



Ref: OPM/ 0-160 /03/2021

Date: 22/03/2021

To: Mr. Philippe Gautier
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague
Netherlands

Dear Sir:

I have the honour of responding to your letter dated 11 March 2021 (No. 154751), in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*, informing the Federal Republic of Somalia that the Court has decided to authorize the production of documents by the Republic of Kenya submitted to the Registrar on 5 March 2021 and inviting Somalia to comment in writing on the same.

Somalia is grateful for the invitation to provide these written comments on the new documents submitted by Kenya on 5 March 2021.

As will be recalled, on 5 March 2021, the Agent of Kenya transmitted to the Registrar an "Application requesting the Court to authorize Kenya to file new documentation and evidence" dated 22 February 2021. Through its Application, Kenya sought the Court's permission to submit more than 4,000 pages of materials, including 197 separate documents, a map, and two witness statements prepared for this litigation. Kenya also submitted, as Appendix 2 to its Application, a 315-page document purporting to "explain[] the nature and relevance of the new and additional evidence".¹ This document amounts to a legal memorandum rearguing and attempting to enhance all of the arguments presented in Kenya's Rejoinder of 18 December 2018 (Kenya's "legal memorandum").

On 8 March 2021, Somalia informed the Registrar that it did not object to the production of these materials, provided it would be given an opportunity to respond to them. On 11 March 2021, the Court authorised their production and invited Somalia to provide written comments.

¹ Kenya's Application of 22 February 2021, para. 36(i).

Somalia considers that not all of the materials Kenya submitted require a response. As to those that do, it addressed many of them in its oral pleadings on 15 and 16 March 2021. Due to time constraints, it was not able to address all the points raised. It submits

these written comments, in the form of an Appendix to this letter, to address the remainder. **Section I** of the Appendix addresses Kenya's new documents and arguments pertaining to its argument that Somalia purportedly "acquiesced" in a maritime boundary following a parallel of latitude. **Section II** addresses Kenya's new arguments and graphic displays pertaining to its proposed delimitation of the maritime boundary. **Section III** responds to Kenya's new arguments regarding its responsibility for internationally wrongful acts.

Please accept, Sir, the assurances of my highest consideration.

Sincerely,



H.E. Mahdi Mohammed Gulaid
Deputy Prime Minister
Agent
Federal Republic of Somalia

