



General Assembly Security Council

Distr.: General
23 April 2019

Original: English

General Assembly
Seventy-third session
Agenda items 34 and 78 (a)

Prevention of armed conflict

Oceans and the law of the sea

Security Council
Seventy-fourth year

Letter dated 16 April 2019 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of Ukraine concerning its request to the International Tribunal for the Law of the Sea for the immediate release of three Ukrainian naval vessels and the 24 servicemen on board (see annex).

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda items 34 and 78 (a), and of the Security Council.

(Signed) Volodymyr **Yelchenko**
Ambassador
Permanent Representative



Annex to the letter dated 16 April 2019 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Ukraine concerning its request to the International Tribunal for the Law of the Sea for the immediate release of three Ukrainian naval vessels and the 24 servicemen on board

Today, Ukraine filed a request with the International Tribunal for the Law of the Sea seeking provisional relief against the Russian Federation. In the request, it seeks the release of the three Ukrainian naval vessels and the 24 servicemen unlawfully seized by the Russian Federation in the Black Sea on 25 November 2018.

Under the United Nations Convention on the Law of the Sea, naval vessels and the personnel on board have complete immunity, meaning that foreign nations may not seize them, detain them or subject them to legal proceedings. The seizure by Russia of the vessels of Ukraine in the Black Sea, the continued detention of the vessels and the servicemen on board and the attempted criminal prosecution of those servicemen blatantly violates the Convention.

On 1 April 2019, following months of efforts to secure the release of its naval vessels and servicemen and the continued, unjustified refusal of Russia to do so, Ukraine notified Russia that it was commencing mandatory arbitration under the Convention. Ukraine has also requested that the International Tribunal order immediate provisional relief to Ukraine through the release of its naval ships and 24 servicemen, in the light of the urgency of the situation.

Since their capture on 25 November 2018, Russia has continued to detain the naval vessels and servicemen of Ukraine. The servicemen, who are being held in Russian prisons pending trial for alleged criminal violations of the border control laws of Russia, have been subjected to interrogation and involuntary psychological evaluations. If ultimately convicted, they may be sentenced to up to six years in Russian labour camps.

Each additional day of detention harms the Ukrainian servicemen and constitutes a further affront to the legal rights of Ukraine under the Convention and customary international law. In today's request for provisional relief, Ukraine seeks to protect against the serious and irreparable harm that will be caused by the continued detention of its naval vessels and the continued detention and prosecution of its servicemen.

The next step in the proceedings will be a hearing before the International Tribunal, at the request of Ukraine. Ukraine expects that such a hearing will be scheduled within the next several weeks and that a decision will be issued soon thereafter.
