

CH-3003 Bern, FDFA, CBC

By email

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

Bern, 8 November 2019

Additional report concerning the provisional measures prescribed by the Tribunal on 6 July 2019 in the “San Padre Pio” case

Dear Madam Registrar,

Further to its report of 25 October 2019, the Swiss Confederation is honoured to submit an additional report.

Since its fourth report, of 25 October 2019, the Swiss Confederation has continued to work diligently in accordance with the conditions of the Tribunal's Order of 6 July 2019. In particular, the Swiss Confederation has been seeking to implement the technical details promptly, as mentioned on 25 October.

On 7 November 2019, the Swiss Confederation sent by way of diplomatic note a copy of the contract for a bank guarantee for the sum of US\$ 14 million to Nigeria for approval. At the same time, the contract was sent by the Swiss bank responsible for organizing the bank guarantee to the Nigerian bank where the guarantee will be deposited. The Swiss Confederation has thus taken all steps in its power to enable the bank guarantee to be deposited and thus awaits a response from the Nigerian Party in order to be able to complete the deposit.

As concerns the condition set down by the Tribunal in paragraph 146(1)(b) of its Order of 6 July 2019, the Swiss Confederation refers to the undertaking made in its fourth report of 25 October 2019.

Being aware of the obligation of both Parties to refrain from taking any measures likely to aggravate or prolong the dispute, the Swiss Confederation stresses that such an obligation entails a duty not to jeopardize the implementation of the Tribunal's Order. In the light of the new developments which have occurred since the Swiss Confederation submitted its last report, and in particular the imminent judgment in the national Nigerian procedure against the four officers and the ship, the Swiss Confederation would be grateful if the Tribunal would remind the Parties of their obligations in this respect.

The Swiss Confederation wishes to take the opportunity to reiterate its undertaking to cooperate closely and in good faith with the Tribunal and Nigeria in the present case concerning the "*San Padre Pio*".

Yours sincerely,

Public International Law Executive

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Corinne Cicéron Bühler
Director
Agent for the Swiss Confederation