



CH-3003 Bern, FDFA, CBC

By e-mail

Mrs. Ximena Hinrichs Oyarce, Registrar
Am Internationalen Seegerichtshof 1
22609 Hamburg
Germany

Bern, 25 October 2019

Fourth report regarding the provisional measures prescribed by the Tribunal on 6 July 2019 in the M/T "San Padre Pio" case

Dear Mrs. Registrar,

In accordance with your letter of 16 October 2019 regarding the extension of the time-limit for the next report by the parties on the provisional measures prescribed by the Tribunal for the Law of the Sea on 6 July 2019, the Swiss Confederation hereby submits the following report.

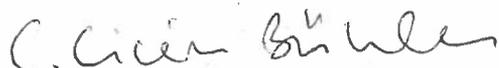
Since its third report, dated 10 October 2019, the Swiss Confederation has been working expeditiously regarding the conditions of the order of the Tribunal dated 6 July 2019. The Swiss Confederation is pleased to report that it has taken all the formal decisions necessary to implement the Tribunal's order. The Swiss Confederation is currently working on the remaining technical details of the implementation of this decision and will report on its progress on this point as soon as the last few remaining technicalities are resolved.

As to the condition imposed by the Tribunal in paragraph 146(1)(b) of its order, the Swiss Confederation undertakes, in good faith, to ensure that the Master and the three officers are available and present at the criminal proceedings in Nigeria, if the Annex VII arbitral tribunal finds that the arrest and detention of the M/T "San Padre Pio", its cargo and its crew and the exercise of jurisdiction by Nigeria in relation to the event which occurred on 22-23 January 2018 do not constitute a violation of the Convention. To this end, the Swiss Confederation has obtained assurances from Ukraine, the Master and the three officers of their commitment to cooperate to give effect to paragraph 146(1)(b) of the Tribunal's order.

Mindful that both parties have a legal duty refrain from taking any action which might aggravate or extend the dispute, the Swiss Confederation is working diligently and in good faith to give effect to the Tribunal's order of 6 July 2019. In this context, the Swiss Confederation wishes to highlight that such duty involves an obligation not to render the order more difficult to implement. In light of the recent developments in the Nigerian domestic proceedings, Switzerland would be grateful for the Tribunal to remind both parties of their obligations in this regard.

Respectfully yours,

Directorate of International Law



Corinne Cicéron Bühler
Director
Agent of the Swiss Confederation