mme Alina Miron, professeur de droit international à l'Université d'Angers,

M. Edward Craven, avocat, Matrix Chambers (Londres),

*comme conseils et avocats ;*

M. Lawrence H. Martin, avocat au cabinet Foley Hoag LLP, membre des barreaux de la Cour suprême des Etats-Unis d'Amérique, du district de Columbia et du Commonwealth du Massachusetts,

M. Yuri Parkhomenko, avocat au cabinet Foley Hoag LLP, membre du barreau du district de Columbia,

M. Nicholas M. Renzler, avocat au cabinet Foley Hoag LLP, membre des barreaux de la Cour suprême des Etats-Unis d'Amérique, du district de Columbia et de l'Etat de New York,

M. Benjamin Salas Kantor, avocat au cabinet Foley Hoag LLP, membre du barreau de la Cour suprême de la République du Chili,

M. Ysam Soualhi, chercheur au Centre Jean Bodin (CJB) de l'Université d'Angers,

*comme conseils ;*

S. Exc. M. Abukar Dahir Osman, représentant permanent de la République fédérale de Somalie auprès de l'Organisation des Nations Unies,

M. Sulayman Mohamed Mohamoud, *Attorney General* de la République fédérale de Somalie,

S. Exc. M. Yusuf Garaad Omar, envoyé spécial du président de la République fédérale de Somalie pour la mer Rouge et le golfe d'Aden,

Mr. Osmani Elmi Guled, Solicitor General of the Federal Republic of Somalia,

Mr. Ahmed Ali Dahir, former Attorney General of the Federal Republic of Somalia,

Mr. Kamil Abdullahi Mohammed, Legal Adviser, Office of the Attorney General of the Federal Republic of Somalia,

Mr. Abdiqani Yasin Mohamed, Personal Assistant of the Deputy Prime Minister of the Federal Republic of Somalia,

*as Advisers;*

Mr. Scott Edmonds, Cartographer, International Mapping,

Ms Vickie Taylor, Cartographer, International Mapping,

*as Technical Advisers.*

M. Osmani Elmi Guled, *Solicitor General* de la République fédérale de Somalie,

M. Ahmed Ali Dahir, ancien *Attorney General* de la République fédérale de Somalie,

M. Kamil Abdullahi Mohammed, conseiller juridique, bureau de l'*Attorney General* de la République fédérale de Somalie,

M. Abdiqani Yasin Mohamed, assistant personnel du vice-premier ministre de la République fédérale de Somalie,

*comme conseillers ;*

M. Scott Edmonds, cartographe, International Mapping,

Mme Vickie Taylor, cartographe, International Mapping,

*comme conseillers techniques.*

The PRESIDENT: Please be seated. The sitting is now open. The Court meets this afternoon to hear the final submissions of Somalia. I would like to ask the Assistant Deputy Agent of Somalia, Mr. Mohamed Omar Ibrahim, to read the final submissions of his Government. You have the floor.

Mr. IBRAHIM:

#### CONCLUDING REMARKS AND SUBMISSIONS

1. *Bismillah al-rahman al-rahim*. Madam President, distinguished Members of the Court, good afternoon. It is my honour to appear before you and to bring to a close Somalia's oral pleadings.

2. On behalf of my Government, our distinguished Agent — the Deputy Prime Minister — and the people of Somalia, I express our deepest gratitude for the attention you have given to our presentations at these hearings, and for the patience and courtesy you have extended to all members of Somalia's delegation, including those who have appeared virtually. It has been a great honour and privilege for all of us to appear before you, in this historic, and appropriately named, Great Hall of Justice.

3. Somalia wants to give special thanks to the Registrar and his excellent staff for their kindness, availability and generous assistance throughout these proceedings, ever since Somalia filed its Application more than six years ago. Somalia also wants to express its special appreciation to all those who have made this virtual hearing technically possible. And we thank all of the interpreters for their outstanding work. Finally, we want to thank Somalia's advocates and counsel, including their assistants, for their dedication, guidance and hard work on our behalf. We are very proud of all the written and oral presentations in this case.

4. Madam President, Members of the Court, we are in your trusted hands. We have a lot at stake in these proceedings. But we will await your decision with equanimity because we have every confidence that your fairness and your wisdom will lead you to a judgment that is equitable and fully in accordance with international law.

5. With your permission, I will now read Somalia's final submissions.

6. On the basis of its Memorial of 7 July 2015, its Reply of 18 June 2018, and its oral pleadings, Somalia respectfully requests the Court:

1. To reject Submissions 1 and 2 of Kenya's Rejoinder of 18 December 2018.



2. To determine the complete course of the maritime boundary between Somalia and Kenya in the Indian Ocean, including in the continental shelf beyond 200 M, on the basis of international law.
3. To determine the maritime boundary between Somalia and Kenya in the Indian Ocean on the basis of the geographical coordinates (all points referenced are referred to WGS-84):

Point No.	Latitude	Longitude
1 (LBT)	1° 39' 44.07" S	41° 33' 34.57" E
2	1° 40' 05.92" S	41° 34' 05.26" E
3	1° 41' 11.45" S	41° 34' 06.12" E
4	1° 43' 09.34" S	41° 36' 33.52" E
5	1° 43' 53.72" S	41° 37' 48.21" E
6	1° 44' 09.28" S	41° 38' 13.26" E
7 (intersection with 12 M limit)	1° 47' 54.60" S	41° 43' 36.04" E
8	2° 19' 01.09" S	42° 28' 10.27" E
9	2° 30' 56.65" S	42° 46' 18.90" E
10 (intersection with 200 M limit)	3° 34' 57.05" S	44° 18' 49.83" E
11 (intersection with 350 M limit)	5° 00' 25.71" S	46° 22' 33.36" E

4. To adjudge and declare that Kenya, by its conduct in the disputed area, has violated its international obligations and is responsible under international law to make full reparation to Somalia, including inter alia by making available to Somalia all seismic, geologic, bathymetric and other technical data acquired in areas that are determined by the Court to be subject to the sovereignty and/or sovereign rights and jurisdiction of Somalia.

7. Madam President, distinguished Members of the Court, this completes the oral pleadings of Somalia. Thank you very much for your time and attention.

The PRESIDENT: I thank the Assistant Deputy Agent of Somalia. The Court takes note of the final submissions which you have just read on behalf of your Government.

This brings us to the end of the hearings in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. I thank the representatives of Somalia for the assistance they have

given to the Court by their presentations in the course of these hearings. In accordance with practice, I request the Agents of both Parties to remain at the Court's disposal to provide any additional information that the Court may require.

The Court will now retire for deliberation. The Agents of the Parties will be advised in due course as to the date on which the Court will deliver its Judgment. As the Court has no other business before it today, the sitting is now closed.

*The Court rose at 3.10 p.m.*

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