
Hughes Hubbard & Reed

Firm Wins Case Dismissal in US District Court for the Republic of Guinea

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Feb. 19, 2025 – Hughes Hubbard achieved victory for the Republic of Guinea when Judge Jia M. Cobb of the U.S. District Court for the District of Columbia dismissed an action to confirm an arbitration award rendered by an International Chamber of Commerce (ICC) tribunal seated in Paris against the country.

In May 2009, Spanish telecommunications firm Global Voice Group (GVG) entered into a partnership agreement with the Postal and Telecommunications Regulatory Authority of Guinea (PTRA) to provide and install control tools to enable the country to view and tax international telecommunications traffic.

In December 2016, GVG filed a request for arbitration with the ICC’s International Court of Arbitration in Paris against both the PTRA and the Republic of Guinea concerning a dispute about payments due under the contract. The country argued that the ICC arbitration tribunal did not have jurisdiction over it, and that Guinea was not a party to the partnership agreement and that the contract was signed by a Guinean Minister strictly in his capacity as supervisory authority over the PTRA. The tribunal disagreed and ultimately found the Republic of Guinea and the PTRA jointly liable and awarded GVG more than \$21 million in damages, fees and costs.

In July 2022, GVG filed a complaint in the U.S. District Court for the District of Columbia seeking recognition and enforcement of the arbitration award against the Republic of Guinea and obtained an entry of default from the clerk of the court one day after Guinea’s opposition was due. Following this, in January 2023 the country filed a motion to set aside entry of default and to dismiss GVG’s complaint. While these motions were pending, GVG filed a motion for default judgement or, alternatively, a motion for summary judgement against the country.

The firm argued on behalf of the Republic of Guinea enjoyed sovereign immunity from suit in this case because GVG had failed to establish the applicability of the “arbitration exception” to the Foreign Sovereign Immunity Act’s (FSIA), which permits suits against sovereign states to enforce or confirm arbitration awards rendered pursuant to an arbitration agreement made by a foreign state that is subject to an international convention for the enforcement of foreign arbitral awards, such as the New York Convention..

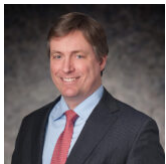
On Feb. 18, 2025, the court agreed with Hughes Hubbard’s arguments that Guinea was not a party to the partnership agreement or the arbitration clause contained therein. The court further held that it was not obligated to defer to the

arbitral tribunal's finding that Guinea was a party to the partnership agreement, because there was no clear and unmistakable evidence that Guinea had agreed to delegate such questions of arbitrability to an arbitral tribunal. Because the claimant failed to satisfy its burden that the arbitration exception to the FSIA applied, the court found Guinea was immune from suit under the FSIA and dismissed the confirmation action for lack of subject matter jurisdiction.

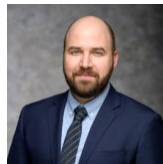
The victory was reported on by [Law360](#) and [The American Lawyer](#).

The Hughes Hubbard team defending the Republic of Guinea included Jim Boykin, Malik Havalic, Carter Rosekrans and Elizabeth Zhou.

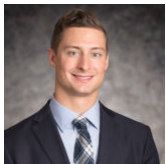
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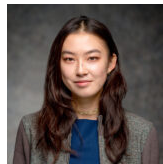
James H. Boykin



Malik Havalic



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