

Unofficial Translation by Greenpeace International

To the Speaker
Lower Chamber of Parliament
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Our Reference
DEU-737/13

Date 25 September 2013
Betreft State of affairs regarding Greenpeace ship "Arctic Sunrise"

Following the question time on Tuesday September 24th I write to inform you, as promised, on the latest developments regarding the Greenpeace ship *Arctic Sunrise*.

As known, the Arctic Sunrise undertook protests in the week of September 16th against a Russian oil rig in the Pechora Sea, south of Novaya Zemlya. On Thursday, September 19th, the ship was seized by Russian authorities and transferred to the port of Murmansk, where it arrived on Tuesday 24 September. The *Arctic Sunrise* sails under the Dutch flag. Among the crew are two Dutch nationals.

For the government, there are three central points: ensuring that Russia acts in accordance with international law applicable to ships sailing under foreign flag, providing consular assistance to the Dutch crew members in accordance with Article 36 of the Vienna Convention on Consular Relations, and ensuring respect for the right to protest peacefully.

The Netherlands asked the Russian authorities for clarification on each of these three points immediately after the first reports of the seizure of the. Discussions were conducted with the Russian authorities regarding the right of peaceful protest, with due regard for safety at sea, following the earlier protest by Greenpeace in late August and shortly after the start of the recent protests (before before the seizure of the ship).

The Netherlands have specifically asked Russia about the grounds on which it bases its actions towards the *Arctic Sunrise*, the exact position where the ship was seized (since depending on the location, different provisions of maritime law apply) and any charges against the crew. It has also asked why Russia did not request authorisation from the Netherlands as the flag State prior to boarding. These questions were also handed over in writing to the Russian authorities by a *note verbale* and discussed with the Russian ambassador in The Hague .

The information requested is necessary to determine possible next steps. However, Russia did not respond to the Dutch request to make available information by Tuesday, September 24th at 18:00. The Russian authorities said they needed

more time. Today the Netherlands again urged the Russian authorities to provide information speedily.

Directie Europa

Based on the Law of the Sea, the Netherlands have asked the Russian authorities to immediately release the ship and crew. Pending the information requested from Russia, the Netherlands is also assessing possible subsequent legal steps, including before the International Tribunal for the Law of the Sea, while a diplomatic solution of course remains the preferred solution. This does not alter the fact that the Russian authorities can still criminally prosecute Greenpeace and the crew and they may ultimately be called before a Russian judge.

Onze Referentie
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In the margins of the UN General Assembly in New York, I also spoke with Foreign Minister Sergey Lavrov about this issue. He promised to inform us fully and to speed up the procedure so that there will be clarity soon about the ship and its crew.

The government is keen to stress the broad bilateral relations between the Netherlands and Russia. Concerns such as these can be discussed because of the close ties maintained our two countries.

consular

Employees of the Dutch Consulate General in St. Petersburg this weekend traveled to Murmansk and have already had contact with the two Dutch crew members. They are reasonably well under the circumstances. The Foreign Ministry has contacted the families of the two passengers to inform them of the consular visit. The staff of the Consulate General will remain in Murmansk over the coming days for further consular assistance .

The Minister of Foreign Affairs,

Frans Timmermans

Original source:

<http://www.rijksoverheid.nl/bestanden/documenten-en-publicaties/kamerstukken/2013/09/25/stand-van-zaken-rondom-het-greenpeace-schip-arctic-sunrise/greenpeace.pdf>