

## Addendum and Corrigendum to the Greenpeace International Statement of Facts of 15 August 2014

9 January 2015

### Introduction

1. On 15 August 2014, Greenpeace International provided the Ministry of Foreign Affairs of the Kingdom of the Netherlands (MFA) with a Statement of Facts describing 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 of and judicial proceedings against all 30 persons on board.
2. The MFA has requested Greenpeace International to provide an updated overview of the state of play in the domestic judicial proceedings in Russia and the cases before the European Court of Human Rights. It has also requested Greenpeace International to supply all pertinent materials in its possession which were not previously appended to the Statement of Facts.
3. Accordingly, the present Addendum and Corrigendum provides an overview of relevant developments since 15 August 2014. It also supplements and where necessary corrects the account of events up to that date given in the Statement of Facts, based on documentary evidence that has since become available.
4. A very large volume of documents was produced during the domestic criminal and administrative proceedings in Russia. While Greenpeace International does not have complete copies of the files of the thirty persons from the Arctic Sunrise, each individual file would likely run to several hundreds of pages, including such items as protocols of procedural steps taken by the authorities, charge sheets, court orders, correspondence between lawyers and authorities, character reference letters, medical information on the detainee and so on.
5. When drawing up the Statement of Facts of 15 August 2014, it was inevitably necessary to make a selection from the material available at the time. The materials appended to the Statement of Facts were selected in good faith with the aim of illustrating all the important steps in the domestic proceedings whilst avoiding duplication. For example, where a similar procedural step was taken in respect of all thirty persons, such as the decision to charge them with hooliganism, only one example of the relevant document was provided, taking into account that all thirty documents are to a large degree identical.
6. Since the finalisation of the Statement of Facts, an Administrative Offence Report drawn up on 24 September 2013 as part of the administrative proceedings against the master of the Arctic Sunrise has come into our possession. This document has been appended to the present Addendum and Corrigendum. In addition, a new document has been issued, an order adopted on 24 September 2014, bringing to an end the criminal investigation into events at the Pirazlomnaya. This document is also appended.

7. For ease of reference, the documents appended to the present Addendum and Corrigendum have been numbered consecutively with those appended to the Statement of Facts. The first appendix has therefore been given the number 37. Video and audio recordings and photographs have similarly been numbered in a manner consecutive to those contained in Appendix 1 to the Statement of Facts. A consolidated overview of appendices is included at the end of this document.

## **Overview of events between 15 August 2014 and the present**

### Wednesday 24 September 2014

8. Lieutenant Colonel of Justice M.A. Ivanov of the Investigative Committee of the Russian Federation (Investigative Committee) adopts Order on the Closure of Criminal Case No. 83543 (**Appendix 37**), bringing to an end the criminal investigation that had been opened exactly one year earlier, as described in paragraph 59 of the Statement of Facts.
9. The Order summarises events at the platform *Prirazlomnaya* as well as subsequent legal proceedings from the perspective of the Russian authorities. It states that the commission of the crime of hooliganism defined in Article 213, paragraph 2 of the Criminal Code of the Russian Federation by the 30 persons on board the MYAS has been established. However, since an amnesty has been granted in respect of this offence, and no evidence of the commission of other offences has been discovered, the criminal investigation will be closed. A number of listed items, seized in the course of the investigation, will be returned to their owners.
10. The Order also notes that a petition has been lodged with the Primorsky District Court of St Petersburg on 24 September 2014 (*i.e.* the same day), seeking the confiscation of five rigid hull inflatable boats (RHIBs) as well as four line-throwers, apparently on the grounds mentioned in Article 81, paragraph 3, point 1 of the Code of Criminal Procedure of the Russian Federation. This provision states that at the time of sentencing, an instrument of the crime belonging to the accused is subject to confiscation or destruction.

### Thursday 25 September 2014

11. According to the website of the Primorsky District Court of St Petersburg,<sup>1</sup> Judge A.V. Ermakova decides to leave the Investigative Committee's petition "without consideration".

### Friday 3 October 2014

12. According to the website of the Primorsky District Court of St Petersburg,<sup>2</sup> M. A. Ivanov lodges an appeal against Judge Ermakova's decision.

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<sup>1</sup> [http://primorsky.spb.sudrf.ru/modules.php?name=sud\\_delo&name\\_op=case&case\\_id=47758089&result=1&new=&delo\\_id=1610001](http://primorsky.spb.sudrf.ru/modules.php?name=sud_delo&name_op=case&case_id=47758089&result=1&new=&delo_id=1610001)  
Webpage visited on 8 December 2014.

<sup>2</sup> *Id.*



#### Wednesday 29 October 2014 and Friday 14 November 2014

13. During two meetings in St Petersburg, the Investigative Committee returns a number of items seized from the MYAS, including the vessel's logbook, some of its electronic systems, and personal property of members of its crew, including computers and external hard disks. The logbook is hand-delivered to Greenpeace International's legal department, while the remaining items are photographed for identification purposes and are packed up and entrusted to a transportation company for shipment to Amsterdam.
14. At the second meeting, the Investigative Committee indicates that a number of USB flash drives and CDs, as well as the MYAS' supply of morphine, can be picked up at a later date from its St Petersburg offices. It also states that a number of items, including boats, are available for collection from its storage facilities in Murmansk. On request, the Investigative Committee agrees to destroy rather than return the supply of morphine.

#### Thursday 20 November 2014

15. According to the website of the Primorsky District Court of St Petersburg,<sup>3</sup> the City Court of St Petersburg takes a decision on M.A. Ivanov's appeal (see paragraph 12 above), but the content of that decision is not clearly described.

#### Friday 19 December 2014

16. The Investigative Committee in St Petersburg returns a number of items, including USB flash drives and memory cards. It states that five RHIBs, a number of line-throwers and a cage can be picked up in Murmansk on 21 January 2015, and that this will be the final instalment of items to be returned.

#### Thursday 8 January 2015

17. An external hard drive and computer belonging to freelance journalist Kieron Bryan are hand-delivered from Russia to Greenpeace International's legal department in Amsterdam, after having been retrieved from the transportation company's premises in St Petersburg where they were awaiting shipment.

#### **State of play as per the finalisation of this document**

- The items returned by the Investigative Committee on 29 October and 14 November 2014, with the exception of the items hand-delivered to the Netherlands (see paragraphs 13 and 17 above), remain in transit to the Netherlands. Efforts are underway to determine identity and ownership of these items based on the photos taken prior to shipment. A revised inventory of missing items is being drawn up. Preliminary indications are that the items thus far returned

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<sup>3</sup> *Id.*

and yet to be returned do not correspond to the full list of missing items.

- The outcome of the Investigative Committee's appeal against the Primorsky District Court's decision to leave the petition for confiscation of five RHIBs and four line-throwers without consideration is not known to Greenpeace International. Stichting Phoenix, owner of the RHIBs, has requested but not yet obtained access to the court file.
- The applications filed on behalf of the 'Arctic 30' in the European Court of Human Rights (see paragraph 127 of the Statement of Facts) have been assigned application no. 2215/14 and registered under the name *Bryan and Others v. Russia*. The lawyers acting on behalf of the applicants have not received notice of any further developments from the Court. It is therefore not clear at present whether the applications have been allocated to a judicial formation (Single-Judge, Committee or Chamber), nor whether any decision has been taken concerning the admissibility of the applications. Greenpeace International has published the applications of 27 individuals who gave their consent on its website,<sup>4</sup> masking certain personal details. The thirty applications are all similar in scope, but can be grouped into three categories, between which there are certain differences: those of the two individuals detained on 18 September after attempting to climb the outside structure of the *Prirazlomnaya*; those of the two freelance journalists; and those of the remaining 26 members of the 'Arctic 30'. **Appendices 41 - 43** contain one example of each of the three categories of applications as published online (redacted and without annexes).

### Newly available evidence

Since 15 August 2014, further documentary evidence has become available relating to events before that date. The process of identifying and analysing this material is on-going. Pertinent materials identified to date have been appended to this Addendum and Corrigendum.

**Appendix 38** is a copy of the entries in the logbook of the MYAS covering the period 16 – 19 September 2013. The logbook was returned by the Investigative Committee on 29 October 2014 and hand-delivered to Greenpeace International's legal department on 17 November 2014.

**Appendix 39** is a report of an administrative offence drawn up on 24 September 2013. The existence of this document is referred to in Appendix 14 to the Statement of Facts (Resolution of 8 October 2013 imposing a fine on the master of the MYAS for failure to follow an order). Greenpeace International's legal department received a copy of this document from the master's Russian lawyer on 29 August 2014.

**Appendix 40** is a USB flash drive containing audio, video and photo evidence. Greenpeace International has not edited these materials except as otherwise indicated.

- Audio files 2 – 6 were recorded by deckhand Ana Paula Alminhana Maciel between 17 – 18 September 2013 using an iPod. They capture radio conversations between the MYAS and the Russian Coast Guard vessel *Ladoga*. The iPod was taken off Ms Maciel during the search in the

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<sup>4</sup> <http://www.greenpeace.org/international/en/campaigns/climate-change/arctic-impacts/Peace-Dove/Arctic-30/European-Court-of-Human-Rights>

vessel's laundry room described in paragraph 53 of the Statement of Facts. Ms Maciel retrieved the recordings from the iPod after it was returned by the Investigative Committee and forwarded the files to Greenpeace International's legal department on 5 December 2014. According to the time stamps on these files, they were recorded at the following times (transposed to Moscow Standard Time):

- Audio file 2: 17/09/2013 04:35
  - Audio file 3: 17/09/2013 04:46
  - Audio file 4: 17/09/2013 06:15
  - Audio file 5: 18/09/2013 08:18
  - Audio file 6: 18/09/2013 08:32
- Photos 12 – 852 were taken by freelance photojournalist Denis Sinyakov between 16 September 2013 at 18:53 and 19 September 2013 at 18:32. The set contains all available photographs falling within this range. Sinyakov recovered Photos 12 – 746 from a hard drive returned by the Investigative Committee and sent them to Greenpeace International's legal department on 17 December 2014. Photos 747 – 852 were recovered from a memory card subsequently returned by the Investigative Committee; Sinyakov sent them to Greenpeace International's legal department on 26 December 2014. Time and date information stored in the metadata of each file has been extracted and added to the file names, using the format Photo Number - Year-Month-Day\_Hour-Minute-Second. Certain photographs (e.g. Photo 544) were taken on the bridge of the MYAS and show three clocks in the background. The time on those clocks is consistent with the timestamps on the photographs, indicating that the camera's time was set correctly.
  - Photos 853 – 1113 were retrieved from a memory card returned by the Investigative Committee on 19 December 2014 and were received by Greenpeace International's legal department on 26 December 2014. At the time of writing it has not yet been established who took these pictures, all of which appear to have been taken on board the MYAS. Time and date information stored in the metadata of each file has been extracted and added to the file names, in the manner described above. Photo 853, which according to its time stamp was taken at 08:28:23 on 17 September 2014, shows the three clocks on the bridge of the MYAS, which indicate that the actual local time was 10:24. It may therefore be assumed that photos 853 – 1113 were taken 1 hour and 56 minutes later than their time stamps indicate, and references made below to the times at which these photos were taken have been adjusted accordingly.

The memory card contains a number of photographs showing life on board the MYAS in the run-up to the protest on 18 September 2013 that have been omitted due to their limited relevance. Photos 854 – 1113 however represent the full sequence of photographs stored on the memory card from the start of the protest. The last picture on the card (photo 1113) was taken at 06:38 on 18 September 2013.

- Video 25 shows the boarding of the MYAS on 19 September 2013, which is described in paragraphs 46 – 47 of the Statement of Facts. This video, captured by freelance journalist Kieron Bryan, shows the event from a slightly different angle than the videos previously available (videos 22 and 23, included in Appendix 1 to the Statement of Facts). It was retrieved from a memory card

*hidden on the vessel and subsequently rediscovered after its return to Amsterdam. The video was received by Greenpeace International's legal department on 3 September 2014.*

#### **Additions and corrections to the overview of events up to 15 August 2014**

18. Based on these new materials, a number of additions and corrections may be made to the account given in the Statement of Facts.
19. **Paragraph 14** mentions a call by the *Ladoga* to the MYAS on 16 September 2013 at “about 19:00”. Based on a note in the MYAS’ logbook (Appendix 38), this call can now be more precisely timed as having occurred at 18:30. A second call is mentioned further on in the same paragraph as occurring at about 4:30 in the morning of 17 September 2013. A partial recording of this call is now available (audio file 2).
20. **Paragraphs 17 and 18** state that five RHIBs left the MYAS on 18 September 2013 at 4:26, with two of them taking the lead. The vessel’s logbook (Appendix 38) notes “0416 Boats in the water – RHIBs proceeding towards Prirazlomnaya”. Photos 872 – 875, taken at about 4:20, indeed show the first two RHIBs in the distance, making their way towards the platform. Their departure accordingly occurred a few minutes earlier than previously presumed. Similarly, **Paragraph 19** states that the first two RHIBs arrived at the platform at about 4:37. Photo 140, taken at 4:29 near the base of the platform from one of these two RHIBs, shows that they had in fact arrived by this time.
21. The remaining three RHIBs, on the other hand, only departed some minutes later. Photos 876 – 908 show RHIBs and the safety pod being deployed. By the last photo, taken around 4:37, all three RHIBs and the pod are in the water. On photos 924 – 945, taken between 4:39 and 4:43, the largest of the three RHIBs can be seen towing the ‘safety pod’ towards the *Prirazlomnaya*, flanked by the two smaller RHIBs, as described in **Paragraph 20**.
22. The events described in **Paragraph 24** can be seen in photos 191 – 231, taken between 4:57 and 5:02.
23. The events described in **Paragraph 25** can be seen in photos 285 – 321, taken between 5:07 and 5:08.
24. The events described in **Paragraph 26** can be seen in photos 322 – 416, taken between 5:08 and 5:15.
25. **Paragraph 27** mentions attempts by agents to seize the video camera of freelance journalist Kieron Bryan. In photos 462-424, taken at 5:20, he can be seen preparing himself to move over to the RHIB in which the photographer, Denis Sinyakov, is seated. The previously available video 18 shows him first throwing his video equipment across and then jumping into Sinyakov’s RHIB (7’05), a grey boat nicknamed the ‘Parker’. Shortly after, the Parker with both Bryan and Sinyakov on board leaves the scene and heads back towards the MYAS in order to secure their video and photo material (video 18 at 7’25). Photos 472 – 515, taken between 5:21 and 5:34, show the

return journey as photographed by Sinyakov. Photos 956 – 979, taken from the MYAS, show the Parker approaching. By photo 976, taken at about 5:38, the Parker is alongside. Bryan and Sinyakov board the MYAS. The Parker remains in the water. At a later stage it proceeds back in the direction of the *Prirazlomnaya*. Before reaching the platform, it encounters other RHIBs returning towards the MYAS and escorts them back.

26. The departure of the four other Greenpeace RHIBs from the vicinity of the *Prirazlomnaya* described in **Paragraph 31** cannot be timed with certainty based on the evidence currently available to Greenpeace International. However, photos 535 – 541 and 1016 – 1019 show three returning RHIBs approaching the MYAS, the last of which is the Parker. By photo 541, taken at 6:23, these RHIBs appear to have arrived alongside the MYAS. Photos 1045 – 1051, taken between 6:29 and 6:30, appear to show the return of the remaining two RHIBs – a small grey one and a larger red boat nicknamed the ‘Suzie Q’. The Suzie Q can be seen alongside the MYAS on photo 551, taken at 6:30. A video taken by a person on the Suzie Q, discovered on Kieron Bryan’s external hard disk (see paragraph 13 above), which at the time of writing has just become available and has not yet been fully analysed, appears to show that this RHIB’s return journey to the MYAS took about 23 minutes. After initially departing from the vicinity of the *Prirazlomnaya* at high speed, the RHIB slowed down on two occasions when encountering other RHIBs also in transit towards the MYAS.
27. The MYAS’ logbook (Appendix 38) notes that all boats were back on board by 6:35. Photo 663, taken at 7:43, shows a display on the MYAS plotting the vessel’s course over the preceding one and a half hours approximately. It appears from this image that the MYAS was a little over 3 nautical miles from the platform at 6:30.
28. **Paragraph 32** states that a stop order was given to the MYAS at 6:20. Greenpeace International currently has no record of a stop order being given before this time. The Administrative Offence Report of 24 September 2013 (Appendix 39) states that a stop order was given at 6:15 and repeated at 6:21 and 6:32. It is possible that the electronic devices recently returned by the Investigative Committee that are currently in transit to the Netherlands contain radio or other recordings which shed further light on the exact time at which the first order was given.
29. Paragraph 32 further mentions that, following its stop orders over radio, the *Ladoga* displayed an “S N” flag signal. The MYAS’ logbook (Appendix 38) states that this occurred at 07:30, and was followed by 3 shots across the bow.
30. **Paragraph 33** mentions repeated stop orders given by the *Ladoga*. Part of the relevant radio conversations is captured in audio files 5 and 6. In audio file 5, recorded around 08:18, the *Ladoga* can be heard reiterating its demand to stop; the MYAS can be heard repeating its refusal. At 1’18, the *Ladoga* is heard saying: “Arctic Sunrise, I suppose that you are a pirate”. The MYAS responds that there has not been any illegal act of violence, detention or depredation committed for private ends by crew or passengers of the vessel. In audio file 6, recorded around 08:32, a similar exchange is heard. At 2’16, the *Ladoga* can be heard apparently accusing the MYAS of terrorism.

31. The attempted boarding of the MYAS mentioned in **Paragraph 34** is captured in photos 664 – 695, which were shot between 7:51 and 7:56.
32. The transfer of clothing, food and medication for Saarela and Weber discussed in **Paragraph 44** is mistakenly mentioned as occurring in the afternoon of 19 September. It in fact occurred around noon the previous day. The logbook of the MYAS (Appendix 38) confirms this, noting at 11:55 on 18 September 2013: “Bringing medic supply to crew onboard RCG”. At 12:09 it notes: “S.Q. back on board”, presumably referring to the Suzie Q. The coordinates in the logbook also show that the MYAS began moving out to a position 20 nautical miles from the *Prirazlomnaya*, as described in **Paragraph 38**, shortly after the completion of this delivery.
33. **Paragraph 40** states that the MYAS remained in a position about 20 nautical miles from the platform for several hours, awaiting word from the *Ladoga* about a possible return of activists Saarela and Weber who were being held on the Coast Guard vessel. The logbook (Appendix 38) indicates that the MYAS began heading back in the direction of the platform at 20:30. The entry at this time notes “making way south, 8 kn”. At 22:30 it notes “circling platform – 4nm distance”. The statement at the end of the paragraph, that the *Ladoga* adopted a position between the MYAS and the platform and that this situation persisted the next day, is illustrated by photos 717 – 732, taken between 14:59 and 15:05 on 19 September 2013. In these photos, boat mechanic Jonathan Beauchamp can be seen repairing punctured RHIBs. The *Prirazlomnaya* is in the background, as is the *Ladoga*, seemingly about halfway between the MYAS and the platform.
34. The boarding of the MYAS on 19 September 2013, which is described in **Paragraphs 46 – 47**, can be seen in photos 750 – 852. As mentioned above, it can also be seen in video 25.
35. The warning about diving operations in the vicinity of *Prirazlomnaya* mentioned in **Paragraph 66** is partially captured at the beginning of audio file 2. In audio file 4, the *Iskatel* and the *Prirazlomnaya* can be heard discussing that the former will approach the latter towards 07:00 the next morning to deploy divers, suggesting that the diving operation was scheduled to commence after the end of the protest at the platform.

## **Consolidated Overview of Appendices**

- Appendix 1: USB flash drive containing video, audio and photographic evidence
- Appendix 2: Text of letter faxed to management of *Prirazlomnaya* and Gazprom Neft Shelf at start of protest
- Appendix 3: Letter from Deputy Director of the Border Control Division of the FSB for the Murmansk Region to Murmansk Regional Oversight Board
- Appendix 4: Table of coordinates of the *Arctic Sunrise* between 2 and 20 September 2013
- Appendix 5: Maps
- Appendix 6: Official Report of Transfer of 20 September 2013
- Appendix 7: Decision on the Opening of Criminal Case No. 83543 of 24 September 2013
- Appendix 8: Witness statements of three crew members of the Coast Guard vessel *Ladoga* signed on 24 September 2013
- Appendix 9: Example of a detention order issued by the Leninsky District Court
- Appendix 10: Reactivation request to Murmansk Border Control Division of 27 September 2013
- Appendix 11: Warrant for the search of the *Arctic Sunrise* of 28 September 2013
- Appendix 12: Example of piracy charge sheet
- Appendix 13: Order for the arrest of the *Arctic Sunrise* of 7 October 2013
- Appendix 14: Resolution of 8 October 2013 imposing a fine on the master of the *Arctic Sunrise* for an administrative offence
- Appendix 15: Example of a ruling of the Regional Court of Murmansk rejecting an appeal against a detention order
- Appendix 16: *Procès-verbal* of seizure of the *Arctic Sunrise* of 15 October 2013
- Appendix 17: Letter from A. Y. Mayakov to S. O. Torvinen of 21 October 2013 concerning requalification of charges
- Appendix 18: Decision of the Investigative Committee of 23 October 2013 to requalify charges
- Appendix 19: Example of hooliganism charge sheet

- Appendix 20: Example of a decision to submit items taken from the *Arctic Sunrise* for forensic analysis
- Appendix 21: Ruling of the Regional Court of Murmansk of 12 November 2013 denying the appeal against the search of the *Arctic Sunrise*
- Appendix 22: Example of a ruling of the Primorsky District Court of St Petersburg granting bail to a member of the crew of the *Arctic Sunrise*
- Appendix 23: Ruling of the Regional Court of Murmansk of 21 November 2013 upholding the arrest of the *Arctic Sunrise*
- Appendix 24: Petition of Stichting Phoenix of 25 November 2013 seeking permission to survey and maintain the *Arctic Sunrise*
- Appendix 25: Refusal of the Investigative Committee to lift the arrest of the *Arctic Sunrise* of 28 November 2013
- Appendix 26: Example of letter from the Investigative Committee refusing to enable departure of the *Arctic Sunrise* and crew
- Appendix 27: Example of a Resolution on Amnesty of 24 December 2013
- Appendix 28: Example of Federal Migration Service resolution of 25 December 2013
- Appendix 29: Overview of key dates in proceedings against the 30 persons on board the *Arctic Sunrise*
- Appendix 30: Refusal of the Investigative Committee of 9 January 2014 to grant Stichting Phoenix access to the *Arctic Sunrise*
- Appendix 31: Petition of Greenpeace International of 3 March 2014 for access to and release of the *Arctic Sunrise*
- Appendix 32: Ruling of the Primorsky District Court of 14 March 2014 rejecting the appeal lodged by Stichting Phoenix against the refusal to grant it access to the *Arctic Sunrise*
- Appendix 33: Investigative Committee response of 24 March 2014 to the petitions of Stichting Phoenix and Greenpeace International of 3 March 2014
- Appendix 34: Act of transfer of the *Arctic Sunrise* to Stichting Phoenix of 6 June 2014
- Appendix 35: Condition survey report by Murmansk P&I Agency of 2 July 2014
- Appendix 36: Det Norske Veritas Occasional Survey report of 7 July 2014



- Appendix 37: Order on the Closure of Criminal Case No. 83543 of 24 September 2014
- Appendix 38: Logbook entries of the *Arctic Sunrise* covering the period 16 – 19 September 2013
- Appendix 39: Administrative Offence Report of 24 September 2013
- Appendix 40: USB flash drive containing video, audio and photographic evidence
- Appendix 41: Example of application to the European Court of Human Rights on behalf of a climber
- Appendix 42: Example of application to the European Court of Human Rights on behalf of a freelance journalist
- Appendix 43: Example of application to the European Court of Human Rights on behalf of another member of the 'Arctic 30'

**A. Russian document**

ПОСТАНОВЛЕНИЕ  
о прекращении уголовного дела

г. Санкт-Петербург

24 сентября 2014 года

Следователь по особо важным делам первого следственного отдела второго следственного управления (с дислокацией в г. Санкт-Петербург) Главного следственного управления Следственного комитета Российской Федерации подполковник юстиции Иванов М.А., рассмотрев материалы уголовного дела № 83543,

УСТАНОВИЛ:

Настоящее уголовное дело возбуждено 24.09.2013 по признакам преступления, предусмотренного ч. 3 ст. 227 УК РФ по факту нападения неустановленных лиц на морское судно – морскую ледостойкую стационарную платформу «Приразломная» (далее - МЛСП «Приразломная»).

Поводом возбуждения уголовного дела явился рапорт об обнаружении признаков преступления, а основанием – наличие достаточных данных, содержащихся в материале проверки № 303-39ск-2013, указывающих на признаки преступления, предусмотренного ч.3 ст. 227 УК РФ.

23.10.2013 с учетом установленных обстоятельств и на основании письменных указаний руководителя следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу данное общественно-опасное деяние квалифицировано по ч. 2 ст. 213 УК РФ.

23.10.2013 заместителем Генерального прокурора Российской Федерации принято решение в порядке ч. 2 ст. 37, ст. 151 УПК РФ о расследовании уголовного дела № 83543 по признакам преступления, предусмотренного ч. 2 ст. 213 УК РФ, следственным управлением Следственного комитета Российской Федерации по Северо-Западному федеральному округу.

Срок предварительного следствия по уголовному делу последовательно продлевался, последний раз 27.06.2014 срок предварительного следствия по настоящему уголовному делу продлен и.о. руководителя следственного управления Следственного комитета Российской Федерации по Северо-Западному федеральному округу до 12 месяцев 00 суток, то есть до 24.09.2014.

В ходе предварительного расследования установлено, что 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 в исключительной экономической зоне Российской Федерации сотрудниками Пограничного управления ФСБ России по Мурманской области обнаружено морское судно «Арктик Санрайз» («Arctic Sunrise», номер ИМО 7382902, флаг Нидерланды), до сведения членов экипажа и пассажиров которого на

английском языке по радиосвязи доведено о недопустимости нарушения статей 60, 147, 259 Конвенции ООН по Морскому праву (Монтего-Бей, 10.12.1982) об обеспечении безопасности судоходства вокруг искусственных островов, сооружений и недопустимости причинения ущерба МЛСП «Приразломная» (№ 32-20-12 Государственного судового реестра Российской Федерации – Порт Нарьян-Мар), находящейся в координатах 69°15'56,9'' северной широты и 57°17'17,3'' восточной долготы, вокруг которой установлена запретная для плавания зона в пределах 500 метров от платформы. Кроме того, сотрудниками Пограничного управления ФСБ России по Мурманской области лица, находившиеся на судне «Арктик Санрайз», предупреждены о недопустимости нарушения указанных норм по обеспечению безопасности судоходства в исключительной экономической зоне Российской Федерации, причинения вреда имуществу юридических лиц России, а также об отсутствии разрешения от ФГУП «Администрация Северного морского пути» Федерального агентства морского и речного транспорта Министерства транспорта Российской Федерации на плавание судна «Арктик Санрайз» в акватории Северного морского пути.

17.09.2013 около 04 часов 30 минут члены экипажа и пассажиры судна «Арктик Санрайз» повторно предупреждены сотрудниками Пограничного управления ФСБ России по Мурманской области о недопустимости самовольного нарушения вышеуказанных норм по обеспечению безопасности судоходства вокруг искусственных островов, сооружений и недопустимости причинения ущерба МЛСП «Приразломная», об отсутствии оснований на плавание судна «Арктик Санрайз» в акватории Северного морского пути, об угрозе, создаваемой членами экипажа и пассажирами судна «Арктик Санрайз», жизни и здоровью людей в связи с проведением вокруг МЛСП «Приразломная» водолазных работ, согласно Извещению мореплавателям Управления навигации и океанографии Министерства обороны Российской Федерации ПРИП МУРМАНСК № 201 (карта 12016), а также о том, что согласно Извещению мореплавателям Управления навигации и океанографии Министерства обороны Российской Федерации № 6623 от 10.12.2011 установлен район, опасный для плавания в радиусе трех миль от МЛСП «Приразломная», и об установленной запретной для плавания зоне в пределах 500 метров от неё.

Не позднее 17.09.2013 Аллахвердов Андрей Андреевич, Альминьяна Масьель Ана Паула, Аулахсен Файза, Акхан Гизем, Битчем Джонатан Дэвид, Болл Филип Эдвард, Брайн Кирон Джон, Вебер Марко Паоло, Виллкокс Питер Хенри, Дземянчук Томаш, Долгов Роман Александрович, Заспа Екатерина Андреевна, Йенсен Анна Ми Ро, Кристиан Д'Алессандро, Литвинов Дмитрий, Мигель Эрнан Перес Орси, Перрет Энтони Ян, Пизанню Франческо Пьер, Пол Александре, Разыски Пол Дуглас, Рассел Колин Кейт, Роджерс Иан Кристофер, Саарела Сини Аннукка, Синяков Денис Михайлович, Убелс Маннес, Харрис Александра Хэйзел, Хоссманн Дэвид Джон, Хьюэтсон Фрэнсис Патрик Майкл, Эспесиале Камила, Якушев Руслан

Олегович, действуя в составе организованной группы лиц, заранее объединившихся с единой преступной целью незаконного нападения в исключительной экономической зоне Российской Федерации на МЛСП «Приразломная», из хулиганских побуждений, желая явно противопоставить себя окружающим, продемонстрировать пренебрежительное отношение к ним, под видом якобы правозащитной экологической деятельности, находясь на судне «Арктик Санрайз» в Баренцевом море, приняли участие в преступных действиях этой организованной группы.

В период с 16 часов 17.09.2013 по 03 часов 50 минут 18.09.2013 члены указанной организованной группы, действуя согласованно, в соответствии со сформированными преступными планами и распределением ролей, игнорируя законные предупреждения представителей власти - сотрудников Пограничного управления ФСБ России по Мурманской области, управляя судном «Арктик Санрайз», неоднократно совершали маневры за пределами установленной опасной для плавания трехмильной зоны, демонстрируя намерения сближения с МЛСП «Приразломная», после чего в период с 03 часов 50 минут до 06 часов 00 минут 18.09.2013, грубо нарушая общественный порядок, выражая явное неуважение к обществу, самовольно и заведомо незаконно пересекли указанную границу, и, используя спущенные с судна «Арктик Санрайз» катер черного цвета с номерным обозначением на консоли 03 74 YS, оборудованный мотором «MerCruiser», под управлением Битчема Д.Д., катер красного цвета с номерным обозначением на консоли управления 13-19-YD, моторную лодку серого цвета с номерным обозначением 10.75.YS, оборудованную подвесным мотором «MERCURY», имеющим серийный номер OT 071144, моторную лодку серого цвета с номерным обозначением 10.74.YS, оборудованную подвесным мотором «MARINER Four STROKE», имеющим серийный номер 0676489, моторную лодку черно-серого цвета с номерным обозначением XDC 640 03 C 888, оборудованную подвесным мотором «MERCURY Optumax», имеющим серийный номер 6840452, в каждом из которых было размещено не менее трех членов организованной группы совершили нападение на портовое средство – МЛСП «Приразломная», в ходе которого члены организованной группы, угрожая применением насилия работникам, находившимся на МЛСП «Приразломная», используя в качестве оружия заранее приисканные линеметы, попытались высадиться и закрепиться на МЛСП «Приразломная».

В процессе нападения двум членам организованной группы, а именно Веберу М.П. и Саареле С.А., удалось закрепиться на борту МЛСП «Приразломная» посредством использования альпинистского снаряжения. При попытке пресечения их противоправных действий представителями власти – сотрудниками Пограничного управления ФСБ России по Мурманской области, а именно Соколовым А.С., Соломахиным И.А., Сурикатовым Е.В., Марининым Н.Ю., Петровым А.Д., Рыбниковым С.Р., прибывшими на моторных лодках с флагами судов пограничных войск

Российской Федерации на корме к борту МЛСП «Приразломная», остальными членами организованной преступной группы, принимавшими непосредственное участие в нападении, было оказано активное сопротивление указанным представителям власти, выразившееся в отталкивании моторных лодок Пограничного управления ФСБ России по Мурманской области с находившимися в них представителями власти от борта платформы, создании им препятствий при маневрировании и обеспечении безопасности платформы, в результате чего Соколову А.С., Соломахину И.А., Сурикатову Е.В., Маринину Н.Ю., Петрову А.Д., Рыбникову С.Р. причинен моральный вред.

Сотрудники Пограничного управления ФСБ России по Мурманской области Соколов А.С., Соломахин И.А., Сурикатов Е.В., Маринин Н.Ю., Петров А.Д., Рыбников С.Р. признаны потерпевшими по уголовному делу.

В период с 24.09.2013 по 25.09.2013 в порядке, предусмотренном ст.ст. 91-92 УПК РФ, по подозрению в совершении преступления, предусмотренного ч. 3 ст. 227 УК РФ, были задержаны Аллахвердов Андрей Андреевич, Альминьяна Масъель Ана Паула, Аулахсен Файза, Акхан Гизем, Битчем Джонатан Дэвид, Болл Филип Эдвард, Брайн Кирон Джон, Вебер Марко Паоло, Виллкокс Питер Хенри, Дземянчук Томаш, Долгов Роман Александрович, Заспа Екатерина Андреевна, Йенсен Анна Ми Ро, Кристиан Д'Алессандро, Литвинов Дмитрий, Мигель Эрнан Перес Орси, Перрет Энтони Ян, Пизаню Франческо Пьер, Пол Александре, Разыски Пол Дуглас, Рассел Колин Кейт, Роджерс Иан Кристофер, Саарела Сини Аннукка, Синяков Денис Михайлович, Убелс Маннес, Харрис Александра Хэйзел, Хоссмани Дэвид Джон, Хьюэтсон Фрэнсис Патрик Майкл, Эспесиале Камила, Якушев Руслан Олегович.

В период с 26.09.2013 по 29.09.2013 Ленинским районным судом г. Мурманска в отношении указанных подозреваемых избрана мера пресечения в виде заключения под стражу до 24.11.2013 включительно.

В период с 02.10.2013 по 03.10.2013 им предъявлено обвинение в совершении преступления, предусмотренного ч. 3 ст. 227 УК РФ.

В период с 24.10.2013 по 31.10.2013 им предъявлено новое обвинение в совершении преступления, предусмотренного ч. 2 ст. 213 УК РФ.

В период с 18.11.2013 по 28.11.2013 судами г. Санкт-Петербурга в отношении обвиняемых мера пресечения в виде заключения под стражу изменена на залог в размере 2 000 000 (два миллиона) рублей.

Вина выше указанных лиц в совершении преступления, предусмотренного ч.2 ст. 213 УК РФ полностью нашла свое подтверждение собранными по уголовному делу доказательствами.

Из показаний допрошенных в качестве свидетелей сотрудников пограничного управления ФСБ России по Мурманской области, принимавших участие в отражении нападения на МЛСП «Приразломная», следует, что при несении службы на корабле ПСКР «Ладога» в акватории Баренцева моря 16.09.2013 ими было обнаружено судно «Арктик Санрайз»,



следующее под флагом Нидерландов сторону пролива Карские ворота, за которым проходит трасса Северного морского пути. При подходе к границе территориального моря РФ судно «Арктик Санрайз» изменило свой курс в сторону МЛСП «Приразломная». До капитана судна «Арктик Санрайз» ими неоднократно доведено, что по курсу движения названного судна находится МЛСП «Приразломная», что согласно Конвенции приближаться к искусственным островам или сооружениям ближе 3 миль опасно, а ближе 500 метров – запрещено. С судна «Арктик Санрайз» ответили, что они знают об этом, и ничего нарушать не будут, но, несмотря на это, судно изменило курс и начало движение вокруг платформы. Рано утром 18.09.2013 от судна «Арктик Санрайз» отошли пять маломерных судов, которые проследовали в сторону МЛСП «Приразломная». Вслед за ними для пресечения возможных провокационных действий с их стороны в отношении МЛСП «Приразломная» на двух резиновых лодках проследовали сотрудники пограничного Управления ФСБ России по Мурманской области. Подойдя к МЛСП «Приразломная» люди, находившиеся в пяти маломерных судах с судна «Арктик Санрайз» с помощью линемётов стали пытаться высадиться и закрепиться на платформе.

Противодействуя захвату МЛСП «Приразломная», сотрудники пограничного Управления ФСБ России по Мурманской области своими лодками стали отталкивать маломерные суда с лицами, нападавшими на МЛСП «Приразломная».

В процессе нападения, двум лицам с судна «Арктик Санрайз» удалось закрепиться на борту МЛСП «Приразломная» посредством использования альпинистского снаряжения. При попытке пресечения их противоправных действий сотрудниками Пограничного управления ФСБ России по Мурманской области, прибывшими на моторных лодках к борту МЛСП «Приразломная», остальными лицами, принимавшими непосредственное участие в нападении, было оказано активное сопротивление, которое выразилось в отталкивании моторных лодок Пограничного управления ФСБ России по Мурманской области с находившимися в них сотрудниками от борта платформы, создании им препятствий при маневрировании и обеспечении безопасности платформы. Сотрудниками пограничного Управления ФСБ России по Мурманской области указанные лица были сняты с борта платформы и доставлены на ПСКР «Ладога». После этого остальные нападавшие проследовали к судну «Арктик Санрайз», где вместе с маломерными судами были подняты на судно.

Из показаний допрошенных в качестве свидетелей работников МЛСП «Приразломная», также принимавших участие в отражении нападения на МЛСП «Приразломная», следует, что 16.09.2013 с ПСКР «Ладога» была получена информация о следовании судна «Арктик Санрайз» в район расположения МЛСП «Приразломная». 17.09.2013 капитану судна «Арктик Санрайз» ими неоднократно передавались сообщения о запрете вхождения в трехмильную зону безопасности мореплавания вокруг МЛСП

«Приразломная», а также о том, что в данный момент в указанной зоне проводятся водолазные работы. Капитан судна «Арктик Санрайз» отвечал, что информация принята к сведению. Однако после получения информации судно «Арктик Санрайз» курс не изменило и продолжило двигаться в направлении платформы. 18.09.2013 около 04 час. 25 мин. с судна «Арктик Санрайз» были спущены пять быстроходных маломерных судов, которые стали двигаться в сторону МЛСП «Приразломная». В каждом маломерном судне находилось не менее трех человек, одетых в гидрокостюмы, они готовили альпинистское оборудование и приводили в готовность линемёты, для того чтобы проникнуть на МЛСП «Приразломная». После чего эти лица, двигаясь вокруг платформы, стали осуществлять попытки зацепиться за платформу, производя выстрелы из линемётов.

В процессе нападения, двум лицам удалось закрепиться на борту МЛСП «Приразломная» посредством использования альпинистского снаряжения. С целью пресечения несанкционированного проникновения на платформу, сотрудники платформы струей воды из пожарных рукавов стали поливать этих лиц и сбивать веревки, которые выстреливали из линемётов нападавшие с целью зацепиться за платформу.

При попытке пресечения противоправных действий лиц, закрепившихся на борту платформы, сотрудниками Пограничного управления ФСБ России по Мурманской области, остальными лицами, принимавшими непосредственное участие в нападении, было оказано активное сопротивление, которое выразилось в отталкивании моторных лодок Пограничного управления ФСБ России по Мурманской области с находившимися в них сотрудниками от борта платформы, создание им препятствий при маневрировании и обеспечении безопасности платформы. Сотрудниками пограничного Управления ФСБ России по Мурманской области указанные лица были сняты с борта платформы и доставлены на ПСКР «Ладога».

Из протокола осмотра компакт-диска, изъятого в ходе производства выемки у сотрудника пограничного Управления ФСБ России по Мурманской области, следует, что на диске имеется маршрут передвижения ПСКР «Ладога» и судна «Арктик Санрайз» в период времени с 16.09.2013 по 19.09.2013, в том числе движение судна «Арктик Санрайз» вокруг МЛСП «Приразломная», который зафиксирован с помощью картплотера «Регата 712», установленного на ПСКР «Ладога».

Согласно протоколу осмотра моторной лодки, которая использовалась сотрудниками пограничного Управления ФСБ России по Мурманской области при отражении нападения на МЛСП «Приразломная», на лодке обнаружено четыре механических повреждения, которые, как установлено в ходе следствия, причинены нападавшими на МЛСП «Приразломная».

Из протокола осмотра места происшествия следует, что в ходе осмотра бортов МЛСП «Приразломная» были обнаружены предметы, являющиеся

частями альпинистского снаряжения, которое использовалось лицами с судна «Арктик Санрайз» при нападении на МЛСП «Приразломная».

В ходе расследования уголовного дела при осмотрах судна «Арктик Санрайз», МЛСП «Приразломная» были изъяты информационные носители, а именно: ноутбуки, флешкарты и оптические диски. Отдельные информационные носители, полученные с МЛСП «Приразломная» поступили из ООО «Газпром нефть шельф» для приобщения к уголовному делу. Все информационные носители осмотрены. В ходе осмотров установлено, что в них содержится информация в виде видео сюжетов и фотографий, запечатлевших нападение 18.09.2013 лиц с судна «Арктик Санрайз» на МЛСП «Приразломная», в том числе обстоятельства использования нападавшими маломерных судов, линемётов и подъема Вебера М.П. и Саарелы С.А. с использованием альпинистского снаряжения на борт платформы «Приразломная».

Также, вина указанных лиц в совершении преступления, предусмотренного ч.2 ст. 213 УК РФ подтверждается протоколом осмотра судна «Арктик Санрайз», а также протоколом дополнительного осмотра судна «Арктик Санрайз», согласно которому в помещение судна были изъяты четыре линемёта; протоколом выемки, согласно которому у капитана судна «Арктик Санрайз» Виллкокса П.Х. на судне были изъяты пять маломерных судов, и другими материалами уголовного дела.

18.12.2013 вступило в силу Постановление Государственной Думы Федерального Собрания Российской Федерации «Об объявлении амнистии в связи с 20-летием принятия Конституции Российской Федерации» от 18.12.2013 № 3500-6 ГД, согласно которому, находящиеся в производстве органов предварительного следствия уголовные дела о преступлениях, совершенных до дня вступления в силу указанного Постановления, в отношении обвиняемых в совершении преступления, предусмотренного ст. 213 УК РФ, подлежат прекращению в связи с амнистией.

В связи с отсутствием возражений обвиняемых Аллахвердова Андрея Андреевича, Альминьяны Масель Аны Паулы, Аулахсен Файзы, Акхан Гизем, Битчема Джонатана Дэвида, Болла Филипа Эдварда, Брайна Кирона Джона, Вебера Марко Паоло, Виллкокса Питера Хенри, Дземянчук Томаша, Долгова Романа Александровича, Заспа Екатерины Андреевны, Йенсен Анны Ми Ро, Кристиан Д'Алессандро, Литвинова Дмитрия, Мигеля Эрнана Переса Орси, Перрета Энтони Яна, Пизаню Франческо Пьера, Пола Александре, Разыски Пола Дугласа, Рассела Колина Кейта, Роджерса Иана Кристофера, Саарелы Сини Аннукка, Синякова Дениса Михайловича, Убелса Маннеса, Харриса Александра Хэйзел, Хоссманны Дэвида Джона, Хьюэтсона Фрэнсиса Патрик Майкла, Эспесиале Камилы, Якушева Руслана Олеговича, уголовное преследование в отношении них в период с 23.12.2013 по 25.12.2013 было прекращено на основании п. 3 ч. 1 ст. 27 УПК РФ.

Мера пресечения в виде залога в размере 2 000 000 (два миллиона) рублей, была отменена.



07.10.2013 Ленинским районным судом г. Мурманска наложен арест на орудие преступления - судно «Арктик Санрайз», принадлежащее «Стичинг Феникс» г. Амстердам («Stichting Phoenix»), находящегося в пользовании Совета Гринпис Стичинг г. Амстердам («Stichting Greenpeace Council») на основании договора бербоут-чартера от 28.12.2012, и установлен запрет собственнику и владельцу пользоваться и распоряжаться данным судном.

15.10.2013 составлен протокол о наложении ареста на имущество, согласно которому арестованное судно «Арктик Санрайз» передано на хранение представителю Мурманского филиала ФГУП «Росморпорт» Сарсаковой П.В. и поставлено на причал № 16, принадлежащий указанному предприятию, а пограничному управлению ФСБ России по Мурманской области поручено осуществление соблюдения мер безопасности.

21.11.2013 апелляционным постановлением Мурманского областного суда постановление Ленинского районного суда г. Мурманска от 07.10.2013 о наложении ареста на судно «Арктик Санрайз» оставлено без изменений, а апелляционная жалоба адвоката Мухортова А.Н. – без удовлетворения.

20.12.2013 судно «Арктик Санрайз» признано вещественным доказательством.

06.06.2014 наложение ареста на судно «Арктик Санрайз» отменено и оно передано представителю собственника.

07.11.2013 у капитана судна «Арктик Санрайз» Виллкокса П.Х. в ходе производства выемки на судне «Арктик Санрайз» были изъяты:

1. катер черного цвета с номерным обозначением на консоли 03 74 YS, оборудованный мотором «MerCruiser»;

2. моторная лодка серого цвета с номерным обозначением 10.75.YS, оборудованная подвесным мотором «MERCURY», имеющим серийный номер OT 071144;

3. моторная лодка серого цвета с номерным обозначением 10.74.YS, оборудованная подвесным мотором «MARINER Four STROKE», имеющим серийный номер 0676489;

4. моторная лодка черно-серого цвета с номерным обозначением XDC 640 03 C 888, оборудованная подвесным мотором «MERCURY Optu max», имеющим серийный номер 6840452;

5. катер красного цвета с номерным обозначением на консоли управления 13-19-YD.

24.10.2013 в ходе дополнительного осмотра помещения судна «Арктик Санрайз» были изъяты четыре линемёта (четыре металлических шеста с приспособлениями на конце в виде петли, шесть предметов в виде мешочков с металлическими кольцами на конце, семь мотков веревки толщиной 3 мм на отдельных деревянных дощечках).

В ходе следствия установлено, что указанные пять маломерных судов, четыре линемёта использовались организованной группой как орудия преступления, так как непосредственно использовались в процессе совершения умышленного преступления в целях достижения преступного

результата, а именно: на маломерных судах осуществлялась транспортировка членов организованной группы к месту совершения преступления – акватории в непосредственной близости к МЛСП «Приразломная», противодействие органам власти, выразившееся в отталкивании ими катеров Пограничного управления ФСБ России по Мурманской области в момент совершения преступления, попытка скрыться на них после совершения преступления; из линемётов участниками организованной группы производились прицельные выстрелы предметами в виде мешочков (утяжелители) с закреплённой к ним веревкой в сторону МЛСП «Приразломная» и находившихся на ней работников, с целью высадить и закрепиться на платформе.

Таким образом, указанные катера, лодки, линемёты в период совершения преступления находились в распоряжении членов организованной преступной группы и использовались ими для достижения преступного результата.

20.12.2013 вышеуказанные два катера и три моторные лодки признаны вещественными доказательствами, как орудия преступления.

17.02.2014 вышеуказанные линемёты признаны вещественными доказательствами, как орудия преступления.

В соответствии с п. 1 ч. 1 ст. 81 УПК РФ вещественными доказательствами признаются любые предметы, которые служили орудиями преступления или сохранили на себе следы преступления, а согласно п. 1 ч. 3 ст. 81 УПК РФ орудия преступления, принадлежащие обвиняемому, подлежат конфискации, или передаются в соответствующие учреждения, или уничтожаются.

24.09.2014 в Приморский районный суд г. Санкт-Петербурга направлено постановление о возбуждении перед судом ходатайства о конфискации вышеуказанных катеров, лодок изъятых у Виллкокса П.Х. в ходе производства выемки 07.11.2013, а также линемётов, изъятых 24.10.2013 в ходе дополнительного осмотра помещения судна «Арктик Санрайз» и копии материалов уголовного дела.

Таким образом, в ходе предварительного расследования установлена причастность тридцати вышеуказанных лиц, в отношении которых применен акт амнистии, к совершению преступления, предусмотренного ч.2 ст. 213 УК РФ.

В настоящее время следственные и иные процессуальные действия, направленные на завершение расследования уголовного дела, выполнены. По делу собраны дополнительные доказательства причастности вышеуказанных лиц к совершению инкриминируемого им преступления по ч.2 ст. 213 УК РФ. Доказательств, а также каких-либо сведений, свидетельствующих о совершении указанными лицами других общественно опасных противоправных деяний, предусмотренных Уголовным кодексом Российской Федерации, в материалах уголовного дела не имеется. Оснований для изменения квалификации и привлечения иных лиц к уголовной

ответственности не имеется, а уголовное преследование в отношении лиц, привлеченных по данному уголовному делу в качестве обвиняемых, ранее прекращено.

С учетом изложенного, настоящее уголовное дело подлежит прекращению в соответствии с ч. 4 ст. 24 УПК РФ, то есть в связи с прекращением уголовного преследования в отношении всех обвиняемых.

На основании изложенного и руководствуясь ч.4 ст.24, п.3 ч.1 ст.27, ст.ст. 212 и 213 УПК РФ,

#### ПОСТАНОВИЛ:

1. Прекратить уголовное дело № 83543 в связи с прекращением уголовного преследования в отношении обвиняемых, в соответствии с ч.4 ст. 24 УПК РФ;

2. Вещественные доказательства:

- катер черного цвета с номерным обозначением на консоли 03 74 YS, оборудованного мотором «MerCruiser»;
  - катер красного цвета с номерным обозначением на консоли управления 13-19-YD;
  - моторную лодку серого цвета с номерным обозначением 10.75.YS, оборудованной подвесным мотором «MERCURY», имеющим серийный номер OT 071144;
  - моторную лодку серого цвета с номерным обозначением 10.74.YS, оборудованной подвесным мотором «MARINER Four STOKER», имеющим серийный номер 0676489;
  - моторную лодку черно-серого цвета с номерным обозначением XDC 640 03 C 888, оборудованной подвесным мотором «MERCURY Optu max», имеющим серийный номер 6840452;
  - четыре линемёта (четыре металлических шеста с приспособлениями на конце в виде петли, шесть предметов в виде мешочков с металлическими кольцами на конце, семь мотков веревки толщиной 3 мм на отдельных деревянных дощечках),
- хранить до решения суда по возбуждённому перед судом ходатайству о конфискации вышеуказанного имущества, катера и лодки на складской территории по адресу: г. Мурманск, ул. Туристов, д. 28, линемёты в камере хранения вещественных доказательств следственного управления Следственного комитета Российской Федерации по Мурманской области по адресу: г. Мурманск, ул. Карла Либкнехта, д. 48;

3. Вещественные доказательства, изъятые в ходе расследования уголовного дела и принадлежащие лицам, которые привлекались к уголовной ответственности:

- веревку статическую белого цвета из синтетического материала с оплеткой желто-зеленого цвета длиной около 406 см, диаметр сечения около 1 см., к

которой прикреплен металлический карабин светло серого цвета с маркировкой EN 362/200/4/B 22 KN;

- петлю черного цвета из синтетического материала с вкраплениями нитей желтого цвета длиной около 120 см, шириной около 2,4 см;

- петлю черного цвета из синтетического материала с вкраплениями нитей желтого цвета длиной около 240 см, шириной около 2,4 см;

- веревку статистическую белого цвета из синтетического материала с оплеткой желтого цвета длиной около 775 см, диаметров сечения около 1 см, с прикрепленным к ней металлическим зажимом синего цвета с маркировкой 07331FR0677, к которому с помощью карабина прикреплено стремя оранжевого цвета длиной около 124 см;

- веревку статическую белого цвета из синтетического материала длиной около 195 см, диаметров сечения около 1 см, к которой с помощью небольшой веревке фиолетового цвета прикреплен металлический карабин светлого цвета, имеющего маркировку N 2577CE0082;

- веревку статическую белого и серого цвета, скрепленные между собой специальным узлом, общей длиной 932 см.

- цифровую камеру в водозащитном футляре из прозрачного полимерного материала (экшн-камера) «GoPro» с обозначением «GP4c»;

- устройство чтения карт памяти формата «Secure Digital» из полимерного материала черного цвета марки «Kingston»;

- флеш-карту «SanDisk» в корпусе из полимерного материала черного цвета, изъятая 30.09.2013 в ходе осмотра помещения радиорубки судна «Арктик Санрайз»;

- флеш-карту «SanDisk cruser mini 128 MB» в корпусе из полимерного материала серебристого цвета, изъятая 30.09.2013 в ходе осмотра помещения радиорубки судна «Арктик Санрайз»;

- карту памяти формата «Secure Digital» в корпусе черного цвета с надписью на корпусе «GPI09 VIDEO», изъятая 30.09.2013 в ходе осмотра судна «Арктик Санрайз»;

- карту памяти формата «CompactFlash», марка изготовителя «SanDisk» в корпусе из полимерного материала, общей ёмкостью 14,8 Гб, изъятая 30.09.2013 в ходе осмотра судна «Арктик Санрайз»;

- USB-накопитель, имеющий маркировочные обозначения «flashKEY» и «COMSOL», а также форму, стилизованную под ключ, изъятая 30.09.2013 в ходе осмотра помещения радиорубки судна «Арктик Санрайз»;

- карту памяти формата «Secure Digital» марки «Kingston» из полимерного материала белого, синего и серого цветов, изъятая в ходе осмотра помещения рубки судна «Арктик Санрайз»;

- карту памяти формата «Secure Digital» марки «Transcend» из полимерного материала синего цвета, изъятая в ходе осмотра помещения рубки судна «Арктик Санрайз»;

- судовой журнал судна «Арктик Санрайз»;

- карту памяти формата «Secure Digital» марки «Kingston» из полимерного материала синего цвета, изъятый в ходе осмотра помещения рубки судна «Арктик Санрайз»;
- съемный жесткий диск «Segate», черного цвета, серийный номер «NA52Y258», изъятый 30.09.2013 в ходе осмотра судна «Арктик Санрайз»;
- съемный жесткий диск «Segate», черного цвета, серийный номер «NA5BTLMQ», изъятый 30.09.2013 в ходе осмотра судна «Арктик Санрайз»;
- тетрадь в картонном переплете коричневого цвета, представляющую собой личный дневник Эспесиале Камилы, изъятый в ходе осмотра помещения радиорубки судна «Арктик Санрайз»;
- карту памяти формата «Secure Digital» марки «SanDisk» из полимерного материала черного цвета, изъятый в ходе осмотра помещения рубки судна «Арктик Санрайз», выдать владельцам по принадлежности;

#### 4. Вещественные доказательства:

- флеш-карту марки «Transcend», объемом 4 Gb, серийный номер 6489474753, содержащей фотографии и видеозапись произведенную с МЛСП «Приразломная» в период с 18.09.2013 по 19.09.2013, поступившей из ООО «Газпром нефть шельф»;
- USB – накопитель марки «Transcend», объемом 4 Gb, серийный номер 6489470666, содержащий фотографии и видеозапись произведенную с МЛСП «Приразломная» в период с 18.09.2013 по 19.09.2013, поступившей из ООО «Газпром нефть шельф»,  
направить в ООО «Газпром нефть шельф»;

#### 5. Вещественные доказательства:

- оптический диск DVD-R, марки «Emtec», емкостью 4,7 Сб, имеющий нерабочую поверхность серебристого цвета и надпись выполненную рукописным способом при помощи красителя красного цвета «Видео», содержащий видеозапись произведенную с МЛСП «Приразломная» в период с 18.09.2013 по 19.09.2013;
- оптический диск DVD-R, марки «Emtec», емкостью 4,7 Сб на нерабочей поверхности которого рукописным способом при помощи красителя красного цвета нанесены надписи «Аудио» и «Фото»;
- DVD – диск содержащий маршрут передвижения ПСКР «Ладога» и судна «Арктик Санрайз» в период времени с 16.09.2013 по 19.09.2013;
- оптический диск CD-R фирмы «SmartTrack» имеющий нерабочую поверхность фиолетового цвета и номер «RFD80M-80592 HQ», поступивший из пограничного управления ФСБ России по Мурманской области;
- оптический диск DVD+R фирмы «Sony» с надписью и номером вокруг посадочного отверстия «DVD+R min 4.7 GB AccuCORE», «11 69 532 +REA 6073», поступивший из УФСБ России по Мурманской области,  
хранить при уголовном деле;



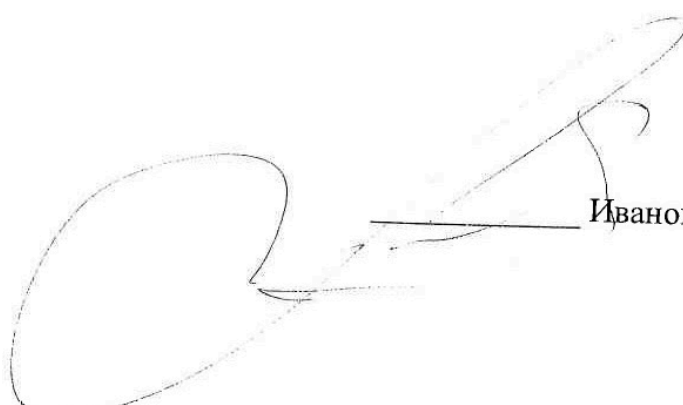
6. Принятое ранее решение о возвращении собственнику вещественного доказательства судна «Арктик Санрайз» оставить без изменения.

7. Копию настоящего постановления направить заместителю Генерального прокурора Российской Федерации государственному советнику юстиции 1 класса Гуцану А.В.;

8. Копию настоящего постановления направить потерпевшим Соколову А.С., Соломахину И.А., Сурикатову Е.В., Маринину Н.Ю., Петрову А.Д., Рыбникову С.Р.;

9. Разъяснить потерпевшим право предъявления иска в порядке гражданского судопроизводства, а также то, что настоящее постановление может быть обжаловано руководителю второго следственного управления Главного следственного управления Следственного комитета Российской Федерации, в управление Генеральной прокуратуры Российской Федерации в Северо-Западном федеральном округе и в суд в порядке установленном главой 16 УПК РФ.

Следователь



Иванов М.А.

## B. English translation

### ORDER

on the closure of criminal case № 83543

City of St. Petersburg

24 September 2014

Special Investigator at the First Investigative Unit of the Second Investigation Department (stationed in St. Petersburg) at the Central Investigation Administration of the Investigative Committee of the Russian Federation, Lieutenant Colonel of Justice M.A. Ivanov, having reviewed the case file in criminal case № 83543,

#### HAS ESTABLISHED:

The present criminal case was opened on 24.09.2013 with respect to *indicia* of the crime envisioned by Part 3 of Article 227 of the Criminal Code of the Russian Federation (hereinafter, the “RF CC”) in the matter of the commission by unidentified persons of an attack on a maritime vessel – offshore ice-resistant fixed platform “Prirazlomnaya” (hereinafter, “OIFP “Prirazlomnaya”).

The opening of the criminal case was prompted by a report on the discovery of *indicia* of the aforementioned crime and based on the existence of sufficient information, as contained in investigatory case file № 303-39sk-2013, pointing towards *indicia* of the crime envisioned by Part 3 of Article 227 of the RF CC.

On 23.10.2013, in due consideration of the factual circumstances surrounding the case and on the basis of the written instructions of the Head of the Investigation Department at the Investigative Committee of the Russian Federation for the Northwest Federal District, the socially-dangerous conduct in question was qualified under Part 2 of Article 213 of the RF CC.

On 23.10.2013, the Deputy Prosecutor General of the Russian Federation made the decision, according to the procedure set forth in Part 2 of Article 37 and in Article 151 of the Criminal Procedural Code of the Russian Federation (hereinafter, the “RF CPC”), to launch an investigation into criminal case № 83543 with respect to *indicia* of the crime envisioned by Part 2 of Article 213 of the RF CC, to be headed by the Investigation Department at the Investigative Committee of the Russian Federation for the Northwest Federal District.

Thereafter, the original timeframe for the preliminary investigation into the criminal case was successively extended. Most recently, on 27.06.2014, this timeframe was extended by the acting head of the Investigation Department at the Investigative Committee of the Russian Federation for the Northwest Federal District – to run for 12 months and 0 days; namely, until 24.09.2014.

In the course of the preliminary investigation, it was established that on 16.09.2013 at 18:15, in the southern part of the Barents Sea at coordinates 70°10’2 northern latitude and 54°50’0

eastern longitude, within the exclusive economic zone of the Russian Federation, officers from the Border Department of the RF Federal Security Service for Murmansk Region detected the maritime vessel “Arctic Sunrise” (IMO 7382902, Netherlands flag). By radio communications, the officers alerted the crewmembers and passengers aboard the vessel, in English, of the impermissibility of violating Articles 60, 147 and 259 of the UN Convention on the Law of the Sea (Montego Bay, 10.12.1982) (hereinafter, the “Convention”) governing the safety of navigation around artificial islands and structures and of the impermissibility of causing damage to OIFP “Prirazlomnaya” (№ 32-20-12 in the Russian Maritime Register of Shipping – Port Naryan-Mar), located at coordinates 69°15’56.9 northern latitude and 57°17’17.3 eastern longitude, around which a zone closed to navigation had been established, extending 500 meters from the platform. Furthermore, the officers from the Border Department of the RF Federal Security Service for Murmansk Region warned the aforementioned individuals on the vessel “Arctic Sunrise” of the impermissibility of violating the aforementioned norms governing the safety of navigation within the exclusive economic zone of the Russian Federation or causing damage to the property of Russian legal entities, as well as of the lack of permission from the Federal State Unitary Enterprise (FSUE) Northern Sea Route Administration at the RF Federal Agency for Maritime and River Transport of the Ministry of Transport of the Russian Federation for passage of the vessel “Arctic Sunrise” through the waters of the Northern Sea Route.

On 17.09.2013, at roughly 04:30, the crewmembers and passengers of the vessel “Arctic Sunrise” were once again warned by officers from the Border Department of the RF Federal Security Service for Murmansk Region of the impermissibility of willfully violating the aforementioned norms governing the safety of navigation around artificial islands and structures and the impermissibility of causing damage to OIFP “Prirazlomnaya,” of the absence of valid grounds for passage of the vessel “Arctic Sunrise” through the waters of the Northern Sea Route, of the threat being posed by the crewmembers and passengers of the vessel “Arctic Sunrise” to human life and health in connection with the performance within the vicinity of OIFP “Prirazlomnaya” of diving operations (pursuant to Notice to Mariners COASTAL WARNING MURMANSK № 201 (chart 12016) by the Department of Navigation and Oceanography at the RF Ministry of Defence), and of the fact that, pursuant to Notice to Mariners № 6623 dated 10.12.2011 by the Department of Navigation and Oceanography at the RF Ministry of Defence, an area deemed dangerous for navigation had been established within a radius of three miles from OIFP “Prirazlomnaya,” including the establishment of a zone closed to navigation extending 500 meters from the platform.

Not later than 17.09.2013, Andrey Andreevich Allakhverdov, Ana Paula Alminhana Maciel, Faiza Oulahsen, Gizem Akhan, Jonathan David Beauchamp, Philip Edward Ball, Kieron John Bryan, Marco Paolo Weber, Peter Henry Willcox, Tomasz Dziemianczuk, Roman Alexandrovich Dolgov, Ekaterina Andreevna Zaspas, Anne Mie Roer Jensen, Cristian D’Alessandro, Dmitry Litvinov, Miguel Hernan Perez Orsi, Anthony Ian Perrett, Francesco Pier Pisanu, Alexandre Paul, Paul Douglas Ruzyski, Colin Keith Russell, Iain Christopher Rogers, Sini Annukka Saarela, Denis Mikhailovich Sinyakov, Mannes Ubels, Alexandra Hazel Harris, David John Haussmann, Francis Patrick Michael Hewetson, Camila Speziale and Ruslan Olegovich Yakushev, acting as an organized group assembled in advance for the common criminal purpose of mounting an unlawful attack, within the exclusive economic zone of the Russian Federation, against the OIFP “Prirazlomnaya,” motivated by hooliganism and clearly desiring to defy – and flaunt their disdain for – those in the vicinity, under the guise of an



environmental-protection protest, located on the vessel “Arctic Sunrise” in the Barents Sea, participated in the criminal acts of said organized group.

During the period from 16:00 on 17.09.2013 to 03:50 on 18.09.2013, the members of the aforementioned organized group, acting in concert, according to their pre-arranged plans and assigned roles, ignoring the lawful warnings of the authorities (officers from the Border Department of the RF Federal Security Service for Murmansk Region), operating the vessel “Arctic Sunrise,” repeatedly executed maneuvers outside the three-mile zone established as dangerous for navigation, displaying the intention of approaching OIFP “Prirazlomnaya,” after which, during the period from 03:50 to 06:00 on 18.09.2013, in flagrant violation of public order and displaying obvious disrespect towards society, they willfully and in a knowingly-unlawful fashion crossed said three-mile boundary, and mounted an attack on the port facility OIFP “Prirazlomnaya,” using: a black cutter displaying the identification number 03 74 YS on the console, equipped with a MerCruiser motor (operated by D.D. Beauchamp); a red cutter displaying the identification number 13-19-YD on the control console; a gray motorboat displaying the identification number 10.75.YS, equipped with a MERCURY outboard motor bearing serial number OT 071144; a gray motorboat displaying identification number 10.74.YS, equipped with a MARINER Four STROKE [Translator’s note: recurring spelling mistake in Russian text (STOKE instead of STROKE)] outboard motor bearing serial number 0676489; and a black-and-gray motorboat displaying identification number XDC 640 03 C 888, equipped with a MERCURY Optu max outboard motor bearing serial number 6840452 – all launched from the vessel “Arctic Sunrise” and each carrying not less than three members of the organized group. During this [attack] the members of said organized group, threatening the use of force against the workers located on OIFP “Prirazlomnaya,” using the line-throwers they had brought with them as weapons, attempted to disembark and secure themselves to OIFP “Prirazlomnaya.”

During the course of the attack, two members of the organized group – namely: M.P. Weber and S.A. Saarela – managed to secure themselves to OIFP “Prirazlomnaya” using mountain-climbing gear. During the attempt by the authorities (officers from the Border Department at the RF Federal Security Service for Murmansk Region, namely: A.S. Sokolov, I.A. Solomakhin, E.V. Surikatov, N.Y. Marinin, A.D. Petrov and S.R. Rybinkov, who had arrived at the side of OIFP “Prirazlomnaya” on their own motorboats bearing the flags of the Border Guard Fleet of the Russian Federation on their stern) to intercept these unlawful actions, the other members of the organized criminal group participating directly in the attack exhibited active resistance to said authorities, expressed in the form of repelling the motorboats of the Border Department at the RF Federal Security Service for Murmansk Region, with the authorities located thereon, from the side of the platform, thereby hindering the authorities’ maneuvers and attempts to ensure the platform’s safety and resulting in the suffering by A.S. Sokolov, I.A. Solomakhin, E.V. Surikatov, N.Y. Marinin, A.D. Petrov and S.R. Rybinkov of emotional distress.

The aforementioned officers of the Border Department at the RF Federal Security Service for Murmansk Region: A.S. Sokolov, I.A. Solomakhin, E.V. Surikatov, N.Y. Marinin, A.D. Petrov and S.R. Rybinkov, have been declared victims in the present criminal case.

During the period from 24.09.2013 to 25.09.2013, according to the procedure set forth in Articles 91-92 of the RF CPC, the following individuals were taken into custody on suspicion of having committed the crime envisioned by Part 3 of Article 227 of the RF CC: Andrey Andreevich

Allakhverdov, Ana Paula Alminhana Maciel, Faiza Oulahsen, Gizem Akhan, Jonathan David Beauchamp, Philip Edward Ball, Kieron John Bryan, Marco Paolo Weber, Peter Henry Willcox, Tomasz Dziemianczuk, Roman Alexandrovich Dolgov, Ekaterina Andreevna Zaspas, Anne Mie Roer Jensen, Cristian D'Alessandro, Dmitry Litvinov, Miguel Hernan Perez Orsi, Anthony Ian Perrett, Francesco Pier Pisanu, Alexandre Paul, Paul Douglas Ruzyski, Colin Keith Russell, Iain Christopher Rogers, Sini Annukka Saarela, Denis Mikhailovich Sinyakov, Mannes Ubels, Alexandra Hazel Harris, David John Haussmann, Francis Patrick Michael Hewetson, Camila Speziale and Ruslan Olegovich Yakushev.

During the period from 26.09.2013 to 29.09.2013, the Leninsky District Court of the City of Murmansk (hereinafter, the "Leninsky District Court") ordered the imposition of interim measures against the aforementioned suspects in the form of detention until 24.11.2013, inclusively.

During the period from 02.10.2013 to 03.10.2013, the same individuals were charged with commission of the crime envisioned by Part 3 of Article 227 of the RF CC.

During the period from 24.10.2013 to 31.10.2013, a new charge was laid against said individuals, namely commission of the crime envisioned by Part 2 of Article 213 of the RF CC.

During the period from 18.11.2013 to 28.11.2013, the St. Petersburg courts modified the interim measures imposed against the accused, replacing detention with bail in the amount of RUB 2,000,000 (two million rubles).

The guilt of the aforementioned individuals as to commission of the crime envisioned by Part 2 of Article 213 of the RF CC was fully confirmed by the totality of the evidence gathered in the criminal case.

It follows from the testimony provided by the officers from the Border Department at the RF Federal Security Service for Murmansk Region, who participated in repelling the attack on OIFP "Prirazlomnaya" and who were interrogated as witnesses to the incident, that during the performance of their official duties on coastal patrol ship "Ladoga" in the waters of the Barents Sea on 16.09.2013, the aforementioned officers detected the vessel "Arctic Sunrise," flying the flag of the Netherlands and heading toward Kara Gates Strait, beyond which the shipping lane of the Northern Sea Route lies. On approaching the boundary of Russian Federation territorial waters, the vessel "Arctic Sunrise" abruptly changed course and began heading towards OIFP "Prirazlomnaya." The officers repeatedly alerted the master of the vessel "Arctic Sunrise" to the fact that the vessel had charted a course towards OIFP "Prirazlomnaya" and that, pursuant to the Convention, approaching artificial islands and structures to within a radius of 3 miles or less was dangerous, and to within a radius of 500 meters or less was prohibited. A response was relayed from the vessel "Arctic Sunrise" to the effect that they were well aware of these considerations and that they had no intention of violating anything. Nevertheless, the vessel changed course again and began circling OIFP "Prirazlomnaya." Early on the morning of 18.09.2013, five small watercraft were launched from the vessel "Arctic Sunrise" and began heading towards OIFP "Prirazlomnaya." Operating two rubber inflatables, officers from the Border Department at the RF Federal Security Service for Murmansk Region began following the five small watercraft in close pursuit in order to prevent possible unlawful actions thereby against OIFP "Prirazlomnaya." Arriving at OIFP "Prirazlomnaya," the people

onboard the five small watercraft from the vessel “Arctic Sunrise” began using their line-throwers in an attempt to disembark and secure themselves to OIFP “Prirazlomnaya.”

In an effort to prevent the unlawful takeover of OIFP “Prirazlomnaya,” the officers from the Border Department at the RF Federal Security Service for Murmansk Region began using their inflatables to repel the small watercraft carrying the individuals mounting the attack on OIFP “Prirazlomnaya.”

In the course of the attack, two of the people from the vessel “Arctic Sunrise” managed to secure themselves to the side of OIFP “Prirazlomnaya” using mountain-climbing gear. During the attempt by the authorities (officers from the Border Department at the RF Federal Security Service for Murmansk Region, who had arrived at the side of OIFP “Prirazlomnaya” on their own motorboats) to intercept these unlawful actions, the other individuals participating directly in the attack exhibited active resistance to said authorities, expressed in the form of repelling the motorboats of the Border Department at the RF Federal Security Service for Murmansk Region, with the authorities located thereon, from the side of the platform, thereby hindering the authorities’ maneuvers and attempts to ensure the platform’s safety. The officers from the Border Department at the RF Federal Security Service for Murmansk Region removed the two aforementioned individuals from the side of OIFP “Prirazlomnaya” and transported them back to coastal patrol ship “Ladoga,” after which the remaining attackers returned to the vessel “Arctic Sunrise,” where they were hoisted back onboard the vessel together with their small watercraft.

It follows from the testimony provided by the workers on OIFP “Prirazlomnaya,” who also participated in repelling the attack on the platform and who were similarly interrogated as witnesses to the incident, that on 16.09.2013, information was received from coastal patrol ship “Ladoga” to the effect that the vessel “Arctic Sunrise” was heading towards the vicinity of OIFP “Prirazlomnaya.” On 17.09.2013, the master of the vessel “Arctic Sunrise” was repeatedly warned of the prohibition against entering the three-mile zone established as dangerous for navigation around OIFP “Prirazlomnaya” – as well as of the fact that diving operations were currently underway within said zone. The master of the vessel “Arctic Sunrise” indicated that he would take the information under advisement. However, the vessel “Arctic Sunrise” maintained its course and continued moving in the direction of the platform. On 18.09.2013, at approximately 04:25, the vessel “Arctic Sunrise” launched five small high-speed watercraft, which began heading towards OIFP “Prirazlomnaya.” Each small watercraft was carrying at least three people dressed in wetsuits. They were readying their mountain-climbing gear and preparing to use the line-throwers they had brought with them in order to board OIFP “Prirazlomnaya.” Soon thereafter, these same individuals, circling the platform, began making attempts to secure themselves to the platform by firing their line-throwers.

During the attack, two individuals managed to secure themselves to the side of OIFP “Prirazlomnaya” using the aforementioned mountain-climbing gear. In order to prevent the unauthorized breach of the platform, platform workers began spraying the two intruders with high-pressure fire hoses and using the spray to knock down the ropes that the attackers had shot from their line-throwers in an effort to secure themselves to the platform.

During the attempt by the authorities (officers from the Border Department at the RF Federal Security Service for Murmansk Region) to intercept the unlawful actions of the individuals who had secured themselves to the side of the platform, the other people participating directly in

the attack exhibited active resistance to said authorities, expressed in the form of repelling the motorboats of the Border Department at the RF Federal Security Service for Murmansk Region, with the authorities located thereon, from the side of the platform, thereby hindering the authorities' maneuvers and attempts to ensure the platform's safety. The officers from the Border Department at the RF Federal Security Service for Murmansk Region removed the two aforementioned individuals from the side of OIFP "Prirazlomnaya" and transported them back to coastal patrol ship "Ladoga."

It follows from the inspection report of the compact disk recovered during the execution of seizure by an officer from the Border Department at the RF Federal Security Service for Murmansk Region that the disk contains the travel route of both coastal patrol ship "Ladoga" and the vessel "Arctic Sunrise" during the period from 16.09.2013 to 19.09.2013 – including the movement of the vessel "Arctic Sunrise" in the vicinity of OIFP "Prirazlomnaya" during this timeframe – which was also recorded with the aid of chart-plotter Regata 712 installed on coastal patrol ship "Ladoga."

According to the inspection report of the motorboat that had been used by officers from the Border Department at the RF Federal Security Service for Murmansk Region to repel the attack on OIFP "Prirazlomnaya," the boat was found to have sustained four points of physical damage, each of which were later established during the course of the investigation to have been caused by the individuals who had attacked OIFP "Prirazlomnaya."

It follows from the inspection report of the scene of the incident that, during the course of the inspection of the sides of OIFP "Prirazlomnaya," certain items were recovered that were later identified as parts of the mountain-climbing gear that the individuals from the vessel "Arctic Sunrise" had used during their attack on OIFP "Prirazlomnaya."

During the course of the investigation into the criminal case, at the time of the inspection of the vessel "Arctic Sunrise" and OIFP "Prirazlomnaya," a number of information carriers were seized, namely: laptops, flash-memory cards [Translator's note: Russian text repeatedly refers to 'flashcards' rather than 'flash-memory cards'] and optical disks. Some of the information carriers recovered from OIFP "Prirazlomnaya" were provided by Gazprom Neft Shelf LLC for subsequent inclusion in the case file. All of the information carriers were inspected. During the course of the inspection, it was established that they contained information in the form of videos and photographs depicting the attack on 18.09.2013 by individuals from the vessel "Arctic Sunrise" on OIFP "Prirazlomnaya" – including the circumstances surrounding the use by the attackers of small watercraft and line-throwers and the scaling by M.P. Weber and S.A. Saarela of the side of OIFP "Prirazlomnaya" using mountain-climbing gear.

The guilt of the accused individuals as to commission of the crime envisioned by Part 2 of Article 213 of the RF CC was also confirmed by the inspection report of the vessel "Arctic Sunrise" and by the follow-up report of the additional search of the vessel "Arctic Sunrise," according to which four line-throwers were recovered from onboard the vessel, and affirmed by the record of seizure, according to which five small watercraft were recovered from the master of the vessel "Arctic Sunrise," P.H. Willcox, from onboard the vessel, along with other materials in the criminal case.

On 18.12.2013, Resolution № 3500-6 GD of the State Duma of the Federal Assembly of the Russian Federation dated 18.12.2013 “On the Proclamation of Amnesty in Connection with the Twentieth Anniversary of the Adoption of the Constitution of the Russian Federation” (hereinafter, the “Resolution”) entered into force, pursuant to which criminal cases currently being handled by the preliminary investigation authorities involving crimes committed prior to the entry into force of the Resolution were to be closed, and the charges against individuals accused of committing the crime envisioned by Article 213 of the RF CC were to be dropped in connection with the amnesty.

In the absence of any objection from the accused, namely: Andrey Andreevich Allakhverdov, Ana Paula Alminhana Maciel, Faiza Oulahsen, Gizem Akhan, Jonathan David Beauchamp, Philip Edward Ball, Kieron John Bryan, Marco Paolo Weber, Peter Henry Willcox, Tomasz Dziemianczuk, Roman Alexandrovich Dolgov, Ekaterina Andreevna Zaspas, Anne Mie Roer Jensen, Cristian D’Alessandro, Dmitry Litvinov, Miguel Hernan Perez Orsi, Anthony Ian Perrett, Francesco Pier Pisanu, Alexandre Paul, Paul Douglas Ruzyski, Colin Keith Russell, Iain Christopher Rogers, Sini Annukka Saarela, Denis Mikhailovich Sinyakov, Mannes Ubels, Alexandra Hazel Harris, David John Haussmann, Francis Patrick Michael Hewetson, Camila Speziale and Ruslan Olegovich Yakushev, the criminal prosecution of the aforementioned individuals, running from 23.12.2013 to 25.12.2013, was terminated on the basis of Clause 3 of Part 1 of Article 27 of the RF CPC.

Interim measures in the form of bail in the amount of RUB 2,000,000 (two million rubles) were also lifted.

On 07.10.2013, the Leninsky District Court ordered the seizure of an instrument of the crime – the vessel “Arctic Sunrise,” owned by Stichting Phoenix (Amsterdam) and in the possession and use of Stichting Greenpeace Council (Amsterdam) on the basis of the bareboat charter agreement dated 28.12.2012. On that same date, the Leninsky District Court prohibited both the owner and the charterer from using or disposing of the vessel.

On 15.10.2013, the official report on seizure of property was compiled, pursuant to which the seized vessel, “Arctic Sunrise,” was transferred to a representative of the Murmansk branch of Federal State Unitary Enterprise “Rosmorport,” P.V. Sarsakova, for safekeeping and delivered to pier № 16, owned by the aforementioned federal state unitary enterprise, while the Border Department at the RF Federal Security Service for Murmansk Region was ordered to arrange for performance of the appropriate safety and security measures for the vessel.

On 21.11.2013, by appellate ruling of the Murmansk Regional Court (hereinafter, the “Murmansk Regional Court”), the decision of the Leninsky District Court dated 07.10.2013 ordering the seizure of the vessel “Arctic Sunrise” was upheld, while the petition of appeal filed by attorney A.N. Mukhortov against the decision was denied.

On 20.12.2013, the vessel “Arctic Sunrise” was declared material evidence in the criminal case.

On 06.06.2014, the seizure of the vessel “Arctic Sunrise” was lifted and the vessel was returned to a representative of its rightful owner.

On 07.11.2013, the following items were recovered from the master of the vessel “Arctic Sunrise,” P.H. Willcox, in the course of the execution of seizure onboard the vessel:

1. black cutter displaying the identification number 03 74 YS on the console, equipped with a MerCruiser motor;

2. gray motorboat displaying the identification number 10.75.YS, equipped with a MERCURY outboard motor bearing serial number OT 071144;

3. gray motorboat displaying identification number 10.74.YS, equipped with a MARINER Four STROKE outboard motor bearing serial number 0676489;

4. black-and-gray motorboat displaying identification number XDC 640 03 C 888, equipped with a MERCURY Optu max outboard motor bearing serial number 6840452;

5. red cutter displaying the identification number 13-19-YD on the control console.

On 24.10.2013, during the additional search of the premises of the vessel “Arctic Sunrise,” four line-throwers were recovered (four metal shafts tipped with attachments in the form of loops, six items shaped like pouches with metal rings at the end and seven bundles of 3mm-diameter rope on individual wooden planks).

It was established during the course of the investigation that the aforementioned five small watercraft and four line-throwers had been used by the organized group as an instrument of crime, insofar as they had been directly used in the process of a premeditated crime committed for the express purpose of achieving a particular criminal end, namely: the small watercraft had been used to transport members of the organized group to the scene of the crime (the waters in the immediate vicinity of OIFP “Prirazlomnaya”), actively resist the authorities (expressed in the form of their use to repel the cutters of the Border Department at the RF Federal Security Service for Murmansk Region at the time of commission of the crime), and flee the scene in an attempt to evade the authorities following commission of the crime, while the line-throwers had been used by members of the organized group to fire targeted shots of objects in the form of pouches (weights) with attached ropes at OIFP “Prirazlomnaya” and the workers located thereon with the aim of disembarking and securing themselves to the platform.

Thus, these cutters, motorboats and line-throwers were at the disposal of the members of the organized criminal group at the time of the commission of the crime and used thereby to achieve their criminal end.

On 20.12.2013, the aforementioned two cutters and three motorboats were declared material evidence in the criminal case as an instrument of the crime.

On 17.02.2014, the aforementioned line-throwers were declared material evidence in the criminal case as an instrument of the crime.

Pursuant to Clause 1 of Part 1 of Article 81 of the RF CPC, any objects used as an instrument of the respective crime or retaining traces of the crime are recognized as material evidence, while, pursuant to Clause 1 of Part 3 of Article 81 of the RF CPC, instruments of crime belonging to the accused are subject to confiscation, transfer to the respective agencies, or destruction.

On 24.09.2014, the Primorsky District Court of the City of St. Petersburg (hereinafter, the “Primorsky District Court”) was forwarded a ruling to admit the filing with the court of a motion

seeking the confiscation of the aforementioned cutters and motorboats recovered from P.H. Willcox during the execution of seizure on 07.11.2013, as well as the line-throwers recovered on 24.10.2013 during the course of the additional search of the premises of the vessel "Arctic Sunrise," plus copies of the criminal case file.

Thus, in the course of the preliminary investigation, the involvement of the thirty aforementioned individuals in the commission of the crime envisioned by Part 2 of Article 213 of the RF CC was established. Said individuals have since benefited from application of the above-referenced act of amnesty.

At present, all of the investigatory and other procedural measures aimed at concluding the investigation into the given criminal case have been performed. Additional evidence pointing to the involvement of the aforementioned individuals in the commission of the crime of which they were initially accused under Part 2 of Article 213 of the RF CC has been collected in the criminal case. The criminal case file contains no other evidence or information suggesting the commission by said individuals of any other unlawful or socially-dangerous acts, as envisioned by the Criminal Code of the Russian Federation. No grounds exist that would warrant requalification of the initial charges or the criminal prosecution of other individuals, while the criminal prosecution of the individuals originally accused in the criminal case has already been terminated.

In view of the foregoing, the present criminal case is therefore subject to closure pursuant to Part 4 of Article 24 of the RF CPC; namely, in connection with termination of the criminal prosecution of all of the accused.

On the basis of the foregoing and guided by Part 4 of Article 24, Clause 3 of Part 1 of Article 27, and Articles 212 and 213 of the RF CPC,

HAS HEREBY ORDERED AS FOLLOWS:

1. That criminal case № 83543 be closed in connection with termination of the criminal prosecution of the accused pursuant to Part 4 of Article 24 of the RF CPC.

2. That the safekeeping of the following pieces of material evidence in the criminal case be continued until the entry into force of the decision on the motion currently before the court seeking confiscation of the respective property; namely:

- black cutter displaying the identification number 03 74 YS on the console, equipped with a MerCruiser motor;
- red cutter displaying the identification number 13-19-YD on the control console;
- gray motorboat displaying the identification number 10.75.YS, equipped with a MERCURY outboard motor bearing serial number OT 071144;
- gray motorboat displaying identification number 10.74.YS, equipped with a MARINER Four STROKE outboard motor bearing serial number 0676489;
- black-and-gray motorboat displaying identification number XDC 640 03 C 888, equipped with a MERCURY Optu max outboard motor bearing serial number 6840452;

- four line-throwers (four metal shafts tipped with attachments in the form of loops, six items shaped like pouches with metal rings at the end and seven bundles of 3mm-diameter rope on individual wooden planks)

(with the cutters and motorboats to be kept at the warehouse facility located at: 28 Ulitsa Turistov (Murmansk), and the line-throwers to be kept at the material-evidence storage room of the Investigation Department at the Investigative Committee of the Russian Federation for Murmansk Region located at: 48 Ulitsa Karla Libknekhta (Murmansk)).

3. That the following pieces of material evidence, seized in the course of the investigation into the criminal case and belonging to the individuals originally subject to criminal prosecution thereunder, be returned to their rightful owners:

- static rope made from synthetic material, white with yellow-green braiding, length of approximately 406 cm and a gage of roughly 1 cm, marked EN 362/200/4/B/ 22 KN;

- loop made from synthetic material, black with inlaid yellow threading, length of approximately 120 cm and a gage of roughly 2.4 cm;

- loop made from synthetic material, black with inlaid yellow threading, length of approximately 240 cm and a gage of roughly 2.4 cm;

- static rope made from synthetic material, white with inlaid yellow threading, length of approximately 775 cm and a gage of roughly 1 cm, equipped with a blue metal clip marked 07331FR0677, fastened with the aid of a carabiner to an orange hitch measuring roughly 124 cm in length;

- static rope made from synthetic material, white, length of approximately 195 cm and a gage of roughly 1 cm, fastened with the aid of a small violet rope to a light-colored metal carabiner marked N 2577CE0082;

- static white-and-gray rope fastened together with a special knot, measuring a total length of 932 cm;

- "Go Pro" digital camera (action camera) in a waterproof case made from transparent polymer material marked "GP4c;"

- device for reading "Secure Digital"-type memory cards, "Kingston" brand, made from black polymer material;

- "SanDisk" flash-memory card housed in black polymer material, seized on 30.09.2013 during the search of the radio room onboard the vessel "Arctic Sunrise;"

- "SanDisk cruiser mini 128 MB" flash-memory card housed in silver-colored polymer material, seized on 30.09.2013 during the search of the radio room onboard the vessel "Arctic Sunrise;"

- "Secure Digital"-type memory card housed in black polymer material labelled "GPI09 VIDEO," seized on 30.09.2013 during the search of the vessel "Arctic Sunrise;"



- "CompactFlash"-type memory card with "SanDisk" manufacturer's marking, housed in polymer material, with a total storage capacity of 14.8 GB, seized on 30.09.2013 during the search of the vessel "Arctic Sunrise;"

- USB-drive marked "flashKEY" and "COMSOL," shaped like a key, seized on 30.09.2013 during the search of the radio room onboard the vessel "Arctic Sunrise;"

- "Secure Digital"-type memory card, "Kingston" brand, made from white, blue and gray polymer material, seized during the search of a cabin onboard the vessel "Arctic Sunrise;"

- "Secure Digital"-type memory card, "Transcend" brand, made from blue polymer material, seized during the search of a cabin onboard the vessel "Arctic Sunrise;"

- ship's log from the vessel "Arctic Sunrise;"

- "Secure Digital"-type memory card, "Kingston" brand, made from blue polymer material, seized during the search of a cabin onboard the vessel "Arctic Sunrise;"

- "Seagate" removable hard disk, black, serial number NA52Y258, seized on 30.09.2013 during the search of the vessel "Arctic Sunrise;"

- "Seagate" removable hard disk, black, serial number NA5BTLMQ, seized on 30.09.2013 during the search of the vessel "Arctic Sunrise;"

- notebook with a brown cardboard cover (the personal diary of Camila Speziale), seized during the search of the radio room onboard the vessel "Arctic Sunrise;"

- "Secure Digital"-type memory card, "SanDisk" brand, made from black polymer material, seized during the search of a cabin onboard the vessel "Arctic Sunrise."

4. That the following pieces of material evidence be returned to Gazprom Neft Shelf LLC:

- "Transcend" brand flash-memory card with a storage capacity of 4 GB, serial number 6489474753, containing photographs and a video recording taken from the site of OIFP "Prirazlomnaya" during the period from 18.09.2013 to 19.09.2013, provided by Gazprom Neft Shelf LLC;

- "Transcend" brand USB-drive with a storage capacity of 4 GB, serial number 6489470666, containing photographs and a video recording taken from the site of OIFP "Prirazlomnaya" during the period from 18.09.2013 to 19.09.2013, provided by Gazprom Neft Shelf LLC.

5. That the safekeeping of the following pieces of material evidence in the criminal case be continued:

- DVD-R optical disk, "Emtec" brand, with a storage capacity of 4.7 GB [Translator's note: Russian text says 'Cb'], with a silver-colored non-working surface bearing a handwritten notation in red marker reading "Video," containing a video recording taken from the site of OIFP "Prirazlomnaya" during the period from 18.09.2013 to 19.09.2013;

- DVD-R optical disk, “Emtec” brand, with a storage capacity of 4.7 GB, [Translator’s note: Russian text says ‘Cb’] with a silver-colored non-working surface bearing a handwritten notation in red marker reading “Audio” and “Photos;”

- DVD disk containing the travel route of coastal patrol ship “Ladoga” and the vessel “Arctic Sunrise” during the period from 16.09.2013 to 19.09.2013;

- CD-R optical disk, “SmartTrack” brand, with a violet non-working surface and the number RFD80M-80592 HQ, provided by the Border Department at the RF Federal Security Service for Murmansk Region;

- DVD+R optical disk, “Sony” brand, with the following inscription and number around the drive opening: “DVD+R min 4.7 GB AccuCORE,” “11 69 532 +REA 6073,” provided by the Murmansk Regional Administration of the RF Federal Security Service.

6. That the previously-rendered decision on the return of material evidence, the vessel “Arctic Sunrise,” to its rightful owner, be upheld.

7. That a copy of this order be sent to the Deputy Prosecutor General of the Russian Federation, State Councillor of Justice 1st Class, A.V. Gutsan.

8. That a copy of this order be sent to the victims in the present criminal case: A.S. Sokolov, I.A. Solomakhin, E.V. Surikatov, N.Y. Marinin, A.D. Petrov and S.R. Rybinkov.

9. That the aforementioned victims be provided with an explanation of their right to file a civil lawsuit, as well as with an explanation to the effect that the present order may be appealed against to the Head of the Second Investigation Department of the Central Investigation Administration at the Investigative Committee of the Russian Federation, at the Office of the Prosecutor General of the Russian Federation for the Northwest Federal District, and/or in court according to the procedure established by Chapter 16 of the RF CPC.

Investigator

[signature]

M.A. Ivanov



# Appendix 38: Logbook entries of the Arctic Sunrise covering the period 16 – 19 September 2013

"THE CLUTHA"

## CHIEF OFFICER'S LOG BOOK

S.S./M.V. ARCTIC SUNRISE from KIRKENES towards OPERATIONS AREA

HOURS	COURSES				ERROR		WINDS		Sea	Sky	Visi- bility	Baro- meter	Air Temp	Sea Temp	Log Read- ing	REMARKS, Etc (Note Carefully When Boats Are Exercised)
	True	Gyro	Stand- ard	Steer- ing	Gyro	Stand- ard	Direction	Force								
																MONDAY, 16 <sup>TH</sup> day of SEPTEMBER 2013
01																HOURLY FIRE AND SAFETY ROUNDS.
02	100	100	79				SW	5	3	0	5		10			At 0200 $70^{\circ}38'S N W$ ; 046°34'13 Clocks Set 70647-4
03																
04	100	100	77				SW	5	3	bc	7		10		32	$70^{\circ}36'6 N$ $41^{\circ}17'6 E$
05							SW	4	3	bc	7	1014				$70^{\circ}34.6'N \times 047^{\circ}48.2'E$
06	100	100	075				SW	5	3	bc	7	1016	10			$70^{\circ}32.8'N \times 048^{\circ}20.4'E$
07																$70^{\circ}31.1'N \times 048^{\circ}52.0'E$
08	100	100	075				SW	4	3	C	7	1016	10		42	$70^{\circ}29.3'N \times 049^{\circ}24.8'E$ PR
09																$70^{\circ}27.3'N \times 049^{\circ}56.6'E$
10							SW	4	3	C	7	1018				$70^{\circ}25.2'N \times 050^{\circ}35.4'E$
11	096	096	072													$70^{\circ}23.6'N \times 051^{\circ}05.9'E$
12	100	100	075				SW	4	3	0	7	1019	10		44	$70^{\circ}22.1'N \times 051^{\circ}32.0'E$

### CURRENT SET & DRIFT

### Total Engine Revs.

True Course Made to Noon	Distance in Nautical Miles	Latitude	Longitude	Steaming Time	Speed	Distance per Log
Days Run	244	By Ac't	By Ac't	This Day	Average	Error per cent
Total	462	Obs. $70^{\circ}22'1 N$	Obs. $051^{\circ}32'0 E$	Total 44.7	Total Average 10.3	Magnetic Variation 24.2 E

13	100	100	074			SW	3	3	0	7	1020	10				$70^{\circ}20' N$ $W: 052^{\circ}04'5 E$
14	00	094	73			SW	3	3	0	7	1020	10	8.8			$70^{\circ}18'1 N$ $W: 052^{\circ}34'9 E$
15	100	094	73			SW	3	3	0	7	1020	10				$70^{\circ}16'5 N$ $W: 053^{\circ}05'4 E$
16	100	094	73			SW	3	3	JP	7	1020	10	8.8	42		$70^{\circ}14'7 N$ $W: 053^{\circ}36'5 E$
17																$70^{\circ}13.0'N \times 054^{\circ}08.0'E$ , sea temp = $8.6^{\circ}$
18	100	100	075				SW	4	3	70	6	1020	9.2	9		$70^{\circ}11.2'N \times 054^{\circ}39.6'E$ SW = $8.8^{\circ}$
19																$70^{\circ}09.5'N \times 055^{\circ}11.3'E$ 1830 VHF CALL FROM RUSSIA CGVIL 058
20	100	100	073				SW	3	3	C/D	6	1020	10	8.8	43	$70^{\circ}07.8'N \times 055^{\circ}42.6'E$ Reduce spd to 8 kts. PR
21																$2100 70^{\circ}06.5'N \times 056^{\circ}05.5'E$
22	105	105	76				SW	4	3	C	6	1020	10			$2200 70^{\circ}04.2'N \times 056^{\circ}35.9'E$ HOURLY FIRE AND SAFETY ROUNDS
23																$2300 70^{\circ}02.6'N \times 056^{\circ}56.6'E$
24	105	103	75				SW	3	3	C	5	1020	9		36	$2400 70^{\circ}00.8'N \times 057^{\circ}18.8'E$

### WHEEL AND LOOK-OUT

Watch	Wheel	Look-out	WATER IN HOLDS	WATER IN TANKS	REGULATION LIGHTS EXHIBITED
00-04	HERNAN	FRANCESCA	No.1 22.7	No.1 87.3	From midnight till
04-08	PAUL	ANAPaula	No.2 4.7	No.2 2.1	CONT
08-12	ANNE		No.3	No.3 0.6	till midnight
12-16	HERNAN		No.4	No.4	
16-20	PAUL	18°ANAPaula	No.5	No.5	
20-24	ANNE	CRISTIAN	No.6	Deep	
			Eng. R'm	Fore Peak	
				After Peak	

*[Signature]*

Master

*[Signature]*

Chief Officer

"THE CLUTHA"

# CHIEF OFFICER'S LOG BOOK

S.S./M.V. ARCTIC SUNRISE from KIRKENES towards OPERATIONS AREA

HOURS	COURSES				ERROR		WINDS		Sea	Sky	Visi- bility	Baro- meter	Air Temp	Sea Temp	Log Read- ing	REMARKS, Etc. (Note Carefully When Boats Are Exercised)
	True	Gyro	Stand- ard	Steer- ing	Gyro	Stand- ard	Direc- tion	Force								
01																TUESDAY 12th day of SEPTEMBER 20.13
02	193	193	165				WSW	3	3	d	6	1021	9	7.9		HOURLY FIRE AND SAFETY ROUNDS 40025 AC TO 193
03																0200 P: 69° 48' 1" N W: 057° 25' 3" E
04	193	194	166	-			WSW	4	3	R	6	1021	10	7.4	31	0300 P: 69° 40' 4" N W: 057° 25' 5" E
05																0400 P: 69° 33' 0" N W: 057° 15' 5" E
06	317	317	298				H 9°	SW	3	3	F/d	5	1021	9	7.9	69° 25.2' N x 057° 08.7' E, 0515 A/C 317
07																69° 27.0' N x 056° 54.5' E
08	317	317	300				H 17°	W	1	2	F/d	5	1021	9	31	69° 32.7' N x 056° 38.5' E
09																69° 38.6' N x 056° 23.3' E PR
10	065	065	045				+20	E	1	2	F	2	1021	9.5	8.5	0900 69° 45.3' N x 056° 05.9' E
11																0930 A/C TO 070°
12	100	100	075				SE	3	2	0	4	1022	10		33	1000 69° 48.6' N x 056° 12.7' E

CURRENT SET & DRIFT						Total Engine Revs.	
True Course Made to Noon	Distance in Nautical Miles		Latitude		Longitude		Steaming Time
	Days Run	Total	By Ac't	Obs.	By Ac't	Obs.	
	2.16	67.8		69° 48' 7" N		057° 01' 4" E	24
							68.7
							Average 9
							Total Average 4.9
							Distance per Log 216
							Error per cent 29.9 E
							Magnetic Variation 24.9 E

13																1250 AC TO 193. BO P: 69° 46' 2" N W: 051° 22' 3" E
14	193	193	165				S	4	3	0	7	1024	8.5	8.6		1400 P: 69° 38' 7" N W: 051° 18' 3" E
15																1500 P: 69° 28' 5" N W: 051° 11' 3" E
16	185	185	155				S	4	3	0	7	1024	9	8.6	36	69° 19.0' N x 057° 05.8' E
17 <sup>35</sup>																69° 15.4' N x 057° 26.4' E
18 <sup>24</sup>	VTMO						S	3	3	0	7	1024	9			69° 12.0' N x 057° 18.7' E
19																69° 14.6' N x 057° 05.5' E
20	VTMO						SE	4	23	0	7	1024	10	8.6	36	69° 19.3' N x 057° 21.9' E PR
21																69° 13.1' N x 057° 24.5' E
22	VC MO						SE	3	2	60	7	1026	9.5	10		69° 13.9' N x 057° 07.0' E
23																69° 19.1' N x 057° 23.2' E
24	VC MO						S	4	2	0	7	1026	9		30	69° 15.1' N x 057° 28.0' E

WHEEL AND LOOK-OUT				WATER IN HOLDS		WATER IN TANKS		REGULATION LIGHTS EXHIBITED	
Watch	Wheel	Look-out		No. 1	No. 2	No. 1	No. 2	From midnight till ...	
00-04	HERRAN	FRANCESCO		250	250	848	848		
04-08	PAUL	ANA PAULA		2.7	2.7	2.5	2.5	CONTINUOUS	
08-12	ANNE								
12-16	HERRAN	PETER	FRANCESCO					SICK LIST	
16-20	PAUL	Peter-1830	ANA PAULA						
20-24	ANNE		CHRISTIAN						
				Eng. R'm		Fore Peak			
						After Peak			

P. Ruychel Master  
"THE CLUTHA" Chief Officer's Log. PATTERN No. 16. © BROWN, SON & FERGUSON, LTD., GLASGOW. G41 2SD

P. Ruychel Chief Officer

THE CLUTHA

## CHIEF OFFICER'S LOG BOOK

S.S./M.V. Arctic Sunrise from Kirkenes towards Operation S. Area

HOURS	COURSES				ERROR		WINDS		Sea	Sky	Visi- bility	Baro- meter	Air Temp	Sea Temp	Log Read- ing	REMARKS, Etc. (Note Carefully When Boats Are Exercised)
	True	Gyro	Stand- ard	Steer- ing	Gyro	Stand- ard	Direc- tion	Force								
01	VC						SSW	3	3	bc	7	1024	8.5	8.4		Hourly fire and safety rounds, 0100 p: 69°12'N w: 057°12'E
02	VC						SSW	3	3	bc	7	1024	8.8	8.4		0200 p: 69°11'N w: 057°05'E
03																69°19.6'N x 057°20.4'E
04	VMD						S	3	3	bc	8	1026	8		25.6	69°14.5'N x 057°25.9'E
05	VC															0534 Sunrise 0416 BOATS IN THE WATER KNIVES PROCEEDING TOWARDS PEIRAGLOMNAVA
06																0635 ALL BOATS BACK ON BOARD RCG "HEAVE TO OR I OPEN FIRE"
07																0730 RCG SHOWING "SN" FOLLOWED BY 3 SHOTS ACROSS THE BOW
08																0742 RCG FIRE 3 MORE SHOTS ACROSS OUR BOW
09	VC						S	4	2	bc	8	1028	8.5			0830 69°13.7'N 057°24.3'E 0523 2 SHOTS ACROSS THE BOW
10																0900 69°12.5'N 057°12.1'E 0925 THREAT OF REAL SHOOTING AT
11																1000 69°13.7'N 057°07.7'E THE STEER, CREW ORDERED FORWARD
12	VC						S	4	3	bc	8	1028	8		466	1000 CREW FREE TO BE BOUND AND ABOUT AGAIN 1100 69°14.1'N 057°27.0'E 1155 BRINGING MEDIC SUPPLY TO CREW ONBOARD RCG 1200 69°13.7'N 057°25.3'E

## CURRENT SET &amp; DRIFT

## Total Engine Revs.

True Course Made to Noon		Distance in Nautical Miles		Latitude		Longitude		Steaming Time		Speed		Distance per Log	
Days Run		124.2		By Ac't		By Ac't		This Day		Average		Error per cent	
Total		852.2		Obs. 69°13'N		Obs. 057°22'E		Total 1246.92		Total Average 9.2		Magnetic Variation 2707.5	
13	VC			S	4	3	bc	8	1030	9		1200 59.3'N 30°10.1'W 1300 p: 69°18'N w: 057°22.4'E	
14	325 305 305			SSE	3	3	b	9	1031	10	8.4	1400 p: 69°25'N w: 057°09.4'E	
15	325 305 305			SSE	3	3	b	7	1031	10		1500 p: 69°32'N w: 056°55'E	
16	VC			SSW	3	3	b	7	1031	09	8.4	1600 p: 69°33'N w: 056°52'E	
17				<del>SSE</del>	3	2	b	8	1031			69°32.4'N x 056°53.3'E 1834	
18	150 118			SE	3	2	b	8	1031	9		69°31.6'N x 056°54.4'E 1634 Sunset	
19												69°31.2'N x 056°54.9'E	
20	150 120			SSE	4	2	b	8	1030	9	2.8	69°30.9'N x 056°55.7'E PR	
21												2030 MAKING WAY SOUTH 8 KN	
22	VC				4	3	b	8	1030	8		2130 69°24.3'N 057°05.6'E	
23												2200 HOURLY FIRE AND SAFETY ROUNDS	
23												2230 69°19.7'N 057°19.3'E	
24	VC				3	3	bc	8	1031	8		CIRCUING PLATFORM - 4 NM DISTANCE	
24												2400 69°12.1'N 057°16.2'E	

## WHEEL AND LOOK-OUT

Watch	Wheel		Look-out		WATER IN HOLDS		WATER IN TANKS		REGULATION LIGHTS EXHIBITED	
00-04	HERNAN		FRANCISCA		1000 246.7		1000 84.6		From midnight till	
04-08	2.30 P/O				1000 3.3		1000 2.3		CONT	
08-12	P/O	ANNE			No.3		No.2			
12-16	P/O	HERNAN			No.4		No.4			
16-20	PAUL		ANA PAULA		No.5		No.5			
20-24	ANNE		CRISTIAN		No.6		Deep			
					Eng. R'm		Fore Peak			
							After Peak			

P/O

Master

R. R. R.

Chief Officer

The Clutha Chief Officer's Log. Pattern No. 15. © Brown, Son &amp; Ferguson, Ltd., Glasgow. 041 28D

## CHIEF OFFICER'S LOG BOOK

S.S./M.V. Arcic Sunrise from OPERATIONS AREA towards OPERATIONS AREA

HOURS	COURSES				ERROR		WINDS		Sea	Sky	Visi- bility	Baro- meter	Air Temp	Sea Temp	Log Read- ing	REMARKS, Etc (Note Carefully When Boats Are Exercised)
	True	Gyro	Stand- ard	Steer- ing	Gyro	Stand- ard	Direction	Force								
01																THURSDAY, 19th day of SEPTEMBER 2013
02	VC						S 3	3	b	8	1032	8	8.6			Hourly fire and safety rounds, 0100 p: 69°18'N w: 057°26'7"E.
03							S 3	3	b	8	1031	7.5	8.6	59.5		0200 p: 69°18'9"N w: 057°26'7"E.
04	VC						S 3	3	b	8	1031	7.5	8.6	59.5		0300 p: 69°12'4"N w: 057°23'8"E.
05							S 3	3	b	8	1031	7.5	8.6	59.5		0400 p: 69°14'4"N w: 057°04'1"E.
06	VARIOUS						S 3	2	b	8	1031	7.5	8.6	59.5		69°20.3'N x 057°16.2'E - 0538 SUNRISE
07							S 3	2	b	8	1031	7.5	8.6	59.5		69°15.2'N x 057°29.4'E - Hourly rounds made
08	VARIOUS						S 3	3	b	8	1031	7.5	8.4	33		69°12.2'N x 057°11.3'E
09	VC						S 3	3	b	8	1031	7.5	8.4	33		69°19.4'N v 057°00.3'E
10							SW 3	3	b	8	1031	9.9				0900 4 NM NE OF PRIRAZLOMINAYA
11							SW 3	3	b	8	1031	9.9				0915 MOVING BOATS AROUND FOR REPARATIONS
12	VC						S 3	3	b	8	1031	9.5		35		1000 3.77 NM SW OF PRIRAZLOMINAYA
							S 3	3	b	8	1031	9.5		35		1100 4.50 NM NW OF PRIRAZLOMINAYA
							S 3	3	b	8	1031	9.5		35		1200 69°21.5'N 057°33.3'E

## CURRENT SET &amp; DRIFT

## Total Engine Revs.

True Course Made to Noon		Distance in Nautical Miles		Latitude		Longitude		Steaming Time		Speed		Distance per Log	
Days Run		155.3		By Ac't		By Ac't		This Day		Average		Error per cent	
Total		1007.5		Obs. 69°21'SN		Obs. 057°33'3"E		Total		Total Average		Magnetic Variation	
13				OB mech	Repairs RHBS			1300	69°16'3"N	W 057°30'E			
14	VC			SW 3	3	b 8	1031	9	8.4	1400	69°13'S N	W 057°06'6"E	
15				WSW 3	3	b 8	1030	9	8.4	1500	69°20' N	W 057°18'E	
16	VC			WSW 3	3	b 8	1030	9	8.4	1600	69°14'7"N	W 057°29'1"E	
17				WSW 3	2	b 8	1030	9			69°12.0'N x 057°12.3'E		
18	VC			WSW 3	2	b 8	1030	9			69°18.5'N x 057°07.6'E		
19													
20													
21													
22													
23													
24													

## WHEEL AND LOOK-OUT

WHEEL AND LOOK-OUT						WATER IN HOLDS		WATER IN TANKS		REGULATION LIGHTS EXHIBITED	
Watch	Wheel		Look-out			No. 1	No. 2	No. 1	No. 2	From midnight till	
00-04	HERNAN		FRANCISCO			No. 1	No. 2	No. 1	No. 2	- CONT -	
04-08	PAUL		ANA PAULA			No. 3	No. 4	No. 3	No. 4	till midnight	
08-12	ANNIE					No. 5	No. 6	No. 5	No. 6	SICK LIST	
12-16	HERNAN					No. 7	No. 8	No. 7	No. 8		
16-20						No. 9	No. 10	No. 9	No. 10		
20-24						No. 11	No. 12	No. 11	No. 12		

Master

"THE CLUTHA" Chief Officer's Log. PATTERN No. 16. © BROWN, SON &amp; FERGUSON, LTD., GLASGOW. G41 2SD

Chief Officer



A. Russian document

ФЕДЕРАЛЬНАЯ СЛУЖБА БЕЗОПАСНОСТИ РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПОГРАНИЧНОЕ УПРАВЛЕНИЕ ПО МУРМАНСКОЙ ОБЛАСТИ

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

тел.: 48-74-12

ПРОТОКОЛ № 2109/623-13  
об административном правонарушении

город Мурманск

24 сентября 2013 года

Специалист по административному производству отдела дознания и административной практики ПУ ФСБ России по Мурманской области лейтенант Иванов Владимир Михайлович,

с участием лица, в отношении которого ведется производство по делу об административном правонарушении,

с участием переводчика Хасановой Натальи Виловны, которой разъяснены права, обязанности и ответственность за выполнение заведомо неправильного перевода (неполный, неточный), а также за отказ или за уклонение от исполнения обязанностей, предусмотренных ч. 3 ст. 25.10 КоАП РФ

Переводчик



(подпись)

в соответствии со статьями 28.2, 28.3 Кодекса Российской Федерации об административных правонарушениях, составил протокол об административном правонарушении в отношении должностного лица:

Сведения о лице, в отношении которого возбуждено дело об административном правонарушении:

1. Фамилия, имя, отчество: Вилкокс Питер Генри (Willcox Peter Henry)
2. Дата рождения: 06.03.1953 г.р.
3. Место рождения: Нью-Йорк, США
4. Место регистрации и жительства: США, штат Мэн, Айлсборо, ул. Рута Дасселера, 149
5. Гражданство: США
6. Образование: высшее
7. Семейное положение, состав семьи: женат, двое детей
8. Место работы, телефон, должность: канцлер Судно-Фригг Санта-Круз, ответственная франкоязычная группа Интернационал (Амстердам)
9. Привлекался ли ранее к административной ответственности: сведения отсутствуют
10. Документ, удостоверяющий личность: паспорт гражданина США № 141908494, выдан 28.03.2006 г. департаментом штата
11. Персональный номер: отсутствует

Гражданин Виктор Петер Ренри ознакомлен с правами и обязанностями лица, в отношении которого ведется производство по делу об административном правонарушении, предусмотренными статьей 25.1 КоАП РФ:

1) вправе знакомиться со всеми материалами дела, давать объяснения, представлять доказательства, заявлять ходатайства и отводы, пользоваться юридической помощью защитника, а также иными процессуальными правами в соответствии с КоАП РФ.

2) дело об административном правонарушении рассматривается с участием лица, в отношении которого ведется производство по делу об административном правонарушении. В отсутствие указанного лица дело может быть рассмотрено лишь в случаях, если имеются данные о надлежащем извещении лица о месте и времени рассмотрения дела и если от лица не поступило ходатайство об отложении рассмотрения дела либо если такое ходатайство оставлено без удовлетворения.

Согласно ч. 2 ст. 24.2 Кодекса Российской Федерации об административных правонарушениях, лицам, участвующим в производстве по делу об административном правонарушении и не владеющим языком, на котором ведется производство по делу, обеспечивается право выступать и давать объяснения, заявлять ходатайства и отводы, приносить жалобы на родном языке либо на другом свободно избранном указанными лицами языке общения, а также пользоваться услугами переводчика.

В соответствии с частью 1 статьи 51 Конституции Российской Федерации никто не обязан свидетельствовать против себя самого, своего супруга и близких родственников, круг которых определяется федеральным законом.

I understand nothing.  
(подпись лица, в отношении которого ведется производство по делу об административном правонарушении)

[Signature]  
(подпись и печать должностного лица)

Место, время совершения и событие административного правонарушения:

Из рапорта командира ПСКР «Ладoga» Пограничного управления ФСБ России по Мурманской области (далее - Управление) капитана 2 ранга Паранченко И.В. на имя врио начальника Управления контр-адмирала Карпенко М.О. следует, что ПСКР «Ладoga» при исполнении служебных обязанностей в исключительной экономической зоне Российской Федерации Печерекого моря, от и.о. капитана морской ледостойкой платформы «Приразломная» Атюшева А.В. в 04 час 45 мин (мск) 18.09.2013 поступила информация, что в 04 час 20 мин (мск) 18.09.2013 с борта судна «Арктик Санрайз» (флаг Королевства Нидерланды) были спущены на воду несколько быстроходных маломерных плавательных средств, при этом одно из них транспортировало неизвестный предмет, похожий на взрывное устройство либо оборудование для проведения морских научных исследований.



Указанные плавательные средства с неустановленными лицами на борту двигались курсом в направлении МЛСП «Приразломная», создавая, по мнению Атюшева А.В., реальную угрозу объекту нефтегазового комплекса Российской Федерации, имеющего статус опасного объекта.

По прибытию ПСКР «Ладoga» в район нахождения МЛСП «Приразломная», в целях пресечения противоправной деятельности на основании ст. 36 Федерального закона от 17.12.1998 № 191-ФЗ «Об исключительной экономической зоне Российской Федерации» по средствам связи командиром ПСКР «Ладoga» Паранченко И.В. в 06.15 мск 18.09.2013 было выдвинуто требование к капитану судна «Арктик Санрайз» остановиться, лечь в дрейф, принять на борт осмотровую группу для проверки оборудования, инструментов и установок, используемых судном в целях выяснения характера его деятельности в исключительной экономической зоне Российской Федерации.

Указанные выше требования должностного лица органа охраны исключительной экономической зоны Российской Федерации повторно доводились до капитана судна «Арктик Санрайз» в 06.21 мск и 06.32 мск 18.09.2013.

Капитан судна «Арктик Санрайз» от выполнения выдвинутых требований отказался, предпринял действия, препятствовавшие прибытию на борт осмотровой группы: судно увеличило ход, двигалось переменными курсами, опасно маневрируя.

Судно «Арктик Санрайз» было остановлено для осмотра лишь 20.09.2013.

Указанные обстоятельства свидетельствуют о том, что должностное лицо капитан судна «Арктик Санрайз» (флаг Королевства Нидерланды) Вилкокс Питер Генри в период с 18.09.2013 по 20.09.2013 в районе расположения МЛСП «Приразломная» (в радиусе 5-6 морских миль от координат 69°15'56,9" северной широты, 57°17'17,3" восточной долготы, исключительная экономическая зона Российской Федерации) не выполнял законные требования должностного лица органа охраны исключительной экономической зоны Российской Федерации.

Часть 2 статьи 19.4 Кодекса РФ об административных правонарушениях устанавливает административную ответственность должностных лиц 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.

Согласно части 2 статьи 2.6 КоАП РФ иностранные граждане, лица без гражданства и иностранные юридические лица, совершившие в исключительной экономической зоне Российской Федерации административные правонарушения по ч. 2 ст. 19.4 КоАП РФ, подлежат административной ответственности на общих основаниях.

Таким образом, своими действиями должностное лицо капитан судна «Арктик Санрайз» (флаг Королевства Нидерланды) Вилкокс Питер Генри совершил административное правонарушение, предусмотренное частью 2 статьи 19.4 Кодекса РФ об административных правонарушениях.

Объяснения лица, в отношении которого возбуждено дело об административном правонарушении:

We came to Russian E.E.Z. because we are very worried about the problems which can be caused by drilling for oil in the Arctic Ocean. All scientists today agree, the man-made effects of climate change will be made worse by every liter of petroleum and every ton of coal we burn. We believe that we should not be trying to increase ~~of~~ petroleum use, and/or petroleum reserves. We believe the future of our children requires us to switch from oil and coal to renewable resources like wind and solar.

P.S. We did not stop for the Coast Guard vessel because we had not broken any laws with our ship, and ~~we~~ did not think we

Peter Willcox

(подпись лица, в отношении которого ведется производство по делу об административном правонарушении)

P. Willcox  
(фамилия и инициалы)

→ had the right to stop us. Willcox



Перевод объяснений лица, в отношении которого возбуждено дело об административном правонарушении:

Я, Майкл Росс, в Российской императорской экономической зоне понимаю, что очень беспокоюсь проблемами, которые могут быть вызваны развитием нефти в Арктической зоне. Все время слышались, что экологический фактор в вопросах управления имеет очень большое значение, поэтому ситуация с контролем нефти, производимой платформой, с которой только у нас, которую мы строим. Мы верим, что не нарушает активно использовать платформу и нефть. Мы верим, что будущее наших детей требует переключиться с нефти на возобновляемые источники энергии, такие как ветер и солнечная энергия Р.С. Мы не становимся по прежнему ВЕР, т.е. не нарушаем никаких законов и считаем, что у нас нет права на это.

*Willcox?*

Переводчик: Хасанова Наталья Вилловна

С протоколом об административном правонарушении ознакомлен, сведения и объяснения записаны правильно, замечания по содержанию протокола:

No additional comments  
Нет дополнительных замечаний

Peter Willcox

(подпись лица, в отношении которого ведется производство по делу об административном правонарушении)

(фамилия и инициалы)

Переводчик: Хасанова Наталья Вилловна

24 сентября 2013 года

Протокол составил:

Специалист по административному производству  
отдела дознания и административной практики  
ПУ ФСБ России по Мурманской области  
лейтенант

В.М. Иванов

Протокол на английском языке мне прочитан, копию настоящего протокола получил на руки 24 Sept. 2013

I have received a copy

P. Willcox

Я получил копию. 24 сентября 2013

**B. English translation**

**FEDERAL SECURITY SERVICE OF THE RUSSIAN FEDERATION**

**BORDER DEPARTMENT FOR MURMANSK REGION**

---

13A Ulitsa S. Perovskoi, Murmansk, 183038, Russia

Tel.: 48-74-12

**ADMINISTRATIVE OFFENCE REPORT № 2109.623-13**

City of Murmansk  
2013

24 September

Administrative Procedures Specialist at the Investigative and Administrative Practice Division of the Border Department of the Russian Federal Security Service for Murmansk Region, Lieutenant Vladimir Mikhailovich Ivanov,

with the participation of the individual who is the focus of proceedings in the matter of the present administrative offence case,

and with the participation of translator (and interpreter) Natalia Vilovna Khasanova, who has been advised of her rights, responsibilities and liability for the rendering of inaccurate (incomplete or imprecise) translation (or interpretation) work, as well as for refusing to perform or evading the obligations envisioned by Part 3 of Article 25.10 of the Administrative Offences Code of the Russian Federation (hereinafter, the "RF AOC"),

Translator  
(signature)

pursuant to Articles 28.2 and 28.3 of the RF AOC, has compiled this administrative offence report with respect to the following person in a position of authority:

*Information about the individual concerning whom the administrative offence case has been opened:*

1. Surname, given name, patronymic (middle name): *Willcox, Peter Henry*
2. Date of birth: *06.03.1953*
3. Place of birth: *New York, USA*
4. Place of registration and residence: *149 Ruthie James Road, Islesboro, Maine, USA*
5. Citizenship: *USA*

6. Education: *higher*
7. Family status, composition: *married, two children*
8. Place of work, telephone number, position: *master of the vessel "Arctic Sunrise," public (environmental) organization Greenpeace International (Amsterdam)*
9. Previous administrative-offence charges: *none on record*
10. Document confirming identity: *U.S. passport № 141908494, issued on 28.03.2006 by the U.S. State Department*
11. Personal (ID) number: *none*

Citizen Peter Henry Willcox has been advised as follows of the rights and responsibilities of an individual who is the focus of proceedings in the matter of an administrative offence case, as set forth in Article 25.1 of the RF AOC:

- 1) The right to familiarize him/herself with all of the materials in the case file, provide explanations, present evidence, file motions and challenges, avail him/herself of the services of legal counsel, and to exercise any and all other procedural rights arising from the RF AOC.
- 2) The administrative offence case is to be considered with the participation of the individual who is the focus of proceedings in the matter of the case at hand. In the absence of this individual, the case may only be considered if reliable information is available confirming that the individual has been properly notified of the place and time of consideration of the case, provided that no motion has been received from the individual seeking a continuance of consideration of the case or that any such motion filed has been rejected.

Pursuant to Part 2 of Article 24.2 of the RF AOC, individuals participating in proceedings in an administrative offence case but not proficient in the language in which case proceedings are being conducted are entitled to express themselves and provide explanations, file motions and challenges, and lodge complaints in their native language or any other language of their own choosing, as well as to avail themselves of the services of a translator (and interpreter).

Pursuant to Part 1 of Article 51 of the Constitution of the Russian Federation, no one may be compelled to testify against him/herself, against his/her spouse or against his/her close relatives; the individuals included in this category are determined by applicable federal law.

*I understand nothing.*

*Peter Wilcox*

signature of the individual who is the focus of proceedings  
surname, initials

in the administrative case

Place and time of commission of the administrative offence, description of the underlying event:

From the report by the commander of coastal patrol ship “Ladoga” with the Border Department of the Russian Federal Security Service for Murmansk Region (hereinafter, the “Department”), Captain 2<sup>nd</sup> Rank I.V. Paranchenko, acting on behalf of Interim Department Head Rear Admiral M.O. Karpenko, it follows that, while performing its regular patrol operations in the Pechora Sea within the exclusive economic zone of the Russian Federation, coastal patrol ship “Ladoga” received information at 04:45 (Moscow Time) on 18.09.2013 from the acting master of offshore ice-resistant fixed platform (OIFP) “Pirazlomnaya,” A.V. Atyushev, to the effect that at 04:20 (Moscow Time) on 18.09.2013, several small, high-speed watercraft had been lowered into the water from the vessel “Arctic Sunrise” (sailing under the flag of the Kingdom of the Netherlands); moreover, it was relayed at that time that one of these small watercraft appeared to be carrying an unknown object resembling an explosive device or equipment designed for the performance of maritime research work.

According to the report, the aforementioned small watercraft, with unidentified individuals onboard, were heading in the direction of OIFP “Pirazlomnaya,” thereby creating, in the opinion of A.V. Atyushev, a real threat to a facility representing part of the oil-and-gas complex of the Russian Federation – a facility classified as a hazardous site.

Upon the arrival of coastal patrol ship “Ladoga” at the location of OIFP “Pirazlomnaya,” with the aim of interdicting unlawful activity and on the basis of Article 36 of RF Federal Law № 191-FZ dated 17.12.1998 “Concerning the Exclusive Economic Zone of the Russian Federation,” at 06:15 (Moscow Time) on 18.09.2013, using available means of communication, the commander of coastal patrol ship “Ladoga,” I.V. Paranchenko, relayed certain orders to the master of the vessel “Arctic Sunrise,” namely, to stop, heave about, and admit an inspection group onboard to check the equipment, instruments and facilities being employed by the vessel, for the purposes of establishing the nature of its activities within the exclusive economic zone of the Russian Federation.

The aforementioned orders, as conveyed by an official of an agency tasked with protecting the exclusive economic zone of the Russian Federation, were relayed for a second and third time to the master of the vessel “Arctic Sunrise” at 06:21 and 06:32 (Moscow Time) on 18.09.2013.

The master of the vessel “Arctic Sunrise” refused to follow these orders and took action preventing the admittance of the inspection group onboard: the vessel increased speed and began intermittently changing course, maneuvering in a dangerous fashion.

The vessel “Arctic Sunrise” was finally stopped for an inspection only on 20.09.2013.

The aforementioned circumstances attest to the fact that the given person in a position of authority, Peter Henry Willcox, master of the vessel “Arctic Sunrise” (sailing under the flag of the Kingdom of the Netherlands), during the period from 18.09.2013 to 20.09.2013, in the vicinity of OIFP “Pirazlomnaya” (within a distance of 5-6 nautical miles from coordinates 69° 15’56.9 north latitude, 57° 17’17.3 east longitude, within the exclusive economic zone of the Russian Federation), failed to follow the lawful orders of an official of an agency tasked with protecting the exclusive economic zone of the Russian Federation.

Part 2 of Article 19.4 of the RF AOC establishes the administrative liability of people in positions of authority for failing to follow the lawful order of an official of an agency tasked with

protecting the continental shelf of the Russian Federation, or that of an agency tasked with protecting the exclusive economic zone of the Russian Federation, to stop a vessel, just as it establishes the administrative liability of people in positions of authority for preventing the agency official's exercise of his/her rightful powers, including with respect to inspection of the vessel.

Pursuant to Part 2 of Article 2.6 of the RF AOC, foreign citizens, stateless persons and foreign legal entities committing administrative offences within the exclusive economic zone of the Russian Federation, as envisioned by Part 2 of Article 19.4 of the RF AOC, shall be charged with administrative liability on general grounds.

Thus, through his own actions, the person in a position of authority involved, Peter Henry Willcox, master of the vessel "Arctic Sunrise" (sailing under the flag of the Kingdom of the Netherlands), committed the administrative offence envisioned by Part 2 of Article 19.4 of the RF AOC.

Explanation by the individual concerning whom the administrative offence case has been opened:

[Translator's note: this italicized section was handwritten in English in the original Russian text.] *We came to (sic) Russian E.E.Z. because we are very worried about the problems which can be caused by drilling for oil in the Arctic Ocean. All scientists today agree, the man-made effects of climate change will be made worse by every liter of petroleum and every ton of coal we burn. We believe that we should not be trying to increase petroleum use, and/or petroleum reserves. We believe the future of our children requires us to switch from oil and coal to renewable resources like wind and solar.*

Peter Willcox

(signature)

signature of the individual who is the focus of proceedings

surname, initials

in the administrative case

*P.S. We did not stop for the Coast Guard vessel because we had not broken any laws with our ship and did not think he had the right to stop us. (signature)*

Translation of the explanation by the individual concerning whom the administrative offence case has been opened:

[Translator's note: this italicized section was handwritten in Russian in the original Russian text. I have translated it into English.] *We came to the Russian E.E.Z. because we are very concerned about the problems that can be caused by drilling for oil in the Arctic Ocean. All scientists concur that the manmade aspect of climate change will only worsen the situation with every liter of oil drilled by such platforms and with every ton of coal that we burn. We believe that it is not right to use such platforms, or oil, so actively. We believe that the future of our children requires us to switch from oil and coal to renewable sources of energy such as wind and solar power. P.S. We did not stop as*

*ordered by the coastal patrol ship since we had not broken any laws and believed that they had no right to stop us.*

Translator N.V. Khasanova (signature) ?P. Willcox?  
[Translator's note: question marks were handwritten] (signature)

I have been familiarized with this administrative offence report – the information and explanations contained herein have been recorded correctly; comments as to the content of the report:

No additional comments

[Translator's note: this italicized section was handwritten in Russian in the original Russian text.] *No additional comments* (translator's signature)

Peter Willcox (signature)  
signature of the individual who is the focus of proceedings  
surname, initials  
in the administrative case

Translator: Natalia Vilovna Khasanova

24 September 2013 (signature)

Report compiled by:

Administrative Procedures Specialist  
at the Investigative and Administrative Practice Division  
of the Border Department of the Russian Federal Security Service

for Murmansk Region, Lieutenant V.M. Ivanov  
(signature)

This report has been read to me in English; I personally received a copy of the report on 24 Sept. 2013

[Translator's note: this italicized section was handwritten in English in the original Russian text.]



*I have received a copy*

Peter Willcox

signature

(signature)

surname, initials

[Translator's note: this italicized section was handwritten in Russian in the original Russian text.] /  
*have received a copy* – 24 September 2013 (translator's signature)



Verify at [www.atanet.org/verify](http://www.atanet.org/verify)

## Appendix 41: Example of application to the European Court of Human Rights on behalf of a climber



ENG - 2014/1

### Application Form

#### About this application form

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [statement of facts, alleged violations and information about compliance with the admissibility criteria] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

#### Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

#### Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

#### A. The applicant (Individual)

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

##### 1. Surname

Saarela

##### 2. First name(s)

Sini Annukka

##### 3. Date of birth

e.g. 27/09/2012  
D D M M Y Y Y Y

##### 4. Nationality

##### 5. Address

##### 6. Telephone (including international dialling code)

##### 7. Email (if any)

##### 8. Sex

#### B. The applicant (Organisation)

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

##### 9. Name

##### 10. Identification number (if any)

##### 11. Date of registration or incorporation (if any)

e.g. 27/09/2012  
D D M M Y Y Y Y

##### 12. Activity

##### 13. Registered address

##### 14. Telephone (including international dialling code)

##### 15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

17. Surname

18. First name(s)

19. Nationality

20. Address

21. Telephone (including international dialling code)

22. Fax

23. Email

**Lawyer**Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

 ① Golubok ② Teulings

25. First name(s)

 ① Sergey ② Jasper

26. Nationality

 ① Russian ② Netherlands

27. Address

 ① 7 Kazanskaya str. office 6  
St. Petersburg  
Russian Federation 191186 ② Greenpeace International  
Ottho Heldringstraat 5  
1066 AZ Amsterdam  
The Netherlands

28. Telephone (including international dialling code)

29. Fax

30. Email

**Authority**

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant

32. Date

 28 02 2014 e.g. 27/09/2012  
D D M M Y Y Y Y

**D. State(s) against which the application is directed**

33. Tick the name(s) of the State(s) against which the application is directed

- |   |  |
|---|--|
| <input type="checkbox"/> ALB - Albania                | <input type="checkbox"/> ITA - Italy                                       |
| <input type="checkbox"/> AND - Andorra                | <input type="checkbox"/> LIE - Liechtenstein                               |
| <input type="checkbox"/> ARM - Armenia                | <input type="checkbox"/> LTU - Lithuania                                   |
| <input type="checkbox"/> AUT - Austria                | <input type="checkbox"/> LUX - Luxembourg                                  |
| <input type="checkbox"/> AZE - Azerbaijan             | <input type="checkbox"/> LVA - Latvia                                      |
| <input type="checkbox"/> BEL - Belgium                | <input type="checkbox"/> MCO - Monaco                                      |
| <input type="checkbox"/> BGR - Bulgaria               | <input type="checkbox"/> MDA - Republic of Moldova                         |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland            | <input type="checkbox"/> MLT - Malta                                       |
| <input type="checkbox"/> CYP - Cyprus                 | <input type="checkbox"/> MNE - Montenegro                                  |
| <input type="checkbox"/> CZE - Czech Republic         | <input type="checkbox"/> NLD - Netherlands                                 |
| <input type="checkbox"/> DEU - Germany                | <input type="checkbox"/> NOR - Norway                                      |
| <input type="checkbox"/> DNK - Denmark                | <input type="checkbox"/> POL - Poland                                      |
| <input type="checkbox"/> ESP - Spain                  | <input type="checkbox"/> PRT - Portugal                                    |
| <input type="checkbox"/> EST - Estonia                | <input type="checkbox"/> ROU - Romania                                     |
| <input type="checkbox"/> FIN - Finland                | <input checked="" type="checkbox"/> RUS - Russian Federation               |
| <input type="checkbox"/> FRA - France                 | <input type="checkbox"/> SMR - San Marino                                  |
| <input type="checkbox"/> GBR - United Kingdom         | <input type="checkbox"/> SRB - Serbia                                      |
| <input type="checkbox"/> GEO - Georgia                | <input type="checkbox"/> SVK - Slovak Republic                             |
| <input type="checkbox"/> GRC - Greece                 | <input type="checkbox"/> SVN - Slovenia                                    |
| <input type="checkbox"/> HRV - Croatia                | <input type="checkbox"/> SWE - Sweden                                      |
| <input type="checkbox"/> HUN - Hungary                | <input type="checkbox"/> TUR - Turkey                                      |
| <input type="checkbox"/> IRL - Ireland                | <input type="checkbox"/> UKR - Ukraine                                     |
| <input type="checkbox"/> ISL - Iceland                |  |

**Subject matter of the application**

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E., F. and G.) (Rule 47 § 2 (a)). The applicant may supplement this information by appending further details to the application form. Such additional explanations must not exceed 20 pages (Rule 47 § 2 (b)); this page limit does not include copies of accompanying documents and decisions.

**E. Statement of the facts**

34.

1. The applicant is one of the Arctic 30.
2. The applicant was apprehended on 18 September 2013 by armed agents of the Russian Federal Security Service after trying to climb Prirazlomnaya, an oil rig, in the exclusive economic zone of the Russian Federation in the Pechora Sea.
3. From 19 to 24 September 2013 the applicant remained detained on board of the Arctic Sunrise which was towed by the Russian Federal Security Service to Murmansk.
4. On 24 September 2013, when the Arctic Sunrise entered Russian territorial waters in the Kola Bay near Murmansk, the Investigative Committee of the Russian Federation ("the InvCom") opened a criminal case under article 227, para. 3, of the Russian Criminal Code. On the same day, armed guards forcibly brought the applicant from the Arctic Sunrise to the InvCom premises in Murmansk. The investigation of the case was entrusted to the group of investigators led by captain Torvinen. The investigation was conducted by the InvCom directorate for North-West Russia, headquartered in St. Petersburg, under the command of general Mayakov.
5. Mr Torvinen, with the approval of Mr Mayakov, petitioned the Leninskiy District Court of Murmansk ("the Lenin Court") to detain the applicant for two months pending criminal investigation of the charges of piracy. On 26 September 2013 the applicant's detention on remand was authorised by the Lenin Court.
6. On 2-3 October 2013 the InvCom charged the applicant with piracy.
7. The detention order was appealed on behalf of the applicant to the Murmansk Regional Court ("the Murmansk Court"). It was argued on appeal that there had been no "reasonable suspicion" of the applicant having committed piracy as Prirazlomnaya is clearly not a ship. It was also argued that the applicant's initial apprehension and subsequent detention had been unlawful under both Russian and international law. In particular, there were no grounds for the capture of the Arctic Sunrise in the exclusive economic zone. Moreover, the applicant was not brought before a Russian judge within forty-eight hours of de-facto arrest as contemplated by article 22 of the Russian Constitution.
8. On 21 October 2013 the Murmansk Court rejected the appeal. Legal arguments advanced on behalf of the applicant were essentially disregarded on appeal.
9. On 18 October 2013 the Netherlands, flag State of the Arctic Sunrise, formally protested against the seizure of the vessel and urgently requested the Russian Federation to immediately release the Arctic Sunrise together with her crew.
10. On 21 October 2013 Mr Mayakov wrote to Mr Torvinen having suddenly realised that the piracy charges against all Arctic 30 had been manifestly ill-founded as Prirazlomnaya, a maritime fixed ice-resistant platform, is not a ship. Mayakov therefore ordered Torvinen to re-qualify charges levelled against all Arctic 30 to hooliganism punishable under article 213, para. 2, of the Russian Criminal Code. The defence obtained knowledge of that letter only in the course of the detention hearing in November 2013 in St. Petersburg (see below).
11. On 30 October 2013 the applicant was charged with hooliganism.
12. On 11 November 2013, while still detained, the applicant was transferred from Murmansk to St. Petersburg.
13. On 19 November 2013 the district court in St. Petersburg examined the InvCom's petition to extend the duration of the applicant's detention on remand pending investigation.
14. On 19 November 2013 the Primorskiy District Court of St. Petersburg granted the applicant bail.
15. On 21 November 2013 the applicant was released from the detention centre.
16. On 22 November 2013 the International Tribunal for the Law of the Sea (ITLOS) rendered its order in the Arctic Sunrise case (Kingdom of the Netherlands v. the Russian Federation) in favour of the Netherlands.

**Statement of the facts (continued)**

35.

17. ITLOS ordered, pursuant to article 290, para. 5, of the UN Convention on the Law of the Sea, that the Russian Federation shall immediately release the Arctic Sunrise and the applicant, and allow the applicant to leave the territory of the Russian Federation, and maritime areas under the jurisdiction of the Russian Federation, upon the posting of a bond or other financial security by the Netherlands. By 2 December 2013 the Netherlands reported the bank guarantee for the amount determined by ITLOS in its 22 November 2013 order had been issued.

18. On 26 November 2013 Greenpeace International submitted an Urgent Appeal in relation to members of the Arctic 30 to various United Nations Special Rapporteurs. This submission was not addressed to the UN Working Group on Arbitrary detention because Greenpeace International did not want to hinder the ability of the Arctic 30 to file an application with this Court.

19. On 25 December 2013 criminal prosecution of the applicant was discontinued due to an amnesty passed by the Russian Duma.

**FACTUAL BACKGROUND:**

1. In September 2013 the Arctic 30 (28 activists and two freelance journalists) travelled to the Pechora Sea on board the motor yacht Arctic Sunrise, a vessel flying the flag of the Netherlands. The Arctic Sunrise is an icebreaker built in 1975 and operated by Greenpeace International.

2. Since 2010 Greenpeace International and national/regional Greenpeace organisations have been engaged in the 'Save the Arctic' campaign. 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 icy Arctic waters. In the course of this campaign Greenpeace staged a number of peaceful protests at sea including in 2012 at Prirazlomnaya in the Pechora Sea. That protest did not result in any safety incidents or criminal prosecutions.

3. Prirazlomnaya is a maritime fixed ice-resistant platform, not a ship, as confirmed by a 2012 judgment of the Russian Thirteenth Commercial Court of Appeals (Annex 6). It is located in the exclusive economic zone of the Russian Federation (international waters outside Russian territory) and owned by a subsidiary of Gazprom.

4. Prirazlomnaya measures 126 x 126 metres and work shifts consist of up to 200 persons.

5. Gazprom stated that Prirazlomnaya had begun production in December 2013.

**Statement of the facts (continued)**

36.

**FACTUAL BACKGROUND (CONTINUED):**

6. On 18 September 2013 five rigid hull inflatable boats left the Arctic Sunrise (which was at a point outside the three nautical miles' exclusion zone declared by the Russian Federation around Prirazlomnaya) and headed towards Prirazlomnaya.

7. Two climbers attempted to climb the outside structure of the platform with the aim to unfurl a banner some distance below the main deck, to protest the imminent commencement of oil production at Prirazlomnaya. 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 it.

8. In response to the action described above, two unmarked inflatables appeared from the Russian Federal Security Service vessel Ladoga, each manned with at least three Russian State agents in balaclavas with weapons. The Russian agents threw lines at the propellers of the Greenpeace inflatables. The lines hit some of the crew on the inflatables. The officials proceeded to threaten the activists with guns and knives. The Russian agents' actions created a life-threatening situation for the people in the Greenpeace inflatables and the climbers. The two climbers who had attempted to scale Prirazlomnaya were apprehended by the Russian agents near the platform. All other activists returned to the Arctic Sunrise in their inflatable boats.

9. On 19 September 2013 the Arctic Sunrise and all persons remaining on board were detained by the armed agents of the Russian Federal Security Service who boarded the Arctic Sunrise from a helicopter. The Arctic Sunrise was in the exclusive economic zone of the Russian Federation in the Pechora Sea, outside of the Russian-declared three nautical miles' exclusion zone around Prirazlomnaya. The climbers were returned from the Ladoga to the Arctic Sunrise and re-joined the rest of the group.

10. The Arctic 30 were threatened with weapons if they did not follow the orders of the Russian agents. They were searched and locked in their cabins or other premises on the Arctic Sunrise. All communication devices were taken from them. No movements were possible without the authorisation of the Russian agents on board. The de facto detention of the applicant on board of Arctic Sunrise is confirmed by the wording of the enclosed 25 December 2013 decision of the Russian Federal Migration Service (Annex 7).



**F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments**

37. Article invoked	Explanation
	<p>Russia exercised full and effective control over the applicant in a continuous and uninterrupted manner from the moment of apprehension at sea. The applicant was therefore effectively within Russia's jurisdiction within the meaning of Article 1 of the Convention since 18 September 2013.</p> <p>The applicant was in effect abducted and forcibly brought under Russian control in violation of the exclusive jurisdiction of the Netherlands over the Arctic Sunrise and its crew. It follows that all subsequent exercises of enforcement jurisdiction by the Russian Federation were equally unlawful.</p>
Article 5, para. 1 (apprehension)	<p>The apprehension of the applicant on 18 September 2013 was unlawful within the meaning of Article 5, para. 1, of the Convention. All foreign vessels and their crews are subject to the exclusive jurisdiction of the vessel's flag State, that is, in the present case, the Netherlands, while in the exclusive economic zone (articles 92 and 58 of the UN Convention on the Law of the Sea). None of the internationally recognised exceptions to the exclusive flag State jurisdiction were applicable in this case. Piracy was invoked as a ground for arrest only six days thereafter (24 September 2013).</p>
Article 5, para. 1 (detention)	<p>The deprivation of liberty until the Lenin Court's order was not in accordance with Russian domestic law and thus in contravention with Article 5, para. 1, of the Convention. The applicant was not brought before a judge within 48 hours of apprehension as required under Article 22, para. 2, of the Russian Constitution.</p>
Article 5, para. 1 (c)	<p>The applicant's detention was ordered by the Lenin Court and upheld on appeal by the Murmansk Court in the absence of any reasonable suspicion of piracy and thus in violation of Article 5, para. 1 (c), of the Convention (see <i>Gusinsky v. Russia</i>, no. 70276/01, para. 53, 19 May 2004). The Russian Criminal Code defines piracy as an assault on a ship with the aim of capturing other people's property with the use of violence. Apart from the absence of other elements of the offence, <i>Prirazlomnaya</i> was clearly not a ship, therefore, it was obvious <i>prima facie</i> that no <i>corpus delicti</i> of a crime punishable under Article 227 of the Russian Criminal Code was present. The Russian register of ships is publicly available and <i>Prirazlomnaya</i> is not on it. This point was expressly raised by the defence. On 21 October 2013 the investigators themselves recognised that the charge of piracy had been unfounded. But the applicant was granted bail only in November 2013 by a court in St. Petersburg. It was clear to any reasonable observer that piracy could not have been committed by the applicant. However, the applicant was held in detention for two months precisely on that ground. The deprivation of liberty impaired the very essence of Article 5, para. 1 (c), of the Convention.</p>
Article 10	<p>Article 10 applies to the applicant's peaceful protest. The apprehension and detention constitute interferences with Article 10 rights (<i>Kandzhov v. Bulgaria</i>, 2008, para. 70). These interferences were not foreseeable and therefore not "prescribed by law", since there was no legal basis for the exercise of jurisdiction by the Russian Federation (see above, and <i>Medvedyev and Others v. France</i>, 2010, para. 80), piracy was inapplicable and the definition of "hooliganism" is not formulated with sufficient precision to foresee it could be applied (cf. <i>Hashman and Harrup v. the UK</i>, 1999, para. 37). Nor were these interferences necessary in a democratic society. The authorities were required to show a certain degree of tolerance towards the peaceful protest (<i>Kudrevičius and Others v. Lithuania</i>, 2013, para. 82), particularly given the role of Greenpeace as a public watchdog and the fact that the protest aimed to draw attention to a matter of general public interest (<i>Steel and Morris v. the UK</i>, 2005, para. 89). The force used in responding to the protest created a very dangerous situation, was disproportionate and liable to produce a serious chilling effect on the applicant and others (<i>Woman on Waves v. Portugal</i>, 2009, para. 43).</p>



**G. For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.**

38. Complaint  
Articles 5 and 10

Information about remedies used and the date of the final decision

The applicant appealed the detention order to the Murmansk Regional Court. The appeal was dismissed by the Murmansk Regional Court on 21 October 2013.

39. Is or was there an appeal or remedy available to you which you have not used?

☒ Yes

☐ No

40. If you answered Yes above, please state which appeal or remedy you have not used and explain why not.

1. No appeal in cassation was lodged with the Murmansk Regional Court. However, this remedy is ineffective for two reasons.
2. First, it is identical to supervisory review appeal as it existed in the Russian Code of Criminal Procedure before 1 January 2013 which was found by this Court to be an ineffective remedy.
3. Second, an appeal in cassation would have been ineffective in the present case because it would not have been considered in a timely manner. The Murmansk Regional Court has up to two months to consider such an appeal (article 401.9, para. 1, of the Russian Code of Criminal Procedure).
4. Therefore, a decision on an appeal in cassation would have been delivered after the end of the detention period, 24 November 2013.

#### H. Information concerning other international proceedings (if any)

41. Have you raised any of these complaints in another procedure of international investigation or settlement?

☐ Yes

☒ No

42. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

43. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

☐ Yes

☒ No

44. If you answered Yes above, please write the relevant application number(s) in the box below.

**I. List of accompanying documents**

You should enclose full and legible *copies* of all documents.

No documents will be returned to you. It is thus in your interests to submit copies, not originals.

You **MUST**:

- arrange the documents in order by date and by procedure;
- number the pages consecutively;
- NOT staple, bind or tape the documents.

45. In the box below, please list the documents in chronological order with a concise description.

1. Copy of the 29 September 2013 detention order issued by the Lenin Court;
2. Copy of the 21 October 2013 appellate ruling issued by the Murmansk Court;
3. Copy of the 18 October 2013 note verbale by the Dutch Foreign Ministry;
4. Copy of the 21 October 2013 letter from Mr Mayakov to Mr Torvinen;
5. Copy of the ruling of 23 October 2013 on qualification as hooliganism;
6. Copy of the 23 October 2012 judgment by the Thirteenth Commercial Court;
7. Copy of the 25 December 2013 decision of the Federal Migration Service.
- 8.
- 9.
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- 21.
- 22.
- 23.
- 24.
- 25.

**Any other comments**

Do you have any other comments about your application?

46. Comments

No

**Declaration and signature**

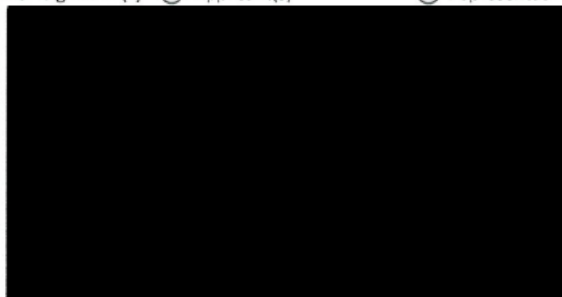
I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

47. Date

17032014 e.g. 27/09/2012

D D M M Y Y Y Y

The applicant(s) or the applicant's representative(s) must sign in the box below.


48. Signature(s) ☐ Applicant(s) ☒ Representative(s) - tick as appropriate**Confirmation of correspondent**If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond.49. Name and address of ☐ Applicant ☒ Representative - tick as appropriate

Jasper Teulings  
Greenpeace International  
Ottho Heldringstraat 5  
1066 AZ Amsterdam  
The Netherlands

**The completed application form should be  
signed and sent by post to:**

The Registrar  
European Court of Human Rights  
Council of Europe  
67075 STRASBOURG CEDEX  
FRANCE

## Appendix 42: Example of application to the European Court of Human Rights on behalf of a freelance journalist



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

ENG - 2014/1  
Application Form

**About this application form**

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

**Warning:** If your application is incomplete, it will not be accepted (*see Rule 47 of the Rules of Court*). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [*statement of facts, alleged violations and information about compliance with the admissibility criteria*] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

**Barcode label**

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

**Reference number**

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

**A. The applicant (Individual)**

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname  
BRYAN

2. First name(s)  
KIERON JOHN

3. Date of birth  
[Redacted] e.g. 27/09/2012  
D D M M Y Y Y Y

4. Nationality  
[Redacted]

5. Address  
[Redacted]

6. Telephone (including international dialling code)  
[Redacted]

7. Email (if any)  
[Redacted]

8. Sex  
[Redacted]

**B. The applicant (Organisation)**

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name  
[Redacted]

10. Identification number (if any)  
[Redacted]

11. Date of registration or incorporation (if any)  
[Redacted] e.g. 27/09/2012  
D D M M Y Y Y Y

12. Activity  
[Redacted]

13. Registered address  
[Redacted]

14. Telephone (including international dialling code)  
[Redacted]

15. Email  
[Redacted]

## C. Representative(s) of the applicant

If the applicant is not represented, go to Section D.

## Non-lawyer / Organisation official

Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

17. Surname

18. First name(s)

19. Nationality

20. Address

21. Telephone (including international dialling code)

22. Fax

23. Email

## Authorisation

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant



## Lawyer

Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

① Golubok                      ② Teulings

25. First name(s)

① Sergey                      ② Jaspers

26. Nationality

① Russian                      ② Netherlands

27. Address

① 7 Kazanskaya str. office 6  
St. Petersburg  
Russian Federation 191186

② Greenpeace International  
Ottho Heldringstraat 5  
1066 SN Amsterdam  
The Netherlands.

28. Telephone (including international dialling code)



29. Fax



30. Email



32. Date

12 | 6 | 0 | 2 | 2 | 0 | 1 | 4 | e.g. 27/09/2012  
D D M M Y Y Y Y

**D. State(s) against which the application is directed**

33. Tick the name(s) of the State(s) against which the application is directed

- |   |  |
|---|--|
| <input type="checkbox"/> ALB - Albania                | <input type="checkbox"/> ITA - Italy                                       |
| <input type="checkbox"/> AND - Andorra                | <input type="checkbox"/> LIE - Liechtenstein                               |
| <input type="checkbox"/> ARM - Armenia                | <input type="checkbox"/> LTU - Lithuania                                   |
| <input type="checkbox"/> AUT - Austria                | <input type="checkbox"/> LUX - Luxembourg                                  |
| <input type="checkbox"/> AZE - Azerbaijan             | <input type="checkbox"/> LVA - Latvia                                      |
| <input type="checkbox"/> BEL - Belgium                | <input type="checkbox"/> MCO - Monaco                                      |
| <input type="checkbox"/> BGR - Bulgaria               | <input type="checkbox"/> MDA - Republic of Moldova                         |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland            | <input type="checkbox"/> MLT - Malta                                       |
| <input type="checkbox"/> CYP - Cyprus                 | <input type="checkbox"/> MNE - Montenegro                                  |
| <input type="checkbox"/> CZE - Czech Republic         | <input type="checkbox"/> NLD - Netherlands                                 |
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| <input type="checkbox"/> DNK - Denmark                | <input type="checkbox"/> POL - Poland                                      |
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| <input type="checkbox"/> FRA - France                 | <input type="checkbox"/> SMR - San Marino                                  |
| <input type="checkbox"/> GBR - United Kingdom         | <input type="checkbox"/> SRB - Serbia                                      |
| <input type="checkbox"/> GEO - Georgia                | <input type="checkbox"/> SVK - Slovak Republic                             |
| <input type="checkbox"/> GRC - Greece                 | <input type="checkbox"/> SVN - Slovenia                                    |
| <input type="checkbox"/> HRV - Croatia                | <input type="checkbox"/> SWE - Sweden                                      |
| <input type="checkbox"/> HUN - Hungary                | <input type="checkbox"/> TUR - Turkey                                      |
| <input type="checkbox"/> IRL - Ireland                | <input type="checkbox"/> UKR - Ukraine                                     |
| <input type="checkbox"/> ISL - Iceland                |  |

**Subject matter of the application**

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E., F. and G.) (Rule 47 § 2 (a)). The applicant may supplement this information by appending further details to the application form. Such additional explanations must not exceed 20 pages (Rule 47 § 2 (b)); this page limit does not include copies of accompanying documents and decisions.

**E. Statement of the facts**

34.

1. The applicant is one of the Arctic 30. He is a freelance video journalist.
2. The applicant was detained on 19 September 2013 by armed agents of the Russian Federal Security Service on board the Greenpeace ship, the Arctic Sunrise, in the exclusive economic zone of the Russian Federation in the Pechora Sea.
3. The applicant was aboard the Arctic Sunrise as a freelance videographer recording events for distribution to global media outlets. His professional equipment was confiscated by the Russian agents.
4. From 19 to 24 September 2013 the applicant remained detained on board of the Arctic Sunrise which was towed by the Russian Federal Security Service to Murmansk.
5. On 24 September 2013, when the Arctic Sunrise entered Russian territorial waters in the Kola Bay near Murmansk, the Investigative Committee of the Russian Federation ("the InvCom") opened a criminal case under article 227, para. 3, of the Russian Criminal Code. On the same day, armed guards forcibly brought the applicant from the Arctic Sunrise to the InvCom premises in Murmansk. The investigation of the case was entrusted to the group of investigators led by captain Torvinen. The investigation was conducted by the InvCom directorate for North-West Russia, headquartered in St. Petersburg, under the command of general Mayakov.
6. Mr Torvinen, with the approval of Mr Mayakov, petitioned the Leninskiy District Court of Murmansk ("the Lenin Court") to detain the applicant for two months pending criminal investigation of the charges of piracy. On 26 September 2013 the applicant's detention on remand was authorised by the Lenin Court.
7. On 2-3 October 2013 the InvCom charged the applicant with piracy.
8. The detention order was appealed on behalf of the applicant to the Murmansk Regional Court ("the Murmansk Court"). It was argued on appeal that there had been no "reasonable suspicion" of the applicant having committed piracy as *Prirazlomnaya* is clearly not a ship. It was also argued that the applicant's initial apprehension and subsequent detention had been unlawful under both Russian and international law. In particular, there were no grounds for the capture of the Arctic Sunrise in the exclusive economic zone. Moreover, the applicant was not brought before a Russian judge within forty-eight hours of de-facto arrest as contemplated by article 22 of the Russian Constitution. It was also argued on behalf of the applicant that he had covered the events as a journalist.
9. On 11 October 2013 the Murmansk Court rejected the appeal. Legal arguments about the applicant acting in his capacity as a professional journalist were essentially disregarded on appeal.
10. On 18 October 2013 the Netherlands, flag State of the Arctic Sunrise, formally protested against the seizure of the vessel and urgently requested the Russian Federation to immediately release the Arctic Sunrise together with her crew.
11. On 21 October 2013 Mr Mayakov wrote to Mr Torvinen having suddenly realised that the piracy charges against all Arctic 30 had been manifestly ill-founded as *Prirazlomnaya*, a maritime fixed ice-resistant platform. Mr Mayakov therefore ordered Torvinen to re-qualify charges levelled against all Arctic 30 to hooliganism punishable under article 213, para. 2, of the Russian Criminal Code. The defence obtained knowledge of that letter only in the course of the detention hearing in November 2013 in St. Petersburg (see below).
12. On 28 October 2013 the applicant was charged with hooliganism.
13. On 11 November 2013, while still detained, the applicant was transferred from Murmansk to St. Petersburg.
14. On 20 November 2013 the district court in St. Petersburg examined the InvCom's petition to extend the duration of the applicant's detention on remand pending investigation.
15. On 20 November 2013 the Primorskiy District Court of St. Petersburg granted the applicant bail.
16. On 22 November 2013 the applicant was released from the detention centre.
17. On 22 November 2013 the International Tribunal for the Law of the Sea (ITLOS) rendered its order in the Arctic Sunrise case (*Kingdom of the Netherlands v. the Russian Federation*) in favour of the Netherlands.



**Statement of the facts (continued)**

35.

17. ITLOS ordered, pursuant to article 290, para. 5, of the UN Convention on the Law of the Sea, that the Russian Federation shall immediately release the Arctic Sunrise and the applicant, and allow the applicant to leave the territory of the Russian Federation, and maritime areas under the jurisdiction of the Russian Federation, upon the posting of a bond or other financial security by the Netherlands. By 2 December 2013 the Netherlands reported the bank guarantee for the amount determined by ITLOS in its 22 November 2013 order had been issued.

18. On 26 November 2013 Greenpeace International submitted an Urgent Appeal in relation to members of the Arctic 30 to various United Nations Special Rapporteurs. This submission was not addressed to the UN Working Group on Arbitrary detention because Greenpeace International did not want to hinder the ability of the Arctic 30 to file an application with this Court.

19. On 25 December 2013 criminal prosecution of the applicant was discontinued due to an amnesty passed by the Russian Duma.

**FACTUAL BACKGROUND:**

1. In September 2013 the Arctic 30 (28 activists and two freelance journalists) travelled to the Pechora Sea on board the motor yacht Arctic Sunrise, a vessel flying the flag of the Netherlands. The Arctic Sunrise is an icebreaker built in 1975 and operated by Greenpeace International.

2. Since 2010 Greenpeace International and national/regional Greenpeace organisations have been engaged in the 'Save the Arctic' campaign. 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 icy Arctic waters. In the course of this campaign Greenpeace staged a number of peaceful protests at sea including in 2012 at Prirazlomnaya in the Pechora Sea. That protest did not result in any safety incidents or criminal prosecutions.

3. Prirazlomnaya is a maritime fixed ice-resistant platform, not a ship, as confirmed by a 2012 judgment of the Russian Thirteenth Commercial Court of Appeals (Annex 6). It is located in the exclusive economic zone of the Russian Federation (international waters outside Russian territory) and owned by a subsidiary of Gazprom.

4. Prirazlomnaya measures 126 x 126 metres and work shifts consist of up to 200 persons.

5. Gazprom stated that Prirazlomnaya had begun production in December 2013.

**Statement of the facts (continued)**

36.

**FACTUAL BACKGROUND (CONTINUED):**

6. On 18 September 2013 five rigid hull inflatable boats left the Arctic Sunrise (which was at a point outside the three nautical miles' exclusion zone declared by the Russian Federation around Prirazlomnaya) and headed towards Prirazlomnaya.

7. Two climbers attempted to climb the outside structure of the platform with the aim to unfurl a banner some distance below the main deck, to protest the imminent commencement of oil production at Prirazlomnaya. 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 it.

8. In response to the action described above, two unmarked inflatables appeared from the Russian Federal Security Service vessel Ladoga, each manned with at least three Russian State agents in balaclavas with weapons. The Russian agents threw lines at the propellers of the Greenpeace inflatables. The lines hit some of the crew on the inflatables. The officials proceeded to threaten the activists with guns and knives. The Russian agents' actions created a life-threatening situation for the people in the Greenpeace inflatables and the climbers. The two climbers who had attempted to scale Prirazlomnaya were apprehended by the Russian agents near the platform. All other activists returned to the Arctic Sunrise in their inflatable boats.

9. On 19 September 2013 the Arctic Sunrise and all persons remaining on board were detained by the armed agents of the Russian Federal Security Service who boarded the Arctic Sunrise from a helicopter. The Arctic Sunrise was in the exclusive economic zone of the Russian Federation in the Pechora Sea, outside of the Russian-declared three nautical miles' exclusion zone around Prirazlomnaya. The climbers were returned from the Ladoga to the Arctic Sunrise and re-joined the rest of the group.

10. The Arctic 30 were threatened with weapons if they did not follow the orders of the Russian agents. They were searched and locked in their cabins or other premises on the Arctic Sunrise. All communication devices were taken from them. No movements were possible without the authorisation of the Russian agents on board. The de facto detention of the applicant on board of Arctic Sunrise is confirmed by the wording of the enclosed 25 December 2013 decision of the Russian Federal Migration Service (Annex 7).

**F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments**

<p>37. Article invoked</p>	<p>Explanation</p> <p>Russia exercised full and effective control over the Arctic Sunrise and its crew in a continuous and uninterrupted manner from the moment of their apprehension at sea. The applicant was therefore effectively within Russia's jurisdiction within the meaning of Article 1 of the Convention since 19 September 2013. The applicant was in effect abducted and forcibly brought under Russian control in violation of the exclusive jurisdiction of the Netherlands over the Arctic Sunrise. It follows that all subsequent exercises of enforcement jurisdiction by the Russian Federation were equally unlawful.</p>
<p>Article 5, para. 1 (apprehension)</p>	<p>The detention of the applicant on board of the Arctic Sunrise on 19 September 2013 was unlawful within the meaning of Article 5, para. 1, of the Convention.</p> <p>All foreign vessels enjoy freedom of navigation while in the exclusive economic zone (article 58 of the UN Convention on the Law of the Sea).</p> <p>See <i>Medvedyev v. France</i> [GC], no. 3394/03, para. 79, ECHR 2010.</p> <p>None of the internationally recognised exceptions to the freedom of navigation and exclusive flag State jurisdiction were applicable in this case. Piracy was invoked as a ground for arrest only five days thereafter (24 September 2013).</p>
<p>Article 5, para. 1 (detention)</p>	<p>The deprivation of liberty until the Lenin Court's order was not in accordance with Russian domestic law and thus in contravention with Article 5, para. 1, of the Convention. The applicant was not brought before a judge within 48 hours of apprehension as required under Article 22, para. 2, of the Russian Constitution.</p>
<p>Article 5, para. 1 (c)</p>	<p>The applicant's apprehension was ordered by the Lenin Court and upheld on appeal by the Murmansk Court in the absence of any reasonable suspicion of piracy and thus in violation of Article 5, para. 1 (c), of the Convention (see <i>Gusinsky v. Russia</i>, no. 70276/01, para. 53, 19 May 2004). The Russian Criminal Code defines piracy as an assault on a ship with the aim of capturing other people's property with the use of violence. Apart from the absence of other elements of the offence, <i>Prirazlomnaya</i> is clearly not a ship, therefore, it was obvious <i>prima facie</i> that no <i>corpus delicti</i> of a crime punishable under Article 227 of the Russian Criminal Code was present. The Russian register of ships is publicly available and <i>Prirazlomnaya</i> is not on it. This point was expressly raised by the defence. On 21 October 2013 the investigators themselves recognised that the charge of piracy had been unfounded. But the applicant was only granted bail in November 2013 by a court in St. Petersburg. It was clear to any reasonable observer that piracy could not have been committed by the applicant. However, the applicant was held in detention for two months precisely on that ground. The deprivation of liberty impaired the very essence of Article 5, para. 1 (c), of the Convention.</p>
<p>Article 10</p>	<p>Article 10 applies to the applicant's activities. The aim of these activities was to cover and disseminate video of the peaceful protest against dangerous exploitation of the Arctic. The applicant's apprehension and subsequent detention on remand constitute interferences with Article 10 rights (see <i>Kandzhov v. Bulgaria</i>, no. 68294/01, para. 70, 6 November 2008). Punishing a journalist for assisting in the dissemination of statements made by others would "seriously hamper the contribution of the press to discussion of matters of public interest" (see <i>Jersild v. Denmark</i>, no. 15890/89, para. 35, Series A no. 298). In a case concerning a journalist doing his journalistic work at the place of a demonstration, the Court held that State agents should not hamper exercise of the right to receive and impart information (see <i>Najafli v. Azerbaijan</i>, no. 2594/07, paras. 67-68, 2 October 2012). Article 10 of the Convention was violated.</p>

### 38. Complaint Articles 5 and 10

Information about remedies used and the date of the final decision  
The applicant appealed the detention order to the Murmansk Regional Court. The appeal was dismissed by the Murmansk Regional Court on 11 October 2013.

39. Is or was there an appeal or remedy available to you which you have not used?

☒ Yes

☐ No

40. If you answered Yes above, please state which appeal or remedy you have not used and explain why not.

1. No appeal in cassation was lodged with the Murmansk Regional Court. However, this remedy is ineffective for two reasons.

2. First, it is identical to supervisory review appeal as it existed in the Russian Code of Criminal Procedure before 1 January 2013 which was found by this Court to be an ineffective remedy.

3. Second, an appeal in cassation would have been ineffective in the present case because it would not have been considered in a timely manner. The Murmansk Regional Court has up to two months to consider such an appeal (article 401.9, para. 1, of the Russian Code of Criminal Procedure).

4. Therefore, a decision on an appeal in cassation would have been delivered after the end of the detention period, 24 November 2013.

**H. Information concerning other international proceedings (if any)**

41. Have you raised any of these complaints in another procedure of international investigation or settlement?

☐ Yes☐ No

42. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

43. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

☐ Yes

☐ No

44. If you answered Yes above, please write the relevant application number(s) in the box below.

**I. List of accompanying documents**

You should enclose full and legible *copies* of all documents.

No documents will be returned to you. It is thus in your interests to submit copies, not originals.

You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively;
- NOT staple, bind or tape the documents.

45. In the box below, please list the documents in chronological order with a concise description.

1. Copy of the 26 September 2013 detention order issued by the Lenin Court;
2. Copy of the 11 October 2013 appellate ruling issued by the Murmansk Court;
3. Copy of the 18 October 2013 note verbale by the Dutch Foreign Ministry;
4. Copy of the 21 October 2013 letter from Mr Mayakov to Mr Torvinen;
5. Copy of the ruling of 23 October 2013 on qualification as hooliganism;
6. Copy of the 23 October 2012 judgment by the Thirteenth Commercial Court;
7. Copy of the 25 December 2013 decision of the Federal Migration Service.
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**Any other comments**

Do you have any other comments about your application?

46. Comments

No.

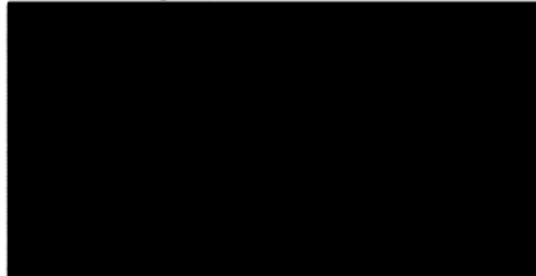
**Declaration and signature**

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

47. Date

1 | 7 | 0 | 3 | 2 | 0 | 1 | 4 e.g. 27/09/2012  
D D M M Y Y Y Y

The applicant(s) or the applicant's representative(s) must sign in the box below.

48. Signature(s) ☐ Applicant(s) ☒ Representative(s) - tick as appropriate**Confirmation of correspondent**If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond.49. Name and address of ☐ Applicant ☒ Representative - tick as appropriateJasper Teulings  
Greenpeace International  
Ottho Heldringstraat 5  
1066 AZ Amsterdam  
The Netherlands**The completed application form should be signed and sent by post to:**The Registrar  
European Court of Human Rights  
Council of Europe  
67075 STRASBOURG CEDEX  
FRANCE



## Appendix 43: Example of application to the European Court of Human Rights on behalf of another member of the 'Arctic 30'



### About this application form

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

ENG - 2014/1

### Application Form

**Warning:** If your application is incomplete, it will not be accepted (*see Rule 47 of the Rules of Court*). Please note in particular that Rule 47 § 2 (a) provides that:  
"All of the information referred to in paragraph 1 (d) to (f) [*statement of facts, alleged violations and information about compliance with the admissibility criteria*] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

#### Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

#### Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

#### A. The applicant (Individual)

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

AKHAN

2. First name(s)

GIZEM

3. Date of birth

e.g. 27/09/2012

D D M M Y Y Y Y

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

#### B. The applicant (Organisation)

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

e.g. 27/09/2012

D D M M Y Y Y Y

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

17. Surname

18. First name(s)

19. Nationality

20. Address

21. Telephone (including international dialling code)

22. Fax

23. Email

**Lawyer**

Please fill in this part of the form if you are representing the applicant as a lawyer.

24. Surname

25. First name(s)

26. Nationality

27. Address

28. Telephone (including international dialling code)

29. Fax

30. Email

**Authority**

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filing in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant

32. Date

D D M M Y Y Y Y

**D. State(s) against which the application is directed**

33. Tick the name(s) of the State(s) against which the application is directed

- |   |  |
|---|--|
| <input type="checkbox"/> ALB - Albania                | <input type="checkbox"/> ITA - Italy                                       |
| <input type="checkbox"/> AND - Andorra                | <input type="checkbox"/> LIE - Liechtenstein                               |
| <input type="checkbox"/> ARM - Armenia                | <input type="checkbox"/> LTU - Lithuania                                   |
| <input type="checkbox"/> AUT - Austria                | <input type="checkbox"/> LUX - Luxembourg                                  |
| <input type="checkbox"/> AZE - Azerbaijan             | <input type="checkbox"/> LVA - Latvia                                      |
| <input type="checkbox"/> BEL - Belgium                | <input type="checkbox"/> MCO - Monaco                                      |
| <input type="checkbox"/> BGR - Bulgaria               | <input type="checkbox"/> MDA - Republic of Moldova                         |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland            | <input type="checkbox"/> MLT - Malta                                       |
| <input type="checkbox"/> CYP - Cyprus                 | <input type="checkbox"/> MNE - Montenegro                                  |
| <input type="checkbox"/> CZE - Czech Republic         | <input type="checkbox"/> NLD - Netherlands                                 |
| <input type="checkbox"/> DEU - Germany                | <input type="checkbox"/> NOR - Norway                                      |
| <input type="checkbox"/> DNK - Denmark                | <input type="checkbox"/> POL - Poland                                      |
| <input type="checkbox"/> ESP - Spain                  | <input type="checkbox"/> PRT - Portugal                                    |
| <input type="checkbox"/> EST - Estonia                | <input type="checkbox"/> ROU - Romania                                     |
| <input type="checkbox"/> FIN - Finland                | <input checked="" type="checkbox"/> RUS - Russian Federation               |
| <input type="checkbox"/> FRA - France                 | <input type="checkbox"/> SMR - San Marino                                  |
| <input type="checkbox"/> GBR - United Kingdom         | <input type="checkbox"/> SRB - Serbia                                      |
| <input type="checkbox"/> GEO - Georgia                | <input type="checkbox"/> SVK - Slovak Republic                             |
| <input type="checkbox"/> GRC - Greece                 | <input type="checkbox"/> SVN - Slovenia                                    |
| <input type="checkbox"/> HRV - Croatia                | <input type="checkbox"/> SWE - Sweden                                      |
| <input type="checkbox"/> HUN - Hungary                | <input type="checkbox"/> TUR - Turkey                                      |
| <input type="checkbox"/> IRL - Ireland                | <input type="checkbox"/> UKR - Ukraine                                     |
| <input type="checkbox"/> ISL - Iceland                |  |

**Subject matter of the application**

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E., F. and G.) (Rule 47 § 2 (a)). The applicant may supplement this information by appending further details to the application form. Such additional explanations must not exceed 20 pages (Rule 47 § 2 (b)); this page limit does not include copies of accompanying documents and decisions.

**E. Statement of the facts**

34.

1. The applicant is one of the Arctic 30.
2. The applicant was detained on 19 September 2013 by armed agents of the Russian Federal Security Service on board the Greenpeace ship, the Arctic Sunrise, in the exclusive economic zone of the Russian Federation in the Pechora Sea.
3. From 19 to 24 September 2013 the applicant remained detained on board of the Arctic Sunrise which was towed by the Russian Federal Security Service to Murmansk.
4. On 24 September 2013, when the Arctic Sunrise entered Russian territorial waters in the Kola Bay near Murmansk, the Investigative Committee of the Russian Federation ("the InvCom") opened a criminal case under article 227, para. 3, of the Russian Criminal Code. On the same day, armed guards forcibly brought the applicant from the Arctic Sunrise to the InvCom premises in Murmansk. The investigation of the case was entrusted to the group of investigators led by captain Torvinen. The investigation was conducted by the InvCom directorate for North-West Russia, headquartered in St. Petersburg, under the command of general Mayakov.
5. Mr Torvinen, with the approval of Mr Mayakov, petitioned the Leninskiy District Court of Murmansk ("the Lenin Court") to detain the applicant for two months pending criminal investigation of the charges of piracy. On 26 September 2013 the applicant's detention on remand was authorised by the Lenin Court.
6. On 2-3 October 2013 the InvCom charged the applicant with piracy.
7. The detention order was appealed on behalf of the applicant to the Murmansk Regional Court ("the Murmansk Court"). It was argued on appeal that there had been no "reasonable suspicion" of the applicant having committed piracy as *Prirazlomnaya* is clearly not a ship. It was also argued that the applicant's initial apprehension and subsequent detention had been unlawful under both Russian and international law. In particular, there were no grounds for the capture of the Arctic Sunrise in the exclusive economic zone. Moreover, the applicant was not brought before a Russian judge within forty-eight hours of de-facto arrest as contemplated by article 22 of the Russian Constitution.
8. On 16 October 2013 the Murmansk Court rejected the appeal. Legal arguments advanced on behalf of the applicant were essentially disregarded on appeal.
9. On 18 October 2013 the Netherlands, flag State of the Arctic Sunrise, formally protested against the seizure of the vessel and urgently requested the Russian Federation to immediately release the Arctic Sunrise together with her crew.
10. On 21 October 2013 Mr Mayakov wrote to Mr Torvinen having suddenly realised that the piracy charges against all Arctic 30 had been manifestly ill-founded as *Prirazlomnaya*, a maritime fixed ice-resistant platform, is not a ship. Mayakov therefore ordered Torvinen to re-qualify charges levelled against all Arctic 30 to hooliganism punishable under article 213, para. 2, of the Russian Criminal Code. The defence obtained knowledge of that letter only in the course of the detention hearing in November 2013 in St. Petersburg (see below).
11. On 25 October 2013 the applicant was charged with hooliganism.
12. On 11 November 2013, while still detained, the applicant was transferred from Murmansk to St. Petersburg.
13. On 21 November 2013 the district court in St. Petersburg examined the InvCom's petition to extend the duration of the applicant's detention on remand pending investigation.
14. On 21 November 2013 the Primorskiy District Court of St. Petersburg granted the applicant bail.
15. On 22 November 2013 the applicant was released from the detention centre.
16. On 22 November 2013 the International Tribunal for the Law of the Sea (ITLOS) rendered its order in the Arctic Sunrise case (*Kingdom of the Netherlands v. the Russian Federation*) in favour of the Netherlands.

**Statement of the facts (continued)**

35.

17. ITLOS ordered, pursuant to article 290, para. 5, of the UN Convention on the Law of the Sea, that the Russian Federation shall immediately release the Arctic Sunrise and the applicant, and allow the applicant to leave the territory of the Russian Federation, and maritime areas under the jurisdiction of the Russian Federation, upon the posting of a bond or other financial security by the Netherlands. By 2 December 2013 the Netherlands reported the bank guarantee for the amount determined by ITLOS in its 22 November 2013 order had been issued.

18. On 26 November 2013 Greenpeace International submitted an Urgent Appeal in relation to members of the Arctic 30 to various United Nations Special Rapporteurs. This submission was not addressed to the UN Working Group on Arbitrary detention because Greenpeace International did not want to hinder the ability of the Arctic 30 to file an application with this Court.

19. On 25 December 2013 criminal prosecution of the applicant was discontinued due to an amnesty passed by the Russian Duma.

**FACTUAL BACKGROUND:**

1. In September 2013 the Arctic 30 (28 activists and two freelance journalists) travelled to the Pechora Sea on board the motor yacht Arctic Sunrise, a vessel flying the flag of the Netherlands. The Arctic Sunrise is an icebreaker built in 1975 and operated by Greenpeace International.

2. Since 2010 Greenpeace International and national/regional Greenpeace organisations have been engaged in the 'Save the Arctic' campaign. 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 icy Arctic waters. In the course of this campaign Greenpeace staged a number of peaceful protests at sea including in 2012 at Prirazlomnaya in the Pechora Sea. That protest did not result in any safety incidents or criminal prosecutions.

3. Prirazlomnaya is a maritime fixed ice-resistant platform, not a ship, as confirmed by a 2012 judgment of the Russian Thirteenth Commercial Court of Appeals (Annex 6). It is located in the exclusive economic zone of the Russian Federation (international waters outside Russian territory) and owned by a subsidiary of Gazprom.

4. Prirazlomnaya measures 126 x 126 metres and work shifts consist of up to 200 persons.

5. Gazprom stated that Prirazlomnaya had begun production in December 2013.

**Statement of the facts (continued)**

36.

**FACTUAL BACKGROUND (CONTINUED):**

6. On 18 September 2013 five rigid hull inflatable boats left the Arctic Sunrise (which was at a point outside the three nautical miles' exclusion zone declared by the Russian Federation around Prirazlomnaya) and headed towards Prirazlomnaya.

7. Two climbers attempted to climb the outside structure of the platform with the aim to unfurl a banner some distance below the main deck, to protest the imminent commencement of oil production at Prirazlomnaya. 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 it.

8. In response to the action described above, two unmarked inflatables appeared from the Russian Federal Security Service vessel Ladoga, each manned with at least three Russian State agents in balaclavas with weapons. The Russian agents threw lines at the propellers of the Greenpeace inflatables. The lines hit some of the crew on the inflatables. The officials proceeded to threaten the activists with guns and knives. The Russian agents' actions created a life-threatening situation for the people in the Greenpeace inflatables and the climbers. The two climbers who had attempted to scale Prirazlomnaya were apprehended by the Russian agents near the platform. All other activists returned to the Arctic Sunrise in their inflatable boats.

9. On 19 September 2013 the Arctic Sunrise and all persons remaining on board were detained by the armed agents of the Russian Federal Security Service who boarded the Arctic Sunrise from a helicopter. The Arctic Sunrise was in the exclusive economic zone of the Russian Federation in the Pechora Sea, outside of the Russian-declared three nautical miles' exclusion zone around Prirazlomnaya. The climbers were returned from the Ladoga to the Arctic Sunrise and re-joined the rest of the group.

10. The Arctic 30 were threatened with weapons if they did not follow the orders of the Russian agents. They were searched and locked in their cabins or other premises on the Arctic Sunrise. All communication devices were taken from them. No movements were possible without the authorisation of the Russian agents on board. The de facto detention of the applicant on board of Arctic Sunrise is confirmed by the wording of the enclosed 25 December 2013 decision of the Russian Federal Migration Service (Annex 7).

**F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments**

37. Article invoked	<p><b>Explanation</b></p> <p>Russia exercised full and effective control over the Arctic Sunrise and its crew in a continuous and uninterrupted manner from the moment of their apprehension at sea. The applicant was therefore effectively within Russia's jurisdiction within the meaning of Article 1 of the Convention since 19 September 2013. The applicant was in effect abducted and forcibly brought under Russian control in violation of the exclusive jurisdiction of the Netherlands over the Arctic Sunrise. It follows that all subsequent exercises of enforcement jurisdiction by the Russian Federation were equally unlawful.</p>
Article 5, para. 1 (apprehension)	<p>The apprehension of the applicant on board of the Arctic Sunrise on 19 September 2013 was unlawful within the meaning of Article 5, para. 1, of the Convention. All foreign vessels enjoy freedom of navigation while in the exclusive economic zone (article 58 of the UN Convention on the Law of the Sea). See <i>Medvedyev v. France</i> [GC], no. 3394/03, para. 79, ECHR 2010. None of the internationally recognised exceptions to the freedom of navigation and exclusive flag State jurisdiction were applicable in this case. Piracy was invoked as a ground for arrest only five days thereafter (24 September 2013).</p>
Article 5, para. 1 (detention)	<p>The deprivation of liberty until the Lenin Court's order was not in accordance with Russian domestic law and thus in contravention with Article 5, para. 1, of the Convention. The applicant was not brought before a judge within 48 hours of apprehension as required under Article 22, para. 2, of the Russian Constitution.</p>
Article 5, para. 1 (c)	<p>The applicant's detention was ordered by the Lenin Court and upheld on appeal by the Murmansk Court in the absence of any reasonable suspicion of piracy and thus in violation of Article 5, para. 1 (c), of the Convention (see <i>Gusinsky v. Russia</i>, no. 70276/01, para. 53, 19 May 2004). The Russian Criminal Code defines piracy as an assault on a ship with the aim of capturing other people's property with the use of violence. Apart from the absence of other elements of the offence, <i>Prirazlomnaya</i> is clearly not a ship, therefore, it was obvious <i>prima facie</i> that no <i>corpus delicti</i> of a crime punishable under Article 227 of the Russian Criminal Code was present. The Russian register of ships is publicly available and <i>Prirazlomnaya</i> is not on it. This point was expressly raised by the defence. On 21 October 2013 the investigators themselves recognised that the charge of piracy had been unfounded. But the applicant was granted bail only in November 2013 by a court in St. Petersburg. It was clear to any reasonable observer that piracy could not have been committed by the applicant. However, the applicant was held in detention for two months precisely on that ground. The deprivation of liberty impaired the very essence of Article 5, para. 1 (c), of the Convention.</p>
Article 10	<p>Article 10 applies to the applicant's peaceful protest. The apprehension and detention constitute interferences with Article 10 rights (<i>Kandzhov v. Bulgaria</i>, 2008, para. 70). These interferences were not foreseeable and therefore not "prescribed by law", since there was no legal basis for the exercise of jurisdiction by the Russian Federation (see above, and <i>Medvedyev and Others v. France</i>, 2010, para. 80); piracy was inapplicable and the definition of "hooliganism" is not formulated with sufficient precision to foresee it could be applied (cf. <i>Hashman and Harrup v. the UK</i>, 1999, para. 37). Nor were these interferences necessary in a democratic society. The authorities were required to show a certain degree of tolerance towards the peaceful protest (<i>Kudrevičius and Others v. Lithuania</i>, 2013, para. 82), particularly given the role of Greenpeace as a public watchdog and the fact that the protest aimed to draw attention to a matter of general public interest (<i>Steel and Morris v. the UK</i>, 2005, para. 89). The force used in responding to the protest created a very dangerous situation, was disproportionate and liable to produce a serious chilling effect on the applicant and others (<i>Woman on Waves v. Portugal</i>, 2009, para. 43).</p>

### 38. Complaint Articles 5 and 10

The applicant appealed the detention order to the Murmansk Regional Court. The appeal was dismissed by the Murmansk Regional Court on 16 October 2013.



☒ Yes☐ No

1. No appeal in cassation was lodged with the Murmansk Regional Court. However, this remedy is ineffective for two reasons.
2. First, it is identical to supervisory review appeal as it existed in the Russian Code of Criminal Procedure before 1 January 2013 which was found by this Court to be an ineffective remedy.
3. Second, an appeal in cassation would have been ineffective in the present case because it would not have been considered in a timely manner. The Murmansk Regional Court has up to two months to consider such an appeal (article 401.9, para. 1, of the Russian Code of Criminal Procedure).
4. Therefore, a decision on an appeal in cassation would have been delivered after the end of the detention period, 24 November 2013.

41. Have you raised any of these complaints in another procedure of international investigation or settlement?

☐ Yes☐ No☐ Yes☐ No

**I. List of accompanying documents**

You should enclose full and legible *copies* of all documents.

No documents will be returned to you. It is thus in your interests to submit *copies*, not originals.

You MUST:

- arrange the documents in order by date and by procedure;
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3.	Copy of the 18 October 2013 note verbale by the Dutch Foreign Ministry;
4.	Copy of the 21 October 2013 letter from Mr Mayakov to Mr Torvinen;
5.	Copy of the ruling of 23 October 2013 on qualification as hooliganism;
6.	Copy of the 23 October 2012 judgment by the Thirteenth Commercial Court;
7.	Copy of the 25 December 2013 decision of the Federal Migration Service.
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**Any other comments**

Do you have any other comments about your application?

46. Comments

No

**Declaration and signature**

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

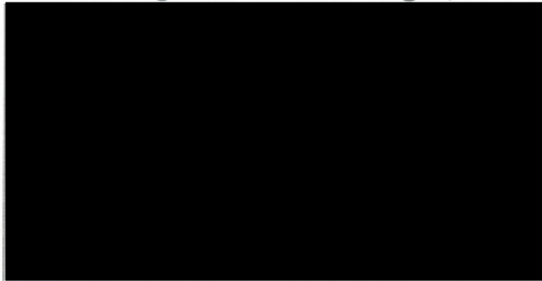
47. Date

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e.g. 27/09/2012

D D M M Y Y Y Y

The applicant(s) or the applicant's representative(s) must sign in the box below.

48. Signature(s) ☐ Applicant(s)☒ Representative(s) - tick as appropriate**Confirmation of correspondent**If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond.49. Name and address of ☐ Applicant☒ Representative - tick as appropriate

Jasper Teulings  
Greenpeace International  
Ottho Heldringstraat 5  
1066 AZ Amsterdam  
The Netherlands

**The completed application form should be  
signed and sent by post to:**

The Registrar  
European Court of Human Rights  
Council of Europe  
67075 STRASBOURG CEDEX  
FRANCE