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Circular Letter No.4526
8 March 2022

To: All IMO Members
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **Communication from the Government of Ukraine**

The Government of Ukraine has sent the attached communication, dated 7 March 2022, with the request that it be circulated by the Organization.



Embassy of Ukraine
in the United Kingdom
of Great Britain and Northern Ireland

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The Embassy of Ukraine in the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretariat of the International Maritime Organisation and has the honour to inform of the following.

On February 26, 2022, the SAR vessel "Sapphire" (flag of Ukraine) operated by the Maritime Search and Rescue Service of Ukraine, arrived to Zmiinyi Island with a humanitarian mission in accordance with the SOLAS Convention – to evacuate bodies of allegedly deceased Ukrainian State Border Guard officers and soldiers, who were attacked by the Russian warship during the first days of the unprovoked armed aggression of the Russian Federation against Ukraine.

However, during this humanitarian mission, the SAR vessel "Sapphire" was illegally seized by Russian warships, and ship's crew consisting of 13 civilian sailors (citizens of Ukraine) was taken hostage.

The Ukrainian Side wishes to reiterate that in the times of the international armed conflict, both the general provisions of International Humanitarian Law (IHL) and the special rules on military action at sea shall be applicable, in particular the 1949 Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea and the San Remo Manual on International Law Applicable to Armed Conflicts at Sea.

Namely, the rescue ship "Sapphire" squarely falls under with definition of the vessels engaged in humanitarian missions, in particular vessels carrying supplies indispensable to the survival of the civilian population, and vessels engaged in relief actions and rescue operations, as set out in para c) ii) 136 of the mentioned San Remo Manual.

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In accordance with the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

Thus, the crew members of the SAR vessel "Sapphire", who were under the protection of the IHL, suffered a violation of their rights by the Russian Federation, as evidenced by the aggressor's actions, failing to comply with respective legal obligations.

In view of the above, the Ukrainian Side appeals to the International Maritime Organization to immediately condemn the illegal seizure of the SAR vessels "Sapphire" as well as the detention of its crew members, and to engage with the ICRC in order to provide a proper qualification of the aforementioned violation of the international law as well as to provide assistance in the release of Ukrainian citizens from Russian custody.

The Embassy of Ukraine would also appreciate if this Note Verbal is circulated among IMO Member States to all IMO Member States, international organizations which have concluded agreements of cooperation with the IMO and non-governmental organizations in consultative status with the IMO.

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Secretariat of the International Maritime Organisation the assurances of its highest consideration.



London, 07 March 2022