

**МІНІСТЕРСТВО  
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**MINISTRY  
OF FOREIGN AFFAIRS  
OF UKRAINE**

1 Mykhailivska Square  
Kyiv, 01018, Ukraine

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**By Electronic Mail**

Mr. Philippe Gautier, The Registrar  
International Tribunal for the Law of the Sea  
Am Internationalen Seegerichtshof 1  
22609 Hamburg  
Germany

26 June 2019

**Re: Dispute Concerning the Detention of Three Ukrainian Naval Vessels  
(ITLOS Case No. 26)**

Dear Sir:

Ukraine writes to supplement its report, dated 25 June 2019, concerning the status of compliance with the provisional measures prescribed by the Tribunal in the above-referenced case.

In its *note verbale* to the Tribunal, also dated 25 June 2019, the Russian Federation referred to a separate *note verbale* of the same date transmitted to Ukraine. That separate *note verbale* was received by Ukraine as Ukraine was in the course of transmitting its report to the Tribunal. That *note verbale* is attached here for the Tribunal's reference.

Ukraine observes that the attached note, which requests Ukraine to offer "written guarantees" to the Russian authorities, is inconsistent with the Tribunal's Order. Under the Tribunal's Order, the Russian Federation must "immediately release" the vessels and servicemen. The Order does not permit the Russian Federation to unilaterally impose conditions on such release. Further, Ukraine considers Russia's *note verbale* of 25 June to constitute a further aggravation of the dispute, given that Russia's demands further infringe the sovereign immunity of Ukraine's naval vessels and crew.

Please accept the assurances of my highest consideration.

Respectfully submitted,

Olena Zerkal  
Agent of Ukraine

encl.

cc: Sir Christopher Greenwood, GBE, CMG, QC  
Professor Vladimir Golitsyn

COURTESY TRANSLATION

№ 7811/2ДСНГ

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and, referring to the Embassy's note № 6111/22-012-0968 of 27 May 2019 transmitting note of the Ministry of Foreign Affairs of Ukraine № 610/22-010-527 of 27 May 2019, has the honour to inform the following.

Criminal proceedings against 24 detained Ukrainian servicemen in connection with the violations of Russian legislation committed on 25 November 2018 are underway in the Russian Federation, the legality and relevancy of the criminal proceedings being not disputed by the Order of the International Tribunal for the Law of the Sea of 25 May 2019 (paragraph 119).

Considering the above, the Ukrainian side is invited to provide, in accordance with the criminal procedure legislation of the Russian Federation, written guarantees of participation of each of the 24 Ukrainian sailors, after their release from custody, in the preliminary and judicial investigation, as well as written guarantees of the preservation of physical evidence — naval vessels the *Berdyansk*, the *Nikopol* and the *Yani Kapu* — after their transfer to the Ukrainian side for safekeeping pending a court decision.

Nothing in this note may be construed as damaging the position of the Russian Federation on issues affecting its rights and obligations under the international law, including on the unlawful nature of the actions of Ukrainian vessels in the Kerch Strait area on 24-25 November 2018, as well as on the non-applicability of dispute settlement procedures prescribed by the 1982 UN Convention on the Law of the Sea to this situation, in particular, by virtue of declarations made by the Russian Federation and Ukraine upon signing and ratifying the Convention.

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

Moscow, "25" June 2019

To the Embassy of Ukraine  
in the Russian Federation

Moscow