

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



Year 2001

13 July 2001

List of cases:
No. 9

THE “CH AISIRI REEFER 2” CASE

(PANAMA *v.* YEMEN)

ORDER

The President of the International Tribunal for the Law of the Sea,

Having regard to article 27 of the Statute of the Tribunal and to article 105, paragraphs 2 and 3, of the Rules of the Tribunal,

Having regard to the Application under article 292 of the United Nations Convention on the Law of the Sea made to the Tribunal on 3 July 2001 on behalf of Panama against Yemen, concerning the prompt release of the vessel *Chaisiri Reefer 2*, its crew and cargo,

Having regard to the Order of 6 July 2001 by which the President fixed 18 and 19 July 2001 as the dates for the hearing in this case;

Whereas by Note Verbale dated 12 July 2001, the Embassy of Yemen in Germany, on behalf of its Government, informed the Tribunal as follows:

...

the Vessel M/V Chaisiri Reefer II and its cargo and crew have been released and are free to sail from Mukalla Port. The government guarantees that the same load which was unloaded from the vessel will be loaded back and that on that basis the case will be withdrawn by the applicant;

Whereas on 12 July 2001 the Minister Plenipotentiary at the Embassy of Yemen in Germany sent a copy of the said Note Verbale to the Agent of Panama, by a letter of the same date which reads as follows:

Please find enclosed the Verbal Note of the Republic of Yemen to the International Tribunal for the Law of the Sea dated 2001-07-12, which has been sent to the Tribunal in order to reach a settlement of the dispute concerning the Chaisiri Reefer II;

Whereas the Agent of Panama addressed to the Acting Registrar of the Tribunal a letter dated 12 July 2001 which reads as follows:

I have the honour to inform you that

- in accordance with article 105 para 2 of the Rules of the Tribunal
- the parties have agreed to discontinue the proceedings
- in consequence of having reached a settlement of the dispute concerning the arrest of “CH AISIRI REEFER 2” as follows:

1. The Government of the Republic of Yemen on 12 July 2001 has released the vessel MV “CH AISIRI REEFER 2” and its cargo and crew and has furthermore guaranteed that the same load which was unloaded from the vessel will be loaded back. This has been confirmed in a Verbal Note of July 12, 2001 addressed to you.
2. The Government of the Republic of Yemen represented by the Embassy of the Republic of Yemen in Germany has sent the Verbal Note of the Government of the Republic of Yemen of 12 July 2001 addressed to the International Tribunal for the Law of the Sea to the Government of the Republic of Panama represented by the Agent Hartmut von Brevern with letter of 12 July 2001, a copy of which is enclosed.
3. The Government of the Republic of Panama represented by the Agent Hartmut von Brevern having received the two documents mentioned before therefore has agreed to discontinue the proceedings.

The parties to the “CH AISIRI REEFER 2” case consequently and in accordance with Article 105 para 2 of the Rules of the Tribunal desire that the Tribunal shall annex to the order for the removal of the case from the List the Verbal Note of the Embassy of the Republic of Yemen of 12 July 2001 addressed to the International Tribunal for the Law of the Sea, the letter of the Government of the Republic of Yemen addressed to the Agent of the Republic of Panama and this letter addressed by the Agent of Panama to the Law of the Sea Tribunal;

Places on record the discontinuance, by agreement of the Parties, of the proceedings initiated on 3 July 2001 on behalf of Panama against Yemen; and

Orders that the case be removed from the List of cases.

Done in English and in French, both texts being authoritative, in the Free and Hanseatic City of Hamburg, this thirteenth day of July, two thousand and one, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Panama and to the Government of Yemen, respectively.

(Signed) P. CHANDRASEKHARA RAO,
President.

(Signed) Philippe GAUTIER,
Acting Registrar.