



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

Press Release

SWITZERLAND REQUESTS PROVISIONAL MEASURES IN A DISPUTE WITH NIGERIA CONCERNING THE DETENTION OF THE M/T “*SAN PADRE PIO*”

A request for the prescription of provisional measures under article 290, paragraph 5, of the United Nations Convention on the Law of the Sea (“the Convention”) has been submitted to the Tribunal in a dispute between Switzerland and Nigeria concerning the arrest and detention of the M/T “*San Padre Pio*”, its crew and cargo.

According to the Request of Switzerland of 21 May 2019, the “*San Padre Pio*”, a motor tanker flying the flag of Switzerland, “was intercepted and arrested by the Nigerian Navy on 23 January 2018” while it was engaged in ship-to-ship transfers of gasoil in the exclusive economic zone (EEZ) of Nigeria. The vessel was then ordered to proceed to Port Harcourt (Nigeria), where it is still detained. Switzerland submits that Nigeria has “breached its obligations owed to Switzerland in regard to its freedom of navigation and its right to exercise exclusive jurisdiction over the “*San Padre Pio*””.

By a notification addressed to Nigeria on 6 May 2019, Switzerland instituted arbitral proceedings under Annex VII to the Convention. Pursuant to article 290, paragraph 5, of the Convention, pending the constitution of an arbitral tribunal, any party to the dispute may request the International Tribunal for the Law of the Sea to prescribe provisional measures to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment. The Tribunal may prescribe provisional measures if it considers that, *prima facie*, the arbitral tribunal to be constituted would have jurisdiction and that the urgency of the situation so requires.

In its Request for provisional measures, Switzerland requests the Tribunal to prescribe the following provisional measures:

“Nigeria shall immediately take all measures necessary to ensure that all restrictions on the liberty, security and movement of the “*San Padre Pio*”, her crew and cargo are immediately lifted to allow and enable them to leave Nigeria. In particular, Nigeria shall –

- (a) enable the “*San Padre Pio*” to be resupplied and crewed so as to be able to leave, with her cargo, her place of detention and the maritime areas under the jurisdiction of Nigeria and exercise the freedom of navigation to which her flag State, Switzerland, is entitled under the Convention;

- (b) release the Master and the three other officers of the “*San Padre Pio*” and allow them to leave the territory and maritime areas under the jurisdiction of Nigeria;
- (c) suspend all court and administrative proceedings and refrain from initiating new ones which might aggravate or extend the dispute submitted to the Annex VII arbitral tribunal.”

Article 90, paragraph 2, of the Rules of the Tribunal provides that the Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date for the hearing. The date of the oral proceedings in the case will be announced soon in a further press release.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's websites (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact Ms Julia Ritter or Mr Benjamin Benirschke at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org