

№ 162-4

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.

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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

