



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

Press Release

UKRAINE SEEKS PROVISIONAL MEASURES IN A DISPUTE WITH RUSSIA CONCERNING THE DETENTION OF THREE NAVAL VESSELS AND THEIR CREWS

On 16 April 2019, Ukraine submitted a request to the Tribunal for the prescription of provisional measures under article 290, paragraph 5, of the United Nations Convention on the Law of the Sea (“the Convention”) in a dispute between Ukraine and the Russian Federation concerning “the immunity of three Ukrainian naval vessels and the twenty-four servicemen on board”.

According to Ukraine’s Statement of Claim, on 25 November 2018, “the Russian Federation assumed control of, and detained, three Ukrainian naval vessels - the “Berdyansk,” the “Nikopol,” and the “Yani Kapu” - and their complement of twenty-four servicemen. At the time of their seizure, the Ukrainian vessels were in the Black Sea, traveling toward their home port of Odesa”. In its request for provisional measures, Ukraine alleges a violation, by the Russian Federation, “of the sovereign immunity accorded to warships, naval auxiliary vessels, and their passengers and crew under Articles 32, 58, 95, and 96 of the Convention and customary international law.”

By a notification addressed to the Russian Federation on 1 April 2019, Ukraine submitted the dispute to arbitral proceedings provided for in Annex VII to the Convention. Pursuant to article 290, paragraph 5, of the Convention, pending the constitution of an arbitral tribunal any party to the dispute may request the International Tribunal for the Law of the Sea to prescribe provisional measures to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment. The Tribunal may prescribe provisional measures if it considers that, *prima facie*, the arbitral tribunal to be constituted would have jurisdiction and that the urgency of the situation so requires.

In its Request for provisional measures, Ukraine seeks an order “requiring the Russian Federation to promptly:

- a. Release the Ukrainian naval vessels the *Berdyansk*, the *Nikopol*, and the *Yani Kapu*, and return them to the custody of Ukraine;
- b. Suspend criminal proceedings against the twenty-four detained Ukrainian servicemen and refrain from initiating new proceedings; and
- c. Release the twenty-four detained Ukrainian servicemen and allow them to return to Ukraine.”

Article 90, paragraph 2, of the Rules of the Tribunal provides that the Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date for the hearing. Hearings on requests for the prescription of provisional measures generally take place two to three weeks after the filing of the request with the Tribunal. The date will be announced in a further press release in the coming days.

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 or Mr Benjamin Benirschke at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org