

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

‘ARCTIC SUNRISE’

THE KINGDOM OF THE NETHERLANDS v. THE RUSSIAN FEDERATION

**REQUEST FOR THE PRESCRIPTION OF PROVISIONAL MEASURES
UNDER ARTICLE 290, PARAGRAPH 5, OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

21 OCTOBER 2013

**REQUEST FOR THE PRESCRIPTION OF PROVISIONAL MEASURES
UNDER ARTICLE 290, PARAGRAPH 5, OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

**CHAPTER 1
INTRODUCTION**

1. Pursuant to Article 290, paragraph 5, of the 1982 United Nations Convention on the Law of the Sea (hereinafter ‘UNCLOS’ or the ‘Convention’), the Kingdom of the Netherlands hereby requests that the International Tribunal for the Law of the Sea (hereinafter the ‘Tribunal’) prescribe the provisional measures specified below in the dispute between the Kingdom of the Netherlands and the Russian Federation concerning the ‘Arctic Sunrise’, a vessel that flies the flag of the Kingdom of the Netherlands.
2. The dispute relates to authorities of the Russian Federation boarding and detaining the ‘Arctic Sunrise’ in the exclusive economic zone of the Russian Federation and detaining the vessel’s crew without the prior consent of the Kingdom of the Netherlands.
3. The Kingdom of the Netherlands submitted the dispute to the arbitral procedure provided for in Annex VII to UNCLOS by notification to the Russian Federation conveyed in a diplomatic note dated 4 October 2013. The ‘Statement of the claim and the grounds upon which it is based’ (hereinafter ‘Statement of Claim’) was annexed to this notification. A certified copy of the diplomatic note with the Statement of Claim is annexed to this request (Annex 1).
4. In the Statement of Claim (see paragraph 32), the Kingdom of the Netherlands requested the Russian Federation to adopt and implement provisional measures to the effect that, in sum, it immediately release the ‘Arctic Sunrise’ and its crew.
5. The Russian Federation did not respond to the request, and it did not adopt and implement the requested provisional measures. Instead, its authorities continued, *inter alia*, to detain the crew and formally seized the ‘Arctic Sunrise’, thereby aggravating and extending the dispute.
6. The time-limit of two weeks provided for in Article 290, paragraph 5, of the Convention has expired. Since the Russian Federation did not adopt and implement the requested provisional measures within this time-limit, the Kingdom of the Netherlands hereby submits to the Tribunal the present Request. This notwithstanding, the Kingdom of the Netherlands continues to be willing to settle the dispute amicably.

CHAPTER 2 STATEMENT OF FACTS

7. The events that gave rise to the dispute between the Kingdom of the Netherlands and the Russian Federation are set out in paragraphs 16-27 of the Statement of Claim.

8. In addition, the Kingdom of the Netherlands hereby submits to the Tribunal a factual account provided to it by the operator of the ‘Arctic Sunrise’ (Greenpeace International) (Annex 2).

9. Since 4 October 2013, when the Kingdom of the Netherlands notified the Russian Federation that it submitted the dispute to the arbitral procedure provided for in Annex VII to UNCLOS, the dispute has further aggravated and extended. First, the detention of the crew has been continuing.

10. Second, on 7 October 2013, the Leninsky District Court in Murmansk granted an application by the Interior Affairs Sector of the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation of the same date and ordered (Annex 3)

“the seizure of the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902, belonging to ‘Stichting Phoenix’, Amsterdam, being used by ‘Stichting Greenpeace Council’, Amsterdam, under a ferryboat charter agreement concluded on 28 December 2012 and whose actual location is in the waters of Kola Bay, under which order the owner and possessor is prohibited from using or disposing of the ship.”

According to said order:

“The grounds for the application state that the seizure of the aforementioned property is necessary for the enforcement of the part of the judgment concerning the civil claim, other economic sanctions or a possible forfeiture order in respect of the property in accordance with article 104.1 CC RF”.

11. On 15 October 2013, the seizure order was implemented against the vessel and an official report was drawn up (Annex 4). On 18 October 2013, the Kingdom of the Netherlands lodged a formal protest against the seizure of the ‘Arctic Sunrise’ and once more urged the Russian Federation to immediately release the vessel and its crew (Annex 5).

12. Third, by judgment of 8 October 2013 (Annex 6), the Federal Security Service of the Russian Federation, Coast Guard Division for Murmansk Oblast, found the captain of the ‘Arctic Sunrise’ guilty of an administrative offence, and imposed a fine of 20,000 roubles, for failing to comply with a coast guard order to stop the ‘Arctic Sunrise’ and allow an inspection.

CHAPTER 3 JURISDICTION

13. Article 290, paragraph 5, of UNCLOS provides that the Tribunal may only prescribe provisional measures if it considers that, *prima facie*, the arbitral tribunal to be constituted in accordance with Section 2 of Part XV of UNCLOS would have jurisdiction. The Kingdom of the Netherlands submits that the requirements for jurisdiction in Articles 288 and 286, in conjunction with Article 283, of UNCLOS are met.

14. With respect to Article 288, paragraph 1, of UNCLOS, first, by notification of 4 October 2013 (Annex 1), the Kingdom of the Netherlands submitted the dispute with the Russian Federation to the arbitral procedure in accordance with Section 2 of Part XV of UNCLOS and Article 1 of Annex VII thereto. The arbitral tribunal, once constituted, has jurisdiction over the dispute pursuant to Article 287, paragraph 5, of the Convention, as set out in paragraphs 8-13 of the Statement of Claim.

15. Second, the dispute concerns the interpretation and application of UNCLOS with respect to the rights and obligations of the Russian Federation as a coastal state in its exclusive economic zone, and notably its right to board, investigate, inspect, arrest, detain and seize vessels flying the flag of a third state. The dispute concerns in particular the interpretation and application of Part V and Part VII, notably Article 56, paragraph 2, Article 58, Article 87, paragraph 1(a), and Article 110, paragraph 1, of UNCLOS. In this connection, the Kingdom of the Netherlands refers to the award requested in paragraph 37 of the Statement of Claim, as substantiated in paragraphs 28-31 of the Statement of Claim.

16. With respect to Article 286 of UNCLOS, as set out in paragraphs 16-27 of the Statement of Claim, the dispute has rapidly escalated and, as set out in paragraphs 9-12 above, it continues to aggravate and extend. In this regard, the Kingdom of the Netherlands and the Russian Federation have exchanged several diplomatic notes, as set out in the Statement of Claim and the present Request. Furthermore, the Ministers of Foreign Affairs of the Kingdom of the Netherlands and the Russian Federation discussed the dispute thrice: twice before its submission to arbitration (25 September 2013 and 1 October 2013) and once before the submission of this Request (17 October 2013).

17. The possibilities to settle the dispute by negotiation or otherwise have been exhausted, entitling the Kingdom of the Netherlands to submit the dispute to the arbitral procedure provided for in Annex VII to UNCLOS (*Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan), Provisional Measures, Order of 27 August 1999*, paragraph 60; *MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001*, paragraph 60).

CHAPTER 4 STATEMENT ON LEGAL GROUNDS

I. Provisional measures requested

18. The Kingdom of the Netherlands requests that the Tribunal prescribe as provisional measures that the Russian Federation:

- (i) Immediately enable the ‘Arctic Sunrise’ to be resupplied, to leave its place of detention and the maritime areas under the jurisdiction of the Russian Federation and to exercise the freedom of navigation;
- (ii) Immediately release the crew members of the ‘Arctic Sunrise’, and allow them to leave the territory and maritime areas under the jurisdiction of the Russian Federation;
- (iii) Suspend all judicial and administrative proceedings, and refrain from initiating any further proceedings, in connection with the incidents leading to the boarding and detention of the ‘Arctic Sunrise’, and refrain from taking or enforcing any judicial or administrative measures against the ‘Arctic Sunrise’, its crew members, its owners and its operators; and
- (iv) Ensure that no other action is taken which might aggravate or extend the dispute.

II. The reasons for which the request is made

19. The principal reason for requesting provisional measures is that the Russian Federation’s actions constitute internationally wrongful acts having a continuing character. This causes injury to the rights of the Kingdom of the Netherlands in its own right, its right to protect a vessel flying its flag, its right to diplomatic protection of its nationals, and its right to seek redress on behalf of crew members of a vessel flying its flag. These rights concern the freedom of navigation and other internationally lawful uses of the sea related to this freedom, such as those associated with the operation of ships, as well as the exercise of jurisdiction under UNCLOS and customary international law. Furthermore, they concern the right to liberty and security of the crew members, and their right to leave the territory and maritime areas under the jurisdiction of a coastal state under the 1966 International Covenant on Civil and Political Rights and customary international law.

20. The Kingdom of the Netherlands argues that the Russian Federation, in boarding, investigating, inspecting, arresting and detaining the ‘Arctic Sunrise’ in its exclusive economic zone as well as in subsequently seizing the vessel in Murmansk Oblast, without the prior consent of the Kingdom of the Netherlands, breached its obligations owed to the Kingdom of the Netherlands in regard to the freedom of navigation and its right to exercise jurisdiction over the ‘Arctic Sunrise’. These actions are prohibited under the Convention, in particular Part V and Part VII, notably Article 56, paragraph 2, Article 58, paragraph 2, and Article 110, paragraph 1, as well as customary international law. Any exceptions to this general prohibitive rule to exercise enforcement jurisdiction over foreign vessels are explicit and cannot be implied. Furthermore, the interpretation and application of such exceptions must be narrowly construed.

21. In the Convention, such exceptions can be found in Article 110, paragraph 1(a) to 1(e), in conjunction with Article 58, paragraph 2. Additional exceptions can be found in Article 73 of UNCLOS related to living resources and Article 220, paragraphs 3-8, in conjunction with Article 226, paragraph 1, of UNCLOS related to the marine environment. These provisions corroborate that any exception to the general prohibitive rule set out in the preceding paragraph must be narrowly construed. The boarding, investigating, inspecting, arresting, detaining and seizing of a vessel by a coastal state under these provisions is subject to a number of conditions. These conditions include specific requirements providing for the prompt release of the vessel.

22. Indeed, concern over the broad assertion of jurisdiction, notably enforcement jurisdiction, by coastal states prompted the Kingdom of the Netherlands to address this matter in a declaration upon ratification of the Convention. In this Declaration, the Kingdom of the Netherlands "objects to any declaration or statement excluding or modifying the legal effect of the provisions of the United Nations Convention on the Law of the Sea". This particularly concerns the matters set out in the Declaration, which includes a section pertaining to the exclusive economic zone. This section concerns limits to the exercise of jurisdiction by the coastal state in the exclusive economic zone, including with respect to "Installations in the Exclusive Economic Zone" and the absence of any "Residual rights". Several other states have made similar declarations.

23. None of the exceptions to the general prohibitive rule to exercise enforcement jurisdiction over foreign vessels apply in the present instance. The Russian Federation has made various inconsistent attempts to justify its authorities boarding and detaining the 'Arctic Sunrise':

- In its diplomatic note of 18 September 2013 (Annex 1 (Statement of Claim, annex 2)), the day before the boarding and detaining of the 'Arctic Sunrise', the Russian Federation informed the Kingdom of the Netherlands that the decision had been made to "seize" the vessel. In that connection, having stated that the actions by Greenpeace "bore the characteristics of terrorist activities", the note continued: "The actions of the ship Arctic Sunrise can only be interpreted as a provocation, which exposed the Arctic region to the threat of an ecological disaster with unimaginable consequences";
- In its diplomatic note of 1 October 2013 (Annex 1 (Statement of Claim, annex 7)), the Russian Federation stated that "on the basis of Articles 56, 60 and 80 of [UNCLOS], and in accordance with Article 36(1(1)) of the Federal Law 'On the Exclusive Economic Zone of the Russian Federation', a "visit of to [*sic*] the vessel 'Arctic Sunrise' was carried out";
- The court order of 7 October 2013 (Annex 3) to seize the vessel referred to Article 19 of the 1958 Convention on the High Seas with respect to piracy and stated that it was on the basis of that Convention that the coastguard "took control of the aforementioned ship *Arctic Sunrise* and took it to the waters of Kola Bay, since there was a reasonable suspicion that this ship was engaged in piracy";
- The judgment of 8 October 2013 (Annex 6) by which the captain of the 'Arctic Sunrise' was found guilty of an administrative offence stated that "the ship increased its speed and continually changed course, thereby manoeuvring dangerously and posing a real threat to the safety of the naval ship and its crew. Eventually the *Arctic Sunrise* was forced to stop for inspection on 19 September 2013."

24. The foregoing illustrates the wavering legal stance of the Russian Federation as to the legal basis for its actions related to the ‘Arctic Sunrise’ and underscores the appropriateness for the Tribunal to prescribe the provisional measures requested.

25. Since by boarding, investigating, inspecting, arresting and detaining the vessel the Russian Federation breached its obligations to the Kingdom of the Netherlands in regard to the freedom of navigation and the flag state’s right to exercise jurisdiction, the crew’s arrest and detention cannot but constitute a further breach of the Russian Federation’s obligations owed to the Kingdom of the Netherlands. Indeed, the authorities of the Russian Federation were only able to arrest and detain the crew members following the boarding of the vessel without the prior consent of the Kingdom of the Netherlands. Accordingly, the ongoing detention of the vessel and its crew, irrespective of its conformity with the domestic law of the Russian Federation, is an internationally wrongful act that continues in time.

26. The Kingdom of the Netherlands further notes that the flag state’s right to exercise jurisdiction over vessels flying its flag is well-established under the Convention as well as customary international law. In this context, Article 94, paragraph 6, of UNCLOS provides for a procedure enabling other states to address the flag state if a vessel flying its flag has not complied with generally accepted international regulations, procedures and practices. Accordingly, when a state has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised, it may report the facts to the flag state. Upon receipt of such a report, the flag state is required to investigate the matter and, if appropriate, to take any action necessary to remedy the situation.

27. The Kingdom of the Netherlands reaffirms the importance it attaches to the safety of life at sea and the other issues referred to in Article 94, paragraph 4, of UNCLOS. It stresses that it will comply with its obligations upon the receipt of a report in accordance with Article 94, paragraph 6, of UNCLOS.

28. Even if the Russian Federation’s diplomatic note of 18 September 2013 (Annex 1 (Statement of Claim, annex 2)) were to qualify as such a report, by boarding and detaining the ‘Arctic Sunrise’ the day after, the Russian Federation did not allow the Kingdom of the Netherlands any time to investigate the incidents leading to the boarding and detention of the ‘Arctic Sunrise’. Irrespectively, the boarding and detention of the ‘Arctic Sunrise’ by authorities of the Russian Federation on 19 September 2013 remains internationally wrongful. The Kingdom of the Netherlands notes that the Netherlands Shipping Inspectorate of the Ministry of Infrastructure and the Environment has investigated the incidents preceding the boarding of the ‘Arctic Sunrise’ and concluded in an opinion, dated 18 October 2013, that (a) the ‘Arctic Sunrise’ did not cause any danger to ships, sea farers, navigation, the marine environment and the ‘Prirazlomnaya’ platform, and (b) there is no evidence of bad seamanship (Annex 7).

29. As long as the vessel and its crew remain detained, the Russian Federation’s internationally wrongful acts continue in time. Thus, to prolong the detention pending the constitution of the arbitral tribunal and the resolution of the dispute would prejudice the rights of

the Kingdom of the Netherlands. The ongoing detention of the vessel and its crew has irreversible consequences. Indeed, in *M/V Saiga*, the Tribunal ruled that

“the rights of the Applicant would not be fully preserved if, pending the final decision, the vessel, its Master and the other members of the crew, its owners or operators were to be subjected to any judicial or administrative measures in connection with the incidents leading to the arrest and detention of the vessel and to the subsequent prosecution and conviction of the Master” (*M/V Saiga, Provisional Measures, Order of 11 March 1998*, paragraph 41).

30. In regard to the requested release of the vessel and its crew, the Kingdom of the Netherlands would recall that, in its diplomatic note to the Russian Federation dated 26 September 2013 (Annex 1, Statement of Claim, annex 4), it reiterated its request for the immediate release of the vessel and its crew, and inquired as to

“whether such release would be facilitated by the posting of a bond or other financial security and, if so, what the Russian Federation would consider to be a reasonable amount for such bond or other financial security.”

31. The Russian Federation did not respond to this inquiry. In this respect, the Kingdom of the Netherlands notes that the notion of release upon the posting of reasonable bond or other financial security is a well-known feature of UNCLOS, for which the ‘prompt release’ procedure in Article 292 of UNCLOS has been specifically designed. An example is the arrest of a vessel and its crew by a coastal state in connection with the exercise of its sovereign rights over the living resources in its exclusive economic zone under Article 73 of UNCLOS. By requiring release upon the posting of a reasonable bond or other financial security, the Convention reconciles the coastal state’s sovereign right to protect the living resources in its exclusive economic zone with the flag state’s freedom of navigation and right to exercise jurisdiction over a vessel flying its flag. It would be inconsistent with this rationale if in cases such as this - in which the Kingdom of the Netherlands argues that the Convention does *not* allow for the boarding of a vessel, and the subsequent arrest and detention of that vessel and its crew - the posting of a bond or other financial security would not facilitate the release of the vessel and its crew.

32. The detention of the ‘Arctic Sunrise’ continues to preclude the exercise of the freedom of navigation by a vessel that flies the flag of the Kingdom of the Netherlands and the exercise of jurisdiction by the Kingdom of the Netherlands over such a vessel. Moreover, the vessel is at risk of perishing since authorities of the Russian Federation took over control of the vessel. In particular, the operator has been unable to carry out adequate maintenance and servicing of the vessel.

33. In a letter, dated 27 September 2013 (Annex 8), the operator of the vessel, Greenpeace International, requested the assistance of the Netherlands Shipping Inspectorate

“to seek permission from Russian maritime administration in Murmansk to reactivate the vessel immediately as we consider any delays will seriously affect the seaworthiness of

‘ARCTIC SUNRISE’

the vessel. We are particularly concerned of fire, flooding, pollution, security and health risks keeping a vessel unmanned for extended periods in cold weather with possible damage to machinery.”

As of yet, the Russian Federation’s authorities have not yet given such permission.

34. Furthermore, the Netherlands Shipping Inspectorate observed in its opinion, dated 18 October 2013 (Annex 7), that an operational vessel cannot be deactivated without creating a risk of damage, unless appropriate measures are taken to preserve its operability. If such measures are not taken, the operability of the vessel may be adversely affected when the vessel is reactivated, considering in particular the prevailing local weather conditions.

35. The ‘Arctic Sunrise’ must therefore be allowed to depart in order to prevent further deterioration of its condition.

III. The possible consequences, if the request is not granted

36. It appears from the reasons for which this Request is made that, if it were not granted, the internationally wrongful acts set forth in the Statement of Claim and this Request having a continuing character would add to the injury already caused.

37. As a result of the continued detention of the ‘Arctic Sunrise’ in Kola Bay, Murmansk Oblast, its general condition is deteriorating. As the vessel is an aging icebreaker, it requires intensive maintenance in order to maintain its operability. The deterioration results from the impossibility to carry out the scheduled maintenance of its systems, which compromises the vessel’s safety and seaworthiness. This may, amongst others, create a risk for the environment, including the release of bunker oil. This reality is compounded by the prevailing harsh weather and ice conditions in the fragile Arctic region.

38. The present case concerns a dispute between two states with respect to the rights and obligations of a coastal state in its exclusive economic zone affecting the rights and obligations of a flag state regarding vessels flying its flag and navigating in this zone. As a consequence of the actions taken by the Russian Federation in connection with the boarding and detention of the ‘Arctic Sunrise’, the crew would continue to be deprived of their right to liberty and security as well as their right to leave the territory and maritime areas under the jurisdiction of the Russian Federation. The settlement of such disputes between two states should not infringe upon the enjoyment of individual rights and freedoms of the crew of the vessels concerned.

IV. The urgency of the situation

39. In *MOX Plant*, the Tribunal stated that:

“Considering that, according to article 290, paragraph 5, of the Convention, provisional measures may be prescribed pending the constitution of the Annex VII arbitral tribunal if the Tribunal considers that the urgency of the situation so requires in the sense that action prejudicial to the rights of either party or causing serious harm to the marine environment

is likely to be taken before the constitution of the Annex VII arbitral tribunal” (*MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001*, paragraph 64).

40. In the present case, action prejudicial to the rights of the Kingdom of the Netherlands is not only likely to be taken by the Russian Federation before the constitution of the arbitral tribunal, but such action has already been taken and has been continuing since the boarding and detention of the ‘Arctic Sunrise’ on 19 September 2013. Furthermore, since the initiation of the arbitral procedure, the dispute has further aggravated and extended as set out in this Request.

41. In *Straits of Johor*, the Tribunal held that

“the urgency of the situation must be assessed taking into account the period during which the Annex VII arbitral tribunal is not yet in a position to ‘modify, revoke or affirm those provisional measures’”(*Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003*, paragraph 68).

42. Although the Kingdom of the Netherlands is confident that the Russian Federation will timely appoint its arbitrator, and will cooperate in the further constitution of the arbitral tribunal as well as the organization of the arbitral procedure, it will take considerable time before the arbitral tribunal can exercise its judicial function.

43. In conclusion, the Kingdom of the Netherlands submits that the urgency test has been met. In light of the possible consequences set forth above, the prescription of provisional measures cannot endure any further delay.

CHAPTER 5 JUDGE AD HOC

44. The Kingdom of the Netherlands chooses Judge David Anderson to participate as a member of the Tribunal pursuant to Article 17 of the Statute of the Tribunal. A United Kingdom citizen, Judge Anderson is a former judge of the Tribunal.

CHAPTER 6 APPOINTMENT OF AGENT AND ADDRESS FOR SERVICE

45. Pursuant to Article 56, paragraph 2, of the Rules of the Tribunal, the Kingdom of the Netherlands appoints Professor Dr. Liesbeth Lijnzaad and Professor Dr. René Lefeber, Legal Adviser and Deputy Legal Adviser, respectively, of the Netherlands Ministry of Foreign Affairs, as its Agent and Co-Agent, respectively, for the purpose of all proceedings in connection with this Request. The Agent and Co-agent’s contact details are as follows:

‘ARCTIC SUNRISE’

Netherlands Ministry of Foreign Affairs
C/o Legal Affairs Department, International Law Division (DJZ/IR)
Tel (+31) (0)70 3486724
Fax (+31) (0)70 3485128
Email: djz-ir@minbuza.nl

46. The address for service to which all communications concerning the case are to be sent in accordance with Article 56, paragraph 1, of the Rules of the Tribunal is as follows:

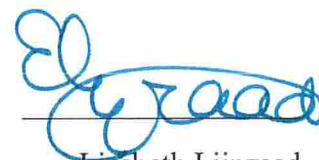
Botschaft des Königreichs der Niederlande in Berlin
Klosterstraße 5010179 Berlin
Deutschland

CHAPTER 6
SUBMISSIONS

47. For the reasons set out above, the Kingdom of the Netherlands requests that the Tribunal prescribe as provisional measures that the Russian Federation:

- (i) Immediately enable the ‘Arctic Sunrise’ to be resupplied, to leave its place of detention and the maritime areas under the jurisdiction of the Russian Federation and to exercise the freedom of navigation;
- (ii) Immediately release the crew members of the ‘Arctic Sunrise’, and allow them to leave the territory and maritime areas under the jurisdiction of the Russian Federation;
- (iii) Suspend all judicial and administrative proceedings, and refrain from initiating any further proceedings, in connection with the incidents leading to the boarding and detention of the ‘Arctic Sunrise’, and refrain from taking or enforcing any judicial or administrative measures against the ‘Arctic Sunrise’, its crew members, its owners and its operators; and
- (iv) Ensure that no other action is taken which might aggravate or extend the dispute.

The Hague, 21 October 2013



Liesbeth Lijnzaad
Agent for the Kingdom of the Netherlands

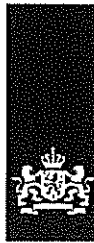


RENÉ LEFEBER
Co-Agent for the Kingdom of the Netherlands

ANNEXES

1. Diplomatic note of the Ministry of Foreign Affairs of the Kingdom of the Netherlands to the Embassy of the Russian Federation in The Hague, instituting the proceedings before the arbitral tribunal, including Statement of Claim (together with annexes), dated 4 October 2013.
2. Factual account by Greenpeace International, dated 19 October 2013. *Documents attached to this factual account which are in Russian will be provided to the Tribunal as soon as possible in English.*
3. Order for the Seizure of Property of the Leninsky District Court, Murmansk, dated 7 October 2013.
4. Official Report of Seizure of Property, dated 15 October 2013.
5. Diplomatic note of the Ministry of Foreign Affairs of the Kingdom of the Netherlands to the Embassy of the Russian Federation in The Hague, dated 18 October 2013.
6. Judgment in the Case concerning Administrative Offence, No. 2109/623-13 of the Federal Security Service of the Russian Federation Coast Guard Division for Murmansk Oblast, dated 8 October 2013.
7. Opinion of the Netherlands Shipping Inspectorate (*Inspectie Leefomgeving en Transport, Ministerie van Infrastructuur en Milieu*), dated 18 October 2013. *A translation of this document into English will be provided to the Tribunal as soon as possible.*
8. Letter by Greenpeace to the Netherlands Human Environment and Transport Inspectorate [Netherlands Shipping Inspectorate], dated 27 September 2013.

Annex 1.



Note

✓oor copie conform

Ministry of Foreign Affairs

Legal Affairs Directorate

MInBuza-2013.279583

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the Russian Federation and wishes to notify the Russian Federation that it submits the dispute between the Kingdom of the Netherlands and the Russian Federation, set out in the 'Statement of the claim and the grounds on which it is based' annexed to this notification, to the arbitral procedure provided for in Annex VII to the 1982 United Nations Convention on the Law of the Sea.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Embassy of the Russian Federation the assurances of its highest consideration.

The Hague, 4 October 2013

The Embassy of the Russian Federation

Andries Bickerweg 2

2517 JP The Hague



SUBMISSION OF DISPUTE TO ARBITRATION

'ARCTIC SUNRISE'

THE KINGDOM OF THE NETHERLANDS

v.

THE RUSSIAN FEDERATION

4 October 2013

**STATEMENT OF THE CLAIM
AND THE GROUNDS ON WHICH IT IS BASED**

I. INTRODUCTION

1. On 19 September 2013, authorities of the Russian Federation boarded, took control over and detained the 'Arctic Sunrise', a vessel that flies the flag of the Kingdom of the Netherlands, without the prior consent of the Flag State in the exclusive economic zone of the Russian Federation. The 'Arctic Sunrise' is an icebreaker operated by Greenpeace International. The vessel was brought to Murmansk Oblast in the Russian Federation and the detention is continuing.

2. Following the boarding of the vessel, authorities of the Russian Federation arrested and detained the crew, and initiated judicial proceedings against them. The detention of these persons and the judicial proceedings are continuing.

3. On 28 September 2013, authorities of the Russian Federation again boarded the 'Arctic Sunrise' in Kola Bay in Murmansk Oblast, without the prior consent of the Kingdom of the Netherlands, to investigate the vessel. The investigation continued over a period of several days.

4. The acts referred to in the paragraphs above constitute violations by the Russian Federation of the 1982 United Nations Convention on the Law of the Sea (hereinafter "UNCLOS" or the "Convention"), the 1966 International Covenant on Civil and Political Rights, and customary international law.

5. Said violations prevent the Kingdom of the Netherlands, the vessel and the crew members from exercising and enjoying their rights, notably the freedom of navigation, and human rights and fundamental freedoms. The Kingdom of the Netherlands thereby suffered and continues to suffer injuries both in its own right and in the form of injuries to the vessel and the crew members.

6. The Kingdom of the Netherlands has repeatedly requested the immediate release of the vessel and its crew in an effort to vindicate its rights and those of the vessel and its crew. Notwithstanding these efforts, the Russian Federation has failed to comply with these requests depriving the Netherlands, the vessel and the crew of the opportunity from exercising their rights under the international law of the sea and international human rights law. Accordingly, a dispute has arisen between the Kingdom of the Netherlands and the Russian Federation related to the rights and obligations of the Russian Federation as the Coastal State in its exclusive economic zone.

7. In accordance with Section 2 of Part XV of UNCLOS and Article 1 of Annex VII to the Convention, the Kingdom of the Netherlands hereby submits the dispute between the Kingdom of the Netherlands and the Russian Federation set out in this Statement to the arbitral procedure provided for in Annex VII to the Convention.

II. JURISDICTION

8. Both the Kingdom of the Netherlands and the Russian Federation are Parties to UNCLOS. The Convention entered into force for the Kingdom of the Netherlands on 28 July 1997, having ratified it on 28 June 1996. The

Convention entered into force for the Russian Federation on 11 April 1997, having ratified it on 12 March 1997.

9. Upon signature of the Convention, the Russian Federation declared, *inter alia*, that

“under article 287 of the United Nations Convention on the Law of the Sea, it chooses an arbitral tribunal constituted in accordance with Annex VII as the basic means for the settlement of disputes concerning the interpretation or application of the Convention. It opts for a special arbitral tribunal constituted in accordance with Annex VIII for the consideration of matters relating to fisheries, the protection and preservation of the marine environment, marine scientific research, and navigation, including pollution from vessels and dumping.”

10. Upon ratification of the Convention, the Kingdom of the Netherlands declared

“that having regard to article 287 of the Convention, it accepts the jurisdiction of the International Court of Justice in the settlement of disputes concerning the interpretation and application of the Convention with States Parties to the Convention which have likewise accepted the said jurisdiction.”

11. Article 287, paragraph 5, of the Convention provides:

“If the parties to a dispute have not accepted the same procedure for the settlement of the dispute, it may be submitted only to arbitration in accordance with Annex VII, unless the parties otherwise agree.”

12. Consequently, since the Kingdom of the Netherlands and the Russian Federation have not accepted the same procedure for the settlement of the dispute, Annex VII to the Convention applies and an arbitral tribunal established thereunder has jurisdiction over this dispute.

13. The jurisdiction of the arbitral tribunal is not affected by the declaration of the Russian Federation upon ratification that

“in accordance with article 298 of the United Nations Convention on the Law of the Sea, it does not accept the procedures, provided for in section 2 of Part XV of the Convention, entailing binding decisions with respect to [...] disputes concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction”.

Under Article 298, paragraph 1(b), of the Convention, the optional exception in connection with disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction to the applicability of Section 2 of Part XV of the Convention only applies with respect to “disputes [...] excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3”. Such disputes concern marine scientific research and fisheries, respectively, neither of which is at issue in the present case. Insofar as the Russian Federation intended the aforementioned declaration to apply to disputes other than those concerning marine scientific research and fisheries, this would be in contravention of Article 309 of the Convention, which provides: “No reservations or exceptions may be made to this Convention unless expressly permitted by other articles of this Convention”. Furthermore, the Kingdom of the Netherlands upon ratification declared that it “objects to any declaration or statement excluding or modifying the legal effect of the provisions of the United Nations Convention on the Law of the Sea”.

III. PROCEDURAL MATTERS

(a) Appointment of Arbitrator

14. In accordance with Article 3, paragraph (b), of Annex VII to UNCLOS, the Kingdom of the Netherlands appoints Professor Dr. Alfred Soons as its arbitrator, whose contact details are as follows:

Professor Dr. Alfred H.A. Soons
Blikkenburgerlaan 83
3703 CV Zeist
The Netherlands
e-mail: a.h.a.soons@uu.nl

(b) Appointment of Agent and Co-agent

15. The Minister of Foreign Affairs of the Kingdom of the Netherlands has designated Professor Dr. Liesbeth Lijnzaad, Legal Adviser of the Ministry of Foreign Affairs, as agent and Professor Dr. René Lefeber, Deputy Legal Adviser of the Ministry of Foreign Affairs, as co-agent.

IV. STATEMENT OF FACTS

The 'Arctic Sunrise' and its crew

16. The 'Arctic Sunrise' is owned by *Stichting Phoenix*, whose address is as follows:

Stichting Phoenix
Dorpsstraat 3
1151 AC Broek in Waterland
The Netherlands

17. The vessel is operated by Greenpeace International, whose address is as follows:

C/o Stichting Greenpeace Council
Otto Heldringstraat 5
1066 AZ Amsterdam
The Netherlands

18. The 'Arctic Sunrise' is flying the flag of the Netherlands. The details of the vessel are as follows:

- IMO number: 7382902
- Gross tonnage: 949
- Category of Ice Strengthening: 1A1 Icebreaker (for max draught 4.7 m) E0 Recyclable (Det Norske Veritas classification certificate)
- Port of registry: Amsterdam, Netherlands
- Type of ship: Motor Yacht
- Call sign: PE 6851

19. According to the Crew List ([Annex 1](#)), the number of persons on board the 'Arctic Sunrise' was 30. In addition to two Dutch nationals, the members of the crew are nationals from Argentina, Australia, Brazil, Canada, Denmark, Finland, France, Italy, Morocco, New Zealand, Poland, Russian Federation, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States.

The events giving rise to the dispute

20. On 18 September 2013, Greenpeace International used the 'Arctic Sunrise' to stage a protest directed against the offshore ice-resistant fixed platform (OIRFP) 'Prirazlomnaya' in the Barents Sea. In connection with this protest, in a *note verbale*, dated 18 September 2013 ([Annex 2](#)), the Russian

Federation informed the Kingdom of the Netherlands that it had been decided "to seize the *Arctic Sunrise*."

21. On 19 September 2013, in the Russian Federation's exclusive economic zone, authorities of the Russian Federation boarded, took over control and detained the 'Arctic Sunrise', and proceeded to bring it to Murmansk Oblast.

22. By *note verbale*, informally communicated on 20 September 2013 receipt of which was acknowledged by the Russian Federation on the same day and formally communicated on 23 September 2013 (Annex 3), the Kingdom of the Netherlands, as the Flag State of the 'Arctic Sunrise', requested the Russian Federation to provide information, including answers to specific questions, concerning the actions by the Russian Federation's authorities against the vessel and its crew. In the *note verbale*, the Kingdom of the Netherlands also underlined the importance of the immediate release of the vessel and its crew. The Kingdom of the Netherlands requested the Russian Federation to reply by 23 September 2013.

23. On 24 September 2013, 08:42 hrs Coordinated Universal Time (UTC), as far as known, the 'Arctic Sunrise' was moored alongside the Russian Federation's coast guard vessel *Ladoga*, which is clearly marked and identifiable as being on government service, in position 69 04.3N 033 06.9E. As far as known, all crew members of the 'Arctic Sunrise' had been removed from the vessel to shore by 15:42 hrs UTC that day. The crew members have since been kept in detention in Murmansk Oblast pending judicial proceedings.

24. The Kingdom of the Netherlands' requests in its *note verbale* of 23 September 2013 remained unanswered and in a further *note verbale* to the Russian Federation, dated 26 September 2013 (Annex 4), the Kingdom of the Netherlands reiterated its request for information and urged a reply. In the *note verbale*, the Kingdom of the Netherlands also reiterated its request

that the Russian Federation immediately release the vessel and its crew. In this connection, the Kingdom of the Netherlands inquired as to

“whether such release would be facilitated by the posting of a bond or other financial security and, if so, what the Russian Federation would consider to be a reasonable amount for such bond or other financial security.”

25. On 27 September, the Russian Federation informed the Consulate-General of the Kingdom of the Netherlands in St. Petersburg that, from 28 September 2013 to 2 October 2013, officials of the Committee of Investigation of the Russian Federation (Investigation Department for the Northwestern Federal District) would conduct investigations on board of the ‘Arctic Sunrise’ as part of the criminal investigations in case Nr. 83543 (Annex 5). It was suggested that a representative of the Consulate-General be present during these investigations. On 28 September 2013, authorities of the Russian Federation commenced an investigation of the vessel. The Kingdom of the Netherlands had denied its consent thereto and after the investigation, the Kingdom of the Netherlands recorded its formal protest in a *note verbale*, dated 29 September 2013 (Annex 6). To date, a report of the investigation has not been received by the Kingdom of the Netherlands.

26. On 1 October 2013, the Russian Federation sent a *note verbale* responding to the requests for information of the Kingdom of the Netherlands’ *note verbale* of 23 September 2013 (Annex 7). According to the note, the boarding, investigation and detention of the ‘Arctic Sunrise’ and its crew were justified on the basis of general provisions in UNCLOS related to the exclusive economic zone and the continental shelf. In its *note verbale* of 3 October 2013, the Kingdom of the Netherlands expressed its view that these provisions did not justify the actions taken against the ‘Arctic Sunrise’ and its crew (Annex 8).

27. In its *note verbale* of 3 October 2013, the Kingdom of the Netherlands stated that it therefore appeared that the Russian Federation and the Kingdom of the Netherlands have diverging views on the rights and obligations of the Russian Federation as a Coastal State in its exclusive economic zone. It was indicated that, in view of the urgency of the matter, resulting from the detention of the vessel and its crew, the Kingdom of the Netherlands was considering to initiate arbitration as soon as feasible.

V. STATEMENT OF LEGAL GROUNDS

28. The Kingdom of the Netherlands notes that, pursuant to Article 293 of UNCLOS, the arbitral tribunal shall apply UNCLOS and other rules of international law not incompatible with UNCLOS.

29. Such other rules of international law include the 1966 International Covenant on Civil and Political Rights (hereinafter "ICCPR"). Both the Kingdom of the Netherlands and the Russian Federation are Parties to the ICCPR. The ICCPR entered into force for the Kingdom of the Netherlands on 11 March 1979, having ratified it on 11 December 1978. The ICCPR entered into force for the Russian Federation on 23 March 1976, having ratified it on 16 October 1973.

30. The Kingdom of the Netherlands claims that, pursuant to UNCLOS, in particular Part V and Part VII, notably Articles 56, paragraph 2, 58, paragraph 2, and 110, paragraph 1, and customary international law, the Russian Federation was and is under an obligation to the Kingdom of the Netherlands to obtain the latter's prior consent for:

- (1) the boarding, investigation, inspection, arrest and detention of the 'Arctic Sunrise' in the exclusive economic zone of the Russian Federation, and that the Russian Federation has breached these obligations by boarding, inspecting, arresting, investigating and detaining the vessel without the prior consent of the Kingdom of the Netherlands, thereby impairing the exercise of the freedom of navigation by a vessel flying the flag of the Kingdom of the Netherlands as provided by Articles 58, paragraph 1, and 87, paragraph 1(a), of UNCLOS, and under customary international law;
- (2) the boarding, investigation, inspection, arrest and detention of the 'Arctic Sunrise' in the exclusive economic zone of the Russian Federation, and that the Russian Federation has breached these obligations by boarding, inspecting, arresting, investigating and detaining the vessel without the prior consent of the Kingdom of the Netherlands, thereby impairing the exercise of jurisdiction of the Kingdom of the Netherlands over a vessel flying the flag of the Kingdom of the Netherlands, as provided by Article 58 and Part VII of UNCLOS, and under customary international law;
- (3) the boarding of the 'Arctic Sunrise' in the exclusive economic zone of the Russian Federation to arrest and detain the crew members and to initiate judicial proceedings against them, and that the Russian Federation has breached these obligations by boarding the vessel without the prior consent of the Kingdom of the Netherlands to detain and arrest the crew members, irrespective of their nationality, thereby depriving them of their right to liberty and security as well as their right to leave the territory and maritime zones of the Russian Federation as provided by Articles 9 and 12,

paragraph 2, of the 1966 International Covenant on Civil and Political Rights, and under customary international law;

- (4) the subsequent transfer of the 'Arctic Sunrise' from its exclusive economic zone to Murmansk Oblast and boarding of the 'Arctic Sunrise' in this port to investigate the vessel, and that the Russian Federation has breached these obligations by boarding the vessel without the prior consent of the Kingdom of the Netherlands, thereby impairing the exercise of jurisdiction of the Kingdom of the Netherlands over a vessel flying the flag of the Kingdom of the Netherlands, as provided under customary international law.

31. Furthermore, the Kingdom of the Netherlands draws the attention to its declaration upon ratification that it "objects to any declaration or statement excluding or modifying the legal effect of the provisions of the United Nations Convention on the Law of the Sea". This particularly concerns the matters set out in the Declaration, which includes a section pertaining to the exclusive economic zone. This section concerns limits to the exercise of jurisdiction by the coastal state in the exclusive economic zone, including with respect to "Installations in the Exclusive Economic Zone" and the absence of any "Residual rights".

VI. PROVISIONAL MEASURES

32. Pending the constitution of the arbitral tribunal in accordance with Section II of Part XV of UNCLOS and Article 3 of Annex VII of UNCLOS, the Kingdom of the Netherlands requests the Russian Federation, pursuant to Article 290 of UNCLOS, to adopt and implement provisional measures to:

- (1) immediately enable the 'Arctic Sunrise' to be resupplied, to leave its place of detention and the maritime zones of the Russian Federation, and to exercise the freedom of navigation in said zones;
- (2) immediately release the crew members, and to allow them to leave the territory and maritime zones of the Russian Federation.

33. If such measures are not adopted and implemented within a period of 14 days from the date of this Statement, the Kingdom of the Netherlands will request the International Tribunal for the Law of the Sea to prescribe the measures set forth in the preceding paragraph, unless the Russian Federation and the Kingdom of the Netherlands agree to refer the request set forth in the preceding paragraph to any other court or tribunal, or reach agreement on this request by other means.

34. The crew members would not have been arrested, detained and subjected to judicial proceedings but for the Russian Federation's violation of the international law of the sea, as set out in this Statement. Pending arbitration proceedings during which the legality of the actions of the Russian Federation remains to be determined, it would cause irreparable prejudice to these persons to have to continue to undergo pre-trial detention and face criminal prosecution with potentially severe sentences being imposed, if found guilty.

35. As to the release of the vessel, its operator is currently unable to maintain it and ensure its proper servicing, which is imperative in particular considering the vessel's technological features as an icebreaker. There is concern of fire, flooding, pollution, security and related risks if the vessel were to remain unmanned for extended periods in cold weather with possible

damage to machinery. There is consequently a real risk of irreparable prejudice in connection with the state of the vessel. As a corollary, in order for the vessel to leave the place of detention and the maritime zones of the Russian Federation, its crew must necessarily be allowed to operate it.

36. As set out above, an arbitral tribunal established under Annex VII to the Convention has jurisdiction over this dispute and the *prima facie* test in Article 290, paragraph 5, of UNCLOS is consequently met.

VII. AWARD REQUESTED

37. The Kingdom of the Netherlands therefore requests the arbitral tribunal to adjudge and declare that:

(1) The Russian Federation:

- a. In boarding, investigating, inspecting, arresting and detaining the 'Arctic Sunrise' without the prior consent of the Kingdom of the Netherlands, as described in this Statement, breached its obligations to the Kingdom of the Netherlands, in its own right and in the exercise of its right to protect a vessel flying its flag, in regard to the freedom of navigation as provided by Articles 58, paragraph 1, and 87, paragraph 1(a), of UNCLOS, and under customary international law;
- b. In boarding, investigating, inspecting, arresting and detaining the 'Arctic Sunrise' without the prior consent of the Kingdom of the Netherlands, as described in this Statement, breached its obligations to the Kingdom of the Netherlands, in regard to the exercise of jurisdiction by a flag state as provided by Article 58

and Part VII of UNCLOS, and under customary international law;

- c. In boarding the 'Arctic Sunrise' without the prior consent of the Kingdom of the Netherlands to arrest and detain the crew members and initiating judicial proceedings against them, as described in this Statement, breached its obligations to the Kingdom of the Netherlands, in its own right, in the exercise of its right to diplomatic protection of its nationals, and its right to seek redress on behalf of crew members of a vessel flying the flag of the Kingdom of the Netherlands, irrespective of their nationality, in regard to the right to liberty and security of a vessel's crew members and their right to leave the territory and maritime zones of a coastal state as provided by Articles 9 and 12, paragraph 2, of the 1966 International Covenant on Civil and Political Rights, and customary international law;

(2) The aforementioned violations constitute internationally wrongful acts entailing the international responsibility of the Russian Federation;

(3) Said internationally wrongful acts involve legal consequences requiring the Russian Federation to:

- a. Cease, forthwith, the internationally wrongful acts continuing in time;
- b. Provide the Kingdom of the Netherlands with appropriate assurances and guarantees of non-repetition of all the internationally wrongful acts referred to in subparagraph (2) above;

- c. Provide the Kingdom of the Netherlands full reparation for the injury caused by all the internationally wrongful acts referred to in subparagraph (2) above.

VIII. RESERVATION OF RIGHTS

38. The Kingdom of the Netherlands reserves the right to modify and extend the terms of this statement of the claim and the grounds on which it is based.

The Hague, 4 October 2013

A handwritten signature in black ink, appearing to read 'E. Lijnzaad', written in a cursive style.

Professor Dr. E. Lijnzaad

Agent of the Kingdom of the Netherlands

Annex 1

Amsterdam: 3rd October 2013

To Whom It May Concern

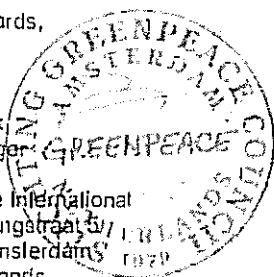
With this letter I confirm that all of the below were on board when the MY Arctic Sunrise left the port of Kirkenes, Norway when she departed to continue her onwards journey.

| Surname | Given name | Nationality |
|------------------|------------------|--------------------------------------|
| Willcox | Peter Henry | USA |
| Ruzycki | Paul Douglas | CANADA |
| Perez Orzi | Miguel Hernan | ARGENTINA |
| Jensen | Anne Mie Roer | DENMARK |
| Ubels | Mannes | NETHERLANDS |
| Rogers | Iain Christopher | UK |
| Hausmann | David John | NEW ZEALAND |
| Beauchamp | Jonathan David | NEW ZEALAND |
| Russell | Colin Keith | AUSTRALIA |
| Yakushev | Ruslan | UKRAINE |
| Paul | Alexandre | CANADA |
| Pisanu | Francesco Pierre | FRANCE |
| D'Alessandro | Cristian | ITALY |
| Alminhana Maciel | Ana Paula | BRAZIL |
| Zaspa | Ekaterina | RUSSIA |
| Akhan | Gizlieni | TURKEY |
| Speziale | Camila | ARGENTINA / ITALY - dual nationality |
| Saarela | Sini | FINLAND |
| Dziemianczuk | Tomasz | POLAND |
| Weber | Marco Paolo | SWITZERLAND |
| Ball | Philip Edward | UK |
| Perrell | Anthony | UK |
| Oulahsen | Faiza | NETHERLANDS / MOROCCO |
| Lilvinov | Dimijri | SWEDEN / USA |
| Harris | Alexandra Hazel | UK |
| Hewelson | Frank | UK |
| Sinyakov | Dennis | RUSSIA |
| Bryan | Kieron | UK |
| Dolgov | Roman | RUSSIA |
| Allakhverdov | Andrey | RUSSIA |

In case of any questions, I urge you to contact me. Contact details are to be found in my signature

Kindest regards,

Frits de Vink
Crew Manager
Ships Unit
Greenpeace International
Ottho Heldringstraat 5
1066 AZ Amsterdam
The Netherlands



Stichting Greenpeace Council
Crew Department
Ottho Heldringstraat 5
1066 AZ Amsterdam, The Netherlands
Tel: +31 (0)20 718 2000
Fax: +31 (0)20 514 8151

GSM: +31(0)653504705 (24 hours)
Tel: +31(0)207182184
e-mail: frits.de.vink@greenpeace.org
c-mail: crew.manager@greenpeace.org

Annex 2 TO THE EMBASSY OF THE KINGDOM OF THE NETHERLANDS
Moscow

No. 10344/1 edn

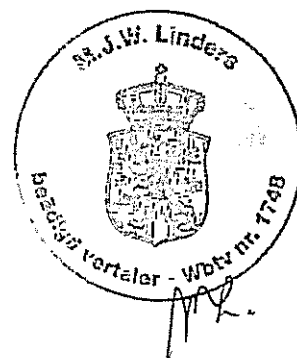
The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to inform the Embassy as follows.

Despite being warned by the Russian authorities, the *Arctic Sunrise*, a ship which sails under the flag of the Netherlands, continues to carry out provocative activities in waters off the Russian Federation's northern coastline.

On several previous occasions the ship's crew have carried out activities that constituted a threat to the maritime safety of ships performing exploratory activities on the continental shelf in the Russian sector of the Arctic region.

After plans were announced in the media by activists of the organisation Greenpeace, aimed at disrupting the activities of OAO *Rosneft* and other Russian companies, the coastguard vessel *Ladoga* was deployed to the area in which the ship was located.

Despite the warnings given by coastguard officials, the *Arctic Sunrise* attempted to approach the oil and gas drilling platform *Prirazlomnaya*, even though the drilling platform is surrounded by a security zone, which ships are prohibited from entering.



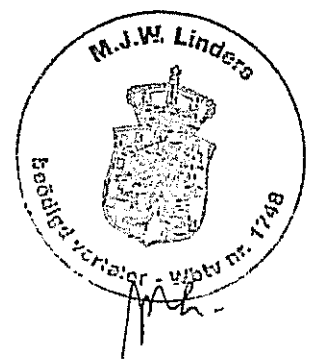
At 04:20 (Moscow time) on 18 September 2013, four speedboats were lowered from the ship, crewed by unidentified individuals, who approached the drilling platform *Prirazlomnaya* and attempted to gain admittance and force entry using special equipment. As the speedboats travelled in the direction of the platform they trailed an unidentified, barrel-shaped object.

Furthermore, the intruders' conduct was aggressive and provocative. To outward appearances their actions bore the characteristics of terrorist activities which could put lives in danger and have serious consequences for the platform.

The coastguard vessel *Ladoga* responded to the conduct described above by taking measures to prevent occupation of the platform. These included firing warning shots from firearms. Two of the speedboats' occupants (a Swiss national and a Finnish national) were removed from the platform and taken aboard the coastguard vessel. Two others remained behind, chained to the platform. The speedboats were brought back on board the vessel.

In view of the genuine danger posed to the Russian Federation's oil-and-gas drilling platform and the activists' refusal to follow the coastguard's instructions (issued in accordance with proper procedure) to cease their unlawful activities, the decision was made to seize the *Arctic Sunrise*.

The captain did not respond to the order (given in accordance with proper procedure) to bring the ship to a halt. As a consequence, at 07.15 (Moscow time) warning shots were fired from the coastguard vessel's artillery. The ship did not respond to the warning shots, however, and proceeded to leave the security zone, after which it remained in the area that bordered on the security zone.



The actions of the ship *Arctic Sunrise* can only be interpreted as a provocation, which exposed the Arctic region to the threat of an ecological disaster with unimaginable consequences.

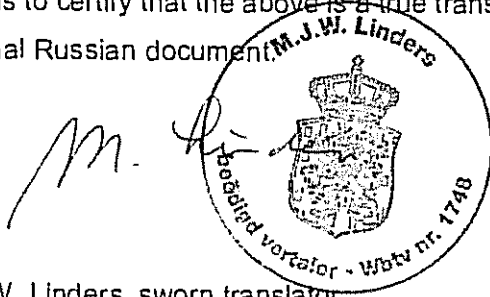
The Ministry of Foreign Affairs of the Russian Federation urgently requests the authorities of the Kingdom of the Netherlands to immediately take appropriate measures aimed at avoiding a repeat of such actions.

The Ministry avails itself of this opportunity to renew to the Embassy of the Kingdom of the Netherlands the assurances of its highest consideration.

Moscow, 18 September 2013

[Official stamp:] Ministry of Foreign Affairs of the Russian Federation * No. 1

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



M.J.W. Linders, sworn translator,
registered under no. 1748 with Bureau WBTV
(Bureau for Sworn Interpreters and Translators)
of the Dutch Legal Aid Council

Annex 3



Ministry of Foreign Affairs

The Hague, 23 September 2013

Europe Department
DEU-0725/2013

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the Russian Federation and wishes to raise the following matter with the Embassy:

The Netherlands' Government has learned that on Thursday, September 19, 2013, Russian officials boarded the Dutch flagged vessel "Arctic Sunrise". It also learned that these officials have taken over command of the vessel and that the "Arctic Sunrise" is currently taken to Murmansk.

In order to ascertain the factual circumstances of these actions of the Russian Federation, the Ministry would appreciate information by the Russian Federation of these actions and answers to the following questions by Monday September 23, 2013:

- Why did the Russian authorities decide to board the "Arctic Sunrise" on Thursday, September 19, 2013;
- Why was the Netherlands, as flag state of the "Arctic Sunrise", not asked for its consent to board the vessel;
- What are the exact coordinates of the location where the Arctic Sunrise was boarded;
- Has the "Arctic Sunrise" been arrested or detained;
- Has the crew been arrested, or committed to prison or to custody pending trial or detained in any other manner;
- What are the nationalities of the individual members of the crew;
- What is the legal justification of the decision of the Russian authorities to board, arrest and detain the "Arctic Sunrise" and to arrest or detain in any other manner its crew;
- Have the Russian authorities considered alternative, less extreme measures?

The Ministry wishes to underline the importance that vessel and its crew are released by the Russian authorities immediately.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the Russian Federation the assurances of its highest consideration.

The Embassy of the Russian Federation
Scheveningseweg 2
2517 KT The Hague



Annex 4



Ministry of Foreign Affairs

The Hague, 26 September 2013

Europe Department
DEU-0735/2013

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the Russian Federation and wishes to inform the Embassy as follows.

Referring to our Notes of 26 August 2013 (DEU-0674/2013) and of 23 September 2013 (DEU-0725/2013) the Netherlands regrets not having received the requested information before the set deadline, and urges the Russian Federation to provide answers to the questions put forward in these Notes.

The Netherlands reiterates the importance of this matter and its request that the Russian Federation immediately release the vessel and its crew. In this respect, the Netherlands would appreciate being informed whether such release would be facilitated by the posting of a bond or other financial security and, if so, what the Russian Federation would consider to be a reasonable amount for such bond or other financial security.

In addition, the Ministry requests the Russian authorities to detail the procedural steps leading to the inculcation of the two Dutch nationals among the arrested crew members, Faiza Oulahsen en Mannes Ubels, and to continue to allow visits by a consular officer of the Netherlands to these persons, in accordance with article 36 of the 1963 Vienna Convention on Consular Relations. The Ministry informs the Embassy that the Dutch authorities are present at the public hearing scheduled relating to the charges brought against these persons.

The Ministry would appreciate receiving all information requested in the present Note and aforementioned Notes by 26 September 2013 at 5 PM.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the Russian Federation the assurances of its highest consideration.

The Embassy of the Russian Federation
Andries Bickerweg 2
2517 JP THE HAGUE



Annex 5

Committee of Investigation of the Russian Federation, Murmansk Oblast (tel. 88152403902 27 September 2013, 17:08 page 1

[coat of arms of the Russian Federation]

**COMMITTEE OF INVESTIGATION OF THE
RUSSIAN FEDERATION**

**INVESTIGATION DEPARTMENT FOR THE
NORTHWESTERN FEDERAL DISTRICT**

ul. Torzhkovskaya no. 4, building A
St Petersburg, Russia 197342

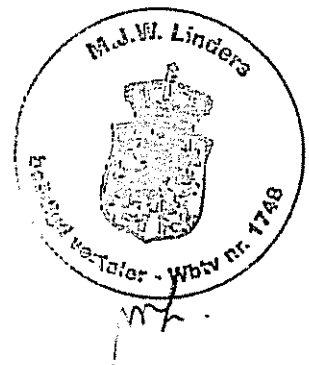
To the Consul General of the Kingdom of
the Netherlands in St Petersburg
Jennes de Mol
Nab. reki Moyki no. 11,
St Petersburg, 191186

27 September 2013 No. 303-49k-2013

Dear Jennes de Mol,

I am writing to inform you that from 28 September to 2 October 2013 members of the Committee of Investigation of the Russian Federation will, as part of the investigation concerning criminal case no. 83543, conduct a search of the ship *Arctic Sunrise*, which sails under the flag of the Netherlands, is registered in the port of Amsterdam, and is currently moored in Kola Bay in Murmansk Oblast.

In order to be able to participate in the investigative activities in question, the representatives of the Consulate General of the Kingdom of the Netherlands must be present at 09:00 on 28 September 2013 at the Department of the Committee of Investigation of the Russian Federation for Murmansk Oblast (address: ul. Karla Libknekhta no. 48, Murmansk).



Your contact person is Mr Vyacheslav Viktorovich Kazin, director of the Murmansk Investigation Division for Transport, at the Investigation Department for the Northwestern District of the Committee of Investigation of the Russian Federation, tel. +7-921-847-89-48, fax. +7-8152-42-38-28.

Yours sincerely,

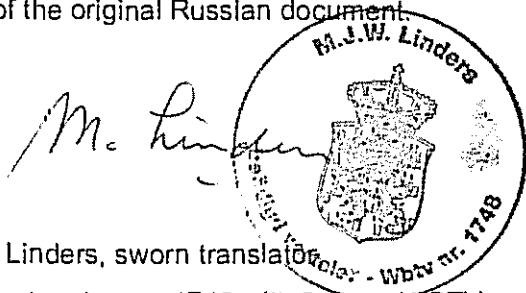
[signature]

I.V. Turetsky

Colonel of Justice [sic]

Deputy Director, Investigation Department

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



M.J.W. Linders, sworn translator,
registered under no. 1748 with Bureau WBTV
(Bureau for Sworn Interpreters and Translators)
of the Dutch Legal Aid Council

Annex b



Note

Legal Affairs Directorate

MinBuza-2013.274797

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the Russian Federation and wishes to inform the Embassy as follows.

On 27 September 2013, the Russian Investigative Committee, by communication of its Investigative Directorate of the North-Western Federal District in St. Petersburg, informed the Consulate-General of the Kingdom of the Netherlands in St. Petersburg that, from 28 September 2013 to 2 October 2013, officials of the Investigative Committee would conduct investigations on board of the "Arctic Sunrise", a vessel flying the flag of the Kingdom of the Netherlands, as part of criminal investigations in case Nr. 83543. It was suggested that a representative of the Consulate-General be present during these investigations.

In response to this communication, the Kingdom of the Netherlands informed the Embassy of the Russian Federation in The Hague on 27 September 2013 (DEU-0749/2013) that, pending the receipt of information requested in its Notes of 23 September 2013 (DEU-0725/2013) and 26 September 2013 (DEU-735/2013) and the consideration of this information by the Netherlands, the Netherlands was not in a position to consider the matter addressed in the communication, and noted that boarding and investigation of the "Arctic Sunrise" in the present circumstances is subject to the consent of the Netherlands.

On 28 September 2013, Greenpeace International informed the Netherlands Ministry of Foreign Affairs that officials of the Russian Federation have subsequently boarded and investigated the "Arctic Sunrise". Since the Russian Federation has not obtained the prior consent of the Netherlands, the Netherlands formally lodges its protest over the boarding and investigation of the "Arctic Sunrise" that commenced on 28 September 2013.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Embassy of the Russian Federation the assurances of its highest consideration.

The Hague, 29 September 2013

The Embassy of the Russian Federation

Andries Bickerweg 2

2517 JP The Hague



Annex 7

№ 162-H

The Embassy of the Russian Federation presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and in response to the Note of the Ministry № DEU-0725/2013 dated 23 September 2013 has the honour to convey the following.

On 18 September 2013, in the Barents Sea, at night time, unidentified individuals on 6 speedboats from the vessel "Arctic Sunrise" undertook an attempt to board and get into the offshore ice-resistant fixed platform (OIRFP) "Prirazlomnaya". Towards the drilling platform, around which an area dangerous for navigation was established and diving operations were carried out, the speedboats towed a large-size floating object, what created a real danger to divers' lives.

Measures taken by the coast guard ship "Ladoga" allowed to avert activities of unidentified individuals.

MINISTRY OF FOREIGN AFFAIRS
OF THE KINGDOM
OF THE NETHERLANDS

The Hague

During the next day the vessel continued dangerous maneuvering on the boundary of the area adjacent to the platform. The captain of the vessel had not reacted to lawful requests by the officials of the coast guard authorities to stop, nor to signals as provided under the International Code of Signals (ICS 1965). In contravention of the International Regulations for Preventing Collisions at Sea, 1972, the vessel carried out dangerous maneuvers, not allowing on board an inspection team from the coast guard ship, thus endangering life and health of members of both the crew of the vessel itself, and that of the coast guard ship.

On 19 September at 21:50 at the point with geographic coordinates 69°20,5'N, 57°17,9'E within the exclusive economic zone of the Russian Federation, on the basis of Articles 56, 60 and 80 of the United Nations Convention the Law of the Sea, 1982, and in accordance with Article 36 (1(1)) of the Federal Law "On the Exclusive Economic Zone of the Russian Federation" a visit of to the vessel "Arctic Sunrise" was carried out.

Based on the findings of the visit, in accordance with the fourth paragraph of Article 36 (1(1)) of the abovementioned Federal Law a decision was taken to bring the vessel to the port of Murmansk for the purpose of carrying out of investigative procedures and holding the captain of the vessel accountable pursuant to the legislation of the Russian Federation.

In view of the authority that a coastal State possesses in accordance with the aforementioned rules of international law, in the situation in question requesting consent of the flag State

to the visit by the inspection team on board the vessel was not required.

On 24 September 2013 the Investigative Department of the Investigative Committee of the Russian Federation for the North-West Federal District instituted a criminal investigation № 83543 into the attack on the OIRFP “Prirazlomnaya” by unidentified individuals from the crew of the vessel “Arctic Sunrise”, who acted as an organized group in the Barents Sea outside territorial waters of any state, i.e. on the elements of the crime provided for in Article 227(3) of the Criminal Code of the Russian Federation (“Piracy committed by an organized group”).

For the commission of the abovementioned acts, in the night from 24 to 25 September 2013, under Articles 91, 92 of the Code of Criminal Procedure of the Russian Federation 30 members of the crew of the “Arctic Sunrise” were detained, possessing nationalities of 18 foreign States (the United States, Canada, Argentina, the Netherlands, Denmark, the United Kingdom, New Zealand, Australia, Ukraine, Turkey, Sweden, Switzerland, Finland, Italy, France, Brazil, Poland) and the Russian Federation.

According to the decisions of the District Court Leninsky of the city of Murmansk detention of all 30 suspects was found lawful and justified.

For the time being in respect of all suspects restrictive measures in the form of pre-trial detention were established by the same court.

Criminal charges in respect of the abovementioned crime will be brought against the crew members of the vessel “Arctic

Sunrise” and the detained activists of the “Greenpeace” in the nearest future within the time limits, prescribed by the Code of Criminal Procedure of the Russian Federation.

The Embassy avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Hague, “ 1. ” October 2013

Annex 8



Note

Ministry of Foreign Affairs

Legal Affairs Directorate

MinBuza-2013.277972

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the Russian Federation and wishes to thank the Embassy for its note of 1 October 2013 (No. 162-4).

The note responds to the requests for information of the Kingdom of the Netherlands in its notes of 23 September 2013 (DEU-0725/2013) and 26 September 2013 (DEU-0735/2013), for which the Kingdom of the Netherlands expresses its appreciation. According to the note, the boarding, investigation and detention of the "Arctic Sunrise" and its crew were justified on the basis of general provisions in the United Nations Convention on the Law of the Sea related to the exclusive economic zone and the continental shelf (Articles 56, 60 and 80). The Kingdom of the Netherlands does not consider that these provisions justify the actions taken against the "Arctic Sunrise" and its crew.

It appears therefore that the Russian Federation and the Kingdom of the Netherlands have diverging views on the rights and obligations of the Russian Federation as a coastal state in its exclusive economic zone. Accordingly, there seems to be merit in submitting this dispute to arbitration under the United Nations Convention on the Law of the Sea. In view of the urgency of the matter, resulting from the detention of the vessel and its crew, the Kingdom of the Netherlands is considering to initiate such arbitration as soon as feasible. In this respect, the Kingdom of the Netherlands reiterates its request that the vessel and its crew be immediately released and would like to stress the urgent nature of this request.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Embassy of the Russian Federation the assurances of its highest consideration.

The Hague, 3 October 2013

The Embassy of the Russian Federation

Andries Bickerweg 2

2517 JP The Hague



Annex 2

voor copie conform

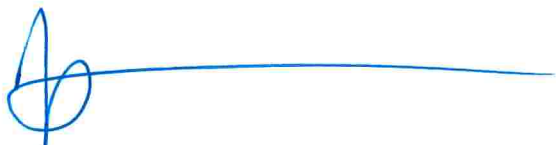
Amsterdam, 20 October 2013

Ministry of Foreign Affairs
of the Kingdom of the Netherlands
Legal Affairs Department | International Law Division
Attn. Dr. Liesbeth Lijnzaad
P.O. Box 20061
2500 EB The Hague
The Netherlands

Dear Dr. Lijnzaad,

Please find enclosed a Statement of Facts concerning the boarding and detention of the MY *Arctic Sunrise* and the judicial proceedings against all 30 persons on board.

Yours truly,



Jasper Teulings
General Counsel / Advocaat



Daniel Simons
Legal Counsel Campaigns & Actions

Greenpeace International

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Statement of facts concerning the boarding and detention of the MY Arctic Sunrise and the judicial proceedings against all 30 persons on board

19 October 2013

Introduction

1. By way of this statement, Greenpeace International seeks to provide the Ministry of Foreign Affairs of the Kingdom of the Netherlands with an overview of the events leading up to and following the boarding of the MY *Arctic Sunrise* (MYAS) by Russian authorities in the Pechora Sea on 19 September 2013, and the detention and judicial proceedings against all 30 persons on board.
2. Greenpeace is an independent global campaigning organisation that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace. Greenpeace consists of 27 independent national or regional organisations with a presence in 40 countries worldwide, as well as Greenpeace International (Stichting Greenpeace Council, in Amsterdam) as a coordinating body which also operates three Greenpeace ships. Greenpeace International charters the MYAS (IMO no. 7382902) from the owner, Stichting Phoenix in Broek in Waterland, the Netherlands, on the basis of yearly (1 January – 31 December) charter agreements.
3. Greenpeace has a history of more than 40 years of taking safe, non-violent direct action to increase the level and quality of public debate on environmental and disarmament issues. Through its campaigns, Greenpeace contributed to the development of numerous international instruments in the area of marine environmental protection.¹
4. The MYAS is an icebreaker built in 1975 by AS Vaagen Verft and chartered by Greenpeace International in 1995. Its first trip for Greenpeace took it to the North Sea and the northeast Atlantic, to document marine pollution caused by offshore oil installations. Since then it has worked everywhere from within 450 nautical miles of the North Pole, to Antarctica's Ross Sea, and has navigated both the Congo and the Amazon rivers.² In 2010, it undertook a three-month tour of the Gulf of Mexico in the aftermath of the Deepwater

¹ Examples include the 1982 moratorium on commercial whaling, amendments to the London Dumping Convention banning the incineration of organochlorine waste and the dumping of radioactive and industrial waste at sea, UN General Assembly Resolution 44/225 calling for a moratorium on large-scale pelagic driftnet fishing, the Comprehensive Nuclear Test Ban Treaty, OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations, and the Protocol on Environmental Protection to the Antarctic Treaty.

² For more details on the vessel, see <http://www.greenpeace.org/international/en/about/ships/the-arctic-sunrise/>.

Horizon spill, bringing independent monitors to the scene, working with scientists on impact assessments and mobilising volunteers to help with the cleanup.³

5. Since 2010, Greenpeace International and national/regional Greenpeace organisations have been engaged in the campaign 'Save the Arctic'. The objective of this campaign is to secure international agreement to create a global sanctuary in the uninhabited area around the North Pole and a ban on offshore oil drilling and industrial fishing in Arctic waters.
6. In the course of this campaign, Greenpeace offices have staged a number of peaceful protests at sea against the companies leading the push into the offshore Arctic. Protests have been directed, among others, at Cairn Energy's exploration for oil off Western Greenland; Royal Dutch Shell's efforts to drill in the Beaufort and Chukchi Seas north of Alaska and its recent partnership with Gazprom in the Russian offshore Arctic; Rosneft, which is exploring concessions in the Barents and Kara Seas together with Statoil, ExxonMobil and ENI; and Gazprom, which is nearing production in the Pechora Sea. These protests have primarily been directed against oil rigs, drill ships, exploration vessels and icebreakers contracted by these companies. None of these resulted in any safety incidents. Greenpeace crews activists are extensively trained in non-violence and safety procedures.
7. *Prirazlomnaya* is a fixed platform operated by Gazprom Neft Shelf LLC, a subsidiary of the State-controlled Gazprom group, located on the Russian Federation's continental shelf in the Pechora Sea at 69° 15'56.88"N 57° 17'17.34"E, within the Exclusive Economic Zone (EEZ). Gazprom intends to begin oil production at the platform before the end of 2013,⁴ making it the first commercial oil production unit in the offshore Arctic. *Prirazlomnaya* measures 126x126 metres and work shifts consist of up to 200 workers⁵. The platform sits on a base made of steel, concrete and rubble designed to withstand strong impacts by sea ice,⁶ which is present here for the greater part of the year. Gazprom Neft Shelf's Executive Director, Gennady Lubin, has claimed the platform base is capable of withstanding a torpedo strike.⁷
8. The Russian authorities declared a safety zone with a radius of 3 nautical miles around *Prirazlomnaya* by Notice to Mariners No. 51 of 2011, which states that "[v]essels should not enter the safety zone of the marine ice-stable platform without permission of the operator of the platform." According to Article 60 of the UN Convention on the Law of the Sea, reasonable safety zones may be established around artificial islands, installations

³ An overview of highlights of this tour can be found at <http://www.greenpeace.org/usa/en/news-and-blogs/news/oilspilltruth/>.

⁴ *Arctic Oil Production Could Begin Later This Year As Russia's Gazprom Prepares To Tap Reserves*. Huffington Post - Reuters. 3 October 2013. http://www.huffingtonpost.com/2013/10/03/arctic-oil-gazprom-russia-oil_n_4035078.html. Page visited on 19 October 2013.

⁵ *Prirazlomnaya Sea Platform to be Delivered to Offshore Oil Field*. ITAR-TASS. 26 August 2011. <http://archive.is/8leE6> Page visited on 19 October 2013.

⁶ Id.

⁷ *Interview with Gennady Lubin, Executive Director of Gazprom Neft Shelf LLC, on the Greenpeace campaign: "We did not know their aims"*. Gazprom Neft Shelf website, Press Center. 3 October 2013. <http://www.shelf-neft.gazprom.ru/en/?type=news&id=69>. Page visited on 19 October 2013.

and structures in the EEZ, whose breadth shall not exceed 500 metres except as authorized by generally accepted international standards or as recommended by the International Maritime Organisation.

9. Greenpeace International conducted a peaceful protest against the platform in August of 2012, during which activists including the Executive Director, Kumi Naidoo, suspended themselves from its side. The objective of this protest was twofold. Firstly, Greenpeace wanted to draw public attention to Gazprom's inability to deal with a disaster in this pristine region which is close to a number of protected coastal areas. The platform is very remote from Murmansk, the nearest major port from where a disaster response could be mounted, and harsh climatic conditions would in any event make cleaning up an oil spill impossible. Gazprom had refused to publish its oil spill response plan. Moreover, its official authorisation had expired.⁸ Secondly, the protest aimed to highlight the fact that the Arctic is melting and that burning the newly accessible fossil fuel reserves in this region will further contribute to global warming. The International Energy Agency has stated that no more than one-third of already proven reserves of fossil fuels can be burned by 2050 if global warming is to be limited to 2 °C,⁹ the target broadly agreed by the international community. Shortly after the protest, Gazprom admitted safety issues and postponed oil production at the platform until the last few months of 2013.¹⁰
10. Greenpeace International, Greenpeace Russia and WWF have published a number of analyses and statements detailing their concerns on the risk to the local and global environment posed by *Prirazlomnaya*.¹¹

Overview of events between 18 September 2013 and the present

All times given are Moscow Standard Time (UTC/GMT +4) and are approximate. This overview is partly based on information received from the ship through various means of telecommunication. Where possible, references to websites and other sources are provided in footnotes.

*Video footage that was shot during the events and transmitted via satellite prior to the boarding is also referred to. In addition, the Investigative Committee has made (limited) video of the protest available, apparently shot from *Prirazlomnaya*. Greenpeace International has placed all these videos in sequence, showing events from different angles. This compilation is publicly*

⁸ Greenpeace Uncovers Gazprom's Expired Oil Spill Response Plan. Blog Post. 14 August 2012.

<http://www.greenpeace.org/international/en/news/Blogs/makingwaves/gazprom-expired-arctic-oil-spill-response-plan/blog/41747/> Page visited on 19 October 2012.

⁹ World Energy Outlook 2012- Executive Summary. International Energy Agency (IEA).

<https://www.iea.org/publications/freepublications/publication/English.pdf> Page visited on 19 October 2013.

¹⁰ Gazprom to postpone arctic drilling to satisfy Greenpeace safety demands. Gazeta.ru. 21 September 2012.

http://en.gazeta.ru/news/2012/09/21/a_4782781.shtml Page visited on 19 October 2013.

¹¹ See, for example, *Prirazlomnaya oil spill would threaten Russian Arctic with irreparable disaster: study*, WWF, 14 August 2012, <http://wwf.panda.org/?205938/Prirazlomnaya-oil-spill-would-threaten-Russian-Arctic-with-irreparable-disaster-study>, and

¹¹ *Northern Exposure – Gazprom and oil exploration in the Russian Arctic*, Greenpeace International media briefing, September 2013, <http://www.greenpeace.org/international/Global/international/briefings/climate/Gazprom-Media-Brefing-Sep-2013-final.pdf>.

available at <http://photo.greenpeace.org/image/GP04VK6>.

In some shots the intervening Coast Guards can be seen videotaping events from their inflatable boats. Their footage has not been made publicly available.

Wednesday 18 September 2013

11. At 04:26, five rigid hull inflatable boats (RHIBs) leave the MYAS, heading towards Gazprom's oil platform *Prirazlomnaya*. The MYAS tries to call the nearby Russian Coast Guard vessel *Ladoga* (No. 058) that has been following the MYAS' movements, but does not get any response. The launch of the RHIBs happens outside the 3 nautical miles exclusion zone declared around the platform.
12. It is standard procedure for Greenpeace vessels that, at the start of a protest at sea, the target is informed of the purpose and peaceful nature of the protest. A note of this communication is made in the logbook. The ship's logbook and recordings of radio communications have not been available to Greenpeace International since the boarding and detention of the vessel, and may have been lost (see paragraph 57).
13. At about 04:37, the first RHIBs arrive at *Prirazlomnaya*, and two activists attempt to climb the outside structure of the platform with the aim to unfurl a banner some distance below the main deck. MYAS crew report that fire hoses have been deployed by a support vessel to *Prirazlomnaya*, the icebreaker Yury Topchev (IMO no. 9338230). At no point in time did the activists intend to take control of the platform, indeed they did not intend to reach the main deck. The climbers' ropes were attached at a point approximately 10 meters below the main deck.¹²
14. At the same time, a group of three RHIBs further back is towing a 'safety pod' towards *Prirazlomnaya*. The pod is a foam tube, measuring 3 meters long by 2 meters wide, and is painted in bright colours. The design, by Spanish architecture student Rubén Bodewig, was picked from 350 entrants in a public competition.¹³ It was intended to hang from the side of the platform as a cover in which the climbers could hide from the elements and fire hoses.
15. At 04:55, the pod's tow line breaks just inside the 3 nautical miles zone declared around *Prirazlomnaya*. MYAS then briefly enters this zone – staying near its limit – in order to retrieve the pod, which could otherwise pose a navigational hazard. At 05:10 the pod is reported retrieved and MYAS proceeds out of the 3 nautical miles zone. This is the only occasion during the entire sequence of events described in this statement on which MYAS comes closer than 3 nautical miles to *Prirazlomnaya*.

¹² A photograph showing the manner in which the climbing ropes were attached to the rig can be found at <http://www.greenpeace.org/international/en/news/Blogs/makingwaves/we-rebut-gazproms-absurd-claims-about-the-arc/blog/46923/>.

¹³ *Why does Gazprom seem to be making ridiculous claims about our safety pod?* Greenpeace blogpost. 20 September 2013. <http://www.greenpeace.org/international/en/news/Blogs/makingwaves/safety-pod/blog/46713/> and *Design the new survival pod*. <http://pod.greenpeace.org.uk/design/> Both webpages visited on 19 October 2013.

16. At 05:28, two unmarked inflatables are launched by the nearby Coast Guard vessel *Ladoga*, each manned with three agents masked in balaclavas who proceed to the base of the platform. A chaotic scene ensues during which inflatables collide with each other as the Coast Guards try to ram and slash the Greenpeace inflatables, as can be seen in the video. In all, four out of the five Greenpeace RHIBs are damaged with knives. The video footage (from 2'43") shows that the crew of *Prirazlomnaya* itself also tries to hose the activists off the rig.
17. The Coast Guard agents threaten activists at gun and knife point¹⁴ (video 4'30"). The video footage (from 6'40") also clearly shows that several shots are fired. The first three shots are fired from a position that cannot be definitely identified, but appears to be somewhere on the rig. The bullets enter the water right next to one of the Greenpeace RHIBs. Subsequently, three shots are fired with a handgun by a Coast Guard officer in a RHIB. A further two shots are then heard, but it is not clear who is firing. The final shot is apparently fired by another Coast Guard officer in a RHIB. The Federal Security Service (FSB) later confirms the use of "preventive fire" from AK-74 assault rifles during the Coast Guard intervention.¹⁵
18. The raised arms of the crew of the Greenpeace inflatables in the video (from 4'30") illustrate the absence of resistance or aggression on the part of the Greenpeace activists. Footage apparently taken from *Prirazlomnaya* on 18 September and released by the Interior Affairs Sector of the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation (Investigative Committee) further confirms that the Greenpeace International activists posed no threat.¹⁶
19. Men in one of the Coast Guard RHIBs attempt to pull one of the two climbers, Finnish activist Sini Saarela, off the rig by tugging at her safety rope (video from 5'30"). This action puts her in apparent danger, even though she can clearly be heard shouting in English that she is coming down. At some point both Saarela and the other climber, Swiss national Marco Paolo Weber, descend into the water. Saarela is nearly caught between the Coast Guard RHIB and the rig structure (video from 4'00"). Both are picked up by Coast Guard RHIBs.
20. At 06:28, the Coast Guard orders the MYAS not to take the RHIBs on board, stating that the action was an act of terrorism and that the Coast Guard intends to conduct an inspection of the Greenpeace vessel. The Captain is ordered to stop the MYAS for boarding.

¹⁴ *Confronting Arctic Oil Tour* (Photo + Video) (GP0ALBJ3). Action against Gazprom's Arctic Drilling. ID: GP04SRJ. Greenpeace Media. <http://bit.ly/1cH9OEN> and *Confronting Arctic Oil Tour* (Photo + Video) (GP0ALBJ3). Action against Gazprom's Arctic Drilling. ID: GP04SRO. Greenpeace Media. <http://bit.ly/GVGdME> Webpages visited on 19 October 2013.

¹⁵ ФСБ: стрельбу по ледоколу Greenpeace спровоцировали незаконные действия экологов. Interfax. 18 September 2013. <http://www.interfax.ru/news.asp?id=329566> Webpage visited on 19 October 2013.

¹⁶ *Greenpeace action at Gazprom oil platform, shots are fired*. YouTube video. Published on 25 September 2013. <https://www.youtube.com/watch?v=Kx2tSVAsQc8> Webpage visited and video seen on 19 October 2013.

21. At 06:59, Saarela and Weber are taken aboard the Coast Guard vessel.¹⁷ The remaining activists and RHIBs return to the MYAS.
22. Between 07:13 and 08:46, the Coast Guard vessel fires 11 warning shots with its artillery cannon (video 9'34").
23. At 07:49, the Coast Guard deploys RHIBs and attempts to board the MYAS, which takes evasive action, as the captain considers the attempted boarding to be contrary to international law. These events take place at more than 3 nautical miles from *Prirazlomnaya*.
24. At 08:46, the MYAS overhears a conversation between the Coast Guard and *Prirazlomnaya* in which the Coast Guard mentions that it has "*provided assistance as requested*" to *Prirazlomnaya*.
25. At 09:21, the Coast Guard ship threatens to open fire at the ship over radio if it does not allow a boarding (video from 8'30"). It also adds that any casualties will be the responsibility of Greenpeace.
26. At 11:22, the MYAS and the Coast Guard discuss the possibility of releasing Sini Saarela and Marco Weber in exchange for allowing the Coast Guard to conduct an inspection on a voluntary basis. The Coast Guard expresses particular interest in inspecting the safety pod, which has been recovered by the MYAS.
27. At 11:37, the Coast Guard tells the MYAS to move out to 20 nautical miles, and suggests that that is a condition for a potential discussion of a transfer of the two activists. The MYAS moves out as requested, but as nothing happens, she then returns to a position approximately 5 nautical miles from the rig *Prirazlomnaya*.
28. At 12:48, the chairwoman of the Murmansk Regional Oversight Board, a body charged with monitoring whether human rights of detainees are being respected, receives a letter by fax from the Border Management Department of the FSB, in response to her inquiry about the situation of Saarela and Weber. The letter states that the vessel *Ladoga* offered prompt assistance to the two foreign nationals 'who found themselves in the water.' The letter further states that a transfer of the two to the MYAS is being dealt with **(Appendix 1)**.
29. At 14:47, a Russian news outlet reports that a spokesman for the Coast Guard has stated that Saarela and Weber are "guests" on board the Coast Guard vessel *Ladoga*.¹⁸ The Finnish consulate also confirms to Greenpeace that it has been informed by Russian authorities that two climbers were 'rescued' from the water after falling off *Prirazlomnaya* and are being treated as guests.

¹⁷ https://twitter.com/gp_sunrise/status/380303228782788608

¹⁸ Активистов «Гринпис» держат в качестве «гостей». 7x7 journal. 18 September 2013. <http://7x7-journal.ru/item/32389?r=murmansk>; Webpage visited at 19 October 2013.

Thursday 19 September 2013

30. Requests to speak with Saarela and Weber from the MYAS and by their Russian legal counsel are denied. Numerous attempts to establish communications with the Coast Guard fail.
31. At 13:44, Greenpeace International learns that the Russian Ministry of Foreign Affairs has issued a statement on its website¹⁹ that the Greenpeace action was “aggressive and provocative and had the outward signs of extremist activity that may result in death and other serious consequences”, and that “[i]n view of the real danger for the Russian platform and the need to obey the lawful demands of border enforcement to stop illegal activities, it was decided to detain the vessel.”
32. At 16:41, news agency RIA Novosti publishes an article, which quotes officials as saying that *Prirazlomnaya* issued a report about a threat of a terrorist attack on Wednesday night, mentioning five boats towing an “an unidentified object resembling a bomb” near the MYAS.²⁰
33. At 18:26, the MYAS reports that a helicopter is hovering over its rear deck and armed FSB agents are descending. Crew is held at gunpoint (see photos in the video from 10’37”). The MYAS is still outside Russian territorial waters in the Russian Exclusive Economic Zone, and outside the 3 nautical miles safety zone declared by the Russian Federation around *Prirazlomnaya*.²¹ The coordinates are 69°16.8 N, 57°39.3 E.
34. At 18:35, a security alert is emitted from MYAS’ onboard systems noting ‘piracy/armed attack’ at a position of 69°19.86 N, 57°16.56 E.²² This alert can be activated by a button on the bridge. Activists onboard are peaceful and cooperate. During the boarding, three people lock themselves into the radio room in order to report what happens to Greenpeace International and news media. An estimated 15-16 armed agents are on board, who round up the rest of the crew on the helicopter deck and order them to sit on their knees.²³
35. **Appendix 2** contains a table showing the coordinates of the MYAS between 2 and 20 September based on data from the ship’s Purplefinder system, which automatically broadcasts the vessel’s position at regular intervals of approximately two hours.²⁴ After the ship was boarded by the Russian authorities, the frequency of the position broadcasts was remotely increased by Greenpeace International’s Ships Unit.

¹⁹ О новых провокационных действиях судна «Арктик Санрайз». МИД России. 19 September 2013. http://www.mid.ru/brp_4.nsf/newslines/6BC2024AD300741144257BEB00347688 Webpage visited on 19 October 2013.

²⁰ Пограничники считают ответственным за ЧП капитана "Арктик Санрайз". RIA Novosti. 19 September 2013. <http://ria.ru/eco/20130919/964386631.html> Webpage visited on 19 October 2013.

²¹ https://twitter.com/gp_sunrise/status/380722093567930368

²² https://twitter.com/gp_sunrise/status/380768548240363521

²³ https://twitter.com/gp_sunrise/status/380710866150113280

²⁴ Purplefinder is a system provided by POLESTAR, a leading provider of LRIT conformance testing services.

36. **Appendix 3** contains two maps Greenpeace International generated based on this positional data. Map no. 1 shows the positions of the MYAS between 16 and 20 September. The thin purple line represents the boundary of Russian territorial waters. The picture confirms all movements of the MYAS during the relevant period were outside Russian territorial waters. Map no. 2, a close up, shows the ship's movements between 17 and 20 September in the vicinity of *Prirazlomnaya*. The brief incursion into the 3 nautical mile zone around the rig is not visible on this map as it occurred between two data points.
37. At around 19:02, the radio room is broken into by the Coast Guard. Some information is still passed on from the ship after this point through satellite telephones. The crew reports that all the equipment in the radio room has been smashed or removed.
38. At 19:43, FSB agents have gathered activists and crew in the mess. After having spent a day and a half on board the Coast Guard vessel, activists Sini Saarela and Marco Weber are returned to the MYAS. Russian state media report the MYAS is going to be taken to Murmansk, Russia.²⁵
39. At 23:45, FSB agents on the bridge of MYAS read out a list of formal allegations to Captain Willcox: 1. terrorism; 2. breach of a 500m safety zone; 3. illegal scientific activities; and 4. attempt to seize control of a platform.

Friday 20 September 2013

40. The MYAS is moved around *Prirazlomnaya*. The phones on the ship are not being answered. The legal status of the vessel and crew and the legal basis for its detention remain unclear. Indeed, right up to the time of writing of this Statement of Facts, neither Greenpeace International nor Stichting Phoenix, the ship owner, have been officially informed of the basis for the actions of 19 September.
41. At 11:30, Igor Valeryevich Paranchenko, Commanding Officer of the Coast Guard Cruiser, signs a 'Protocol of Transportation' (*Протокол о доставлении*) at position 69°16.8 N, 57°39.3 E in the Barents Sea. The Protocol records a decision to transport the MYAS to the port of Murmansk, as part of administrative proceedings against the captain, Peter Henry Willcox, for 'Failure to Follow the Lawful Order of an Official of a Body Exercising State Supervision' contrary to Section 19.4.2 of the Code of Administrative Offences of the Russian Federation.²⁶ This document has subsequently become available through domestic legal proceedings (**Appendix 4**).

²⁵ ФСБ не применяла оружия на корабле "Гринпис". Rossiyskaya Gazeta. 20 September 2013. <http://www.rg.ru/2013/09/20/reg-szfo/obvineniye-anons.html> Webpage visited on 19 October 2013.

²⁶ Code of Administrative Offences of the Russian Federation. Section II. Chapter 19. <http://www.russian-offences-code.com/SectionII/Chapter19.html> Webpage visited on 19 October 2013.

42. At 12:01, the ITAR-TASS news agency reports that the FSB is preparing materials on the incident with the MYAS to enable the Investigative Committee to take a decision whether to institute criminal proceedings.²⁷
43. At 13:10, Greenpeace International detects that after having been apparently drifting for some time, the MYAS has now changed course to the west and is picking up some speed. Russian media report²⁸ that a spokeswoman for the Coast Guard states that the MYAS is being towed towards Murmansk.
44. At 18:28, the Investigative Committee publishes a statement on its website stating that materials provided to it show the commission of the offence of piracy under Article 227 of the Criminal Code of the Russian Federation.²⁹ This provision defines piracy as an “assault on a sea-going ship or a river boat with the aim of capturing other people's property, committed with the use of violence or with the threat of its use”.

Tuesday 24 September 2013

45. At 11:25, the Investigative Committee publishes a further statement on its website, stating it has opened a criminal case under Article 227, paragraph 3 of the Criminal Code of the Russian Federation, on piracy by an organised group. The statement explains that “[w]hen a foreign vessel filled with electronic equipment of unknown purpose, and a group of individuals that have declared themselves members of an environmental advocacy organisation are trying to do nothing less than seize a drilling platform by storming it, there are legitimate doubts as to their intentions.”³⁰
46. After several days of towing, at about 13:00, the MYAS comes to a full halt and anchors outside Murmansk (coordinates: 69° 4'14.00"N 33° 6'56.00"E). Greenpeace demands access to the detained activists³¹ and responds to reports of possible charges of piracy.³²

²⁷ *ФСБ готовит материалы в Следственный комитет для возбуждения дела по инциденту с судном "Гринпис"*. ITAR-TASS. 20 September 2013. <http://www.itar-tass.com/c95/883617.html> Webpage visited on 19 October 2013.

²⁸ *Russia to Investigate Seized Greenpeace Ship for Piracy*. RIA Novosti. 20 September 2013. <http://eng.ria.ru/russia/20130920/183613536.html> Webpage visited on 19 October 2013.

²⁹ *Следственный комитет даст правовую оценку действиям представителей «Гринпис» в акватории Печорского моря*. Investigative Committee. 20 September 2013. <http://www.sledcom.ru/news/355327.html> Webpage visited on 19 October 2013.

³⁰ *Возбуждено уголовное дело по факту нападения на платформу «Приразломная»*. Investigative Committee. 24 September 2013. <http://sledcom.ru/actual/355668/> Webpage visited on 19 October 2013.

³¹ *Greenpeace International rejects piracy allegations, demands access to detained activists*. Greenpeace International - Press release. 24 September 2013. <http://www.greenpeace.org/international/en/press/releases/Greenpeace-International-rejects-piracy-allegations-demands-access-to-detained-activists/> Webpage visited on 19 October 2013.

³² *Greenpeace International ship nears Murmansk port as 30 activists await possible charges*. Greenpeace International - Press release. 24 September 2013. <http://www.greenpeace.org/international/en/press/releases/Greenpeace-International-ship-nears-Murmansk-port-as-30-activists-await-possible-charges/> Webpage visited on 19 October 2013.

47. At 16:45, a consular delegation (18 people, representing 9 nationalities) goes on board the MYAS and leaves two hours later after holding face-to-face meetings with the respective nationals on board.
48. At 19:20, all 30 persons are taken off the MYAS.
49. At 21:19, Greenpeace International learns of new allegations made in State media that the action at *Prirazlomnaya* endangered the safety of two divers working under the platform. Greenpeace International posts a public response³³ to these new allegations, pointing out that no 'diver down' flag or support vessel were present in the vicinity of *Prirazlomnaya* at the time of the peaceful protest, as would be expected. Moreover, the credibility of these claims is undermined by the fact that multiple shots were fired into the water, both from the Coast Guard RHIBs and, apparently, from a position on *Prirazlomnaya*.
50. At 21:27, the 30 persons from the ship arrive at the building of the Investigative Committee in Murmansk on board of two buses. Consular staff and lawyers are also on the scene, but are not allowed to enter when the 30 are led into the building about 45 minutes later.

Wednesday 25 September 2013

51. At 01:38, Greenpeace International learns that proceedings at the Investigative Committee have now ended for the night. All 30 have been presented with a written protocol of their arrest, marking the beginning of criminal proceedings against them. The safeguard under Russian law that a lawyer should be present during the presentation of the protocol if the suspect does not speak Russian was not respected in the relevant cases.
52. At 12:48, Russia Today reports on remarks by Russian President Vladimir Putin at the Third International Forum "The Arctic – Territory of Dialogue" in Salekhard. Putin states that the Greenpeace activists are "obviously not pirates" but technically did try to take the rig over, thus violating international law.³⁴ He defends the actions of the Coast Guard, saying they could not be certain that the people they were opposing were actually Greenpeace activists.

Thursday 26 September 2013

53. At 09:00, detention hearings begin at the Leninsky District Court of Murmansk to consider petitions by the Investigative Committee to hold all 30 detainees for a further 2 months. Under the Russian Constitution, a court order is required in order to detain a person for more than 48 hours. Defence lawyers argue that all 30 have been in *de facto*

³³ Greenpeace International responds to allegations from Russian authorities. Greenpeace International - Feature story. 10 October 2013. <http://www.greenpeace.org/international/en/news/features/Greenpeace-responds-to-allegations-by-Russian-authorities/> Webpage visited on 19 October 2013.

³⁴ Putin: Greenpeace activists not pirates, but they violated intl law. RT News. 25 September 2013. <http://rt.com/news/putin-greenpeace-pirates-arctic-323/> Webpage visited on 19 October 2013.

detention for significantly longer than 48 hours and should be immediately released. Hearings continue all day.

Friday 27 September 27, 2013

54. At about 01:40, the detention hearings conclude. 22 persons have been remanded in custody until November 24. The detention of the remaining 8 persons is extended by 72 hours in anticipation of a further hearing.
55. Greenpeace International's Ship Operations Manager asks its shipping agent to convey a written request (**Appendix 5**) to the Russian authorities to grant access to the MYAS for reactivation and maintenance, but is informed by the agent that such a request requires a hard copy of the letter appointing the agent and of the reactivation request, both translated into Russian and certified by a local notary. These formalities were concluded on 14 October 2013.

Saturday 28 September 2013

56. At an unspecified time during the day, Judge I.V. Ivannikova of the Leninsky District Court, acting under Article 177 of the Code of Criminal Procedure of the Russian Federation, issues a warrant to inspect 'residential quarters' on the MYAS. This warrant (**Appendix 6**) has been appealed.
57. In the morning, the MYAS is boarded by the representatives of the Investigative Committee, who bring sniffer dogs. Captain Peter Willcox and his lawyer are brought to the scene as witnesses. The lawyer later reports that the ship's logbook, which the master had left on board of the ship, has disappeared. Recordings of radio conversations (which are made and stored according to routine Greenpeace International practice during protests at sea) appear to have been partly deleted.

Sunday 29 September 2013

58. At 10:30, hearings resume for the eight Greenpeace International activists whose detention was extended for 72 hours on 26 and 27 September. Over the course of the day, all of them are remanded in custody until 24 November.

Monday 30 September 2013

59. The search of the MYAS continues in the presence of Captain Willcox and his lawyer. The lawyer reports that investigators plan to break open the ship's safe. At 15:40, the Investigative Committee publishes a statement on its website confirming the search and the seizure of "some of the equipment, as well as documents in a foreign language".³⁵

³⁵ Следователи намерены дать объективную правовую оценку действиям нападавших на платформу «Приразломная». Investigative Committee. 30 September 2013. <http://www.sledcom.ru/actual/356460/> Webpage visited on 19 October 2013.

Wednesday 2 and Thursday 3 October 2013

60. The 30 detainees are brought to the Investigative Committee one by one and officially charged with piracy committed by an organised group under Article 227, paragraph 3 of the Criminal Code of the Russian Federation. This is confirmed by a statement published on the website of the Investigative Committee on 3 October at 17:20.³⁶

Friday 4 October 2013

61. In a letter to Dutch Parliament,³⁷ Foreign Minister Frans Timmermans announces the Netherlands will seek release of the MYAS and all 30 persons on board through international arbitration proceedings under the UN Convention on the Law of the Sea.
62. Mannes Ubels, Chief Engineer of the MYAS, who has been brought on board the vessel with his lawyer as a witness to certain maintenance steps being undertaken by Russian authorities, expresses his alarm at the deterioration of the vessel in a handwritten note addressed to the Investigative Committee.³⁸

Monday 7 October 2013

63. During a press conference, Greenpeace International criticises the conditions under which the 30 are being held and expresses its concern at the apparently poor state of maintenance of the MYAS. It also notes the fact that it is not clear whether the vessel has been formally arrested or not, even though it is clearly under *de facto* control of Russian authorities with armed guards on board.
64. On the same day, Judge D.V. Krivonosov of the Leninsky District Court of Murmansk issues an order imposing the arrest of the vessel. This document is made available a few days later. The Court finds that MYAS was lawfully seized by the Federal Security Service on the basis of Article 19 of the 1958 Convention on the High Seas. The formal seizure of the vessel is ordered to ensure that any civil claims presented by victims in the framework of the criminal proceedings for piracy can be satisfied, as well as to ensure execution of a decision to confiscate property that may be ordered as a sanction pursuant to Article 115 of the Criminal Code of the Russian Federation. An appeal has been lodged against this order.

³⁶ Предъявлены обвинения всем фигурантам уголовного дела по факту нападения на платформу «Приразломная». Investigative Committee. 3 October 2013.

³⁶ <http://sledcom.ru/actual/357722/> Webpage visited on 19 October 2013.

³⁷ Kamerbrief *Stand van zaken Greenpeace*. 4 October 2013. <http://www.rijksoverheid.nl/bestanden/documenten-en-publicaties/kamerstukken/2013/10/04/kamerbrief-stand-van-zaken-greenpeace/kamerbrief-stand-van-zaken-greenpeace.pdf> Webpage visited on 19 October 2013.

³⁸ A transcript of the note can be found at <http://www.greenpeace.org/international/Global/international/publications/polar/2013/Engineer%27s%20letter%20Arctic%20Sunrise.pdf>

Tuesday 8 October 2013

65. At a hearing starting at 9:30, the FSB Border Guards Office for the Murmansk Region delivers a ruling imposing an administrative fine of RUB 20,000 on Peter Henry Willcox, master of the MYAS, for 'Failure to Follow the Lawful Order of an Official of a Body Exercising State Supervision' contrary to Section 19.4.2 of the Code of Administrative Offences of the Russian Federation. According to the ruling, the offence consists of a failure to respond to repeated orders, starting on 18 September at 06:15 and continuing until 19 September within the Exclusive Economic Zone of the Russian Federation, to stop, heave aback and allow an inspection group on board the MYAS. The fine imposed is the maximum available under the relevant provision.
66. Also at 9:30, the Regional Court of Murmansk begins hearing the first 4 out of 30 separate appeals against the orders of the Leninsky District Court remanding the 28 activists and two freelance journalists in custody until November 24. Lawyers for the four argue, among others, that there was no basis in international law for their arrest on board a foreign-flagged vessel in the Exclusive Economic Zone; that there is no reasonable suspicion of piracy against them since *Prirazlomnaya* is a fixed platform, the protest against it was entirely peaceful, and was undertaken in order to draw attention to issues of public interest rather than with the intention to seize it or derive private gain; and that the 30 were unlawfully detained for more than 48 hours before being brought before a court. Lawyers for freelance photojournalist Denis Sinyakov argue in addition that his detention violates Article 10 of the European Convention on Human Rights (freedom of expression).
67. In response, prosecutors tender documents purporting to demonstrate that *Prirazlomnaya* is a ship. They also argue that no detentions occurred until 24 September; up until that time, the MYAS was merely being transported to port for the purposes of the administrative proceedings against the master for failure to obey lawful orders. All four appeals are rejected. At the time of writing, the reasons for these decisions are not known as the written rulings have not yet been communicated to defence lawyers.

Wednesday 9 October 2013

68. At 15:45, the Investigative Committee publishes a statement on its website, describing the progress it has made in its investigation. It states 'dual purpose' equipment has been found on the MYAS that could be used for other than environmental purposes. It also claims drugs, 'presumably poppy straw and morphine', have been found on the vessel, and announces that attempts are ongoing to identify persons who "made an attempt on the lives and health of the representatives of the authorities" by deliberately ramming a Coast Guard boat. The statement concludes by saying "Given the information the investigators are getting during the probe, the charges brought against the accused will be corrected. However, it is obvious for the investigators that some of the accused will be charged with other serious crimes."³⁹

³⁹ Следственный комитет РФ продолжает устанавливать обстоятельства нападения на платформу «Приразломная». Investigative Committee. 9 October 2013. <http://www.sledcom.ru/actual/358647/> Webpage visited on 19 October 2013.

69. Greenpeace International responds to the allegations of drugs being found on the vessel. In a statement, it explains that there is a strict policy against recreational drugs on Greenpeace ships; that the ship was searched with sniffer dogs by Norwegian authorities immediately prior to leaving Kirkenes, its last port before the action at *Prirazlomnaya*; and that morphine is kept on board as a medical supply, as prescribed by Dutch law. The morphine is kept in a safe to which only the captain and the ship's doctor have access.⁴⁰ The presumed 'poppy straws' found on board may in fact be yerba maté - a South American shrub or tree whose leaves are used to prepare an infusion, and are often brought on board Greenpeace vessels by Argentine crew members. Yerba maté is not a drug and is perfectly legal.
70. Shortly after, Greenpeace International also releases a slow-motion video of the collision apparently referred to by the Investigative Committee, clearly showing a Coast Guard RHB ramming a Greenpeace RHB. A second Greenpeace RHB comes to its assistance and in the course of this, brief and light contact is made with the Coast Guard RHB, without there being any danger to the safety of the persons on board.⁴¹

Thursday 10 October 2013

71. At 11:22, a further appeal against a detention order is rejected. It is the only appeal being heard that day.

Friday 11 October 2013 - Thursday 17 October 2013

72. A further thirteen persons hear their appeals against detention being rejected. Meanwhile, more than 1.5 million e-mails have been sent to Russian Embassies worldwide, demanding the release of the 'Arctic 30'.
73. On 15 October, between 12:05 and 13:20, the MYAS is formally seized. A *proces verbal* of the seizure is drawn up (**Appendix 7**).
74. The same day, the MYAS is moved to pier 16 in the Murmansk court. A siren is heard coming from the vessel and technical experts apparently rushed to the scene.

⁴⁰ Greenpeace International responds to the Russian Investigative Committee's latest allegations. Greenpeace International - Press release. 9 October 2013.

<http://www.greenpeace.org/international/en/press/releases/Greenpeace-International-responds-to-the-Russian-Investigative-Committees-latest-allegations/> Webpage visited on 19 October 2013.

⁴¹ Russian claims over boat ramming 'a fantasy'. Greenpeace International - Press release. 9 October 2013.

<http://www.greenpeace.org/international/en/press/releases/Russian-claims-over-boat-ramming-a-fantasy---Greenpeace-International/> Webpage visited on 19 October 2013.

Appendix 1 - Letter from FSB to Murmansk Regional Oversight Board

ОТ: ОДИАП

НОМЕР ТЕЛЕФОНА: 487422

19 СЕН. 2013 10:48 СТР1

В. Л.



ФЕДЕРАЛЬНАЯ
СЛУЖБА БЕЗОПАСНОСТИ
РОССИЙСКОЙ ФЕДЕРАЦИИ
(ФСБ России)

ПОГРАНИЧНОЕ УПРАВЛЕНИЕ
ПО МУРМАНСКОЙ ОБЛАСТИ

19.09.2013 № 2/КД-26/204
183038 г. Мурманск

Председателю
Общественной наблюдательной комиссии
Мурманской области по осуществлению
общественного контроля за обеспечением
прав человека

Пайкачевой И.В.

Уважаемая Ирина Владимировна!

На Ваше обращение от 18.09.2013 года сообщаем, что членами экипажа пскр «Ладота» Пограничного управления ФСБ России по Мурманской области приняты необходимые меры для оказания немедленной помощи иностранным гражданам: Weber Marco Paolo, гражданину Швейцарии, Saarela Sini Annukka, гражданке Финляндии – представителям международной организации ГРИППИС, находившимся на воде в результате попытки проникновения на борт судна МЛСП «Цирразломная».

Указанные лица, спасенные пскр «Ладота», при первичном медицинском осмотре имели все признаки переохлаждения организма, им оказана первая медицинская помощь, выдана сменная одежда.

В настоящее время их жизни и здоровью ничего не угрожает, жалоб не поступало. Решается вопрос о передаче указанных граждан на борт иностранного судна «Арктик Сакрай».

С уважением,

Врио начальника управления

М.О. Карпенко

Appendix 2 - Table of ship coordinates in relevant period

| Asset name | Received date & time | Position date & time | Latitude | Longitude | Speed (knots) | Average speed (knots) | Heading (degrees) | Traffic status | Proximity direction (eight point) | Proximity name | Journey state | Distance moved (nautical miles) |
|----------------------------------|----------------------|----------------------|------------------|------------------|---------------|-----------------------|-------------------|----------------|-----------------------------------|----------------|---------------|---------------------------------|
| MYAS Arctic Sunrise (Ship Sat-C) | 02/09/2013 13:49 | 02/09/2013 13:48 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 02/09/2013 15:45 | 02/09/2013 15:44 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 02/09/2013 17:40 | 02/09/2013 17:38 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 02/09/2013 19:35 | 02/09/2013 19:34 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 02/09/2013 20:09 | 02/09/2013 20:08 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 02/09/2013 22:12 | 02/09/2013 22:10 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 02/09/2013 23:25 | 02/09/2013 23:24 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 01:21 | 03/09/2013 01:20 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 05:11 | 03/09/2013 05:10 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 05:51 | 03/09/2013 05:50 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 07:06 | 03/09/2013 07:06 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 09:01 | 03/09/2013 09:00 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 10:57 | 03/09/2013 10:56 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 12:52 | 03/09/2013 12:50 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 14:47 | 03/09/2013 14:46 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 16:42 | 03/09/2013 16:40 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 18:37 | 03/09/2013 18:36 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 20:33 | 03/09/2013 20:32 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 03/09/2013 22:28 | 03/09/2013 22:26 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 00:23 | 04/09/2013 00:22 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 02:18 | 04/09/2013 02:16 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |

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|-------------------------------------|------------------|------------------|------------------|------------------|---|---|---|----------|--|----------|---------|---|
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 04:47 | 04/09/2013 04:46 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 06:09 | 04/09/2013 06:08 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 08:04 | 04/09/2013 08:02 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 09:59 | 04/09/2013 09:58 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 11:54 | 04/09/2013 11:52 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 13:49 | 04/09/2013 13:48 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 15:45 | 04/09/2013 15:44 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 17:40 | 04/09/2013 17:38 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 19:35 | 04/09/2013 19:34 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 21:30 | 04/09/2013 21:28 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 04/09/2013 23:25 | 04/09/2013 23:24 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 01:21 | 05/09/2013 01:20 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 03:16 | 05/09/2013 03:14 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 05:11 | 05/09/2013 05:10 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 07:06 | 05/09/2013 07:06 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 09:01 | 05/09/2013 09:00 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 10:57 | 05/09/2013 10:56 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 12:52 | 05/09/2013 12:50 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 14:47 | 05/09/2013 14:46 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 16:42 | 05/09/2013 16:40 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 18:37 | 05/09/2013 18:36 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 20:33 | 05/09/2013 20:32 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 05/09/2013 22:28 | 05/09/2013 22:26 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |

| | | | | | | | | | | | | |
|-------------------------------------|------------------|------------------|------------------|------------------|---|---|---|----------|--|----------|---------|---|
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 00:23 | 06/09/2013 00:22 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 02:18 | 06/09/2013 02:16 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 04:13 | 06/09/2013 04:12 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 06:09 | 06/09/2013 06:08 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 08:04 | 06/09/2013 08:02 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 09:59 | 06/09/2013 09:58 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 11:54 | 06/09/2013 11:52 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 13:49 | 06/09/2013 13:48 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 15:44 | 06/09/2013 15:44 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 18:15 | 06/09/2013 18:14 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 19:35 | 06/09/2013 19:34 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 21:30 | 06/09/2013 21:30 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 06/09/2013 23:25 | 06/09/2013 23:24 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 01:21 | 07/09/2013 01:20 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 03:17 | 07/09/2013 03:14 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 05:12 | 07/09/2013 05:10 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 07:06 | 07/09/2013 07:04 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 09:01 | 07/09/2013 09:00 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 10:57 | 07/09/2013 10:56 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 12:52 | 07/09/2013 12:50 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 14:47 | 07/09/2013 14:46 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 16:42 | 07/09/2013 16:40 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 18:37 | 07/09/2013 18:36 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |

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|-------------------------------------|------------------|------------------|------------------|------------------|---|---|---|----------|--|----------|---------|---|
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 20:32 | 07/09/2013 20:32 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 07/09/2013 22:28 | 07/09/2013 22:26 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 00:23 | 08/09/2013 00:22 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 02:18 | 08/09/2013 02:16 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 04:13 | 08/09/2013 04:12 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 06:09 | 08/09/2013 06:08 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 08:04 | 08/09/2013 08:02 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 09:59 | 08/09/2013 09:58 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 11:54 | 08/09/2013 11:52 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 13:49 | 08/09/2013 13:48 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 15:47 | 08/09/2013 15:44 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 17:40 | 08/09/2013 17:38 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 19:35 | 08/09/2013 19:34 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 21:30 | 08/09/2013 21:28 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 08/09/2013 23:25 | 08/09/2013 23:24 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 01:21 | 09/09/2013 01:20 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 03:16 | 09/09/2013 03:14 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 05:11 | 09/09/2013 05:10 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 07:06 | 09/09/2013 07:04 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 09:02 | 09/09/2013 09:00 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 10:56 | 09/09/2013 10:54 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 12:52 | 09/09/2013 12:50 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 14:47 | 09/09/2013 14:46 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |

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|-------------------------------------|------------------|------------------|------------------|------------------|---|-----|----|----------|--|----------|---------|-----|
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 16:42 | 09/09/2013 16:40 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 0 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 18:37 | 09/09/2013 18:36 | 69° 46' 36.00" N | 30° 10' 02.40" E | 0 | 1.9 | 88 | Standard | | Kirkenes | Unknown | 3.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 20:32 | 09/09/2013 20:32 | 69° 46' 36.00" N | 30° 10' 00.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 09/09/2013 22:28 | 09/09/2013 22:26 | 69° 46' 33.60" N | 30° 10' 00.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 00:23 | 10/09/2013 00:22 | 69° 46' 36.00" N | 30° 09' 57.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 02:18 | 10/09/2013 02:16 | 69° 46' 36.00" N | 30° 10' 02.40" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 04:15 | 10/09/2013 04:12 | 69° 46' 36.00" N | 30° 10' 00.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 06:09 | 10/09/2013 06:08 | 69° 46' 33.60" N | 30° 10' 02.40" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 08:04 | 10/09/2013 08:02 | 69° 46' 36.00" N | 30° 10' 04.80" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 09:59 | 10/09/2013 09:58 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 11:55 | 10/09/2013 11:52 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 13:49 | 10/09/2013 13:48 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 15:44 | 10/09/2013 15:44 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 17:40 | 10/09/2013 17:38 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 19:35 | 10/09/2013 19:34 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 21:30 | 10/09/2013 21:28 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 10/09/2013 23:25 | 10/09/2013 23:24 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 01:21 | 11/09/2013 01:20 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 03:16 | 11/09/2013 03:14 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 05:11 | 11/09/2013 05:10 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 07:06 | 11/09/2013 07:04 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 09:01 | 11/09/2013 09:00 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 10:56 | 11/09/2013 10:54 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |

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|-------------------------------------|------------------|------------------|------------------|------------------|---|---|----|----------|--|----------|---------|-----|
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 12:52 | 11/09/2013 12:50 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 14:47 | 11/09/2013 14:46 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 16:42 | 11/09/2013 16:40 | 69° 46' 33.60" N | 30° 10' 04.80" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 18:37 | 11/09/2013 18:36 | 69° 46' 33.60" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 20:33 | 11/09/2013 20:32 | 69° 46' 33.60" N | 30° 10' 04.80" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 11/09/2013 22:28 | 11/09/2013 22:26 | 69° 46' 33.60" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 00:57 | 12/09/2013 00:56 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 02:18 | 12/09/2013 02:18 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 04:14 | 12/09/2013 04:12 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 06:09 | 12/09/2013 06:08 | 69° 46' 33.60" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 08:04 | 12/09/2013 08:02 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 09:59 | 12/09/2013 09:58 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 11:55 | 12/09/2013 11:52 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 13:49 | 12/09/2013 13:48 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 15:44 | 12/09/2013 15:44 | 69° 46' 36.00" N | 30° 10' 12.00" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 17:40 | 12/09/2013 17:38 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 19:35 | 12/09/2013 19:34 | 69° 46' 36.00" N | 30° 10' 09.60" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 21:30 | 12/09/2013 21:28 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 12/09/2013 23:25 | 12/09/2013 23:24 | 69° 46' 36.00" N | 30° 10' 04.80" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 01:21 | 13/09/2013 01:20 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 03:16 | 13/09/2013 03:14 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 05:11 | 13/09/2013 05:10 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 07:06 | 13/09/2013 07:04 | 69° 46' 36.00" N | 30° 10' 07.20" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |

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|-------------------------------------|------------------|------------------|------------------|------------------|------|------|-----|----------|------|----------|---------|------|
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 09:01 | 13/09/2013 09:00 | 69° 46' 38.40" N | 30° 10' 04.80" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 10:57 | 13/09/2013 10:56 | 69° 46' 38.40" N | 30° 10' 04.80" E | 0 | 0 | 88 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 12:52 | 13/09/2013 12:50 | 69° 44' 07.20" N | 30° 03' 28.80" E | 1.4 | 1.8 | 191 | Standard | | Kirkenes | Unknown | 3.4 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 14:47 | 13/09/2013 14:46 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0.1 | 191 | Standard | | Kirkenes | Unknown | 0.3 |
| MYAS Arctic Sunrise (Ship Sat-C) | 13/09/2013 23:17 | 13/09/2013 23:16 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 01:17 | 14/09/2013 01:16 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 03:18 | 14/09/2013 03:16 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 03:34 | 14/09/2013 03:32 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 05:29 | 14/09/2013 05:28 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 07:24 | 14/09/2013 07:22 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 09:19 | 14/09/2013 09:18 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 11:15 | 14/09/2013 11:14 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 13:10 | 14/09/2013 13:08 | 69° 43' 50.40" N | 30° 03' 19.20" E | 0 | 0 | 191 | Standard | | Kirkenes | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 15:40 | 14/09/2013 15:38 | 70° 00' 12.00" N | 30° 36' 55.20" E | 9.2 | 8 | 68 | Standard | East | Vadso | Unknown | 20 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 17:00 | 14/09/2013 17:00 | 70° 06' 00.00" N | 31° 11' 19.20" E | 9.6 | 9.6 | 65 | Standard | | Vardo | Unknown | 13.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 18:55 | 14/09/2013 18:54 | 70° 15' 28.80" N | 31° 57' 02.40" E | 9.4 | 9.6 | 63 | Standard | East | Vardo | Unknown | 18.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 20:51 | 14/09/2013 20:50 | 70° 22' 43.20" N | 32° 46' 50.40" E | 9.2 | 9.4 | 59 | Standard | East | Vardo | Unknown | 18.3 |
| MYAS Arctic Sunrise (Ship Sat-C) | 14/09/2013 22:46 | 14/09/2013 22:44 | 70° 33' 16.80" N | 33° 34' 28.80" E | 10.2 | 10.1 | 60 | Standard | East | Vardo | Unknown | 19.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 00:41 | 15/09/2013 00:40 | 70° 43' 28.80" N | 34° 24' 38.40" E | 9.8 | 10.1 | 57 | Standard | East | Vardo | Unknown | 19.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 02:36 | 15/09/2013 02:34 | 70° 53' 38.40" N | 35° 16' 09.60" E | 10.4 | 10.4 | 62 | Standard | East | Vardo | Unknown | 19.7 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 04:32 | 15/09/2013 04:30 | 71° 04' 12.00" N | 36° 06' 48.00" E | 10.4 | 10.1 | 55 | Standard | East | Vardo | Unknown | 19.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 06:26 | 15/09/2013 06:26 | 71° 14' 31.20" N | 37° 00' 12.00" E | 10.4 | 10.4 | 69 | Standard | East | Vardo | Unknown | 20.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 08:22 | 15/09/2013 08:20 | 71° 09' 26.40" N | 37° 58' 38.40" E | 10.2 | 10.3 | 106 | Standard | East | Vardo | Unknown | 19.5 |

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|-------------------------------------|------------------|------------------|------------------|------------------|------|------|-----|----------|-----------|------------|---------|------|
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 10:17 | 15/09/2013 10:16 | 71° 04' 45.60" N | 38° 55' 31.20" E | 9.8 | 9.8 | 98 | Standard | East | Ozerko | Unknown | 19 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 12:12 | 15/09/2013 12:12 | 71° 01' 40.80" N | 39° 56' 07.20" E | 10.6 | 10.3 | 101 | Standard | East | Ozerko | Unknown | 19.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 14:08 | 15/09/2013 14:06 | 70° 58' 48.00" N | 41° 00' 12.00" E | 11 | 11.1 | 102 | Standard | East | Ozerko | Unknown | 21.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 16:37 | 15/09/2013 16:36 | 70° 53' 50.40" N | 42° 20' 48.00" E | 10.4 | 10.7 | 103 | Standard | East | Ura-Guba | Unknown | 26.8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 17:57 | 15/09/2013 17:56 | 70° 51' 24.00" N | 43° 02' 57.60" E | 10.2 | 10.5 | 98 | Standard | East | Ura-Guba | Unknown | 14 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 19:53 | 15/09/2013 19:52 | 70° 47' 55.20" N | 44° 02' 31.20" E | 10.6 | 10.3 | 97 | Standard | East | Ura-Guba | Unknown | 19.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 21:49 | 15/09/2013 21:46 | 70° 44' 16.80" N | 45° 02' 38.40" E | 10.8 | 10.6 | 103 | Standard | West | Naryan-Mar | Unknown | 20.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 15/09/2013 23:44 | 15/09/2013 23:42 | 70° 40' 28.80" N | 46° 03' 55.20" E | 11.4 | 10.7 | 103 | Standard | Northwest | Naryan-Mar | Unknown | 20.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 01:38 | 16/09/2013 01:38 | 70° 37' 24.00" N | 47° 04' 33.60" E | 10.8 | 10.5 | 98 | Standard | Northwest | Naryan-Mar | Unknown | 20.3 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 03:34 | 16/09/2013 03:32 | 70° 33' 45.60" N | 48° 05' 40.80" E | 11.2 | 10.9 | 99 | Standard | Northwest | Naryan-Mar | Unknown | 20.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 05:29 | 16/09/2013 05:28 | 70° 30' 19.20" N | 49° 07' 16.80" E | 11.4 | 10.8 | 101 | Standard | Northwest | Naryan-Mar | Unknown | 20.8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 07:24 | 16/09/2013 07:22 | 70° 26' 24.00" N | 50° 09' 50.40" E | 10.8 | 11.2 | 100 | Standard | Northwest | Naryan-Mar | Unknown | 21.3 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 09:20 | 16/09/2013 09:18 | 70° 23' 21.60" N | 51° 11' 45.60" E | 10.8 | 10.9 | 99 | Standard | Northwest | Naryan-Mar | Unknown | 21 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 11:14 | 16/09/2013 11:14 | 70° 19' 31.20" N | 52° 11' 33.60" E | 11 | 10.6 | 102 | Standard | North | Naryan-Mar | Unknown | 20.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 13:10 | 16/09/2013 13:08 | 70° 16' 14.40" N | 53° 10' 07.20" E | 10.6 | 10.5 | 100 | Standard | North | Naryan-Mar | Unknown | 20 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 15:05 | 16/09/2013 15:04 | 70° 12' 55.20" N | 54° 10' 19.20" E | 10.8 | 10.7 | 100 | Standard | North | Naryan-Mar | Unknown | 20.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 17:00 | 16/09/2013 16:58 | 70° 09' 33.60" N | 55° 11' 16.80" E | 10.6 | 11 | 100 | Standard | North | Naryan-Mar | Unknown | 20.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 18:55 | 16/09/2013 18:54 | 70° 06' 40.80" N | 56° 05' 07.20" E | 8.2 | 9.6 | 102 | Standard | North | Naryan-Mar | Unknown | 18.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 20:50 | 16/09/2013 20:50 | 70° 03' 07.20" N | 56° 51' 21.60" E | 8.8 | 8.4 | 106 | Standard | North | Naryan-Mar | Unknown | 16.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 16/09/2013 22:47 | 16/09/2013 22:46 | 69° 57' 26.40" N | 57° 31' 38.40" E | 7.4 | 7.7 | 190 | Standard | North | Naryan-Mar | Unknown | 14.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 00:42 | 17/09/2013 00:40 | 69° 42' 55.20" N | 57° 21' 57.60" E | 8 | 7.8 | 193 | Standard | North | Naryan-Mar | Unknown | 14.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 02:36 | 17/09/2013 02:34 | 69° 28' 26.40" N | 57° 11' 28.80" E | 7.8 | 7.9 | 195 | Standard | North | Naryan-Mar | Unknown | 14.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 04:31 | 17/09/2013 04:30 | 69° 30' 00.00" N | 56° 46' 16.80" E | 8 | 4.6 | 314 | Standard | North | Naryan-Mar | Unknown | 9 |

| | | | | | | | | | | | | |
|-------------------------------------|------------------|------------------|------------------|------------------|------|------|-----|----------|-----------|------------|---------|------|
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 06:26 | 17/09/2013 06:26 | 69° 41' 02.40" N | 56° 17' 00.00" E | 7.4 | 7.8 | 318 | Standard | Northeast | Naryan-Mar | Unknown | 15 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 08:23 | 17/09/2013 08:20 | 69° 50' 00.00" N | 56° 22' 09.60" E | 8.2 | 4.8 | 70 | Standard | Northeast | Naryan-Mar | Unknown | 9.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 10:17 | 17/09/2013 10:16 | 69° 48' 12.00" N | 57° 09' 04.80" E | 8.6 | 8.4 | 100 | Standard | Northeast | Naryan-Mar | Unknown | 16.3 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 12:12 | 17/09/2013 12:10 | 69° 36' 57.60" N | 57° 17' 43.20" E | 9.8 | 6.1 | 197 | Standard | Northeast | Naryan-Mar | Unknown | 11.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 14:07 | 17/09/2013 14:06 | 69° 17' 50.40" N | 57° 05' 43.20" E | 10.2 | 10.1 | 103 | Standard | East | Naryan-Mar | Unknown | 19.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 16:02 | 17/09/2013 16:02 | 69° 14' 21.60" N | 57° 25' 31.20" E | 9 | 4 | 215 | Standard | East | Naryan-Mar | Unknown | 7.8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 17:57 | 17/09/2013 17:56 | 69° 19' 28.80" N | 57° 20' 57.60" E | 8.8 | 2.8 | 110 | Standard | East | Naryan-Mar | Unknown | 5.4 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 19:53 | 17/09/2013 19:52 | 69° 13' 12.00" N | 57° 08' 40.80" E | 7.8 | 4 | 318 | Standard | East | Naryan-Mar | Unknown | 7.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 21:48 | 17/09/2013 21:46 | 69° 16' 28.80" N | 57° 28' 43.20" E | 7.6 | 4.1 | 178 | Standard | East | Naryan-Mar | Unknown | 7.8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 17/09/2013 23:44 | 17/09/2013 23:42 | 69° 15' 14.40" N | 57° 05' 04.80" E | 6.6 | 4.4 | 339 | Standard | East | Naryan-Mar | Unknown | 8.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 01:38 | 18/09/2013 01:38 | 69° 16' 55.20" N | 57° 27' 07.20" E | 6.2 | 4.1 | 162 | Standard | East | Naryan-Mar | Unknown | 8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 03:34 | 18/09/2013 03:32 | 69° 14' 26.40" N | 57° 26' 50.40" E | 1.4 | 1.3 | 114 | Standard | East | Naryan-Mar | Unknown | 2.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 05:29 | 18/09/2013 05:28 | 69° 17' 19.20" N | 57° 30' 43.20" E | 5.2 | 1.7 | 254 | Standard | East | Naryan-Mar | Unknown | 3.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 07:24 | 18/09/2013 07:22 | 69° 14' 40.80" N | 57° 06' 28.80" E | 8.6 | 4.7 | 337 | Standard | East | Naryan-Mar | Unknown | 9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 09:19 | 18/09/2013 09:18 | 69° 16' 12.00" N | 57° 30' 31.20" E | 5.6 | 4.5 | 151 | Standard | East | Naryan-Mar | Unknown | 8.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 11:14 | 18/09/2013 11:14 | 69° 20' 57.60" N | 57° 19' 48.00" E | 7.8 | 3.1 | 324 | Standard | East | Naryan-Mar | Unknown | 6.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 13:10 | 18/09/2013 13:08 | 69° 33' 12.00" N | 56° 53' 31.20" E | 8.2 | 8.1 | 323 | Standard | Northeast | Naryan-Mar | Unknown | 15.3 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 15:05 | 18/09/2013 15:04 | 69° 32' 21.60" N | 56° 53' 24.00" E | 0.8 | 0.4 | 337 | Standard | Northeast | Naryan-Mar | Unknown | 0.8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 17:00 | 18/09/2013 16:58 | 69° 31' 16.80" N | 56° 55' 00.00" E | 0 | 0.6 | 337 | Standard | Northeast | Naryan-Mar | Unknown | 1.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 18:55 | 18/09/2013 18:54 | 69° 28' 57.60" N | 56° 59' 14.40" E | 7.6 | 1.4 | 150 | Standard | Northeast | Naryan-Mar | Unknown | 2.8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 20:50 | 18/09/2013 20:48 | 69° 18' 19.20" N | 57° 25' 43.20" E | 8.2 | 7.4 | 118 | Standard | East | Naryan-Mar | Unknown | 14.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 18/09/2013 22:46 | 18/09/2013 22:44 | 69° 15' 55.20" N | 57° 03' 40.80" E | 8.2 | 4.2 | 1 | Standard | East | Naryan-Mar | Unknown | 8.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 00:41 | 19/09/2013 00:40 | 69° 14' 16.80" N | 57° 29' 12.00" E | 8.2 | 4.8 | 222 | Standard | East | Naryan-Mar | Unknown | 9.2 |

| | | | | | | | | | | | | |
|-------------------------------------|------------------|------------------|------------------|------------------|-----|-----|-----|----------|------|----------------|---------|------|
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 02:36 | 19/09/2013 02:34 | 69° 19' 02.40" N | 57° 07' 38.40" E | 8.2 | 4.7 | 45 | Standard | East | Naryan- Mar | Unknown | 9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 04:31 | 19/09/2013 04:30 | 69° 12' 14.40" N | 57° 22' 16.80" E | 8.2 | 4.4 | 247 | Standard | East | Naryan- Mar | Unknown | 8.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 06:28 | 19/09/2013 06:26 | 69° 20' 19.20" N | 57° 18' 14.40" E | 8 | 4.2 | 99 | Standard | East | Naryan- Mar | Unknown | 8.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 08:22 | 19/09/2013 08:20 | 69° 14' 24.00" N | 57° 06' 26.40" E | 9.4 | 3.8 | 329 | Standard | East | Naryan- Mar | Unknown | 7.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 10:17 | 19/09/2013 10:16 | 69° 21' 28.80" N | 57° 32' 16.80" E | 8 | 6 | 257 | Standard | East | Naryan- Mar | Unknown | 11.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 12:47 | 19/09/2013 12:46 | 69° 19' 55.20" N | 57° 12' 45.60" E | 8.2 | 2.8 | 74 | Standard | East | Naryan- Mar | Unknown | 7.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 14:07 | 19/09/2013 14:06 | 69° 13' 52.80" N | 57° 28' 33.60" E | 7.6 | 6.2 | 212 | Standard | East | Naryan- Mar | Unknown | 8.2 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 16:03 | 19/09/2013 16:02 | 69° 18' 31.20" N | 57° 07' 31.20" E | 7.6 | 4.5 | 50 | Standard | East | Naryan- Mar | Unknown | 8.8 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 17:46 | 19/09/2013 17:44 | 69° 19' 45.60" N | 57° 16' 28.80" E | 0 | 2 | 63 | Standard | East | Naryan- Mar | Unknown | 3.4 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 17:58 | 19/09/2013 17:56 | 69° 19' 48.00" N | 57° 16' 31.20" E | 0 | 0.2 | 63 | Standard | East | Naryan- Mar | Unknown | 0 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 19:53 | 19/09/2013 19:52 | 69° 20' 31.20" N | 57° 17' 50.40" E | 0 | 0.4 | 63 | Standard | East | Naryan- Mar | Unknown | 0.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 20:31 | 19/09/2013 20:30 | 69° 20' 43.20" N | 57° 18' 36.00" E | 0 | 0.5 | 63 | Standard | East | Naryan- Mar | Unknown | 0.3 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 21:32 | 19/09/2013 21:30 | 69° 20' 45.60" N | 57° 20' 07.20" E | 0 | 0.5 | 63 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 22:32 | 19/09/2013 22:30 | 69° 20' 26.40" N | 57° 21' 57.60" E | 0.8 | 0.7 | 63 | Standard | East | Naryan- Mar | Unknown | 0.7 |
| MYAS Arctic Sunrise (Ship Sat-C) | 19/09/2013 23:32 | 19/09/2013 23:30 | 69° 19' 48.00" N | 57° 24' 04.80" E | 1 | 1 | 63 | Standard | East | Naryan- Mar | Unknown | 1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 00:32 | 20/09/2013 00:32 | 69° 18' 55.20" N | 57° 26' 00.00" E | 1 | 1.1 | 63 | Standard | East | Naryan- Mar | Unknown | 1.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 01:33 | 20/09/2013 01:32 | 69° 18' 04.80" N | 57° 27' 55.20" E | 1 | 1.1 | 63 | Standard | East | Naryan- Mar | Unknown | 1.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 02:34 | 20/09/2013 02:32 | 69° 17' 21.60" N | 57° 29' 57.60" E | 1 | 1 | 63 | Standard | East | Naryan- Mar | Unknown | 1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 03:34 | 20/09/2013 03:32 | 69° 16' 40.80" N | 57° 31' 33.60" E | 0 | 0.9 | 63 | Standard | East | Naryan- Mar | Unknown | 0.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 04:35 | 20/09/2013 04:34 | 69° 16' 07.20" N | 57° 32' 55.20" E | 0 | 0.7 | 63 | Standard | East | Naryan- Mar | Unknown | 0.7 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 05:35 | 20/09/2013 05:34 | 69° 15' 52.80" N | 57° 34' 04.80" E | 0 | 0.5 | 63 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 06:36 | 20/09/2013 06:34 | 69° 15' 55.20" N | 57° 35' 09.60" E | 0 | 0.4 | 63 | Standard | East | Naryan- Mar | Unknown | 0.4 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 07:36 | 20/09/2013 07:34 | 69° 16' 19.20" N | 57° 36' 16.80" E | 0 | 0.6 | 63 | Standard | East | Naryan- Mar | Unknown | 0.6 |

| | | | | | | | | | | | | |
|-------------------------------------|------------------|------------------|------------------|------------------|-----|-----|-----|----------|-----------|----------------|---------|-----|
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 08:36 | 20/09/2013 08:36 | 69° 16' 43.20" N | 57° 37' 38.40" E | 0 | 0.6 | 63 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 09:37 | 20/09/2013 09:36 | 69° 16' 52.80" N | 57° 39' 21.60" E | 2.6 | 0.6 | 63 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:20 | 20/09/2013 10:20 | 69° 17' 26.40" N | 57° 34' 12.00" E | 7 | 2.6 | 316 | Standard | East | Naryan- Mar | Unknown | 1.9 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:22 | 20/09/2013 10:20 | 69° 17' 33.60" N | 57° 33' 50.40" E | 7.2 | | 317 | Standard | East | Naryan- Mar | Unknown | |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:26 | 20/09/2013 10:24 | 69° 17' 52.80" N | 57° 33' 00.00" E | 7 | 6.5 | 316 | Standard | East | Naryan- Mar | Unknown | 0.4 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:31 | 20/09/2013 10:30 | 69° 18' 14.40" N | 57° 31' 50.40" E | 6.8 | 5.5 | 313 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:36 | 20/09/2013 10:34 | 69° 18' 38.40" N | 57° 30' 40.80" E | 6.8 | 8.6 | 314 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:41 | 20/09/2013 10:40 | 69° 19' 02.40" N | 57° 29' 33.60" E | 6.8 | 5.6 | 315 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:46 | 20/09/2013 10:44 | 69° 19' 26.40" N | 57° 28' 26.40" E | 6.6 | 8.4 | 315 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:51 | 20/09/2013 10:50 | 69° 19' 50.40" N | 57° 27' 19.20" E | 6.8 | 5.6 | 315 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 10:56 | 20/09/2013 10:54 | 69° 20' 14.40" N | 57° 26' 09.60" E | 6.6 | 8.6 | 316 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:01 | 20/09/2013 11:00 | 69° 20' 33.60" N | 57° 24' 55.20" E | 6.4 | 5.4 | 284 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:06 | 20/09/2013 11:04 | 69° 20' 40.80" N | 57° 23' 21.60" E | 6.6 | 8.4 | 280 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:11 | 20/09/2013 11:10 | 69° 20' 45.60" N | 57° 21' 50.40" E | 6.6 | 5.4 | 279 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:17 | 20/09/2013 11:16 | 69° 20' 52.80" N | 57° 20' 12.00" E | 6.6 | 5.9 | 280 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:26 | 20/09/2013 11:26 | 69° 21' 04.80" N | 57° 17' 09.60" E | 6.4 | 6.5 | 280 | Standard | East | Naryan- Mar | Unknown | 1.1 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:32 | 20/09/2013 11:30 | 69° 21' 09.60" N | 57° 15' 38.40" E | 6.4 | 8.1 | 279 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:36 | 20/09/2013 11:34 | 69° 21' 14.40" N | 57° 14' 14.40" E | 6.4 | 7.5 | 282 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:41 | 20/09/2013 11:40 | 69° 21' 19.20" N | 57° 12' 40.80" E | 6.4 | 5.6 | 281 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:46 | 20/09/2013 11:46 | 69° 21' 26.40" N | 57° 11' 09.60" E | 6.4 | 5.5 | 277 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:51 | 20/09/2013 11:50 | 69° 21' 31.20" N | 57° 09' 43.20" E | 6.4 | 7.7 | 278 | Standard | East | Naryan- Mar | Unknown | 0.5 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 11:57 | 20/09/2013 11:56 | 69° 21' 36.00" N | 57° 08' 09.60" E | 6.2 | 5.6 | 283 | Standard | East | Naryan- Mar | Unknown | 0.6 |
| MYAS Arctic Sunrise (Ship Sat-C) | 20/09/2013 12:02 | 20/09/2013 12:00 | 69° 21' 43.20" N | 57° 06' 40.80" E | 6.4 | 8 | 280 | Standard | Northeast | Naryan- Mar | Unknown | 0.5 |

Appendix 3 – Maps

Map 1



Map 2



Appendix 4 - Protocol on Transportation of the Arctic Sunrise to Port

ФЕДЕРАЛЬНАЯ СЛУЖБА БЕЗОПАСНОСТИ РОССИЙСКОЙ ФЕДЕРАЦИИ
ПОГРАНИЧНОЕ УПРАВЛЕНИЕ ПО МУРМАНСКОЙ ОБЛАСТИ
183038 г. Мурманск ул. С. Перовской, 13-а тел./факс: 48-74-12

ПРОТОКОЛ
о доставлении

Баренцево море
шр. 69° 16.5'N Др. 57° 39.3'E « 20 » сентября 2013 г.
(место составления)

Протокол составлен в 11 час 30 мин

Книжидин Александр Владимирович
(должность, звание, фамилия, инициалы лица, составившего протокол)
в ранге Парантенко Ч.В.

руководствуясь подпунктом 8 части 1 статьи 27.2 Кодекса Российской Федерации об административных правонарушениях, учитывая невозможность составления протокола об административном правонарушении на месте выявления административного правонарушения, предусмотренного частью 2 статьи 19.4 Кодекса Российской Федерации об административных правонарушениях, которой составление протокола является обязательным, а также в целях соблюдения процессуальных прав и гарантий лица, в отношении которого ведется производство по делу об административном правонарушении, для составления протокола об административном правонарушении и всестороннего, полного, объективного выяснения обстоятельств дела, составил настоящий протокол о доставлении с « 20 » сентября 2013 г. в порт Российской Федерации, открытый для захода иностранных судов - порт Мурманск судна:

Название судна: Арктик Саундс

Флаг: Нидерланды

ИМО номер: 7581802

Позывной: PE 6851

Порт приписки (регистрации): Амстердам

MMSI: 244538000

Количество членов экипажа: 30 человек

Специалист по административному производству
отдела дознания и административной практики
Мурманской области

КОПИЯ
БЕЛНА

Судовладелец: Starling Phoenix

Сведения о капитане судна:

1. Фамилия, имя, отчество Willcox Peter Henry
2. Дата рождения 06.08.1953
3. Место рождения New York, U.S.A.
4. Место жительства и (или) место пребывания 149 Ruthe James Road
(указать адрес, телефон)
is Les Anca, Maine, USA
5. Гражданство Соединенные Штаты Америки
8. Место работы капитан судна Арктик Сомерсет

предъявивший Паспорт гражданина США, выданный 28.03.2006г.
(паспорт или иной документ, удостоверяющий личность доставленного)

выданный Authority United Department of State, min P, код U.S.A.
№ 141308434 (кем, когда, серия и номер)

Командир пограничного сторожевого корабля
(должность, звание, фамилия, инициалы
лица, составившего протокол)

кор. 2-й раз

И.В. Пароткин
(подпись)



Старший специалист по административному производству
отдела назначения и административной практики
ФГУП «Росгидромет» России по Мурманской области

КОПИЯ
ВЕРНА

Appendix 5 – Reactivation letter to Murmansk Border Management

GREENPEACE

Greenpeace International
Ottho Heldringstraat 5, 1066 AZ, Amsterdam, Netherlands
t +31 20 718 2000 f +31 20 718 2002
k.v.k. reg. 41200415 Stichting Greenpeace Council
www.greenpeace.org

Amsterdam, 27 Sept 2013

To,

Murmansk Border Management of FSB

Address: 183038, Murmansk, Severnyj proezd, dom 5,
phone: (8152) 487-580, 487-585
fax: (8152) 459-936
e-mail: PU-FSB.MURMANSK@vandex.ru

Re: M/Y Arctic Sunrise/IMO 7382902 –Arrested at Murmansk

Dear Sir

Following a Greenpeace International peaceful protest in the Pechora Sea on 18 Sept 2013 our managed vessel ARCTIC SUNRISE was taken over by armed Russian FSB agents (approx. 15 persons) who boarded the vessel on 19 September from a helicopter in international waters within the Russian EEZ (in position 69 19.9N 057 16.6E) and subsequently towed the vessel using Russian Coast Guard vessel "LADOGA" to Murmansk, Russia.

The ARCTIC SUNRISE is currently off Murmansk and is moored alongside Russian Coast Guard vessel LADOGA in position 69 04.3N 033 06.9E since 24 September 0842hrs UTC.

All crew on board have been removed from the ARCTIC SUNRISE since 24 September 1542hrs UTC and placed in detention in various locations in Murmansk pending investigation on alleged piracy charges.

The vessel is currently immobilized and unmanned since 24 September and we are very concerned of the vessel's safety. We are arranging for standby crew to join and reactivate the vessel.

We request your permission to reactivate the vessel immediately as we consider any delays will seriously affect the seaworthiness of the vessel. We are particularly concerned of fire, flooding, pollution, security and health risks keeping a vessel unmanned for extended periods in cold weather with possible damage to machinery.

Your urgent assistance in this regard will be highly appreciated.

Manuel Pinto
Operations Manager
Mobile 06 29001147

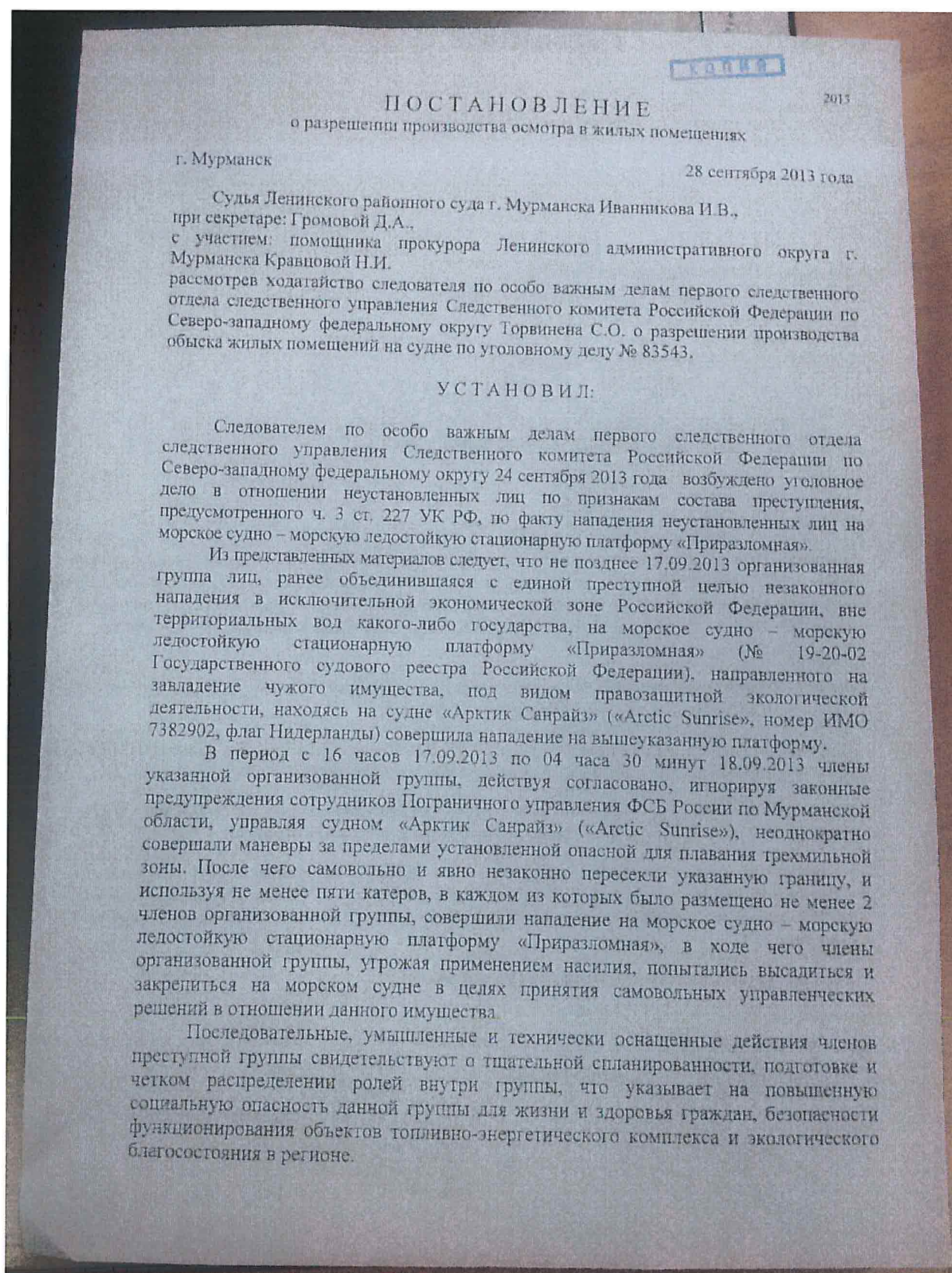


Stichting Greenpeace Council
Operations Department
Ottho Heldringstraat 5
1066 AZ Amsterdam, The Netherlands
Tel: +31 (0)20 718 2000
Fax: +31 (0)20 514 8151

27 September, 2013

1

Appendix 6 – Warrant for inspection of MYAS



2

Следователь по особо важным делам первого следственного отдела следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу Торвинен С.О., с согласия заместителя руководителя следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу И.В. Турецкого, заявил ходатайство о разрешении производства осмотра на судне «Арктик Санрайз», находящегося на рейде Кольского залива. По мнению следствия, судно длительное время находилось в море и использовалось члена команды, состоящей из 30 человек, для временного проживания. В этих жилых помещениях могут находиться следы преступления, предметы, документы, которые могут иметь значение для уголовного дела.

Исследовав, представленные в копиях материалы уголовного дела, заслушав мнение помощника прокурора Ленинского административного округа г. Мурманска Кравцовой Н.И., поддержавшей заявленное ходатайство, суд находит его обоснованным и подлежащим удовлетворению.

В ходе предварительного следствия установлено, что судно «Арктик Санрайз» («Arctic Sunrise»), в состав членов команды которого входило 30 человек, длительное время находилось в море, в связи с чем, помещения указанного судна, не являющиеся жилым фондом, использовались для временного проживания людей и размещения материальных ценностей.

Суд удостоверился в том, что у предварительного следствия имеется достаточно оснований полагать о наличии в данных жилых помещениях следов преступления, также предметов и документов, которые могут иметь значение для уголовного дела.

Учитывая, что следственное действие, то есть осмотр, предполагается провести в жилых помещениях судна, находящегося на территории Ленинского округа г. Мурманска, суд считает необходимым удовлетворить ходатайство следователя о его производстве.

На основании вышеизложенного и руководствуясь ст.165 и ч.5 ст.177 УПК РФ,

ПОСТАНОВИЛ:

Ходатайство следователя по особо важным делам первого следственного отдела следственного управления Следственного комитета Российской Федерации по Северо-западному федеральному округу Торвинена С.О. удовлетворить.

Разрешить производство осмотра судна «Арктик Санрайз» («Arctic Sunrise») номер ИМО 7382902, флаг Нидерланды, находящегося на рейде Кольского залива.

Постановление может быть обжаловано в апелляционном порядке в Мурманский областной суд через Ленинский районный суд г. Мурманска в течение 10 суток со дня его вынесения.

Председательствующий: *Иван*



Appendix 7 – Proces Verbal of Seizure of MYAS

ПРОТОКОЛ наложения ареста на имущество

Кольский залив Мурманская область

15 октября 2013 года

Наложение ареста на имущество начато в 12 час 05 мин

Наложение ареста на имущество окончено в 13 час 20 мин

Старший следователь второго следственного отдела следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу майор юстиции Быков Д.А.,
с участием:

- обвиняемого Вилкокса Петера Хенри (Willcox Peter Henry), 06.03.1953 г.р., гражданина США;
- защитника обвиняемого Вилкокса Петера Хенри (Willcox Peter Henry) – адвоката Мухортова Александра Николаевича (ордер № 79 от 25.09.2013);
- переводчика английского языка Афанасьевой Олеси Васильевны;
- заместителя руководителя следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу полковника юстиции Турецкого Игоря Викторовича;
- представителя Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт», действующей на основании доверенности от 03.07.2013, Сарсаковой Полины Васильевны;
- заместителя начальника отряда Пограничных сторожевых кораблей Управления Федеральной службы безопасности России по Мурманской области капитан второго ранга Федорова Сергея Владимировича;
- специалистов:

старшего следователя-криминалиста отдела криминалистики следственного управления Следственного комитета Российской Федерации по Мурманской области капитана юстиции Бахтова Дмитрия Леонидовича;

старшего государственного инспектора Северного управления государственного морского речного надзора Городищенского Сергея Викторовича;

главного инженера инспектора Мурманского филиала Федерального автономного учреждения «Российский морской регистр судоходства» Григорьева Виктора Михайловича;

главного инженера инспектора Мурманского филиала Федерального автономного учреждения «Российский морской регистр судоходства» Спиридонова Александра Анатольевича;

на основании постановления Ленинского районного суда г. Мурманска от 07 октября 2013 года о наложении ареста на имущество и в соответствии со ст. 155 УПК РФ наложил арест на судно «Артик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, принадлежащее «Стичинг Феникс» г. Амстердам («Stichting Phoenix»), находящееся в пользовании Совета Гринпис Стичинг г. Амстердам («Stichting Greenpeace Council»), на основании договора

бербоутчартера от 28.12.2012 и фактически находящегося в акватории Кольского залива.

Перед началом наложения ареста на имущество специалистам Бахтову Дмитрию Леонидовичу, Городищенскому Сергею Викторовичу, Григорьеву Виктору Михайловичу, Спиридонову Александру Анатольевичу разъяснены их права, обязанности и ответственность, предусмотренные ст. 58 УПК РФ:

1. Специалист - лицо, обладающее специальными знаниями, привлекаемое к участию в процессуальных действиях в порядке, установленном настоящим Кодексом, для содействия в обнаружении, закреплении и изъятии предметов и документов, применении технических средств в исследовании материалов уголовного дела, для постановки вопросов эксперту, а также для разъяснения сторонам и суду вопросов, входящих в его профессиональную компетенцию.

2. Вызов специалиста и порядок его участия в уголовном судопроизводстве определяются статьями 168 и 270 УПК РФ.

3. Специалист вправе:

1) отказаться от участия в производстве по уголовному делу, если он не обладает соответствующими специальными знаниями;

2) задавать вопросы участникам следственного действия с разрешения дознавателя, следователя и суда;

3) знакомиться с протоколом следственного действия, в котором он участвовал, и делать заявления и замечания, которые подлежат занесению в протокол;

4) приносить жалобы на действия (бездействие) и решения дознавателя, следователя, прокурора и суда, ограничивающие его права.

4. Специалист не вправе уклоняться от явки по вызовам дознавателя, следователя или в суд, а также разглашать данные предварительного расследования, ставшие ему известными в связи с участием в производстве по уголовному делу в качестве специалиста, если он был об этом заранее предупрежден в порядке, установленном статьей 161 настоящего Кодекса. За разглашение данных предварительного расследования специалист несет ответственность в соответствии со статьей 310 Уголовного кодекса Российской Федерации.

С.А. Бахтов

А.А. Спиридонов

В.М. Григорьев

С.В. Городищенский

Переводчику Афанасьевой Олеге Васильевне разъяснены обязанности, предусмотренные ст. 59 УПК РФ:

1. Переводчик - лицо, привлекаемое к участию в уголовном судопроизводстве в случаях, предусмотренных УПК РФ Кодексом, свободно владеющее языком, знание которого необходимо для перевода.

2. О назначении лица переводчиком дознаватель, следователь или судья выносит постановление, а суд - определение. Вызов переводчика и порядок его участия в уголовном судопроизводстве определяются статьями 169 и 263 настоящего Кодекса.

3. Переводчик вправе:

- 1) задавать вопросы участникам уголовного судопроизводства в целях уточнения перевода;
- 2) знакомиться с протоколом следственного действия, в котором он участвовал, а также с протоколом судебного заседания и делать замечания по поводу правильности записи перевода, подлежащие занесению в протокол;
- 3) приносить жалобы на действия (бездействие) и решения дознавателя, следователя, прокурора и суда, ограничивающие его права.

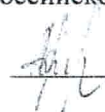
4. Переводчик не вправе:

- 1) осуществлять заведомо неправильный перевод;
- 2) разглашать данные предварительного расследования, ставшие ему известными в связи с участием в производстве по уголовному делу в качестве переводчика, если он был об этом заранее предупрежден в порядке, установленном статьей 161 настоящего Кодекса;

3) уклоняться от явки по вызовам дознавателя, следователя или в суд.

5. За заведомо неправильный перевод и разглашение данных предварительного расследования переводчик несет ответственность в соответствии со статьями 307 и 310 Уголовного кодекса Российской Федерации.

Переводчик



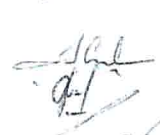
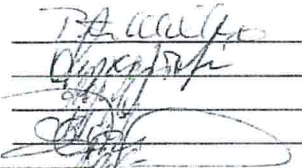
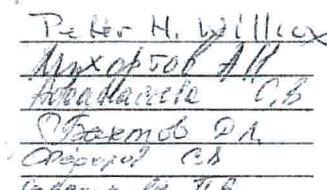
Участвующим лицам предъявлено указанное постановление суда, разъяснены их права, ответственность, порядок наложения ареста на имущество:

- в соответствии с частью 2 статьи 115 УПК РФ наложение ареста на имущество состоит в запрете, адресованном собственнику или владельцу имущества, распоряжаться и в необходимых случаях пользоваться им, а также в изъятии имущества и передаче его на хранение;

- в соответствии с частью 6 статьи 115 УПК РФ имущество, на которое наложен арест, может быть изъято либо передано по усмотрению лица, производившего арест, на хранение собственнику или владельцу этого имущества либо иному лицу, которые должны быть предупреждены об ответственности за сохранность имущества, о чем делается соответствующая запись в протоколе.

Участвующим лицам также объявлено о применении технических средств: цифрового фотоаппарата Panasonic DMC-FS4» следователем-криминалистом Бахтовым Д.Л.

Участвующие лица:

| | | |
|---|--|---|
|  |  |  |
| | | Ректор Н. Виллес |
| | | Бахтов Д.Л. |
| | | Абадзисе С.В. |
| | | Савинков Д.А. |
| | | Савинков С.В. |
| | | Савинков П.В. |

Арест наложен на судно «Артик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, принадлежащее «Стичинг Феникс» г. Амстердам

(«Stichting Phoenix»), находящееся в пользовании Совета Гринпис Стичинг г. Амстердам («Stichting Greenpeace Council»), на основании договора бербоутчартера от 28.12.2012 и фактически находящегося в акватории Кольского залива.

Индивидуальные особенности имущества, на которое наложен арест:

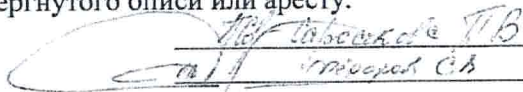
- состояние судовых технических средств, механизмов и корпуса судна «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, а также количество материальных средств и судовых запасов, специалистами не изучалось;

- жилые помещения (каюты), офисные помещения, помещение для приема пищи (бара) судна «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, опечатаны бирками с оттисками печатей «Для пакетов» следственного управления Следственного комитета Российской Федерации по Мурманской области и Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт».

Имущество, на которое наложен арест - судно «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, передано представителю Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт» Сарсаковой Полине Васильевне, действующей на основании доверенности от 03.07.2013, выданной Федеральным государственным унитарным предприятием «Росморпорт» в лице директора Мурманского филиала Пархоменко В.И. (поставлено на причал № 16, принадлежащий Мурманскому филиалу Федерального государственного унитарного предприятия «Росморпорт»).

С момента постановки судна к причалу и до заключения договора хранения судна «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, соблюдением мер безопасности будет осуществляться Пограничным управлением Федеральной службы безопасности России по Мурманской области.

Сарсакова П.В., как представитель Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт», и Федоров С.В., как представитель Пограничного управления Федеральной службы безопасности России по Мурманской области, в соответствии с частью 6 статьи 115 УПК РФ предупреждены об ответственности за растрату, отчуждение, сокрытие и незаконную передачу имущества, подвергнутого описи или аресту.

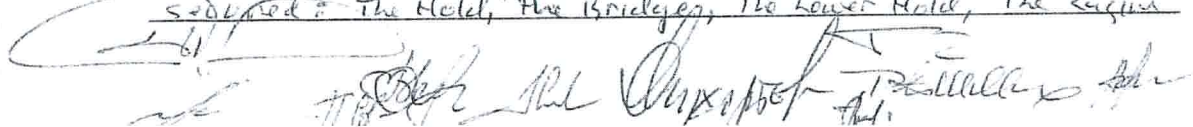

P.V. Sarakova TB
murmansk CB

К протоколу о наложении ареста на имущество прилагается фототаблица.

Перед началом, в ходе либо по окончании наложения ареста на имущество от участвующих лиц заявления:

Содержание заявлений: I consider all the actions are illegal.

I believe the following spaces have valuable equipment and items which have not been noted or documented or secured: The Hotel, The Bridge, The Lower Hold, The Engine


P.V. Sarakova TB
murmansk CB

Участвующие лица:

Специалисты

Протокол прочитан вслух следователем, и переведен переводчиком устно на английский язык.

Замечания к протоколу

Настоящий протокол составлен в соответствии со ст. 145, 166 и 167 УПК
РФ.

Старший следователь

Д.А. БЫКОВ

Certified Copy

ORDER

for the seizure of property

City of Murmansk

7 October 2013

Leninsky district court, Murmansk, consisting of the following:

Presiding Judge: judge D.V. Krivonosov

In the presence of the Clerk of Court: E.A. Rebrova

With the participation of the chief public prosecutor at the Murmansk Oblast public prosecutor's office, P.V. Zhilinkov;

having studied the request for seizure submitted to the court in criminal case no. 83543

FINDS:

On 24 September 2013, the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation initiated criminal proceedings under article 227, paragraph 3 of the Criminal Code of the Russian Federation (CC RF).

From the documents that have been submitted, it appears that in the period between 16:00 on 17 September 2013 and 4:30 on 18 September 2013, the crew and passengers of the ship *Arctic Sunrise*, as well as other unidentified persons, acting as an organised group, deploying threats of violence and using objects as weapons, attacked a sea-going ship with the aim of acquiring possession of property belonging to another person.

The indictment for this offence has been issued to the 30 individuals who were on board the ship *Arctic Sunrise*, including crew and passengers.

On 7 October 2013, the court received an application, agreed with the director of the investigating authority, from S.G. Torvinen, investigator at the Interior Affairs Sector of the Investigation Department for the Northwestern Federal District of the Committee of Investigation of the Russian Federation, for seizure of the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902, belonging to 'Stichting Phoenix', being used by 'Stichting Greenpeace' under a ferryboat charter agreement concluded on 28 December 2012 and whose actual location is in the waters of Kola Bay.

The grounds for the application state that the seizure of the aforementioned property is necessary for the enforcement of the part of the judgment concerning the civil claim, other economic sanctions or a possible forfeiture order in respect of the property in accordance with article 104.1 CC RF.

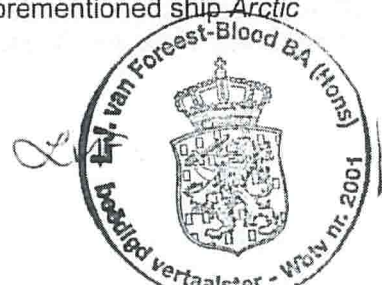
At the hearing, the application by the investigating authority was supported by the chief public prosecutor at the Murmansk Oblast public prosecutor's office.

Having verified the documents that were submitted and heard the opinion of the public prosecutor, the court, pursuant to article 15, paragraph 4 of the Constitution of the Russian Federation and article 1, paragraph 3 of the Code of Criminal Procedure of the Russian Federation (CCP RF) and taking account of the precedence of provisions of international law, as follows:

The application is sufficiently supported by the documentary evidence that has been submitted from the preliminary judicial investigation.

Therefore, in accordance with the Convention on the High Seas, concluded in Geneva on 29 April 1958, ratified by the USSR on 20 October 1960, on the high seas or in any other place outside the jurisdiction of any state, every state may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the state which carried out the seizure may decide upon the penalties to be imposed and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

According to the documents that have been submitted, the coastguard vessel *Ladoga*, of the Border Guard Service of the Federal Security Service of Russia for Murmansk Oblast, acting in accordance with the aforementioned convention, took control of the aforementioned ship *Arctic*



Sunrise and took it to the waters of Kola Bay, since there was a reasonable suspicion that this ship was engaged in piracy.

The ship *Arctic Sunrise*, which is being used by 'Stichting Greenpeace' under the ferryboat charter agreement concluded on 28 December 2012 is, as was established in the preliminary judicial investigation, being used as a criminal instrument.

In accordance with article 115, paragraph 3 CCP RF, property that is in the possession of third parties can be seized if there are sufficient grounds for concluding that it is being used as a criminal instrument.

Seizure is also possible in accordance with article 115 CCP RF in connection with a possible forfeiture order and entails prohibiting the owner or possessor from disposing of the property or where necessary from using it.

Furthermore, the aforementioned ferryboat charter agreement concluded on 28 December 2012 includes a provision on possible seizure in connection with the seizure of property.

Applying article 19 of the Convention on the High Seas, as well as the aforementioned provisions of the Code of Criminal Procedure of the Russian Federation, the court therefore grants the application submitted by the investigating authority.

The aforementioned ship does not appear on the list of property that cannot be subjected to seizure.

On the basis of the foregoing and guided by article 19 of the Convention on the High Seas and articles 115 and 165 CCP RF, the court

ORDERS:

the seizure of the Dutch-flagged ship *Arctic Sunrise*, IMO number 7382902, belonging to 'Stichting Phoenix', Amsterdam, being used by 'Stichting Greenpeace Council', Amsterdam, under a ferryboat charter agreement concluded on 28 December 2012 and whose actual location is in the waters of Kola Bay, under which order the owner and possessor is prohibited from using or disposing of the ship.

An appeal against this order can be lodged with the court of Murmansk Oblast via Leninsky district court, Murmansk, by no later than 10 days after this order has been given.

Presiding Judge signature D.V. Krivososov

[stamp:] Leninsky district court, Murmansk * Russian Federation

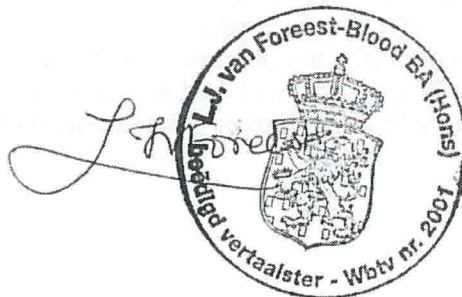
[stamp:] Certified as a true copy of the original * Judge D.V. Krivososov * Clerk of Court E.A. Rebrova [signature]

[stamp:] Leninsky district court, Murmansk * Russian Federation

[stamp:] Order has not become final and unappealable * Date [illegible] 10 – 2013 Judge D.V. Krivososov * Clerk of Court E.A. Rebrova [signature]

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



ПОСТАНОВЛЕНИЕ
о наложении ареста на имущество

г. Мурманск

07 октября 2013 года

Лешинский районный суд г. Мурманска в составе:
председательствующего – судьи Кривоносова Д.В.,
при секретаре: Ребровой Е.А.,
с участием старшего прокурора отдела прокуратуры Мурманской области
Жилинкова П.В.,
рассмотрев постановление о возбуждении перед судом ходатайства о наложении
ареста на имущество по уголовному делу № 83543,

УСТАНОВИЛ:

24 сентября 2013 года СУ СК России по Северо-Западному федеральному округу возбуждено уголовное дело по ч.3 ст.227 УК РФ.

Из представленных материалов следует, что члены экипажа и пассажиры судна «Арктик Санрайз», а также иные неустановленные лица, в период с 16 часов 17.09.2013 по 04 часа 30 минут 18.09.2013, в составе организованной группы, с угрозой применения насилия, с применением предметов, используемых в качестве оружия, папали на морское судно, с целью завладения чужим имуществом.

Обвинение в совершении данного преступления предъявлено 30 лицам, находящимся на судне «Арктик Санрайз», включая членов экипажа и пассажиров.

07 октября 2013 года в суд поступило ходатайство следователя по ОВД СУ СК России по Северо-Западному федеральному округу Торвинска С.О., согласованное с руководителем следственного органа, о наложении ареста на судно «Арктик Санрайз» - «Arctic Sunrise», номер ИМО 7382902, флаг Нидерланды, принадлежащее – Stichting Phoenix, находящееся, на основании заключенного 28.12.2012 договора бербоут-чартера в пользовании Stichting Greenpeace и фактически находящееся в акватории Кольского залива.

В обоснование ходатайства указано, что арест указанного имущества необходим для обеспечения исполнения приговора в части гражданского иска, других имущественных взысканий или возможной конфискации имущества в порядке ст.104.1 УК РФ.

В судебном заседании старший прокурор отдела прокуратуры Мурманской области ходатайство следствия поддержал.

Проверив представленные материалы, заслушав мнение прокурора, суд, в силу ч.4 ст.15 Конституции РФ и ч.3 ст.1 УПК РФ, отдавая приоритет нормам международного права, приходит к следующему.

Предварительным следствием представлено достаточно доказательств, обосновывающих заявленное ходатайство.

Так, согласно ст.19 Конвенции об открытом море принятой в Женеве 29.04.1958, ратифицированной СССР 20.10.1960, в открытом море или в любом другом месте, находящемся за пределами юрисдикции какого бы то ни было государства, любое государство может захватить пиратское судно или пиратский летательный аппарат или судно, захваченное посредством пиратских действий и находящееся во власти пиратов, арестовать находящихся на этом судне или летательном аппарате лиц и захватить находящееся на нем имущество. Судебные учреждения того государства, которое совершило этот захват, могут выносить

постановления о наложении наказаний и определять, какие меры должны быть приняты в отношении таких судов, летательных аппаратов или имущества, не нарушая прав добросовестных третьих лиц.

Из представленных материалов следует, что сторожевым кораблем ПУ ФСБ России по Мурманской области «Ладоба», в соответствии с вышеизложенной конвенцией было захвачено и доставлено в акваторию Кольского залива судно «Арктик Санрайз», поскольку имелись обоснованные и разумные подозрения, что данное судно занимается пиратством.

Судно «Арктик Санрайз», находящееся, на основании заключенного 28.12.2012 договора бербоут-чартера в пользовании Совета Гринпис Стичтинг, как установлено предварительным следствием, использовалось в качестве орудия преступления.

Согласно ч.3 ст.115 УПК РФ арест может быть наложен на имущество, находящееся у других лиц, если есть достаточные основания полагать, что оно использовалось в качестве орудия преступления.

При этом, в соответствии со статьей 115 УПК РФ наложение ареста на имущество возможно в том числе для возможной конфискации имущества, и состоит в запрете, адресованном собственнику или владельцу имущества, распоряжаться и в необходимых случаях пользоваться им.

Кроме того, вышеуказанным договором бербоут-чартера от 28.12.2012 также предусматривается возможный арест судна по причине наложения ареста на имущество.

Таким образом, суд, применяя положения ст.19 Конвенции об открытом море, а также приведенные нормы УПК РФ, удовлетворяет ходатайство следствия.

Указанное судно не входит в перечень имущества, на которое не может быть наложен арест.

На основании вышеизложенного и руководствуясь ст.19 Конвенции об открытом море, ст.ст. 115, 165 УПК РФ, суд

ПОСТАНОВИЛ:

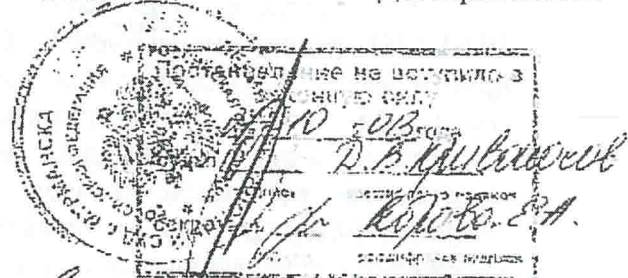
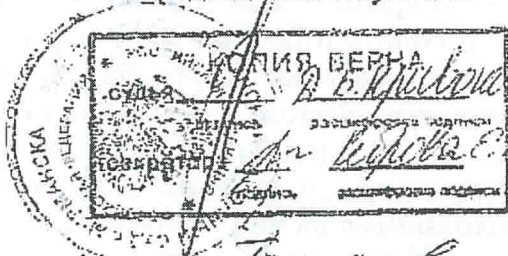
Наложить арест на судно «Арктик Санрайз» - «Arctic Sunrise», номер ИМО 7382902, флаг Нидерланды, принадлежащее «Стичтинг Феникс» г.Амстердам («Stichting Phoenix»), находящееся в пользовании Совета Гринпис Стичтинг г.Амстердам («Stichting Greenpeace Council»), на основании договора бербоут-чартера от 28.12.2012 и фактически находящееся в акватории Кольского залива, запретив собственнику и владельцу пользоваться и распоряжаться им.

Постановление может быть обжаловано в апелляционном порядке в Мурманский областной суд через Ленский районный суд г. Мурманска в течение 10 суток со дня его вынесения.

Председательствующий

подпись

Д.В.Кривонос



Текст постановления
зачитан вслух и переведен
на английский язык
переводчик 15.10.13 12:01 P. Kelly Peter H. Wilcox

**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;

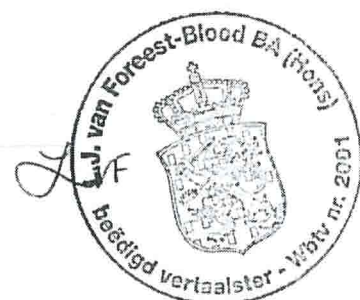
senior state inspector for the northern regional office of the seas and rivers oversight and supervision unit of the Federal Service for Supervision of Transport Sergey Viktorovich Gorodishchensky;

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.

[10 signatures]



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:

[10 signatures]



- 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.

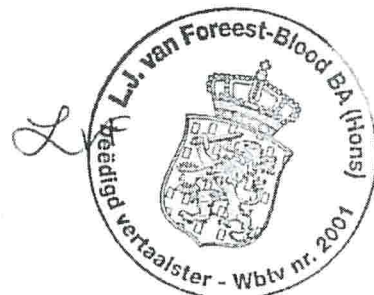
The participants were also informed about the use of technical equipment: a Panasonic DMC-FS4 digital camera, used by investigator/criminologist D.L. Vakhtov.

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 Vasilyenya 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

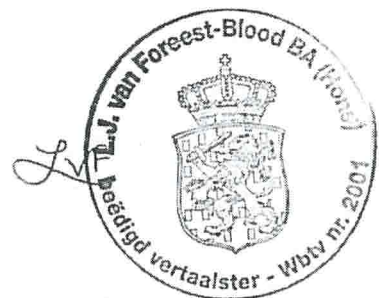
[signature] S. V. Fedorov

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*

[10 signatures]



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.

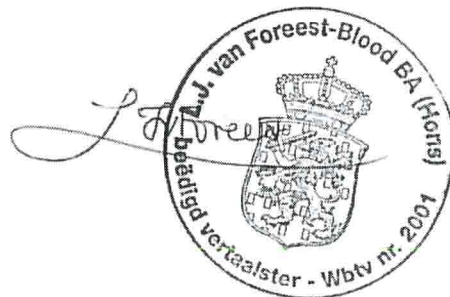
Senior investigator

[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



ПРОТОКОЛ

наложения ареста на имущество

Кольский залив Мурманская область

15 октября 2013 года

Наложение ареста на имущество начато в 12 час 05 мин

Наложение ареста на имущество окончено в 13 час 20 мин

Старший следователь второго следственного отдела следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу майор юстиции Быков Д.А.,
с участием:

- обвиняемого Вилкокса Петера Хенри (Willcox Peter Henry), 06.03.1953 г.р., гражданина США;
- защитника обвиняемого Вилкокса Петера Хенри (Willcox Peter Henry) – адвоката Мухортова Александра Николаевича (ордер № 79 от 25.09.2013);
- переводчика английского языка Афанасьевой Олеси Васильевны;
- заместителя руководителя следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу полковника юстиции Турецкого Игоря Викторовича;
- представителя Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт», действующей на основании доверенности от 03.07.2013, Сарсаковой Полины Васильевны;
- заместителя начальника отряда Пограничных сторожевых кораблей Управления Федеральной службы безопасности России по Мурманской области капитан второго ранга Федорова Сергея Владимировича;
- специалистов:

старшего следователя-криминалиста отдела криминалистики следственного управления Следственного комитета Российской Федерации по Мурманской области капитана юстиции Бахтова Дмитрия Леонидовича;

старшего государственного инспектора Северного управления государственного морского речного надзора Городищенского Сергея Викторовича;

главного инженера инспектора Мурманского филиала Федерального автономного учреждения «Российский морской регистр судоходства» Григорьева Виктора Михайловича;

главного инженера инспектора Мурманского филиала Федерального автономного учреждения «Российский морской регистр судоходства» Спиридонова Александра Анатольевича;

на основании постановления Ленинского районного суда г. Мурманска от 07 октября 2013 года о наложении ареста на имущество и в соответствии со ст. 155 УПК РФ наложил арест на судно «Артик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, принадлежащее «Стичинг Феникс» г. Амстердам («Stichting Phoenix»), находящееся в пользовании Совета Гринпис Стичинг г. Амстердам («Stichting Greenpeace Council»), на основании договора

бербоутчартера от 28.12.2012 и фактически находящегося в акватории Кольского залива.

Перед началом наложения ареста на имущество специалистам Бахтову Дмитрию Леонидовичу, Городищенскому Сергею Викторовичу, Григорьеву Виктору Михайловичу, Спиридонову Александру Анатольевичу разъяснены их права, обязанности и ответственность, предусмотренные ст. 58 УПК РФ:

1. Специалист - лицо, обладающее специальными знаниями, привлекаемое к участию в процессуальных действиях в порядке, установленном настоящим Кодексом, для содействия в обнаружении, закреплении и изъятии предметов и документов, применении технических средств в исследовании материалов уголовного дела, для постановки вопросов эксперту, а также для разъяснения сторонам и суду вопросов, входящих в его профессиональную компетенцию.

2. Вызов специалиста и порядок его участия в уголовном судопроизводстве определяются статьями 168 и 270 УПК РФ.

3. Специалист вправе:

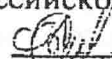
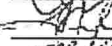
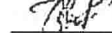
1) отказаться от участия в производстве по уголовному делу, если он не обладает соответствующими специальными знаниями;

2) задавать вопросы участникам следственного действия с разрешения дознавателя, следователя и суда;

3) знакомиться с протоколом следственного действия, в котором он участвовал, и делать заявления и замечания, которые подлежат занесению в протокол;

4) приносить жалобы на действия (бездействие) и решения дознавателя, следователя, прокурора и суда, ограничивающие его права.

4. Специалист не вправе уклоняться от явки по вызовам дознавателя, следователя или в суд, а также разглашать данные предварительного расследования, ставшие ему известными в связи с участием в производстве по уголовному делу в качестве специалиста, если он был об этом заранее предупрежден в порядке, установленном статьей 161 настоящего Кодекса. За разглашение данных предварительного расследования специалист несет ответственность в соответствии со статьей 310 Уголовного кодекса Российской Федерации.

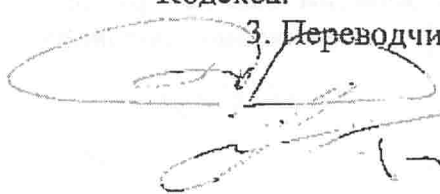
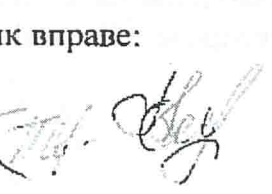

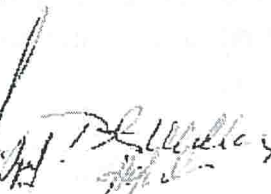

 О.А. Афанасьев
 А.А. Спиридонов
 В.М. Григорьев

Переводчику Афанасьевой Олеге Васильевне разъяснены обязанности, предусмотренные ст. 59 УПК РФ:

1. Переводчик - лицо, привлекаемое к участию в уголовном судопроизводстве в случаях, предусмотренных УПК РФ Кодексом, свободно владеющее языком, знание которого необходимо для перевода.

2. О назначении лица переводчиком дознаватель, следователь или судья выносит постановление, а суд - определение. Вызов переводчика и порядок его участия в уголовном судопроизводстве определяются статьями 169 и 263 настоящего Кодекса.

3. Переводчик вправе:

 О.А. Афанасьев
 А.А. Спиридонов
 В.М. Григорьев
 О.А. Афанасьев
 А.А. Спиридонов

1) задавать вопросы участникам уголовного судопроизводства в целях уточнения перевода;

2) знакомиться с протоколом следственного действия, в котором он участвовал, а также с протоколом судебного заседания и делать замечания по поводу правильности записи перевода, подлежащие занесению в протокол;

3) приносить жалобы на действия (бездействие) и решения дознавателя, следователя, прокурора и суда, ограничивающие его права.

4. Переводчик не вправе:


1) осуществлять заведомо неправильный перевод;

2) разглашать данные предварительного расследования, ставшие ему известными в связи с участием в производстве по уголовному делу в качестве переводчика, если он был об этом заранее предупрежден в порядке, установленном статьей 161 настоящего Кодекса;

3) уклоняться от явки по вызовам дознавателя, следователя или в суд.

5. За заведомо неправильный перевод и разглашение данных предварительного расследования переводчик несет ответственность в соответствии со статьями 307 и 310 Уголовного кодекса Российской Федерации.

Переводчик



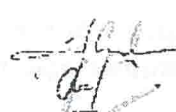
Участвующим лицам предъявлено указанное постановление суда, разъяснены их права, ответственность, порядок наложения ареста на имущество:

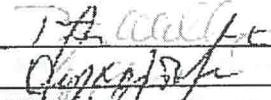
- в соответствии с частью 2 статьи 115 УПК РФ наложение ареста на имущество состоит в запрете, адресованном собственнику или владельцу имущества, распоряжаться и в необходимых случаях пользоваться им, а также в изъятии имущества и передаче его на хранение;

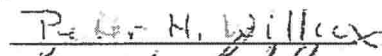
- в соответствии с частью 6 статьи 115 УПК РФ имущество, на которое наложен арест, может быть изъято либо передано по усмотрению лица, производившего арест, на хранение собственнику или владельцу этого имущества либо иному лицу, которые должны быть предупреждены об ответственности за сохранность имущества, о чем делается соответствующая запись в протоколе.

Участвующим лицам также объявлено о применении технических средств: цифрового фотоаппарата Panasonic DMC-FS4» следователем-криминалистом Бахтовым Д.Л.

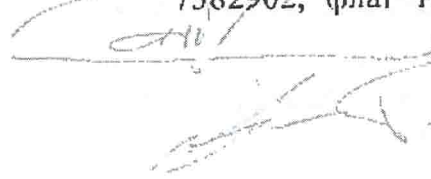
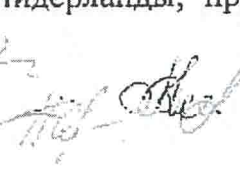
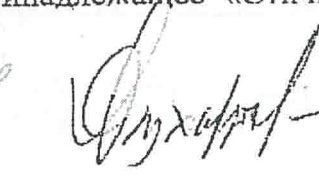
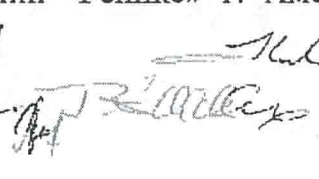
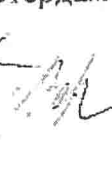
Участвующие лица:






Бахтов Д.Л.
Степанов С.В.
Савельев П.В.

Арест наложен на судно «Артик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, принадлежащее «Стичинг Феникс» г. Амстердам

(«Stichting Phoenix»), находящееся в пользовании Совета Гринпис Стичинг г. Амстердам («Stichting Greenpeace Council»), на основании договора бербоутчартера от 28.12.2012 и фактически находящегося в акватории Кольского залива.

Индивидуальные особенности имущества, на которое наложен арест:

- состояние судовых технических средств, механизмов и корпуса судна «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, а также количество материальных средств и судовых запасов, специалистами не изучалось;

- жилые помещения (каюты), офисные помещения, помещение для приема пищи (бара) судна «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, опечатаны бирками с оттисками печатей «Для пакетов» следственного управления Следственного комитета Российской Федерации по Мурманской области и Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт».

Имущество, на которое наложен арест - судно «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, передано представителю Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт» Сарсаковой Полине Васильевне, действующей на основании доверенности от 03.07.2013, выданной Федеральным государственным унитарным предприятием «Росморпорт» в лице директора Мурманского филиала Пархоменко В.И. (поставлено на причал № 16, принадлежащий Мурманскому филиалу Федерального государственного унитарного предприятия «Росморпорт»).

С момента постановки судна к причалу и до заключения договора хранения судна «Арктик Санрайз» - «Artic Sunrise», номер ИМО 7382902, флаг Нидерланды, соблюдением мер безопасности будет осуществляться Пограничным управлением Федеральной службы безопасности России по Мурманской области.

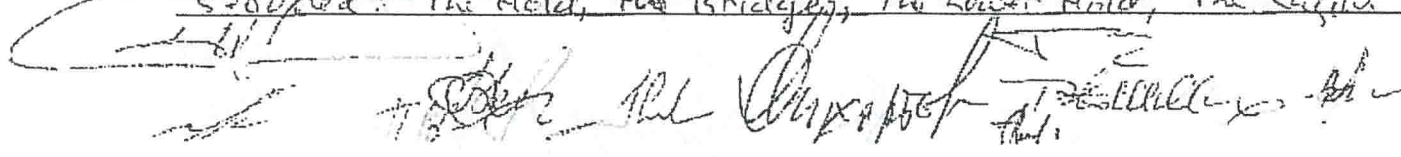
Сарсакова П.В., как представитель Мурманского филиала Федерального государственного унитарного предприятия «Росморпорт», и Федоров С.В., как представитель Пограничного управления Федеральной службы безопасности России по Мурманской области, в соответствии с частью 6 статьи 115 УПК РФ предупреждены об ответственности за растрату, отчуждение, сокрытие и незаконную передачу имущества, подвергнутого описи или аресту.


Сарсакова П.В.

К протоколу о наложении ареста на имущество прилагается фототаблица.

Перед началом, в ходе либо по окончании наложения ареста на имущество от участвующих лиц заявления:

Содержание заявлений: I consider all the actions are illegal. I believe the following spaces have valuable equipment and items which have not been noted or documented or secured: The Hotel, The Bridge, The Lower Hotel, The Engine


Федоров С.В.

Участвующие лица:

~~Comptrol 304-16-130~~

Замечания к протоколу не составлялись

Старший следователь

Д.А. БЫКОВ

Annex 5.



✓oor copie conform

Note

Legal Affairs Directorate

MinBuza-2013.291870

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the Russian Federation and wishes to inform the Embassy as follows.

On 7 October 2013, the Leninsky District Court at Murmansk ordered the seizure of the Dutch-flagged vessel 'Arctic Sunrise'. On the same date, the Investigative Committee of the Russian Federation, Investigation Department for the North-Western Federal District, wrote to inform the Consul General of the Kingdom of the Netherlands in St Petersburg that an official report on the seizure of the 'Arctic Sunrise' would be drawn up. On 15 October 2013, the seizure order was implemented against the vessel and the official report was drawn up.

The Kingdom of the Netherlands formally lodges its protest against the seizure of the 'Arctic Sunrise', because - as the Kingdom of the Netherlands has repeatedly stated - the seizure followed the boarding and detaining of the vessel by authorities of the Russian Federation in its exclusive economic zone without the prior consent of the Kingdom of the Netherlands. In this respect, the Kingdom of the Netherlands reiterates its urgent request for the immediate release of the vessel together with its crew.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Embassy of the Russian Federation the assurances of its highest consideration.

The Hague. 18 October 2013

The Embassy of the Russian Federation
Andries Bickerweg 2
2517 JP The Hague



**FEDERAL SECURITY SERVICE OF THE RUSSIAN FEDERATION
COAST GUARD DIVISION FOR MURMANSK OBLAST**

183038 Murmansk, ul. Perovskoy.

13a

, fax: 48-74-12

JUDGMENT

**in the case concerning administrative offence
no. 2109/623-13**

city: Murmansk

8 October 2013

The following has been established by Oksana Nikolaevna Markova, Senior Lieutenant of Justice, senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast (hereinafter: Coast Guard Division), in the presence of:

the person against whom the legal proceedings have been instituted on account of an administrative offence,

the interpreter – Natalya Vilovna Khasanova, appointed in this case in accordance with the order of 24 September 2013,

by virtue of article 23.10 of the Administrative Offences Code of the Russian Federation (hereinafter: AOC RF), after studying the documents of the case concerning the administrative offence as referred to in article 19.4, paragraph 2, in respect of the functionary:

Surname, first name, patronymic name – Willcox, Peter Henry

Date of birth – 6 March 1953

Place of birth – New York, US

Place of residence – Route James 149, Islesboro, Maine, US

Citizenship – US

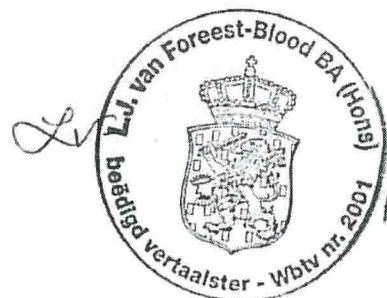
Employer and position – civil society organisation 'Greenpeace International' (Amsterdam),

master of the ship *Arctic Sunrise*

MATTERS ESTABLISHED:

In accordance with the report of the commander of coast guard vessel *Ladoga* of the Coast Guard Division [sic. text possibly missing]

[official stamp:] Prosecutor General's Office of the Russian Federation * Murmansk public prosecutor's office [remainder illegible] [signature]



An official report was drawn up on 24 September 2013 by the expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division in respect of the functionary, the master of the ship *Arctic Sunrise* for an administrative offence as referred to in article 19.4, paragraph 2 of the AOC RF.

After studying the documents in the case concerning the administrative offence and after assessing the relevant evidence in its entirety on the basis of the provisions of article 26.11 AOC RF, I find as follows:

In accordance with article 19.4, paragraph 2 AOC RF, failure to obey a lawfully given order of an official of a protection authority responsible for the continental shelf of the Russian Federation or a protection authority responsible for the exclusive economic zone of the Russian Federation to stop a ship and obstructing such an official in the performance of his duties, including the inspection of a ship, constitute administrative offences.

Section 1 of the Federal Act of 17 December 1998 No. 191-Φ3 on the Exclusive Economic Zone of the Russian Federation' (hereinafter: the Federal Act on the EEZ RF) provides that the exclusive economic zone of the Russian Federation is an area of the sea that is beyond and contiguous to the territorial sea of the Russian Federation which is subject to a specific legal regime established in the said Federal Act, international conventions to which the Russian Federation is party, and provisions of international law.

The legal regime governing areas of sea of this kind is regulated in the Federal Act on the EEZ RF. The Act regulates the rights of the Russian Federation in the exclusive economic zone in accordance with the rights and jurisdiction of a coastal State in an exclusive economic zone pursuant to the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter: the Convention).

Article 56 of the Convention provides as follows:

'In the exclusive economic zone, the coastal State has:

a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

- i) the establishment and use of artificial islands, installations and structures;
- ii) marine scientific research;
- iii) the protection and preservation of the marine environment;
- c) other rights and duties provided for in this Convention.'

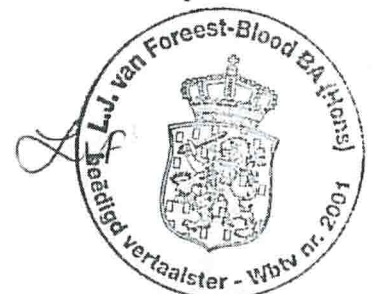
Under article 60 of the Convention, a coastal State also has exclusive jurisdiction over artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health and immigration laws and regulations as well as laws and regulations on safety.

Senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast
[signature] O.N. Markova

[stamp:] Voyskovaya section * 2109 * for dispatch no. 13

[stamp:] Certified as a true copy of the original

[official stamp:] Prosecutor General's Office of the Russian Federation * Murmansk public prosecutor's office [remainder illegible] [signature]



In accordance with the Decree of the President of the Russian Federation of 14 January 2013 No. 23 'concerning federal executive authorities charged with taking measures to ensure the safety of shipping in the safety zones created around artificial islands, installations and structures situated on the continental shelf of the Russian Federation, and also measures to ensure the safety of artificial islands, installations and structures situated on the continental shelf of the Russian Federation', the federal executive authorities charged with taking measures to ensure the safety of artificial islands, installations and structures situated on the continental shelf of the Russian Federation are the Ministry of Transport of the Russian Federation, the Federal Security Service of the Russian Federation and the Ministry of Defence of the Russian Federation.

In accordance with section 35 of the Federal Act on the EEZ RF, the protection of the exclusive economic zone, its natural resources, the environment, including the marine environment, and the economic and other lawful interests of the Russian Federation is carried out by federal executive authorities designated by the President of the Russian Federation and the Government of the Russian Federation.

Section 36 of the Federal Act on the EEZ RF lays down the rights of the officials of the protection authorities in the lawful performance of their duties:

'Stopping and inspecting Russian and foreign ships and inspecting artificial islands, installations and structures which are engaged in:
fishing in the exclusive economic zone;
transshipment in the exclusive economic zone of catches of living marine resources to other ships;
exploration and exploitation of non-living marine resources;
exploration of marine resources, marine scientific research and any other activity in the exclusive economic zone.'

Pursuant to section 2 of the Federal Act of 3 April 1995 No. 40-Φ3 on the Federal Security Service (hereinafter: Federal Act on the FSB), the authorities of the Federal Security Service include, above all, the border authorities.

In accordance with section 11.1 of the Federal Act on the FSB, the duties of the border authorities include the protection and security of economic and other lawful interests of the Russian Federation on the boundaries of the border areas, the exclusive economic zone and the continental shelf of the Russian Federation, and also – beyond the boundaries of the exclusive economic zone – the protection of anadromous fish stocks which originate in the rivers of the Russian Federation, cross-border fish species and migratory fish, in accordance with international conventions to which the Russian Federation is party and/or with Russian law.

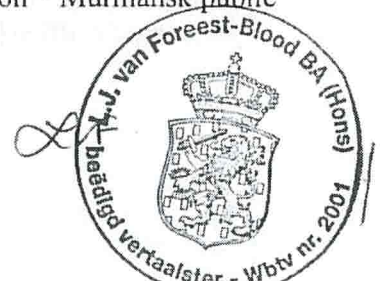
The court documents show that Igor Vasilyevich Paranchenko, captain second rank, had been in command of the coast guard vessel (hereinafter: the *Ladoga*) since 12 September 2013 in the lawful performance of his duties as commander of the ship during a period in which it was carrying out border control activities, including the protection of the exclusive economic zone of the Russian Federation.

Senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast
[signature] O.N. Markova

[stamp:] Voyskovaya section * 2109 * for dispatch no. 13

[stamp:] Certified as a true copy of the original

[official stamp:] Prosecutor General's Office of the Russian Federation * Murmansk public prosecutor's office [remainder illegible] [signature]



On 16 September 2013, at 18.15, the Dutch-flagged ship *Arctic Sunrise* was spotted and identified on the screen of the 360° radar in the southern part of the Barents Sea at the coordinates latitude 70°10' 2" north and longitude 54°50' 0" east by officials of the *Ladoga* in the course of the lawful performance of their duties for the protection authority responsible for the exclusive economic zone of the Russian Federation.

Moreover, the crew of the *Arctic Sunrise* were warned on the ship's radio by the officials on board the *Ladoga* that an infringement of the provisions of the 1982 UN Convention on the Law of the Sea for the protection of the safety of shipping in the vicinity of artificial islands, installations and structures, including the offshore ice-resistant fixed platform *Prilazlomnaya* (hereinafter: *MLSP Prilazlomnaya*) – property of the Russian Federation located in the exclusive economic zone of the Russian Federation – would not be tolerated. The crew of the *Arctic Sunrise* were also warned that they had no permission to cross the territorial sea of the Russian Federation or to use the Northern Sea Route, a note of which was entered in the *Ladoga's* log. The *Arctic Sunrise* maintained course for the Kara Strait.

On 17 September 2013, at 00.31, the *Arctic Sunrise* changed course towards the *MLSP Prilazlomnaya*. In response, officials of the *Ladoga* once again issued a warning over the ship's radio that the regulations must be complied with and that it was not permitted to enter the area, where there was a danger to shipping within a radius of 3 miles and where there was a ban on shipping movements within a zone of 500 metres from the *MLSP Prilazlomnaya* (Communications to Seafarers No. 6623/11).

From 16.00 on 17 September 2013 to 04.00 on 18 September 2013 the *Arctic Sunrise* then manoeuvred at a distance of 3-4 nautical miles around the perimeter of the area surrounding the *MLSP Prilazlomnaya*, where there was a danger to shipping.

At 04.20 on 18 September 2013 an official on board the *Ladoga* discovered that two boats with people on board had been put into the water from the *Arctic Sunrise* and were sailing at great speed towards the *MLSP Prilazlomnaya*. At 04.42 the *Ladoga* spotted three more boats from the *Arctic Sunrise* moving towards the *MLSP Prilazlomnaya* and transporting a very large object.

Moreover, A.V. Atyushev, in his capacity of master of the *MLSP Prilazlomnaya*, sought radio contact with the *Ladoga* at 04.43 on 18 September 2013 and stated that he had seen vessels containing unidentified persons in the immediate vicinity of the platform who had not responded to the order to leave the area, in which there was a shipping ban and a danger to shipping.

These persons then attempted to board the *MLSP Prilazlomnaya*, thereby posing a real threat to the oil and gas complex of the Russian Federation and to the people who were carrying out diving work in the area around the platform at that time.

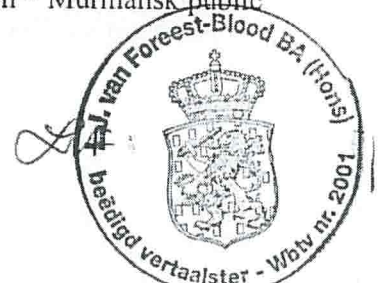
In addition, the *Arctic Sunrise* sailed into the area in which there was a danger to shipping at 04.57 on 18 September 2013 and hoisted up a large unidentified object which was then let down over the side into the sea and was carried by a small vessel to the area around the *MLSP Prilazlomnaya*.

Senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast
[signature] O.N. Markova

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In view of these circumstances, at 06.15 on 18 September 2013 the commander of the *Ladoga*, I.V. Paranchenko, issued an order via a communication channel to the master of the Arctic Sunrise, pursuant to section 36 of the Federal Act on the EEZ RF, to stop the ship, put about and allow an inspection team on board.

The above-mentioned orders issued by an official of a protection authority responsible for the exclusive economic zone of the Russian Federation to the master of the *Arctic Sunrise* were repeated a number of times on 18 and 19 September 2013, as is evident from an extract from the *Ladoga*'s log, witness statements on this subject and a video recording made by officials on board the *Ladoga* of the circumstances of the offence.

The orders given by the *Ladoga*'s commander to stop were not obeyed by the master of the *Arctic Sunrise*: the ship increased its speed and continually changed course, thereby manoeuvring dangerously and posing a real threat to the safety of the naval ship and its crew. Eventually the *Arctic Sunrise* was forced to stop for inspection on 19 September 2013.

It is apparent from the circumstances that orders lawfully given by an official of a protection authority in the exclusive economic zone of the Russian Federation were not obeyed by the foreign functionary, the master of the Dutch-flagged ship *Arctic Sunrise*, namely Peter Henry Willcox, in the period from 18 September 2013 to 20 September 2013 in the exclusive economic zone of the Russian Federation (in the area having coordinates latitude 69°15' 56.9" north and longitude 57°17' 17.3" east and in a radius of 5-6 nautical miles).

After considering the above evidence and the established circumstances of the case, I therefore conclude that the actions of the foreign functionary, namely Peter Henry Willcox, the master of the Dutch-flagged ship *Arctic Sunrise*, fall within the elements of the definition of the administrative offence under article 19.4, paragraph 2 of the AOC RF.

In accordance with article 2.6, paragraph 2 AOC RF, aliens, stateless persons and foreign legal entities which have committed administrative offences on the continental shelf or in the exclusive economic zone of the Russian Federation contrary to article 8.16, paragraph 2, articles 8.17-8.20, and article 19.4, paragraph 2 of this Code are punishable under administrative law under the generally applicable rules.

There are no mitigating circumstances in respect of the liability of Peter Henry Willcox to punishment under administrative law, nor are there any defences that would preclude the imposition of punishment for the administrative offence.

In accordance with article 4.3, paragraph 1, subparagraph 1 AOC RF, I have viewed as aggravating circumstances the fact that the unlawful acts were repeatedly committed in defiance of the orders of the competent officials to stop their commission.

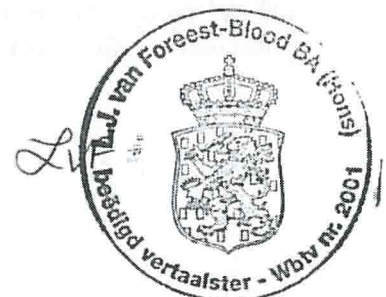
Article 19.4, paragraph 2 AOC RF provides that the sanctions for administrative offences by functionaries are administrative fines of RUB 15,000-20,000.

Senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast
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In view of the nature of the administrative offence committed by Peter Henry Willcox and the aggravating circumstances attending the commission of the offence and relevant to the determination of the administrative sentence, I consider it fair to impose an administrative sentence in the form of the highest administrative fine under article 19.4, paragraph 2 AOC RF.

On the basis of the above and in accordance with article 23.10, paragraph 2, subparagraph 13 and articles 29.9 and 29.10 AOC RF:

JUDGMENT

1. The functionary, Peter Henry Willcox, a US citizen and master of the Dutch-flagged ship *Arctic Sunrise*, born on 6 March 1953, is found guilty of committing the administrative offence referred to in article 19.4, paragraph 2 AOC RF.

2. The functionary, Mr Peter Henry Willcox, the master of the Dutch-flagged ship *Arctic Sunrise*, is ordered to pay an administrative fine of RUB 20,000 (twenty thousand roubles).

In accordance with article 30.1 (3) AOC RF, appeal lies against this judgment in respect of an administrative offence to a higher authority, a higher person or a court in the place where the case concerning the administrative offence has been heard.

Appeal against this judgment in respect of the administrative offence must be lodged no later than ten days after service or receipt of a copy of this judgment.

The administrative fine must be paid by the sentenced person no later than sixty days after the date on which this judgment concerning the administrative fine becomes final and unappealable or after the day on which the suspension period or instalment period expires.

If the administrative fine is not paid in time, the person concerned may be punishable under administrative law pursuant to article 20.25, paragraph 1 AOC RF, for failure to pay in time the administrative fine specified in the AOC RF, and ordered to pay an administrative fine not exceeding twice the amount of the unpaid administrative fine or sentenced to administrative detention for a term not exceeding fifteen days.

The amount of the administrative fine must be deposited in or transferred by the sentenced person to the following bank account:

Payee: UFK for Murmansk Oblast (PU FSB Rossii for Murmansk Oblast)

INN: 5190139166: KPP: 519031005

Code OKATO: 47 401 000 000

Payee's account number: 401 018 100 000 000 100 05

Payee's bank: GRKTsGU Banka Rossii for Murmansk Oblast

BIC of the bank: 044705001

Income code: 189 116 09 000 01 7000

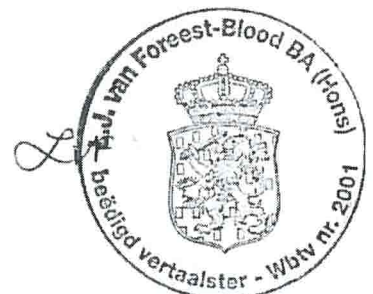
Personal account: 04 491 732 190

Senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast
[signature] O.N. Markova

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In the 'notifications' box you should state: 'fine under article 19.4, paragraph 2 AOC RF in case no. 2109/623 13'.

If the administrative fine is not paid in time, it will be collected in accordance with article 32.3 AOC RF.

Senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast
[signature] O.N. Markova.

The text of this judgment has been translated into and read aloud in English.

Interpreter:

8 October 2013

[signature]
(signature)

Senior expert in administrative proceedings of the investigation and administrative law practice department of the Coast Guard Division of the Russian Federal Security Service for Murmansk Oblast

[signature] O.N. Markova.

8 October 2013

[signature]
(signature)

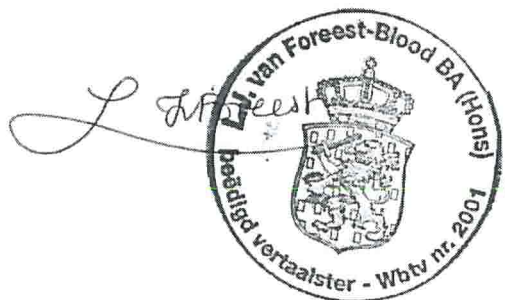
[official stamp:] Prosecutor General's Office of the Russian Federation * Murmansk public prosecutor's office [remainder illegible] [signature]

[hand written] *I have received a Russian copy of the Resolution, while the text was translated into English orally.*

I have received a Russian copy of the Resolution, while the text was translated into English orally.

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



**ФЕДЕРАЛЬНАЯ СЛУЖБА БЕЗОПАСНОСТИ РОССИЙСКОЙ ФЕДЕРАЦИИ
ПОГРАНИЧНОЕ УПРАВЛЕНИЕ ПО МУРМАНСКОЙ ОБЛАСТИ**

183038 г. Мурманск, ул. С. Перовской, 13-а

тел./факс: 48-74-12

ПОСТАНОВЛЕНИЕ

по делу об административном правонарушении
№ 2109/ 623 – 13

город Мурманск

« 08 » октября 2013 года

Старший специалист по административному производству отдела дознания и административной практики Пограничного управления ФСБ России по Мурманской области (далее – Пограничное управление) старший лейтенант юстиции Маркова Оксана Николаевна с участием:

лица, в отношении которого возбуждено дело об административном правонарушении,

переводчика – Хасановой Натальи Вилловны, назначенной по делу согласно определению от 24.09.2013 года,

на основании статьи 23.10 Кодекса Российской Федерации об административных правонарушениях, рассмотрев материалы дела об административном правонарушении, предусмотренном частью 2 статьи 19.4 Кодекса Российской Федерации об административных правонарушениях, в отношении должностного лица:

Фамилия, имя, отчество – Вилкокс Питер Генри (Willcox Peter Henry)

Дата рождения – 06.03.1953 г.р.

Место рождения – Нью-Йорк США

Место жительства и (или) пребывания – США штат Мэн, Айленборо, ул. Рута Джеймс, 149

Гражданство – США

Место работы – общественная организация «Гринпис Интернейшенел» (Амстердам) капитан судна «Arctic Sunrise»

УСТАНОВИЛ:

Согласно рапорту командира пскр «Ладоба» Пограничного управления

По данному факту 24 сентября 2013 года специалистом по административному производству отдела дознания и административной практики Пограничного управления в отношении должностного лица капитана судна «Арктик Санрайз» был составлен протокол об административном правонарушении, предусмотренном частью 2 статьи 19.4 КоАП РФ.

Изучив материалы дела об административном правонарушении, оценив собранные по делу доказательства в совокупности по правилам ст. 26.11 КоАП РФ, прихожу к следующему.

В соответствии с частью 2 статьи 19.4 КоАП РФ предусмотрена административная ответственность за невыполнение законных требований должностного лица органа охраны континентального шельфа Российской Федерации или органа охраны исключительной экономической зоны Российской Федерации об остановке судна, а равно воспрепятствование осуществлению этим должностным лицом возложенных на него полномочий, в том числе на осмотр судна.

Федеральный закон от 17 декабря 1998 г. N 191-ФЗ «Об исключительной экономической зоне Российской Федерации» (далее – Федеральный закон «Об ИЭЗ РФ») в статье 1 определяет, что исключительная экономическая зона Российской Федерации – морской район, находящийся за пределами территориального моря Российской Федерации и прилегающий к нему, с особым правовым режимом, установленным настоящим Федеральным законом, международными договорами Российской Федерации и нормами международного права.

Правовой режим данной категории морского пространства регулируется Федеральным законом «Об ИЭЗ РФ».

Закон регулирует права Российской Федерации в исключительной экономической зоне, соответствующие правам и юрисдикции прибрежного государства в исключительной экономической зоне согласно Конвенции Организации Объединенных Наций по морскому праву 10 декабря 1982 г. (далее – Конвенция).

Так, статьей 56 Конвенции предусмотрено, что прибрежное государство в исключительной экономической зоне имеет:

а) суверенные права в целях разведки, разработки и сохранения природных ресурсов как живых, так и неживых, в водах, покрывающих морское дно, на морском дне и в его недрах, а также в целях управления этими ресурсами, и в отношении других видов деятельности по экономической разведке и разработке указанной зоны, таких как производство энергии путем использования воды, течений и ветра;

б) юрисдикцию, предусмотренную в соответствующих положениях настоящей Конвенции, в отношении:

- i) создания и использования искусственных островов, установок и сооружений;
- ii) морских научных исследований;
- iii) защиты и сохранения морской среды;
- с) другие права и обязанности, предусмотренные в настоящей Конвенции.

Кроме того, согласно статье 60 Конвенции прибрежное государство имеет исключительную юрисдикцию над такими искусственными островами, установками и сооружениями, в том числе юрисдикцию в отношении таможенных, фискальных, санитарных и иммиграционных законов и правил, а также законов и правил, касающихся безопасности.

Старший специалист по административному производству
отдела дознания и административной практики
ПГУ ФСБ России по Мурманской области

ПРИНЯТО
ВЕРНО

В соответствии с Указом Президента РФ от 14 января 2013 г. N 23 «О федеральных органах исполнительной власти, ответственных за определение мер по обеспечению безопасности судоходства в зонах безопасности, установленных вокруг искусственных островов, установок и сооружений, расположенных на континентальном шельфе Российской Федерации, а также мер по обеспечению безопасности таких искусственных островов, установок и сооружений» федеральными органами исполнительной власти, ответственными за определение мер по обеспечению безопасности искусственных островов, установок и сооружений, расположенных на континентальном шельфе Российской Федерации, являются Министерство транспорта Российской Федерации, Федеральная служба безопасности Российской Федерации и Министерство обороны Российской Федерации.

В соответствии со статьей 35 Федерального закона «Об ИЭЗ РФ» охрану исключительной экономической зоны, ее природных ресурсов, охрану окружающей среды, в том числе морской среды, экономических и иных законных интересов Российской Федерации осуществляют федеральные органы исполнительной власти, определяемые соответственно Президентом Российской Федерации, Правительством Российской Федерации.

В статье 36 Федерального закона «Об ИЭЗ РФ» установлены права должностных лиц органов охраны при выполнении своих служебных обязанностей:

останавливать и осматривать российские и иностранные суда, осматривать искусственные острова, установки и сооружения, осуществляющие:

рыболовство в исключительной экономической зоне;

перегрузку в исключительной экономической зоне уловов водных биоресурсов на другие суда;

разведку и разработку неживых ресурсов;

морские ресурсные исследования и морские научные исследования;

иную деятельность в исключительной экономической зоне.

В силу статьи 2 федерального закона от 3 апреля 1995 г. N 40-ФЗ «О федеральной службе безопасности» (далее – федеральный закон «О ФСБ» к органам федеральной службы безопасности относятся, в частности пограничные органы.

Согласно статье 11.1. федерального закона «О ФСБ» направлениями пограничной деятельности являются, в том числе защита и охрана экономических и иных законных интересов Российской Федерации в пределах приграничной территории, исключительной экономической зоны и континентального шельфа Российской Федерации, а также охрана за пределами исключительной экономической зоны Российской Федерации запасов анадромных видов рыб, образующихся в реках Российской Федерации, трансграничных видов рыб и далеко мигрирующих видов рыб в соответствии с международными договорами Российской Федерации и (или) законодательством Российской Федерации.

Как следует из материалов дела, капитан 2 ранга Паранченко Игорь Валерьевич с 12 сентября 2013 года прикомандирован на пограничный сторожевой корабль (далее – пскр «Ладога») для исполнения обязанностей командира корабля на период осуществления пограничной деятельности, в том числе в исключительной экономической зоне Российской Федерации.

16.09.2013 в 18 часов 15 минут в южной части Баренцева моря в координатах 70° 10'2 северной широты и 54° 50'0 восточной долготы должностными лицами пскр «Ладога» при исполнении служебных обязанностей органа охраны исключительной экономической зоны Российской Федерации на индикаторе кругового обзора навигационной радиолокационной станции было обнаружено и опознано судно «Арктик Санрайз» («Arctic Sunrise»), под флагом Королевства Нидерланды.

Далее, должностными лицами пскр «Ладога» с помощью радиостанции до вышедших на связь членов экипажа судна «Арктик Санрайз» было доведено о недопустимости нарушения статей Конвенции ООН по морскому праву 1982 года по обеспечению безопасности судоходства вокруг искусственных островов, сооружений, в том числе в отношении морской ледостойкой стационарной платформы «Приразломная» (далее – МЛСП «Приразломная»), как объекта РФ, находящегося в исключительной экономической зоне РФ. Также до членов экипажа судна «Арктик Санрайз» было доведено об отсутствии у них разрешения на пересечение территориального моря РФ, на пользование Северным морским путем, о чем была выполнена запись в вахтенный журнал пскр «Ладога». После чего судно «Арктик Санрайз» продолжило движение в сторону Карских ворот.

17 сентября 2013 г. в 00 часов 31 минуту судно «Арктик Санрайз» изменило курс движения в сторону МЛСП «Приразломная», в связи с чем должностными лицами пскр «Ладога» по средствам связи были повторно доведено о необходимости соблюдения установленных требований, а также недопустимости следования в район, опасный для плавания, радиусом 3 мили и запретную для плавания зону, равной 500 м относительно МЛСП «Приразломная» (Извещения мореплавателя № 6623/11).

После чего, с 16 час 17 сентября 2013 г. до 04 час 18 сентября 2013 г. судно «Арктик Санрайз» осуществляло маневрирование вокруг МЛСП «Приразломная» за пределами района, опасного для плавания, на расстоянии от 3 до 4 миль.

Вместе с тем, в 04 часа 20 минут 18 сентября 2013 г должностным лицом пскр «Ладога» было обнаружено, что с борта судна «Арктик Санрайз» на воду осуществлен спуск двух плавательных средств с лицами на борту, которые на большой скорости проследовали непосредственно к месту нахождения МЛСП «Приразломная». В 04 часа 42 минуты пскр «Ладога» было обнаружено движение со стороны судна «Арктик Санрайз» еще трех плавательных средств, двигающихся в направлении МЛСП «Приразломная» и транспортирующих неизвестный предмет больших размеров.

Кроме того, в 04 час 43 мин 18 сентября 2013 г по средствам связи к пскр «Ладога» обратился н.о. капитана МЛСП «Приразломная» Атюшев А.В., который сообщил об обнаружении в непосредственной близости от платформы плавательных средств с неустановленными лицами, игнорировавшими требования о выходе из района, запретного и опасного для плавания.

В последующем ими была предпринята попытка проникновения на МЛСП «Приразломная», чем создали реальную угрозу объекту нефтегазового комплекса Российской Федерации, в том числе лицам, проводившим в данное время водолазные работы в районе платформы.

Кроме того, в 04 час 57 мин 18 сентября 2013 г. судно «Арктик Санрайз» вошло в район опасный для плавания и осуществило подъем неопознанного крупногабаритного предмета, спущенного с его борта на воду и транспортируемого маломерными плавательными средствами в район МЛСП «Приразломная».

Учитывая вышеперечисленные обстоятельства, на основании статьи 36 Федерального закона «Об ИЭЗ РФ» по средствам связи командиром ПСКР «Ладога» Паранченко И.В. в 06.15 мск 18.09.2013 капитану судна «Арктик Санрайз» было выдвинуто требование остановиться, лечь в дрейф, принять на борт осмотровую группу.

Указанные выше требования должностного лица органа охраны исключительной экономической зоны Российской Федерации неоднократно доводились в период 18 по 19 сентября 2013 года до капитана судна «Арктик Санрайз», что подтверждается выпиской из вахтенного журнала пскр «Ладога», показаниями свидетелей по делу, видеозаписью обстоятельств правонарушения, выполненной должностными лицами пскр «Ладога».

Вместе с тем, капитан судна «Арктик Санрайз» Вилкокс Питер Генри выдвинутые командиром пскр «Ладога» требования об остановке судна не выполнил: судно увеличивало ход, двигалось переменными курсами, опасно маневрируя, создавая реальную угрозу безопасности военному кораблю и членам экипажа судна. После чего, судно «Арктик Санрайз» было принудительно остановлено для осмотра 19.09.2013 г.

Указанные обстоятельства свидетельствуют о том, что должностное лицо – капитан судна «Арктик Санрайз» (флаг Королевства Нидерланды) Вилкокс Питер Генри в период с 18.09.2013 до 20.09.2013 в исключительной экономической зоне Российской Федерации (в районе с координатами $69^{\circ}15'56,9''$ северной широты, $57^{\circ}17'17,3''$ восточной долготы радиусом 5-6 морских миль) не выполнял законные требования должностного лица органа охраны исключительной экономической зоны Российской Федерации.

Таким образом, оценив изложенные выше доказательства и установленные по делу обстоятельства, прихожу к выводу о том, что в действиях должностного лица капитана судна «Арктик Санрайз» иностранного гражданина Вилкокс Питер Генри имеется состав административного правонарушения, предусмотренного частью 2 статьи 19.4 КоАП РФ.

В соответствии с частью 2 статьи 2.6 КоАП РФ иностранные граждане, лица без гражданства и иностранные юридические лица, совершившие административные правонарушения на континентальном шельфе, в исключительной экономической зоне Российской Федерации, предусмотренные частью 2 статьи 8.16, статьями 8.17 - 8.20, частью 2 статьи 19.4 настоящего Кодекса, подлежат административной ответственности на общих основаниях.

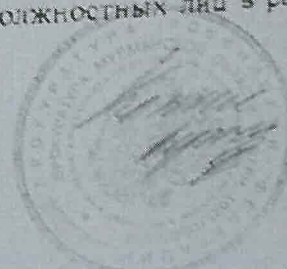
Обстоятельств, смягчающих административную ответственность Вилкокс Питер Генри, а также обстоятельств, исключающих производство по делу об административном правонарушении, не установлено.

В соответствии с пунктом 1 части 1 статьи 4.3 КоАП РФ обстоятельствами, отягчающими административную ответственность Вилкокс Питер Генри признаю продолжение противоправного поведения, несмотря на требование уполномоченных на то лиц прекратить его.

Санкцией части 2 статьи 19.4 КоАП РФ предусматривается административная ответственность в виде административного штрафа на должностных лиц в размере от пятнадцати тысяч до двадцати тысяч рублей.

КОПИЯ
ВЕРНА

Старший специалист по административным правонарушениям
отдела дознания и административной ответственности
по делу: Вилкокс Питер Генри по Мурманской области



Решая вопрос о виде и размере административного наказания, учитывая характер совершенного Вилкоксом Питер Генри административного правонарушения и наличие обстоятельств, отягчающих административную ответственность, считаю возможным назначить административное наказание в виде административного штрафа в максимальном размере, предусмотренном частью 2 статьи 19.4 КоАП РФ.

На основании изложенного и руководствуясь пунктом 13 части 2 статьи 23.10, статьями 29.9 и 29.10 Кодекса Российской Федерации об административных правонарушениях,

ПОСТАНОВИЛ:

1. Признать должностное лицо капитана судна «Арктик Санрайз» («Arctic Sunrise»), под флагом Королевства Нидерланды, гражданина США Вилкоксом Питер Генри (Willcox Peter Henry), 06.03.1953 г.р., виновным в совершении административного правонарушения, предусмотренного частью 2 статьи 19.4 Кодекса Российской Федерации об административных правонарушениях.

2. Назначить должностному лицу капитану судна «Арктик Санрайз» гражданину Вилкоксом Питер Генри наказание в виде административного штрафа в размере 20 000 (двадцать тысяч) рублей.

В соответствии с п. 3 ст. 30.1 КоАП РФ настоящее постановление по делу об административном правонарушении может быть обжаловано в вышестоящий орган, вышестоящему лицу либо в суд по месту рассмотрения дела об административном правонарушении.

Жалоба на постановление по делу об административном правонарушении может быть подана в течение 10 суток со дня вручения или получения копии постановления.

Административный штраф должен быть уплачен лицом, привлеченным к административной ответственности, не позднее шестидесяти дней со дня вступления постановления о наложении административного штрафа в законную силу либо со дня истечения срока отсрочки или срока рассрочки.

При неуплате административного штрафа в срок лицо может быть привлечено к административной ответственности по ч. 1, ст. 20.25 КоАП РФ, согласно которой неуплата административного штрафа в срок, предусмотренный КоАП РФ, влечет наложение административного штрафа в двукратном размере суммы неуплаченного административного штрафа либо административный арест на срок до пятнадцати суток.

Сумма административного штрафа вносится или перечисляется лицом, привлеченным к административной ответственности, на следующий счет:

Получатель: УФК по Мурманской области (ПУ ФСБ России по Мурманской области)

ИНН: 5190139166; КПП: 519031005

Код ОКATO: 47 401 000 000

Счет получателя: 401 018 100 000 000 100 05

Банк получателя: ГРКЦ ГУ Банка России по Мурманской области;

БИК банка: 044705001

Код дохода: 189 116 89 000 01 7000 100

Лицевой счет: 04 49 723 100

Старший специалист по административному производству
отдела назначения и административной практики
ПУ ФСБ России по Мурманской области

**КОПИЯ
ВЕРНА**



7

В графе наименование платежа обязательно указывается: штраф по ч. 2 ст. 19.4 КоАП РФ по делу 2109/623-13.

При неуплате административного штрафа в срок сумма штрафа на основании ст. 32.2 КоАП РФ будет взыскана в принудительном порядке.

Старший специалист по административному производству
отдела дознания и административной практики
ПУ ФСБ России по Мурманской области
старший лейтенант юстиции

О.Н. Маркова

Текст постановления переведен и прочитан вслух на английском языке.

Переводчик:

« 8 » сентября 2013 года

(подпись)

Старший специалист по административному производству
отдела дознания и административной практики
ПУ ФСБ России по Мурманской области
старший лейтенант юстиции

О.Н. Маркова

« 08 » сентября 2013 года

(подпись)

I have received a Russian copy of the resolution,
while the text was translated into English orally.

It is requested to provide a copy of the resolution in English to the British Consulate in Murmansk.

Annex 7.



✓ voor copie conform

Inspectie Leefomgeving en Transport
Ministerie van Infrastructuur en Milieu

DGB
Directeur Maritieme Zaken
Postbus 20901
2500 EX Den Haag

Inspectie Leefomgeving en Transport
ILT/Scheepvaart
Weena 723
Rotterdam
Postbus 16191
2500 BD Den Haag
www.ilent.nl

Contactpersoon

E.J. van Leeuwen

Inspecteur

T 070-4564562

Evert.van.leeuwen@ILenT.nl

nota

Arctic Sunrise incident van 18-09-2013

Beste collega,

De Inspectie Leefomgeving en Transport Scheepvaart (Inspectie) heeft, naar aanleiding van een verzoek vanuit het Ministerie van Buitenlandse Zaken (BZ), het Arctic Sunrise incident van 18 september 2013 bekeken en beoordeeld. Voorts is een oordeel gevraagd inzake de mogelijke gevolgen van de wijze waarop het schip is opgelegd.

Datum

18 oktober 2013

Ons kenmerk

ILT-2013/39853

Gebaseerd op de beschikbare informatie op www.greenpeace.org, één van de partijen in het geschil (*Home>News>Feature Stories> LIVE-Latest Updates from the Arctic Sunrise activists*), en E-mails tussen Greenpeace en BZ geef ik in deze nota mijn visie als deskundige op het incident weer.

Het incident

Op 18 september 2013 naderen RIB's van de Arctic Sunrise een Russisch olieplatform, Prirazlomnaya. Volgens de informatie bleef de Arctic Sunrise op 3 mijl afstand van het platform en is op enig moment even binnen 3 mijl afstand geweest van het platform. Met de RIB's zijn actievoerders naar het platform gebracht die vervolgens als protestactie de zijwand van het platform beklommen hebben. De protestactie werd hierna afgebroken door Russische autoriteiten. Hierbij zijn actievoerders gearresteerd. Later is het moederschip van de RIB's, de Arctic Sunrise aangehouden en is de bemanning gearresteerd.

Rol van de Inspectie

Naar Nederlands recht worden zeeschepen in eigendom van een stichting met een ideëel doel geregistreerd als pleziervaartuigen. De Arctic Sunrise is als pleziervaartuig geregistreerd. De RIB's waarmee de acties zijn uitgevoerd worden beschouwd als toebehoren van de Arctic Sunrise. De normstelling voor pleziervaartuigen en de daaraan gekoppelde bevoegdheden van de Inspectie zijn beperkt. Met uitzondering van milieu gerelateerde certificaten voor zeeschepen boven de 400GT, zijn er geen eisen voor pleziervaartuigen waarop de Inspectie handhavende bevoegdheden heeft. Wel kan een deskundig oordeel worden gegeven over operationele aspecten zoals de naleving van de verkeersregels op zee door het betrokken vaartuig, zonder dat de Inspectie mogelijkheden heeft tot het opleggen van sancties indien van toepassing.

Mogelijke materiële schade die is ontstaan door de actie en de handelwijze van Greenpeace en de Russische autoriteiten valt buiten het werkgebied van de Inspectie. Ook het bestijgen van objecten op zee valt buiten het werkgebied van de Inspectie.

Goed zeemanschap

In bovengenoemde incident is het handelen conform de verkeersregels (Bepalingen ter Voorkoming van Aanvaringen op zee) niet aan de orde. Van die bepalingen is enkel toetsing aan het begrip goed zeemanschap relevant.

Op basis van de mij ter beschikking staande informatie maak ik niet op dat de handelingen en de werkwijze van de opvarenden van de Arctic Sunrise en de bijbehorende RIB's onveilig zijn geweest voor vaartuigen, de opvarenden, het milieu en het platform.

Veiligheidszone platform

Internationale regelgeving maakt het mogelijk om veiligheidszones (Safety Zones) in te stellen rondom mijnbouwinstallaties zoals het olieplatform. De breedte daarvan is niet nader bepaald maar voorgeschreven is dat deze maximaal 500 meter mag zijn. In nautische publicaties is te vinden dat in dit geval een veiligheidszone van 3 mijl was ingesteld rondom het platform.

Vast staat dat in ieder geval de RIB's die zone hebben betreden om bij het platform te komen. Als een zone is vastgesteld kan er sprake zijn van een overtreding doordat de RIB's naar het platform zijn gevaren en bemanningsleden hebben afgezet bij het platform. Of het moederschip de Arctic Sunrise zich hier schuldig aan heeft gemaakt is onduidelijk omdat de ingestelde veiligheidszone groter is dan de maximaal toegestane op basis van internationale regelgeving. Een dergelijke overtreding en de expertise of dit strafbaar kan zijn valt buiten het werkgebied van ILT.

Conclusie gebaseerd op de beschikbare informatie

Op basis van de beschikbare informatie blijkt niet dat de Arctic Sunrise en de bijbehorende RIB's gevaar veroorzaakt hebben voor schepen, scheepvaartverkeer, opvarenden, het milieu en het platform. Er is geen sprake van slecht zeemanschap.

De afwezigheid van handelingen tegen de gebruiken van goed zeemanschap overwegend geeft de Inspectie geen aanleiding een nader onderzoek in te stellen. Indien u onderzocht wilt hebben of er mogelijke strafbare feiten aanwezig zijn, zoals het betreden van de veiligheidszone, geef ik u in overweging de zaak aanhangig te maken bij het Openbaar Ministerie.

De aanhouding van de Arctic Sunrise

Het incident is aanleiding geweest voor de Russische autoriteiten om de Arctic Sunrise aan te houden en de gehele bemanning te verwijderen. Volgens de informatie van Greenpeace ligt het schip sindsdien onbemand voor de kant en ontstaan er nu al diverse technische problemen aan boord. Een schip in niet operationele staat voor de kant laten liggen hoeft op zichzelf geen probleem te zijn mits het schip daarvoor in gereedheid is gebracht. Zonder maatregelen te nemen kan een schip, vanuit vol bedrijf, niet stilgelegd worden zonder dat er schade dreigt te ontstaan. Bij het opnieuw in bedrijfstellen van het schip kan dit aanzienlijke problemen met zich meebrengen, zeker gezien de weersomstandigheden ter plaatse.

Met vriendelijke groet,

Inspectie Leefomgeving en
Transport
ILT/Scheepvaart

Datum
18 oktober 2013

Ons kenmerk
ILT-2013/39853

A stylized, handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

E.J. van Leeuwen
Inspecteur

**Inspectie Leefomgeving en
Transport**
ILT/Scheepvaart

Datum
18 oktober 2013

Ons kenmerk
ILT-2013/39853

Annex 8.

GREENPEACE

Greenpeace International
Ottho Heldringstraat 5, 1066 AZ, Amsterdam, Netherlands
t +31 20 718 2000 f +31 20 718 2002
k.v.k. reg. 41200415 Stichting Greenpeace Council
www.greenpeace.org

Amsterdam, 27 Sept 2013

To,

The Netherlands Human Environment and Transport Inspectorate
Rotterdam.

Attn. Mr Fulco de Blaauw

Re: M/Y Arctic Sunrise/IMO 7382902 –Arrested at Murmansk

Dear Sir

Following a Greenpeace International peaceful protest in the Pechora Sea on 18 Sept 2013 our managed vessel ARCTIC SUNRISE was taken over by armed Russian FSB agents (approx. 15 persons) who boarded the vessel on 19 September from a helicopter in international waters within the Russian EEZ (in position 69 19.9N 057 16.6E) and subsequently towed the vessel using Russian Coast Guard vessel "LADOGA" to Murmansk, Russia.

The ARCTIC SUNRISE is currently off Murmansk and is moored alongside Russian Coast Guard vessel LADOGA in position 69 04.3N 033 06.9E since 24 September 0842hrs UTC.

All crew on board have been removed from the ARCTIC SUNRISE since 24 September 1542hrs UTC and placed in detention in various locations in Murmansk pending investigation on alleged piracy charges.

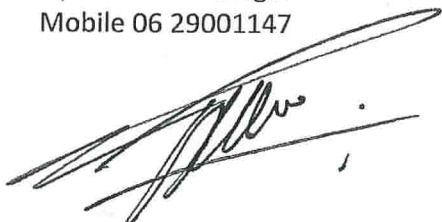
The vessel is currently immobilized and unmanned since 24 September and we are very concerned of the vessel's safety. We are arranging for standby crew to join and reactivate the vessel.

We request assistance from the Netherlands Shipping inspectorate to seek permission from Russian maritime administration in Murmansk to reactivate the vessel immediately as we consider any delays will seriously affect the seaworthiness of the vessel. We are particularly concerned of fire, flooding, pollution, security and health risks keeping a vessel unmanned for extended periods in cold weather with possible damage to machinery.

We also request assistance in seeking clarity on the legal status of the vessel from the Russian authorities, whether it was arrested and, if so, on what grounds. Moreover, clarity in relation to possibilities to secure the prompt release of the vessel and its crew is also appreciated.

Your urgent assistance in this regard will be highly appreciated.

Manuel Pinto
Operations Manager
Mobile 06 29001147



Stichting Greenpeace Council
Operations Department
Ottho Heldringstraat 5
1066 AZ Amsterdam, The Netherlands
Tel: +31 (0)20 718 2000
Fax: +31 (0)20 514 8151

voor copie conform

