



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA  
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

# Press Release

**THE “ARCTIC SUNRISE” CASE  
(KINGDOM OF THE NETHERLANDS v. RUSSIAN FEDERATION)**

**PUBLIC HEARING ON 6 NOVEMBER 2013**

By Order dated 25 October 2013, the President of the Tribunal fixed the date for the opening of the public hearing in the “*Arctic Sunrise*” Case on 6 November 2013 at 10 a.m. A copy of the Order of the President is available on the website of the Tribunal.

Judge Shunji Yanai, President of the Tribunal, will preside over the hearing. The hearing is expected to be held on one day. A schedule will be announced on the website of the Tribunal at [www.itlos.org](http://www.itlos.org).

## **Background of the case**

A request for the prescription of provisional measures pending the constitution of an arbitral tribunal was submitted to the Tribunal on 21 October 2013 (see ITLOS/Press 201) by the Kingdom of the Netherlands in a dispute with the Russian Federation concerning the arrest and detention of the vessel *Arctic Sunrise* and its crew by authorities of the Russian Federation. The *Arctic Sunrise*, which flies the flag of the Netherlands, is an icebreaker operated by Greenpeace International.

In the Request, “the Kingdom of the Netherlands requests that the Tribunal prescribe as provisional measures that the Russian Federation:

- (i) Immediately enable the ‘Arctic Sunrise’ to be resupplied, to leave its place of detention and the maritime areas under the jurisdiction of the Russian Federation and to exercise the freedom of navigation;
- (ii) Immediately release the crew members of the ‘Arctic Sunrise’, and allow them to leave the territory and maritime areas under the jurisdiction of the Russian Federation;
- (iii) Suspend all judicial and administrative proceedings, and refrain from initiating any further proceedings, in connection with the incidents leading to the boarding and detention of the ‘Arctic Sunrise’, and refrain from taking or enforcing any judicial or administrative measures against the ‘Arctic Sunrise’, its crew members, its owners and its operators; and

(iv) Ensure that no other action is taken which might aggravate or extend the dispute.”

In a note verbale dated 22 October 2013, received by the Registry of the Tribunal on 23 October 2013, the Embassy of the Russian Federation in Berlin informed the Tribunal that “[u]pon ratification of the Convention on the 26th February 1997 the Russian Federation made a statement, according to which, *inter alia*, it does not accept procedures provided for in Section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes ... concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction.” By the same note, the Tribunal was informed that the Russian Federation had notified the Kingdom of the Netherlands “that it does not accept the arbitration procedure under Annex VII to the Convention initiated by the Netherlands in regard to the case concerning the vessel “Arctic Sunrise” and that it does not intend to participate in the proceedings of the International Tribunal for the Law of the Sea in respect of the request of the Kingdom of the Netherlands for the prescription of provisional measures under Article 290, Paragraph 5, of the Convention.”

On 24 October 2013, the Registry of the Tribunal received a communication from the Kingdom of the Netherlands requesting “the Tribunal to continue the proceedings and make its decision on the Request for Provisional Measures”, in accordance with article 28 of the Statute of the Tribunal. Article 28 reads as follows:

When one of the parties does not appear before the Tribunal or fails to defend its case, the other party may request the Tribunal to continue the proceedings and make its decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its decision, the Tribunal must satisfy itself not only that it has jurisdiction over the dispute, but also that the claim is well founded in fact and law.

### **Attending the hearing**

The hearing will be held in the main courtroom of the Tribunal and is open to the public. Members of the diplomatic and consular corps wishing to attend the hearing are requested to contact the Tribunal’s [Protocol Office](#). Members of the press are requested to register in advance with the [Press Office](#) by Monday, 4 November 2013 using the [accreditation form](#). Owing to the limited number of seats available in the courtroom, members of the general public are requested to register with the [Press Office](#) by email by Monday, 4 November 2013.

Unobtrusive audio and video recording of the public sitting is permitted. Filming is subject to special authorization from the Press Office. Facilities are available for radio crews to connect recording equipment directly to the Tribunal’s audio system. Photographs (without flash) may be taken for a few minutes at the opening and at the end of the hearings.

## Webcast

The hearing will be broadcast [live](#) on the website. A recorded webcast of the hearing will be made available under [Webcast Archives](#) after the close of each sitting. The verbatim records of the hearing will be published shortly thereafter on the website of the Tribunal.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's websites (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact Ms Julia Ritter at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: [press@itlos.org](mailto:press@itlos.org)