

Court Asks HiCom: Enforce Ship Arrest

By Diane Maddex
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SAIPAN — Saying that the MV Lotte Reith is "in flagrant violation" of the courts and the United States' trust to Micronesia by defying an arrest warrant and refusing to unload at Saipan, Associate Justice Arvin H. Brown Jr. of the TT High Court yesterday issued an order "respectfully requesting" the High Commissioner to do all in his power to arrest the ship.

This includes, but is not limited to, military and diplomatic means.

The Lotte Reith, formerly chartered to Transpacific Lines, has been resting off Saipan for a week in a dispute with the Transpac receivership.

Brown's swiftly executed order—a precedent in the TT—came on the heels of the vessel's refusal to accept an arrest warrant he issued March 8.

A TT representative at the noon hearing told Brown that although the government is not a party in the complaint, it "will make an attempt to comply with the order of this court." The TT Attorney General was asked to make a preliminary inquiry and report to Brown yesterday afternoon.

A spokesman for the receivership said yesterday "we are hoping" the Lotte Reith will come in voluntarily. He said the receivership has tried "diligently and desperately" to convince the vessel's German owner to allow it to dock.

The receivership has cabled the owner, said the spokesman, that signed affidavits state the vessel was violating the TT's three-mile limit when the warrant was presented. When the warrant was defied, all local remedies to bring the ship into port were exhausted, said Brown. This paved the way for the High Commissioner to exercise his executive power to protect the integrity of the court and its arrest warrant.

The warrant was sought by Marine Terminals Corp. to help secure a \$79,296 lien for overdue stevedoring fees incurred in unloading the Lotte Reith in Guam.

Marianas Policemen Jose P. Mafnas, acting chief of police, and Luis M. Cepeda boarded the Lotte Reith Saturday morning.

They announced to the captain that the ship was under arrest and that he was to place it in their custody.

They said he then announced he would not release the vessel "under any circumstances" and would resist the arrest warrant.

After returning to shore Mafnas and Cepeda determined that the Lotte Reith was "well within" three miles of Saipan's reef.

"Being within the territorial waters of the Trust Territory," said Brown in his ruling, "there can be no doubt but that the vessel had subjected itself to the laws and jurisdiction of the Trust Territory."

Despite this, he continued, "it still arrogantly continues to hover in the same general area." It now is to be regarded as a fugitive, said Brown.

"A valid warrant of arrest was issued by this court, and the master of a vessel flying a foreign flag saw fit to defy the terms and provisions of that warrant....

"A situation of this sort is intolerable," decreed Brown. "To submit to such defiance can only result in the breeding of further defiance."

Brown said "It now is incumbent upon the government to act firmly and swiftly to bring to an end this deplorable situation which is so hurtful to those whose very livelihoods, businesses and personal affairs depend upon the prompt and efficient delivery of their mail and their property."

It has been ascertained that the Lotte Reith is carrying United States mail and TT cargo.

Until Monday, five Filipino crewmen employed by Transpac also were aboard. They disembarked, however, when a party of nine seamen came ashore to take an injured German crewman to the hospital.

The receivership spokesman said yesterday that the crewman, who has a broken rib, remains in the hospital but that the two accompanying officers and one seaman have returned to the vessel. While here they also purchased fresh fruit for the ship, he said.

The visit was cleared by the TT Immigration office for "humanitarian reasons," he explained.

One observer at the court hearing yesterday suggested the unannounced entry of the shore party was a further defiance of the court's arrest warrant.

The Lotte Reith's owners and the receivership have been embroiled in negotiations the past week over three basic matters, said the spokesman. One is the vessel's fear of arrest or liens for Transpac debts, a fear that has proven valid.

The other disputed points are how much additional charter hire will be paid, including its week-old "hovering" time, and additional fees.