



France v/s turkey s.s Lotus case

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INTRODUCTION

The lotus instance is interconnected to the criminal hearing liking France and Turkey for the accident between Turkish and French ships on the open seas on the 2nd of August, 1926. The case was accepted by the Permanent Court of International Justice on September 7, 1927. And rendered a decision. In this instance is renowned in as much closely examining the jurisdictional requirements.

Facts

On August 2, 1926, a French ship called the "Lotus" was heading to Constantinople, and Lieutenant Deman was the ship's officer. On the same day, the Turkish ship "Boz-Kourt," captained by Hassan Bey, was travelling over the open waters.

The Turkish steamer Boz-Kourt and the French ship S. S. Lotus collided severely on August 2, 1926. This occurrence occurred in Mytilene, Greece. The ship that collided, was damaged, and eventually sank was Boz-Kourt. The Turkish ship and its passengers were salvaged with much effort by the S. S. Lotus. Lotus may have saved only 10 of the people on the Boz-Kourt ship, but

Issues raised

In this dispute between France and Turkey involving Lotus and Boz-Kourt, the major problem that surfaced was:

1. Did Turkish courts extended their authority over a crime which was executed by a French citizen on Turkish ship?
2. What were the monetary and financial implications? Reparation supposed to be given to Mr. Demons in accordance with International Legislation if Turkey is determined to have violated these standards if the answer is yes?

The court had to decide the validity of the arguments provided a result of Turkey were lawful or Whether or not France was right In addition to that needed vindicate of all the allegations filed against Mr. Demon?

Judgment

This case was determined at the 12th session of the Permanent Court of International Justice (PCIJ). Basdevant, an associate professor at the Parisian The Department of Law represented France in this dispute, and Mahmoud Essat Bey, His Excellency,

the Turkish Justice Minister, represented Turkey. Huber served as Mr. Weiss, president as vice president, and former president Loder. Among those on the list are Lord Finlay, Nyholm, Moore, De Bustamante, Altamira, Oda, Anzilotti, and Pessoa. Were the judges chosen in this case? On September 7, 1927, the Permanent Court of International Justice (PCIJ) in Geneva published its decision on the two main concerns. The first of these is the Permanent Court of International Justice (PCIJ). Determined that Turkey lacked the jurisdiction to do so, Lt. Aside from the rejection of the second French argument about the amount of compensation owed and payable to Mr. Demons by the Permanent Court of International Justice, the first French argument was invalid and dismissed.

The International Court determined that no provision in International Law prohibits a country whose ship is impacted by a maritime accident from instituting criminal proceedings against a violator. In this case, the Turkish Tribunal has the authority to hear the matter and rule that no infringement of international law has occurred. Because there was no international law that might compel Turkish negotiation as their vessel was demolished, France's claim about flying their flag in international waters did not apply here too.

Rule of law established

No provision of international law bans a sovereign country from having tribunal above a foreigner who perform crimes beyond the country's authority on its own soil. Turkey (D) has the right to bring charges against Demons in this case because, despite the fact that he was on a French ship, a evacuator from turkey was forced from the supposed crime . there is no provision in international law declaring that criminal procedures in calamity cases exists just subject to the dominion of the country belonging to whose flag is flown both administration may exercise "common authority" with respect to the entire occurrence.

Review of lotus case

Since there was no international law norm to the contrary, most share of the bench disapproved the "flags of convince concept," which France had contended. Article 11 of the genevean conference on the open sea 1958 modified one implications for this concept for upcoming circumstance lift question of authority by the people on the open seas. The convention emphasized that, with regard to incidents that occurred on the open seas, only the flag country or the country for which the claimed perpetrator was a citizen had authority above seamen. Since then, this "flag state concept" has also been into the United Nations Convention on the Law of the Sea (UNCLOS), including in Article 92 and, with relation to,

Conclusion

Turkey's initiation of criminal proceedings against Demons does not violate international law. The offence directly affected a Turkish collier, which the court viewed as being on Turkish soil, and as a result, the court decided that Turkey had jurisdiction. Thus, Turkey could work together its power in the identical manner, over the boat that it does over its own territory, exclusive of all other States.