

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PAO TATNEFT,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 1:17-cv-00582-CKK
)	
UKRAINE,)	
)	
Respondent.)	

NOTICE OF EMERGENCY

In the early hours of February 24, 2022, Russia proceeded to a full-scale invasion of Ukraine.¹ Since February 24, 2022, Ukraine is at war with Russia.²

In the words of President Biden, “The Russian military has begun a brutal assault on the people of Ukraine without provocation, without justification, without necessity. This is a premeditated attack. Vladimir Putin has been planning this for months, as I’ve been — as we’ve been saying all along. He moved more than 175,000 troops, military equipment into positions along the Ukrainian border.”³ Further, “We saw a flagrant violation of international law in attempting to unilaterally create two new so-called republics on sovereign Ukrainian territory. And at the very moment that the United Nations Security Council was meeting to stand up for Ukraine’s sovereignty to stave off invasion, Putin declared his war. Within moments — moments, missile strikes began to fall on historic cities across Ukraine. Then came in the air raids, followed by tanks and troops rolling in.”⁴

¹ See Second Declaration of Ambassador Markarova, ¶¶ 30-32.

² *Id.*

³ Remarks by President Biden on Russia’s Unprovoked and Unjustified Attack on Ukraine (February 24, 2022), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/02/24/remarks-by-president-biden-on-russias-unprovoked-and-unjustified-attack-on-ukraine/>.

⁴ *Id.*

In the words of Ambassador Markarova, “Ukraine is facing and countering an existential threat to its sovereignty, territorial integrity, statehood and national identity. The world is facing and countering a brutal affront to the very principles of freedom and self-determination on which the democratic order is based.”⁵

As of midnight on February 24, 2022, the nationwide state of emergency was introduced by Order of the President of Ukraine and Law of Verkhovna Rada (Parliament) for a period of 30 days, which can be extended for another 30 days.⁶ The state of emergency was rapidly transformed into martial law starting at 5:30 a.m. on February 24, 2022.⁷

As reported in the press, heated combat is ongoing along Ukraine’s Southern, Eastern and Northern borders with Russia and Belarus.⁸ Ardent fighting is ongoing on the streets of the nation’s capital, Kyiv.⁹ Russian missile strikes target the country’s strategic infrastructure, such as a hydropower station and a water reservoir, a fuel reservoir, gas pipelines, etc.¹⁰ The Russian

⁵ Second Declaration of Ambassador Markarova, ¶ 48.

⁶ Order of the President of Ukraine No. 63/2022, “On Introduction of the State of Emergency in Separate Regions of Ukraine” (February 24, 2022), available at <https://www.president.gov.ua/documents/632022-41393>; *The Law “On Approval of the Order of the President of Ukraine “On Introduction of the State of Emergency in Separate Regions of Ukraine” Was Adopted*, INFORMATION DEPARTMENT OF THE VERKHOVNA RADA OF UKRAINE (February 23, 2022), available at <https://www.rada.gov.ua/news/Novyny/219975.html>.

⁷ Order of the President of Ukraine No. 64/2022, “On the Introduction of Martial Law in Ukraine” (February 24, 2022), available at <https://www.president.gov.ua/documents/642022-41397>; *The Law “On Approval of the Order of the President of Ukraine “On Introduction of Martial Law in Ukraine” Was Adopted*, INFORMATION DEPARTMENT OF THE VERKHOVNA RADA OF UKRAINE (February 23, 2022), available at <https://www.rada.gov.ua/news/Novyny/219987.html>.

⁸ Janet Loehrke *et al.*, “Mapping and Tracking Russia’s Invasion of Ukraine”, USA Today (February 25, 2022) available at <https://eu.usatoday.com/in-depth/graphics/2022/02/24/ukraine-invasion-russia-attack-map-guide/6925181001/>); Emma Graham-Harrison *et al.*, “Ukraine Fights for Its Survival as Putin Presses Forward”, The Guardian (February 24, 2022), available at <https://www.theguardian.com/world/2022/feb/24/ukraine-fights-for-its-survival-as-putin-presses-forward>.

⁹ “Street Fighting Reported in Kyiv as Civilians Are Urged to Seek Shelter,” CNBC (February 26, 2022), available at <https://www.cnbc.com/2022/02/26/street-fighting-begins-in-kyiv-as-civilians-are-urged-to-seek-shelter.html>); Yuras Karmanau *et al.*, “Ukrainians Brace for Another Night of Street Fighting in Kyiv,” The Huffington Post (February 26, 2022), available at https://www.huffpost.com/entry/kyiv-street-fighting-russia-ukraine_n_6219b5c3e4b0f800ce219692).

¹⁰ Ukraine Says Russian Forces Blew up Gas Pipeline In Country’s Second-Largest City,” CBC News (February 26, 2022), available at <https://www.cbc.ca/news/world/ukraine-russia-attack-feb26-2022-1.6365758>); Yuras Karmanau *et al.*, “Russia Hits Ukraine Fuel Supplies, Airfields in New Attacks,” The Huffington Post (February 26, 2022), available at https://www.huffpost.com/entry/russia-ukraine-invasion-civilians_n_621a2ac9e4b06e1cc58ff766); Ukrainian News Agency, “Air Defense Shoots Down Russian Missile That Flew in Direction of Dam of Kyiv

military seized the decommissioned Chernobyl nuclear power station and nuclear waste depository 58 miles away from Kyiv, overcoming vigorous resistance.¹¹ After prolonged fighting, the Russian military took over an airport 6 miles away from Kyiv, which can be used to fly in Russian paratroopers to attack the nation's capital.¹² Bridges around the nation's capital are being exploded to impede the advance of Russian tanks and armored vehicles onto the capital.¹³ Residents of Kyiv and other cities have been spending night after night in bomb shelters and the metro, which has stopped transporting passengers and is functioning as a bomb shelter.¹⁴

Reservoir - Infrastructure Ministry" (February 26, 2022), available at <https://ukranews.com/en/news/837013-air-defense-shoots-down-russian-missile-that-flew-in-direction-of-dam-of-kyiv-reservoir>); Kira Taylor, "Ukraine's Energy System Coping but Risks Major Damage as War Continues" (February 26, 2022), available at <https://www.euractiv.com/section/europe-s-east/news/ukraines-energy-system-coping-but-risks-major-damage-as-war-continues/>.

¹¹ Mary Kekatos, "Seizure of Chernobyl by Russian Troops Sparks Health Concerns for People Near the Nuclear Plant", ABC News (February 26, 2022) (available at: <https://abcnews.go.com/International/seizure-chernobyl-russian-troops-sparks-health-concerns-people/story?id=83094054>).

¹² "Ukraine Says Russian Helicopters, Aircraft Dispatch Paratroopers to Hostomel Airport," Reuters (February 24, 2022), available at <https://www.reuters.com/article/ukraine-crisis-russia-paratroopers-hosto/ukraine-says-russian-helicopters-aircraft-dispatch-paratroopers-to-hostomel-airport-idUSR4N2UT04T>); see also "Ukraine's Armed Forces Regain Control of Hostomel Airport – Arestovych," Ukrinform (February 24, 2022), available at <https://www.ukrinform.net/rubric-ato/3412045-ukraines-armed-forces-regain-control-of-hostomel-airport-arestovych.html>); see also Abbie Shull, "Ukrainian and Russian Forces Have Been Fighting for Hours over a Critical Airfield Just Outside Kyiv," Business Insider (February 24, 2022), available at <https://www.businessinsider.com/ukraine-russia-fight-over-airfield-outside-kyiv-2022-2?r=US&IR=T>); see also "Ukraine conflict: Kyiv braces for Russian assault," BBC (February 25, 2022), available at <https://www.bbc.com/news/world-europe-60513116>.

¹³ "Ukrainian Serviceman Skakun Blows up Henichesk Bridge to Stop Advance of Tank Column," Ukrinform (February 25, 2022), available at <https://www.ukrinform.net/rubric-ato/3412500-ukrainian-serviceman-skakun-blows-up-henichesk-bridge-to-stop-advance-of-tank-column.html>); Brendan Cole, "Ukraine Forces Blow up Bridge near Kyiv to Halt Russian Tank Advance", Newsweek (February 25, 2022), available at <https://www.newsweek.com/russia-ukraine-kyiv-bridge-blown-explosion-invasion-tank-advance-1682560>); Jack Newman *et al.*, "Ukrainian Troops Are Engaged in Fierce Fighting with Putin's Tanks 20 Miles Outside of Kyiv and Blow up Three Bridges to Halt Their Advance after Russian Jet Was Shot Down over Capital: Zelensky Rages at Biden for Leaving the Country 'alone,'" Daily Mail (February 25, 2022), available at <https://www.dailymail.co.uk/news/article-10549113/Kiev-fall-weekend-troops-encircle-capital-taking-Chernobyl-despite-EU-sanctions.html>).

¹⁴ Leo Sands, "Ukraine: Kyiv Residents Spend Night Sheltering in Basements and Metro Stations," BBC (February 26, 2022), available at <https://www.bbc.com/news/world-europe-60522450>; see The Guardian, "Fear, Darkness and Newborn Babies: Inside Ukraine's Underground Shelters" (February 26, 2022), available at <https://www.theguardian.com/world/2022/feb/26/fear-darkness-and-newborn-babies-inside-ukraine-underground-shelters>); Maya Oppenheim, "'Everyone Here Is Scared': Inside the Bomb Shelters Ukrainians Fear Will Collapse," Independent (February 26, 2022), available at <https://www.independent.co.uk/news/world/europe/ukraine-bomb-shelters-ukraine-b2022620.html>).

Cyber attacks are continuing and intensifying. On February 15, 2022, Ukraine was a victim of the largest cyber-attack in its history, which blocked access to the websites of Ukrainian defense agencies and banks.¹⁵ More recently it was reported that cyberattacks may be used as a larger instrument of warfare, impacting, namely, the power grid and telecommunications systems, to paralyze the Ukrainian government and to threaten the ordinary life of Ukrainian citizens.¹⁶ In recent days, various government websites and servers have been hacked and the government's cyber security is impaired.¹⁷

Upon information provided by the Ministry of Justice of Ukraine, Ukraine has sought emergency stays of arbitration and litigation proceedings in various fora, and such stays are being uniformly granted. On the eve of the war, on February 23, 2022, this Court issued an Order extending Ukraine's next discovery deadline until March 18, 2022. In view of this recently granted relief, Ukraine is not seeking any further relief from the Court at present. However, the Court should be aware that the Russian invasion is impeding Ukraine's coordinated effort to obtain security in this proceeding. The Ukrainian government officials at the highest levels must inevitably focus their efforts on the national defense and the humanitarian crisis.

For the avoidance of doubt, Ukraine expressly reserves foreign sovereign immunity from attachment and execution against its property, as envisaged by Section 1610 of the FSIA, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and all applicable national and international law.

¹⁵ Second Declaration of Ambassador Markarova, ¶ 19; *see also* Sean Lyngaas, Anastasia Graham-Yooll, Tim Lister and Matthew Chance, "Ukraine Cyberattack is Largest of its Kind in Country's History, Says Official", CNN (February 16, 2022), *available at* <https://edition.cnn.com/2022/02/16/europe/ukraine-cyber-attack-denial-service-intl/index.html>).

¹⁶ *See, e.g.*, Nabih Bulos, "Russia's Other Dangerous Weapon Against Ukraine? Cyberattacks," LOS ANGELES TIMES (February 24, 2022), *available at* <https://www.latimes.com/world-nation/story/2022-02-23/cybersecurity-ukraine>); Joe Tidy, "Russian Vigilante Hacker: 'I Want to Help Beat Ukraine from My Computer,'" BBC (February 26, 2022), *available at* <https://www.bbc.com/news/technology-60528594>).

¹⁷ *See* Second Declaration of Ambassador Markarova, ¶ 49.

Dated: February 28, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February 2022 I caused the foregoing Notice of Emergency to be electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

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