

**OFFICIAL REPORT
of seizure of property**

Kola Bay, Murmansk Oblast

15 October 2013

Seizure of property commenced at: 12:05.

Seizure of property ended at: 13:20.

Major of Justice D.A. Bykov, senior investigator at the Second Investigative Section of the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation, in the presence of:

- suspect: Peter Henry Willcox, born on 6 March 1953, citizen of the US;
- counsel for the suspect Peter Henry Willcox: attorney-at-law Aleksander Nikolaevich Mukhortov (authorisation no. 79 dated 25 September 2013);
- the English-language interpreter: Olesya Vasilyevna Anafasyeva;
- the deputy director of the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation: Colonel of Justice Igor Viktorovich Turetsky;
- the representative of the Murmansk office of the Federal State Unitary Enterprise 'Rosmorport', acting on the basis of a power of attorney dated 3 July 2013: Polina Vasilyevna Sarsakova;
- the deputy brigade commander of the Coast Guard Fleet for the Federal Security Service of the Russian Federation, Murmansk Oblast: Captain Second Rank Sergey Vladimirovich Fedorov;
- the experts:

senior investigator/criminologist from the criminology unit of the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation: Captain of Justice Dmitry Leonidovich Vakhtov;

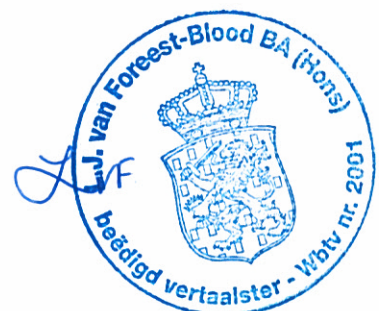
senior state inspector for the northern regional office of the seas and rivers oversight and supervision unit of the Federal Service for Supervision of Transport Sergey Viktorovich Gorodishchensky;

chief engineer/inspector from the Murmansk office of the autonomous federal institution 'Russian Maritime Register of Shipping': Viktor Mikhaylovich Grigoryev;

chief engineer/inspector from the Murmansk office of the autonomous federal institution 'Russian Maritime Register of Shipping': Aleksander Anatolyevich Spiridonov;

acting pursuant to the order of Leninsky district court in Murmansk of 7 October 2013 concerning the seizure of property and in accordance with article 155 of the Code of Criminal Procedure of the Russian Federation (CCP RF), seized the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902, belonging to 'Stichting Phoenix', city of Amsterdam, being used by 'Stichting Greenpeace Council', Amsterdam under a ferryboat charter agreement concluded on 28 December 2012 and whose actual location is the waters of Kola Bay.

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Before the seizure of property commenced, the experts Dmitry Leonidovich Vakhtov, Sergey Viktorovich Gorodishchensky, Viktor Mikhaylovich Grigoryev and Aleksander Anatolyevich Spiridonov were given an explanation of their rights, obligations and liability under article 58 CCP RF:

1. An expert is a person who has specialist knowledge and is called up to participate in proceedings in the manner laid down in this Code in order to cooperate in locating, securing and seizing objects and documents and to use technical equipment in examining the documents in the criminal proceedings; to pose questions to a specialist; and to explain to the parties and to the court issues falling within his sphere of professional competence.

2. Articles 168 and 270 CCP RF regulate the manner in which an expert is called up for and participates in criminal proceedings.

3. An expert is entitled:

- 1) to decline to participate in the criminal proceedings if he does not have the relevant specialist knowledge;
- 2) to put questions to participants in the investigative activities, with the permission of the investigation officials and of the court;
- 3) to inspect the official report of the investigative activities in which he has participated, and to make statements and add notes, which must then be included in the official report;
- 4) to lodge complaints about acts and omissions of the investigation officials and the court that impinge on his rights.

4. An expert is not entitled to refuse to appear after being called up by an investigation official or a court, or to disclose details of the preliminary judicial investigation that come to his knowledge in connection with his participation in the criminal proceedings as an expert, provided that he was informed accordingly in advance in accordance with article 161 of this Code. An expert can be prosecuted under article 310 of the Criminal Code of the Russian Federation (CC RF) for disclosing details of a preliminary judicial investigation.

[signature] D. L. Vakhtov

[signature] A. A. Spiridonov

[signature] V. M. Grigoryev

[signature] S. V. Gorodishchensky

The interpreter Olesya Vasilyevna Anafasyeva was given an explanation of her obligations as described in article 59 CCP RF.

1. An interpreter is a person who is fluent in the relevant language and has the necessary knowledge to be able to interpret and as such is called up to participate in criminal proceedings in the cases laid down in the Code of Criminal Procedure of the Russian Federation.

2. An interpreter is appointed pursuant to an order of the investigation official or judge or a court order. Articles 169 and 263 of this Code regulate the manner in which the interpreter is called up for and participates in criminal proceedings.

3. The interpreter is entitled:

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- 1) to put questions to the participants in the criminal proceedings in order to provide a more accurate interpretation;
 - 2) to inspect the official report of the investigative activities in which he has participated, as well as the official report of the trial, and to add notes on the accuracy of the quoted translation, which must then be included in the official report;
 - 3) to lodge complaints about acts and omissions of the investigation officials and the court that impinge on his rights.
4. The interpreter is not entitled:
- 1) to knowingly and deliberately provide an inaccurate interpretation;
 - 2) to disclose details of the preliminary judicial investigation that come to his knowledge in connection with his participation in the criminal proceedings as an interpreter, provided that he was informed accordingly in advance in accordance with article 161 of this Code;
 - 3) to refuse to appear after being called up by an investigation official or a court.
5. The interpreter can be prosecuted under articles 307 and 310 CC RF for knowingly and deliberately providing an inaccurate interpretation or disclosing details of the preliminary judicial investigation.

Interpreter

[signature]

The participants were presented with the aforementioned court order and given an explanation of their rights and obligations and the procedure for the seizure of property:

- in accordance with article 115, paragraph 2 CCP RF, the seizure of property entails prohibiting the owner and the possessor from disposing of it or where necessary from using it, as well as taking possession of the property and taking it into custody;

- in accordance with article 115, paragraph 6 CCP RF, property that has been seized can, at the discretion of the party seizing the goods, be taken possession of or can be transferred for custody to the owner or possessor of the property or to a third party, provided that they are informed about their responsibility for the safekeeping of the property, a note of which is made in the official report.

The participants were also informed about the use of technical equipment: a Panasonic DMC-FS4 digital camera, used by investigator/criminologist D.L. Vakhtov.

Participants:

[signature] Peter H. Willcox

[signature] A. N. Mukhortov

[signature] O. V. Anafasyeva

[signature] D.L. Vakhtov

[signature] S. V. Fedorov

[signature] P. V. Sarsakova

The Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902, belonging to 'Stichting Phoenix', city of Amsterdam,

[10 signatures]



currently being used by 'Stichting Greenpeace Council' Amsterdam under a ferryboat charter agreement concluded on 28 December 2012 and whose current location is in the waters of Kola Bay, was seized.

Personal effects and property seized:

- the condition of the ship's technical equipment, the mechanisms and hull of the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902, as well as a number of further items of equipment and ship's supplies, was not inspected by the experts;

- the accommodation (cabins), offices, mess room (bar) of the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902 were sealed and stamped with 'for dispatch' by the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation and the Murmansk office of the Federal State Unitary Enterprise 'Rosmorport'.

The seized property – the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902 – was transferred to the representative of the Murmansk office of the Federal State Unitary Enterprise 'Rosmorport', Polina Vasilyenva Sarsakova, acting on the basis of a power of attorney dated 3 July 2013, issued by the Federal State Unitary Enterprise 'Rosmorport' and signed by the director of the Murmansk office, V.I. Parkhomenko, (and moored at berth no. 16, belonging to the Murmansk office of the Federal State Unitary Enterprise 'Rosmorport').

From the time of the ship being moored at the berth until the conclusion of the custody agreement concerning the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902, the Coast Guard of the Federal Security Service of Russia for Murmansk Oblast will be responsible for compliance with security measures.

P.V. Sarsakova, as representative of the Murmansk office of the Federal State Unitary Enterprise 'Rosmorport' and S.V. Fedorov, as representative of the Coast Guard Division of the Federal Security Service of the Russian Federation for Murmansk Oblast have been notified, in accordance with article 115, paragraph 6 CCP RF, of their liability for any loss, disposal of, concealment or illegal transfer of property that has been seized or confiscated.

[signature] P. V. Sarsakova

[signature] S. V. Fedorov

A series of photographs is attached to this official report.

Statements made by the participants prior to, during and upon completion of the seizure of the property:

Content of the statements: *[handwritten] I consider all the actions are illegal. I believe the following spaces have valuable equipment and items that have not been noted or documented. The hold, the bridges, the lower hold, the engine*

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room, the radio room and the deck area [Willcox's signature]

I regard the investigative actions as contrary to the provisions of national and international law [signature]

Translation of the statement by [illegible name: Willcox?] I regard all the action taken as unlawful. I think that the following areas contain valuable equipment and items that have not even been recorded in a written document or been guarded: the bridge, the hold, the engine room, [illegible] and the saloon. Translation from English into Russian by: O. V. Anafasyeva

Participants:

[signature] Peter H. Willcox
[signature] A. N. Mukhortov
[signature] O. V. Anafasyeva
[signature] S. V. Fedorov
[signature] P. V. Sarsakova
[signature] I.V. Turetsky

Experts:

[signature] D. L. Vakhtov
[signature] A. A. Spiridonov
[signature] V. M. Grigoryev
[signature] S. V. Gorodishchensky

The official report was read out by the investigator and the interpreter provided an English interpretation.

Notes on the official report: *none*.

This official report was drawn up in accordance with articles 145, 166 and 167 CCP RF.

Senior investigator [signature] D.A. Bykov

This is to certify that the above is a true translation of the sworn translation into Dutch of the original Russian document.

L.J. van Foreest-Blood, sworn translator,
registered under no. 2001 with Bureau WBTV
(Bureau for Sworn Interpreters and Translators)
of the Dutch Legal Aid Council

