



EMBASSY OF COLOMBIA
Netherlands

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↳ by IR ontvangen
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The Embassy of Colombia presents its compliments to the Ministry of Foreign Affairs – Director of Protocol - and has the honour to refer to versions of the press which state that the Tribunal of The Hague –Section Civil Law- , has accepted a lawsuit by the company Llanos Oil Exploration Ltd, number KG RK 2008-1740. This lawsuit is also directed against the Republic of Colombia.

Should this information be confirmed, the Embassy of Colombia kindly requests the good offices of the Ministry of Foreign Affairs in order to disconnect Republic of Colombia from any process for the following reasons:

1. The companies Ecopetrol S.A and LLANOS LIMITED OIL EXPLORATION signed the contract Guatapurí Association in Colombia on 14 November 2002.
2. The company LLANOS OIL EXPLORATION LIMITED was established in Colombia under Colombian law as a branch of the Llanos Oil Exploration Company Ltd, established in accordance with the laws of the island Maan.
3. The Republic of Colombia is not part of the contract nor is it a guarantor of ECOPETROL.
4. The contract between ECOPETROL and LLANOS OIL EXPLORATION LIMITED (Colombia branch) is a contract under Colombian law, including companies incorporated under Colombian law, with implementation in Colombia and therefore under the jurisdiction of Colombia.

To The Honourable
MINISTRY OF FOREIGN AFFAIRS
The Hague



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5. According to information provided by ECOPETROL, ECOPETROL ended the contract due to a breach of contract by LLANOS OIL EXPLORATION LIMITED in agreement with terms of the contract an applying them.
6. However, the lawsuit has been filed against ECOPETROL and the Colombian State. The Hague Tribunal - Civil Law Section rejected the request to withdraw the Republic of Colombia. This Embassy does not know who requested this withdrawal.
7. The Tribunal itself admits that the lawsuit is not sufficiently motivated but nevertheless has decreed measures.
8. In addition to the fact that the Republic of Colombia is not a party to the contractual relationship between the two companies, as a State it enjoys immunity from jurisdiction before the Dutch courts (Vienna Convention on Diplomatic Relations).
9. Likewise, the process in no way can link or affect the Embassy of Colombia or its property and since it has absolute immunity and inviolability under the Vienna Convention on Diplomatic Relations.

For these reasons, the Colombian Embassy to the Kingdom of the Netherlands, acting on behalf of the Colombian Government, reiterates its request to delink the Colombian State of the process being conducted against ECOPETROL S.A and to reaffirm to the Hague Tribunal - Civil Law Section the immunity of the State and of its diplomatic representation, and the inviolability of property owned by the government of Colombia in the Netherlands.

Finally, the Embassy of Colombia encloses the documents sent by the Tribunal, in order for the Ministry of Foreign Affairs to return them to the Tribunal, on the grounds that any communication should be handled through the diplomatic channels.



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The Embassy of Colombia specifies that this letter can in no way be interpreted as a response to an official notification of the lawsuit in question, as it has not received any official communication in this regard.

The Embassy of Colombia to the Kingdom of the Netherlands thanks the Ministry of Foreign Affairs for its efforts in this matter and avails itself of this opportunity to renew to the latter the assurances of its highest consideration.



The Hague, January 28, 2009