

Supplementary Submission 22.1



Australian Government
Attorney-General's Department
International Law & Human
Rights Division

09/9975

14 May 2013

Mr Graham Perrett MP
Chair
Standing Committee on Social Policy and Legal Affairs
Parliament House
Canberra ACT 2600

Dear Mr Perrett

Inquiry into the arrangements surrounding crimes committed at sea – request for clarification

Thank you for your letter of 8 April 2013 following up on evidence given by the Attorney-General's Department before the Committee on 14 March 2013. The Secretary has asked me to respond to your letter.

Legal framework under the *United Nations Convention on the Law of the Sea*

The Committee seeks clarification about the extent to which the *United Nations Convention on the Law of the Sea 1982* (UNCLOS) may prohibit Australia from imposing laws and regulations on ships that visit Australian ports about certain matters, such as:

- CCTV monitoring systems,
- management by the ship personnel of a reported crime, and
- reporting of serious crimes on board to Australian authorities.

While we are unable to provide the Committee with legal advice, the following general observations about aspects of international law and practice are made to assist the Committee with its consideration of these issues.

Ships have the nationality of the State whose flag they are entitled to fly (Article 91 of UNCLOS). The flag State has jurisdiction over, and responsibility for, its flagged ships. Accordingly, the laws of the flag State apply on board those ships wherever they go. The flag State must effectively exercise its jurisdiction over its ships in administrative, technical and social matters, and take measures necessary to ensure safety at sea with regard to the construction, equipment and seaworthiness of its ships, as well as the manning of ships and training of crew (Article 94 of UNCLOS).

At the same time, a coastal State has sovereignty over its ports (Article 2 of UNCLOS). A port is recognised as being part of the internal waters of a State, and a coastal State generally has the jurisdiction to apply its laws to ships based on their presence in port. On this basis, coastal States commonly apply their laws to foreign ships where those laws relate to the ships' presence in port; for example, in matters of customs, quarantine, security, immigration or marine pollution. Similarly,

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coastal States may apply their laws and exercise jurisdiction in relation to matters that occur on board the ship during its passage through the territorial sea or while in port, in situations where those matters may have consequences which extend to the coastal State or disturb the peace and good order of the territorial sea; or where the assistance of the local authorities has been requested by the ship's master or a representative of the flag State (Article 27 of UNCLOS).

However, consistent with the principle of flag State jurisdiction, coastal and port States otherwise generally refrain from exercising their jurisdiction over matters coming within the 'internal economy' of a ship; for example, matters such as occupational health and safety, wages and conditions, and general compliance with the laws of the flag State which apply on board the ship. These matters are already regulated by the laws of the flag State and are unrelated to the ship's presence in the port of the coastal State. Deference to the jurisdiction of the flag State in such matters is necessary in order to avoid different laws and procedures being applied on board a ship at every port in which it calls - which would be highly impractical, and would undermine the jurisdiction and responsibility of the flag State as well as the compromise achieved in UNCLOS with respect to the rights and obligations of flag States and coastal States. Moreover, an excessive assertion of jurisdiction by a coastal State in relation to a foreign vessel in its port may draw protest or retaliation from other States.

In practice, the application of these principles requires a balancing of the rights and obligations of flag States and coastal States, as well as consideration of both Australia's international legal obligations and matters of international practice and comity. For example, a requirement that CCTV systems be installed on ships in a certain way would usually be a matter for the flag State (whose laws apply generally on board the ship) as part of its ongoing regulation of the ship. Similarly, if a coastal State were to impose requirements regarding how the crew of a foreign ship must respond to alleged crimes at sea, it would effectively require the crew to comply with two sets of laws (those of the flag State and the coastal State). Such requirements would also be difficult to limit to situations relating to the ship's presence in the port.

This is why the imposition of Australian laws and regulations on board foreign ships visiting Australian ports (with respect to matters such as CCTV monitoring systems and the management of responses to alleged crimes) is generally regarded as a matter for the flag State rather than the coastal State. Even if Australia had laws on these issues that applied to a foreign ship in an Australian port, our usual practice would be that such laws would not be enforced where they related to the 'internal economy' of that foreign ship for the reasons outlined above. To enforce such laws may risk undermining the balance of rights and obligations established in UNCLOS. There are also risks that this may draw protest from flag States, lead to other coastal States applying their domestic requirements to Australian vessels in their ports in retaliation, or result in foreign vessels choosing not to visit Australia's ports. In this regard, we note that the risk of these things may be different in the Australian context than they are for other countries (such as the United States) which have larger populations and different markets.

In relation to the proposal that foreign ships be required to report allegations of serious crimes upon entry into an Australian port, there may be some scope to develop a reporting requirement appropriate to the Australian context. For example, a requirement to report might be implemented such that it would only take effect at the point of entry to an Australian port, or only relates to crimes committed on board the ship since its last port call prior to entering an Australian port. This would be a legitimate exception to the usual deference to the flag State's internal economy because it is a law about the allegation of a serious crime, and could be said to engage the coastal State's interests, including because the coastal State's law enforcement agencies may be involved upon

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arrival at port. Depending on how such a reporting requirement is framed, it is possible that this form of reporting requirement may be adaptable to the Australian context.

Developments at the International Maritime Organisation

I would like to take this opportunity to provide an update on the work that is being undertaken through the International Maritime Organization on developing global guidelines on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship, as requested by the Committee at the hearing on 14 March 2013.

The Legal Committee of the International Maritime Organization, at its most recent meeting from 15-19 April, considered a paper submitted by the United Kingdom, the Cruise Lines International Association, the International Federation of Shipmasters' Associations and the International Association of Airport and Seaport Police which presented draft guidelines on the collation and preservation of evidence. The draft guidelines were referred to a working group, in which Australia participated.

After considering the working group's report, the Legal Committee approved the revised guidelines, now renamed as Guidelines on the preservation and collection of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of persons affected. The Guidelines will be referred to the 28th session of the Assembly of the International Maritime Organization in November this year for adoption. I attach a copy of the report of the working group and the guidelines as adopted by the Legal Committee (Attachment A), as well as an extract from the draft report of the Legal Committee's meeting concerning the guidelines (Attachment B), for the Committee's information.

I hope that the above information is of assistance to the Committee. Please do not hesitate to contact Ms Camille Goodman, Principal Legal Officer, on 6141 3398, should you require further assistance.

Yours sincerely

Greg Manning ✓
First Assistant Secretary
International Law and Human Rights Division

LEGAL COMMITTEE
100th session
Agenda item 7

LEG 100/WP.8
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Original: ENGLISH

DISCLAIMER

As at its date of issue, this document, in whole or in part, is subject to consideration by the IMO organ to which it has been submitted. Accordingly, its contents are subject to approval and amendment of a substantive and drafting nature, which may be agreed after that date.

COLLATION AND PRESERVATION OF EVIDENCE FOLLOWING AN ALLEGATION OF A SERIOUS CRIME HAVING TAKEN PLACE ON BOARD A SHIP OR FOLLOWING A REPORT OF A MISSING PERSON FROM A SHIP AND PASTORAL AND MEDICAL CARE OF VICTIMS

Report of the Working Group

Introduction

1 The Working Group on Collation and preservation of evidence following and allegation of a serious crimes having taken place on board a ship or following a report of a missing person from a ship and the pastoral and medical care of victims (working group) met from 15 to 17 April 2013, under the chairmanship of Miss Katy Ware (United Kingdom).

2 The meeting was attended by representatives from the following Member Governments:

ALGERIA	INDIA
ANGOLA	INDONESIA
ANTIGUA AND BARBUDA	IRAN (ISLAMIC REPUBLIC OF)
ARGENTINA	IRELAND
AUSTRALIA	JAPAN
BAHAMAS	KUWAIT
BELGIUM	LIBERIA
BRAZIL	MARSHALL ISLANDS
CANADA	NIGERIA
CHILE	NORWAY
CHINA	PANAMA
CYPRUS	PHILIPPINES
DENMARK	POLAND
FINLAND	REPUBLIC OF KOREA
FRANCE	SOUTH AFRICA
GHANA	TURKEY
GREECE	UNITED STATES OF AMERICA



and observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
THE NAUTICAL INSTITUTE (NI)

Terms of reference

3 The Legal Committee decided on the following terms of reference for the working group (LEG 100/WP.3):

"Taking into consideration the comments and decisions made in plenary and taking into account resolution A.1058(27), the proposals contained in documents LEG 99/11/1, LEG 99/INF.2 and LEG 100/7, the working group is instructed to:

- .1 further develop the draft Guidelines on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims, using as its basis the text contained in document LEG 100/7;
- .2 consider and recommend whether an intersessional working group or correspondence group to develop the Guidelines further should be established; and
- .3 submit its report, including the recommendations, to the Committee by Thursday, 18 April 2013, during the morning session."

Further develop the draft Guidelines on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims

Preservation, Collection and Collation of Evidence

4 In reviewing the draft Guidelines, the working group considered that their purpose should be to ensure the preservation of evidence so that it is protected or safeguarded in place. The working group, after detailed consideration, agreed that the act of "collecting" in general refers to the gathering and packaging of evidence, whereas the act of "collating" in general refers to the logging and putting into logical order of evidence. The group agreed that both "collecting" and "collating" in principle should be undertaken by professional crime scene investigators. While agreeing that the collation of evidence should not be undertaken by the master, it was recognized that there will be limited and exceptional circumstances when the master will be required to collect evidence. The working group therefore agreed that the Guidelines should focus on the preservation and collection of evidence.

5 Taking into account the view of the working group that the master, officers and crew of a vessel are neither criminal law enforcement officials nor professional crime scene investigators, it was agreed that the Guidelines should not refer to the act of collation and, instead, should refer to the "collection" of evidence.

6 This being the case, the working group agreed to amend the title of the draft Guidelines to reference the "preservation and collection of evidence" rather than "collation and preservation of evidence", and throughout the text to replace the word "collation" with "collection".

Consideration of reference to "Victim"

7 The working group, in consideration of the guidance for the pastoral and medical care of victims, were of the view that the use of the word "victim" in these Guidelines was not appropriate because, in some circumstances, those affected by a serious crime may prefer not to be referred to as a victim and, also, that the persons affected by a serious crime who may need pastoral or medical care may not be limited to the victim of the serious crime and could, for example, be witnesses of a serious crime.

Draft resolution

8 The working group reviewed the draft resolution, taking into account the views expressed by the Committee. To this end, recognizing that preambular paragraphs 1 to 5 reference or extract text of Assembly resolution A.1058(27), the working group agreed to the text as presented in document LEG 100/7.

9 With respect to preambular paragraph 6 presented in LEG 100/7,

"Recognizing that sexual assault and crimes against the person are unacceptable and that all persons on board have the right to security of the person and freedom from sexual harassment."

and taking into account the views expressed by plenary in relation to paragraph 7(ii) of document LEG 100/7, and the Chairman's summary in relation to the prevention of people with past convictions for sexual assault from sailing as crew and passenger; the working group agreed to delete preambular paragraph 6.

10 In its consideration of the draft resolution, the working group agreed to amend preambular paragraph 6 by changing the word "invited" to "urged", and deleted the reference to "maritime administrations". In addition, the working group agreed to amend preambular paragraph 6 to clarify that Member Governments are urged to consider the Guidelines when advising shipowners, ship operators and masters in the preservation and collection of evidence, and the pastoral and medical care of persons affected.

Draft Guidelines

11 The working group, taking into account the discussion of the Committee and the summary of its Chairman, undertook an in-depth analysis of the draft Guidelines.

12 In particular, the working group:

- noted that the purpose of the Guidelines does not include determination of complex issues of criminal jurisdiction, hence did not address the issue and made changes to the draft Guidelines accordingly;
- in acknowledging that the *IMO Casualty Investigation Code* (MSC.255(84)) is not intended for the purpose of investigating the serious crimes referenced in the draft Guidelines which may be subject to criminal investigations, deleted the reference to the *Casualty Investigation Code*;

- agreed to include a specific paragraph in the "Introduction" to the draft Guidelines, recognizing that the master, officers and crew are not criminal law enforcement officers or professional crime scene investigators and, therefore, these Guidelines should not be construed as establishing a basis of any liability, criminal or otherwise, of the master, officers or crew in preserving and/or handling evidence, or related matters;
- reviewed the draft Guidelines in respect of the "Role of the master".
- reviewed the draft Guidelines in respect of the event that a person is reported or believed to be missing from a ship;
- regarding the inclusion of a list of crimes, as proposed in appendix 4 of LEG 100/7, agreed that it was not practical to include a comprehensive list of types of crimes and legal definitions of serious crimes that require reporting, and agreed not to include such a list of crimes, either exhaustive or non-exhaustive in the draft Guidelines; moreover, the working group agreed to delete appendix 4 as proposed in LEG 100/7 and, instead, decided to insert a general text under the heading "Reportable serious crimes", in the main body of the draft Guidelines;
- reviewed the draft Guidelines in respect of "Pastoral and Medical Care", in particular, the use of the word "victim"; the need to acknowledge the sensitivities associated with sexual assaults, serious physical attacks and attempted or threatened suicide; and
- reviewed the text proposed in the draft Guidelines of LEG 100/7 in relation to the "Handling of Allegations" and "Communications", and agreed that since some aspects of the text were already covered under other sections of the draft Guidelines, these could be included in these other sections or deleted.

Associated appendices to the draft Guidelines

13 The working group, taking into account the discussion of the Committee and the summary of its Chairman, undertook an in-depth analysis of the appendices.

14 In particular, the working group recognized that the guidance provided in sections 1 to 4 of appendix 2 is derived from MSC.1/Circ.1404, and that the guidance was addressed to Member Governments and originally developed to provide guidance to professional investigators to assist in the investigation of crimes of piracy and armed robbery against ships. The working group agreed that the text could be used by masters in association with advice from the relevant authorities, and decided, with a preface, to keep the text in sections 1 to 4 of appendix 2 from MSC.1/Circ.1404, as outlined in appendix 2.

15 The working group considered the draft Guidelines in the annex as complete.

Intersessional working group or correspondence group

16 Therefore, the working group does not recommend that an intersessional working or correspondence group be established.

Action requested of the Legal Committee

17 The Committee is invited to:

- (i) agree to the new title of the draft Guidelines (paragraphs 4-7, annex);
- (ii) approve the draft Guidelines and the associated appendices (paragraphs 11-15, annex);
- (iii) approve the associated draft resolution to the Guidelines (paragraphs 8-10, annex);
- (iv) agree to the working group's recommendation that an intersessional working or correspondence group to further develop the Guidelines should not be established (paragraph 16); and
- (v) approve the report of the working group.

ANNEX

PRESERVATION AND COLLECTION OF EVIDENCE FOLLOWING AN ALLEGATION OF A SERIOUS CRIME HAVING TAKEN PLACE ON BOARD A SHIP OR FOLLOWING A REPORT OF A MISSING PERSON FROM A SHIP, AND PASTORAL AND MEDICAL CARE OF PERSONS AFFECTED

1 The Assembly, at its twenty-seventh regular session, and through resolution A.1058(27), invited submissions on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims,

2 Resolution A.1058(27), recalled that article 92 of the United Nations Convention on the Law of the Sea (UNCLOS) which provides that ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in UNCLOS, shall be subject to its exclusive jurisdiction on the high seas,

3 Resolution A.1058(27), recalled further that article 27 of UNCLOS, which provides that criminal jurisdiction of a coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or conduct any investigation in connection with any crime committed on board the ship during its passage, except in the circumstances set forth in that article,

4 Resolution A.1058(27), noted that a thorough investigation of a serious crime on board a ship may be a lengthy process and that certain cases, in which more than one State may have jurisdiction, may present complications and challenges to the authorities responsible for such investigations,

5 Resolution A.1058(27), noted further that, whilst voluntary, such guidance would assist shipowners, operators and masters in cooperating with relevant investigating authorities and contribute to effective and efficient criminal investigations in cases of serious crime or missing persons from ships and would further facilitate and expedite cooperation and coordination between investigating authorities, consistent with international law,

6 Member Governments are urged to consider the Guidelines in the annex, and are requested to assist in the preservation and collection of evidence following an allegation of a serious crime on board a ship, or following a report of a missing person from a ship, noting that criminal jurisdiction should be exercised consistently with international law; to provide pastoral and medical care to persons affected; and to advise shipowners, operators and masters accordingly;

7 Intergovernmental organizations and non-governmental organizations with consultative status are also urged to consider the Guidelines as set out in the annex and to advise their membership to act accordingly,

8 Member Governments, intergovernmental organizations and non-governmental organizations with consultative status are invited to consider bringing the results of the experience gained from using the Guidelines, as set out in the annex, to the attention of the Committee.

ANNEX

DRAFT GUIDELINES ON THE PRESERVATION AND COLLECTION OF EVIDENCE FOLLOWING AN ALLEGATION OF A SERIOUS CRIME HAVING TAKEN PLACE ON BOARD A SHIP OR FOLLOWING A REPORT OF A MISSING PERSON FROM A SHIP, AND PASTORAL AND MEDICAL CARE OF PERSONS AFFECTED

Introduction

The primary purpose of these Guidelines is to assist masters¹, with respect to the preservation of evidence and the pastoral and medical care of persons affected, and when appropriate the collection of evidence, during the time period between the report or discovery of a possible serious crime and the time when law enforcement authorities or other professional crime scene investigators take action.

The master is not a professional crime scene investigator and does not act as a criminal law enforcement official when applying these Guidelines. These Guidelines should not be construed as establishing a basis of any liability, criminal or otherwise, of the master in preserving and/or handling evidence or related matters.

These Guidelines focus on what can practically be carried out on board a ship for the preservation and/or collection of evidence and protect persons affected by serious crimes until such time that the relevant law enforcement authorities commence an investigation. They are designed to apply to all vessels regardless of ship type, and should help facilitate the restoration of the normal operation of the ship, once the situation relating to the serious crime on board comes to an end.

It is recognized that the risk of a serious crime taking place on a ship may be addressed through the applicable on board security arrangements. Although the emphasis is on the need for preventive measures, the risk of a serious crime on board ships cannot be completely eliminated. If a serious crime is committed, it is imperative for all involved that it is fully investigated by the appropriate authorities. In addition, it is of the utmost importance that allegations of sexual assault and other serious crimes are taken seriously, that the persons affected are protected and that their pastoral needs are fully addressed.

The investigation of serious crimes at sea presents particular challenges due to the different entities that may be involved including, but not limited to, flag States, coastal States, port States and States of nationalities of the persons on board.

Reportable serious crimes

Given the differences in laws of the many jurisdictions where a ship may sail, it is not practical to provide a comprehensive list of the types and legal definitions of serious crimes that require reporting. Generally, the master should report to the flag State, other interested States and parties involved, including law enforcement authorities, alleged or discovered serious crimes. These could include, but are not limited to, a suspicious death or disappearance, a criminal act leading to serious bodily injury, sexual assault, conduct endangering the safety of the vessel, or substantial loss of currency or property.

¹ Reference to the master herein includes officers or crew members to whom the master has delegated any functions outlined in these Guidelines.

Cooperation and coordination between interested States and parties

Swift response by law enforcement authorities is important to persons affected by serious crimes.

Cooperation and coordination between interested States and parties should be undertaken in a manner consistent with international law. All interested States and parties involved should cooperate and coordinate to ensure that a full and complete investigation is undertaken. Regardless of which State undertakes the investigation, all investigations should be conducted in the most expeditious manner possible.

The flag State and other interested States should maintain communications between themselves to inform each other about the initiation, progress and outcome of their criminal investigation(s).

Role of the master

The overriding role of the master is to ensure the safety of passengers and crew, which should take precedence over any concerns related to the preservation or collection of evidence.

Once an allegation of a serious crime on board a ship has been made, the master should, as soon as possible, report the allegation to the flag State. The master should, as appropriate, also report the allegation to the interested States and parties involved, including law enforcement authorities.

It is recognized that the master is not a professional crime scene investigator and that crew and resources to preserve and collect evidence, may be limited depending on the vessel type.

The master should ensure the persons affected are properly cared for and take measures to preserve the evidence and follow the advice of the appropriate authorities, including law enforcement authorities.

The master should attempt to secure the scene of the alleged crime as soon as possible, with the main aim of allowing professional crime scene investigators to be able to undertake their work. The best option for preserving evidence is to seal the space, if practicable, and for all persons to be prevented from entering it. An example would be where an incident has taken place in a cabin, then the best option would be for the cabin door to be locked, the key secured and notices posted which would inform that no one should enter.

Where an incident has occurred in a space that cannot be sealed, the master should aim to collect the evidence, as may be instructed by the flag State Administration, or as otherwise guided by the law enforcement authorities. While recognizing that collecting evidence will likely only be carried out in limited and exceptional circumstances, in such cases the master could use the techniques and procedures outlined in appendix 2.

Following the allegation of a serious crime, and given the master's inherent authority on board the ship, the master should draw a list of persons who may have information and invite them to record their recollection of events on the pro forma attached as appendix 1. Any person may refuse to provide their recollection of events. Whenever possible, the master should attempt to obtain accurate contact information for persons believed to have information about an alleged crime or missing person to facilitate subsequent contact by law enforcement officials or other professional crime scene investigators.

Missing persons

In the event that a person is reported or believed to be missing, immediate actions should be taken to find the missing person. The ship should be searched and consideration given to mustering those aboard as an efficient way of resolving the situation. If the missing person is not found, the relevant ship board emergency procedures should be followed, and it should be reported to the appropriate search and rescue organization². If, at any time, the master has any reasonable grounds to suspect that the person went missing due to a criminal act, the other relevant sections of these Guidelines should be followed.

Pastoral and medical care

All persons affected by alleged serious crimes deserve full consideration of the allegations and should receive pastoral and medical care, as appropriate.

In cases of allegations of a serious crime, especially sexual assaults and serious physical attacks, the persons affected should receive respect for coming forward, recognition that the allegation will be reported and given support during this time of trauma. They should be given every opportunity to explain what has happened, give a full account of the incident, and be reassured that every effort will be made to protect them from any further harm while they remain on board the vessel. The persons affected should also be free from any burden of decision-making relating to the alleged perpetrator.

In cases in which the master is aware that a person has attempted suicide or has threatened to commit suicide, the master should attempt to protect this person to the extent practicable. This person should be treated with care and respect. In such cases, the master should seek guidance on how to proceed, either from qualified medical persons if on board, from radio medical advice or from other medical advice that may be available through the flag State or other authorities. If it is determined that a person believed to be at risk of suicide should be disembarked from the ship, the master should coordinate such action with the flag State, coastal State and/or port State, as appropriate. If the circumstances indicate that the suicide or threat of suicide is related to a serious crime on board, the master should refer to applicable provisions in these Guidelines.

The persons mentioned in this section should have access to medical care and attention by a medical professional either on board or ashore, as necessary. The privacy of the person affected should be respected during this process. Where relevant, radio medical advice should be sought.

² Reference should be made to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.

Appendix 1

Section 1 – Victim Statement

Statement of
(Given names) (Family name)

Name of Ship

Flag State

IMO No.

Victim Contact Information

Address

Phone number(s).....

Description of alleged perpetrators: The information given by the victim should be in as much detail as possible from what they personally saw, heard or experienced. Use a new sheet for each alleged perpetrator. The alleged perpetrator should be described as accurately as possible. If the name of the alleged perpetrator is not known then the alleged perpetrator should be given a number to distinguish him.

Alleged perpetrator No. ...

Name:
(If given or heard called by others)

Approximate Age:

Approximate Height:

Build:
(slim/medium/large/heavy)

Ethnic Origin:

Eye Colour: Hair Colour

Hair Length: (Cropped/short/medium/long/over ears/tied back)

Facial Hair: (Beard/moustache) Facial Scars:

Body Markings: (Description and location on body)

Tattoos: (Describe where and what if possible)

Clothing:

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(Colour and type of outer clothing, for example red short-sleeve T-shirt, long blue trousers)
Footwear: (Barefoot/sandals/other)

Neck wear: Wrist wear: Ankle wear:

Weapons used:

Description of the incident:

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.....
.....
.....
.....

Section 2 – Alleged Perpetrator Statement

Statement of
(Given names) (Family name)

Name of Ship

Flag State

IMO No.

Description of the incident:

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.....
.....
.....
.....

Section 3 – Independent Witness Statement

Statement of
(Given names) (Family name)

Name of Ship

Flag State

IMO No.

Description of the incident:

.....
.....
.....
.....
.....

Appendix 2

Preface

The guidance provided in sections 1-4 of this appendix is derived from MSC.1/Circ.1404. That guidance was addressed to Member Governments and was originally developed to provide guidance to investigators to assist in the investigation of the crimes of piracy and armed robbery against ships. It is understood that the master is not a professional crime scene investigator and does not act in the capacity of a criminal law enforcement official and that the guidance in sections 1-4 will likely only be applied in limited and exceptional circumstances by masters who may be called upon to collect evidence that may otherwise be lost if no action is taken.

Section 1

Recovery and packaging of evidence

The following guidance is intended to assist the master to collect material which may assist in the subsequent investigation by a law enforcement authority.

The master should:

- .1 wear fresh protective clothing such as overalls, rubber gloves (for each separate item if practical) as well as have some facial protection, e.g. chemical/dust masks, to give some protection to himself and to avoid distribution of own fingerprints and biological material on the recovered items;
- .2 items in the open and vulnerable to weather conditions should be given priority over those that are enclosed, e.g. bridge, machinery spaces, cabins, mess room, etc.; and
- .3 all items are to be photographed, identified, labelled, and logged at the location found before removal and packaging. The camera should be set to the correct date and time before starting. This will help ensure an accurate visual record which would be of evidential value. The film or digital imaging record will also be subject to evidential value.

Section 2

Identification and labelling

Each item recovered will need to be given an "identification reference" with a sequential number (i.e. 01, 02, 03, etc.) to link it to the point of recovery and by whom.

For example, an abbreviation of the vessel's name, the point of discovery, e.g. Deck 3 mid-ships stairwell in Zone 2, the initials (not full name) of the finder and the sequential number of the item recovered.

Each item, when packaged, will be given a label with the same unique reference to link it to the point of discovery. An example of this could be if the ship was named **Sea Spirit** and the person recovering was Ronaldo Fernandez, giving an identification reference of:

SS/Date & Time/Crew Mess Room /RF/1, .../RF/2, ...RF/3 etc.

Where an item of obvious significance is found, then the person recovering AND the person able to identify it in relation to alleged perpetrator should include this on their pro-forma statement (see appendix 1). Should more than one person be involved in recovering items, then the identification reference would include that person's initials, also starting from 01.

All items recovered will need to be safely stored in a clean and dry environment until such time as they are landed ashore.

If a paper sack or cardboard box is used to package the item, then the identification reference should be written in ink or similar (not pencil) on the outside of the package. In the case of plastic bags, glass jars or smaller containers, then a reference label will need to be attached. Please note that adhesive tape and NOT staples should be used to attach the label.

Example:

<p>IDENTIFICATION REFERENCE</p> <p>.....SS...../..03-03-2011..1425 / Crew Mess Room /.....RF...../...01..... (Ship name) / (Date/Time) / (Location) / (Recovered by) / (Seq. number)</p> <p>Brief description:</p> <p>Signature:</p>

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Section 3

Log of Items Recovered From Search or Seizure

Item No.	Date/ Time	Location found	Description of item	Recovered by	Signature	Identification Reference	Remarks
01	03/03/2011 1425	Crew Mess Rm	Knife used by alleged perpetrator	Ronaldo Fernandez		As above	

Section 4

Guidelines on recovery and packaging of evidence

TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
<p>WARNING: THE HANDLING OF BODY FLUIDS CONSTITUTES A HEALTH HAZARD ALWAYS SEEK ADVICE IF UNSURE</p>			
<p>BLOOD</p>			
<p>A) Bloodstained items</p>	<p>If an easily removable item, e.g. knife, ashtray, bottle, etc. (see further down re: clothing), allow the item to dry completely and naturally before packaging.</p> <p>DO NOT accelerate drying.</p> <p>Make a note on exhibit seizure form if blood stain was wet when obtained.</p>	<p>Place each individual item in a <u>separate</u> suitable, properly sealed container, e.g. sealed strong paper bags or stout paper sacks. In the absence of sacks, cardboard boxes will suffice. Bags/sacks should be folded over twice and sealed with adhesive tape (adhesive tape or similar), boxes should also be sealed with tape.</p> <p>Clearly mark any sack or container that contains blood with "BIOHAZARD"</p>	<p>Bags/paper sacks must not have been used previously. If no "police issue" sacks are available, suitable sacks would be those used for paper waste disposal. If a cardboard box is used, it should be as clean as possible and lined with clean paper. Write the exhibit identification reference on the sack/box as you seal it.</p> <p>Note: Plastic bags should not be used for blood stained items as they promote dampness. Nor should staplers ever be used to seal bags.</p> <p>Seek advice and guidance from Ships Doctor/Medic and/or shore authorities if required.</p>
<p>B) Bloodstains on immovable objects</p>			<p>If possible seal off the room.</p> <p>Mark any sack or container that contains blood with "BIOHAZARD"</p>

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TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
<p>1) Pools of wet blood</p> <p>WARNING – Syringes and needles pose a serious health hazard and must be handled with extreme care</p> <p>Wherever possible seek medical advice before handling</p>	<p>Can be collected using a syringe.</p> <p>Sample of the blood can be taken by swabbing, ensuring that a sample is taken from each individual pool.</p>	<p>Blood (not syringe) to be placed into a clean, dry bottle/jar with a screw top. Syringe to be disposed of in proper "sharps" box.</p> <p>Area taken from to be indicated in notes, exhibit reference documented on outside of swab then placed in an exhibit bag</p> <p>Please make note as to type of stain i.e. wet/dry</p>	<p>As above.</p>
<p>2) Partly clotted blood</p>	<p>Lift with a clean knife or scalpel blade.</p>	<p>As above.</p>	<p>As above.</p> <p>Keep all WET or SEMI-SOLID blood samples in a cool place. If delay likely in passing to authorities, consider deep freezing samples (away from food products). Take advice before doing so.</p>
<p>3) Dry blood</p>	<p>If practical and possible, cut away the surface containing the stain. A non-stained part of the item should also be taken as a control sample.</p> <p>OR</p> <p>Scrape dry blood onto a clean sheet of paper.</p>	<p>Place each individual item (including the control sample) into a separate suitable container, e.g. paper sack, cardboard box and seal properly with adhesive tape.</p> <p>Fold paper carefully and seal in a labelled envelope.</p>	<p>Seek advice from Ships Doctor/Medic and shore authorities.</p> <p>Never use staplers.</p>
<p>4) Semen stained items</p>	<p>The whole item containing the stain should be taken. If the stain is still wet, ALLOW ITEM TO DRY NATURALLY in an isolated area, before packaging.</p>	<p>Place each individual item in a sealed paper sack or clean cardboard box.</p> <p>Please note any stains which were wet when obtained, within the</p>	<p>As above.</p> <p>May be impractical to obtain and store. However if possible could provide valuable evidence.</p>

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TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
	<p>Avoid talking over the item, as contamination can occur.</p> <p>If small items such as tampon, sanitary towel, knickers should be frozen where possible.</p> <p>Condoms should be sealed with either a clip or tied at the top.</p>	notes and on exhibit.	
FIBRES & HAIRS			
<p>Items onto which fibres may have been transferred (e.g. from victim's clothing to other clothing, bedding, weapons)</p>	<p>Where possible recover the whole item with the minimum of disturbance. If it cannot be packaged, cut out approximately 20 cm square of material OR pull out tufts of fibres. Otherwise, seek advice from shore authorities as to fibre sampling.</p>	<p>Place in an envelope sealing all seams and openings. Large items should be placed in a clean paper sack or cardboard box. If there is more than one piece then wrap each item SEPARATELY and seal effectively with adhesive tape.</p>	<p>Do not use staplers, seal with adhesive tape. A plastic sack could be used if the item is completely dry.</p> <p>Polythene bags (providing no dampness) or paper sacks can be used.</p>
<p>Rope or Twine used by alleged offender</p>	<p>Recover the whole length of rope if possible OR obtain a length at least 30 cm long. For suspicious deaths or suicide, recover the whole item.</p>	<p>Wrap each item separately in a polythene or paper sack and seal effectively.</p>	<p>Do not use staplers to seal any bag. Always use adhesive tape.</p>
<p>Where there is a possibility of a PHYSICAL FIT between broken or cut ends</p>	<p>If the rope must be cut to remove it, first clearly label the original cut or broken ends.</p> <p>Always leave knots intact.</p>	<p>Protect the cut or broken ends with paper or polythene bags so that they cannot be damaged and place each individual piece of rope or twine in a separate polythene or paper sack.</p>	<p>As well as potential evidence re: a crime, such evidence could be of considerable value to an accident investigation or inquest re: suicide.</p>
<p>Items recovered that may have hairs present</p>	<p>Recover the whole item wherever possible.</p>	<p>Wrap each item separately in a polythene or paper sack and ensure the bag is completely sealed.</p>	<p>Do not use staples to secure the bag, only adhesive tape.</p>

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TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
CLOTHING, BEDDING AND FOOTWEAR			
Clothing (used or left)	Recover the whole item of clothing.	As above.	As above.
Wet or damp items WARNING – See first page re: handling materials containing body fluids	Allow to dry naturally as soon as possible on a paper-lined surface.	When completely dry package as above. If cannot dry place in plastic bag and freeze. (if very wet)	Avoid risks of contamination by drying at separate locations where practical.
Footwear	Package any footwear used by the alleged offender(s).	Use separate paper sacks or cardboard boxes for each item and seal securely.	Suitable boxes might be those that contained photocopier paper. Do not place in plastic as will sweat.
Bedding	Where possible and practical recover whole item. Mark upper and lower surfaces head and foot to establish orientation of sheets, blankets, quilts, etc.	Wrap each item separately at the recovery location if possible. Place in a stout paper sack and seal with adhesive tape.	Ensure that all recovered items are kept separate to avoid cross contamination. If a number of cabins are involved, if practical, ensure different staff recovers bedding and bag and seal items at a separate location before storage.
FOOTWEAR MARKS			
Surface transfer marks	Where possible recover whole item, e.g. on paper(s), cardboard, glass, bedding, etc.	Place each item separately in an appropriate and clean container (e.g., cardboard box) to protect.	As above.
	If not possible to recover consider photographing placing two rulers at right angles to show size of mark.	If digital photographs taken, do not use any photo enhancement facilities. Leave for experts to improve on.	If film photography is used, package the entire film cassette.

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TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
GLASSWARE & CERAMICS			
Glasses, cups mugs, etc., used by the alleged offender(s)	Recover whole or broken items used by the alleged offender.	Place any broken pieces in a polythene bag or paper envelope and place in a sturdy cardboard box. Whole items should be individually packaged. Seal the box completely with adhesive tape.	If a box or sack contains broken items that could cut or injure, please label "CAUTION, INJURY HAZARD".
EXPLOSIVES, FIREARMS & OTHER WEAPONS			
IMPORTANT – Safety takes precedence over evidence collection. Specialist advice MUST be sought before ANY action is taken.			Seek urgent advice from shore authorities before taking action unless to do so is critical to preserving life.
Weapons other than firearms (e.g. knives, hammers, hatchets)	DO NOT attach any adhesive material to the blades or handles (this could destroy fingerprints or other evidence of value).	Place in cardboard box or other secure container and seal with adhesive tape.	Where there are items that could cut or injure, please label "CAUTION, INJURY HAZARD".
RECOVERY AND PROTECTION OF PROJECTILES			
WARNING – see above re: blood and firearms	Any wounds resulting from a firearm injury should (subject to medical advice) be photographed before surgery. Wherever possible a ruler or scale should be in the photograph adjacent to the wound.	Seek advice re: packaging from shore side authorities. Photographs of injuries should be in colour as this will show differentiation between blood staining and blackening. Films should not be processed unless it is essential, but retained for the relevant authorities.	As above.

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TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
	Unless it is absolutely essential to do so, do not attempt to remove a bullet or air pellet that is imbedded in walls, doors, etc. This should be left to forensic experts. Photograph any projectile in situ.		Wherever possible, seek advice from shore authorities before removal of area surrounding projectile. Mark the area clearly without touching or damaging the scene.
MODEL, REPLICA AND BLANK FIRING FIREARMS			
IMPORTANT – Safety takes precedence over evidence collection. Specialist advice MUST be sought before ANY action is taken.			Seek urgent advice from shore authorities before taking action unless to do so is critical to preserving life.
CLOTHING OF PERSON SUSPECTED OF DISCHARGING A FIREARM AND ANY VICTIM			
WARNING – See first page re: caution to be applied when dealing with body fluids	Clothing should be gently handled to preserve lightly adhering firearm discharge residue. As above. BUT bloodstained clothing must be allowed to dry naturally before packing.	Items of clothing must be individually packaged in paper sacks, sealed with adhesive tape and labelled.	Plastic sacks can be used where clothing is dry. Ensure that separate people deal with the suspect and victim's clothing at separate locations to eliminate the possibility of cross contamination.
Clothing of victim (crew)	As above.	As above.	As above.

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TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
DOCUMENTS (e.g. DEMANDS/RANSOM NOTES)			
Hand-written documents	Obtain the ORIGINAL document, place in a polycover and if possible make a photocopy to be used as a working document (e.g. to Fax to authorities or Head Office).	Place in a clean polyfolder or polythene bag. DO NOT WRITE ON OR MAKE ANY INDENTATIONS ON DOCUMENT.	

6.15 In this regard, the Committee noted that a court decision received by the Secretariat from the Government of Kenya since LEG 99 had been forwarded to UNICRI. The Committee also took note of the link to the UNICRI website on the IMO website, under the heading "Maritime Security/Piracy/Maritime Piracy Court Decisions (UNICRI)".

6.16 The Committee thanked the Ukraine, the representative of UNICRI and the Secretariat for the information provided.

7 COLLATION AND PRESERVATION OF EVIDENCE FOLLOWING AN ALLEGATION OF A SERIOUS CRIME HAVING TAKEN PLACE ON BOARD A SHIP OR FOLLOWING A REPORT OF A MISSING PERSON FROM A SHIP, AND PASTORAL AND MEDICAL CARE OF VICTIMS

7.1 The Committee recalled that the Assembly, at its twenty-seventh session, adopted resolution A.1058(27) on *Collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims*. The resolution invited Member States and other parties concerned to submit proposals to the Legal Committee to enable consideration of the issues raised in the resolution, bearing in mind that issues of criminal jurisdiction should be consistent with international law.

7.2 The Committee also noted its agreement, at its last session, to include this item on its agenda, with a target completion date of 2014.

7.3 The delegation of the United Kingdom introduced document LEG 100/7, on behalf of the co-sponsoring delegations, proposing the development of *Guidelines on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims*. The draft Guidelines were based on existing guidelines developed by MSC to assist in the investigation of the crimes of piracy and armed robbery against ships, adapted to fit the particular issues related to other alleged crimes at sea; and contained guidance on actions in the event of a missing person and the pastoral and medical care of victims.

7.4 The Committee expressed appreciation to the United Kingdom and the co-sponsors of the document. There was, in general, principle support for the document as well as agreement that the proposed draft Guidelines could form a good basis for further discussion;

however, further development was required. Among the preliminary views expressed were the following:

- the Guidelines should be as short and precise as possible as they would be used by individuals not familiar with these issues. This applied particularly to section 4;
- every effort should be made to finalize them at this session;
- the Guidelines should include a cross-reference to the fair treatment Guidelines concerning the right of the accused not to self-incriminate;
- a reference to consular assistance should be incorporated;
- the Guidelines should contain upfront a statement to the effect that the master should seek early advice from law enforcement agencies; and
- the role of the master should be made an integral part of the safety management of the ship.

7.5 The observer delegation of the Cruise Lines International Association (CLIA), supported by the observer delegation of the International Federation of Shipmasters' Associations (IFSMA), noted that it was important for the Guidelines to address the period of time between the occurrence of the crime and the coming on board of the investigator.

7.6 The Committee discussed the five substantive issues set out in paragraph 7 of the document, in respect of which the following views were expressed:

Paragraph 7(i): recognition of coastal States jurisdiction

Regarding the question of jurisdiction, the following views were expressed:

- the question of jurisdiction should be approached with caution as it was a complex issue; it may well differ from State to State; multiple parties may be involved;
- the Guidelines should focus on preserving evidence, not legal issues like jurisdiction;

- the Guidelines could not settle issues of jurisdiction;
- it was important to align the Guidelines with the United Nations Convention on the Law of the Sea (UNCLOS); and
- in developing the Guidelines, the emphasis should be on encouraging cooperation between interested States that might have competing jurisdictions.

Paragraph 7(ii): Should the Guidelines contain a stronger commitment to preventing people with past convictions for sexual assault, particularly rape, from sailing either as passenger or crew?

On the question of whether people with past convictions for sexual assault should be prevented from sailing either as passenger or crew, the following views were expressed:

- it would be impossible to execute such a prohibition in practice;
- preventing such individuals from sailing might run counter to human rights;
- prior behaviour should not be the determining factor unless national legislation provides otherwise;
- such a prohibition should not be included in the Guidelines as this was not their objective;
- the Guidelines should concentrate on preserving crime scenes and evidence rather than on preventing individuals from sailing;
- in many jurisdictions it would be impossible to prohibit any person who had served their sentence to sail either as a passenger or as crew;
- the matter should be left to the shipping company or other employer;
- such a prohibition should only apply to repeat offenders;
- no similar restrictions existed on airlines; and
- it was not practicable to exclude passengers.

Paragraph 7(iii): Should a ship's master have the authority to confiscate items of potential evidence, such as clothing, or conduct interviews without first contacting law enforcement agencies?

Regarding the right of the master of the ship to confiscate items of potential evidence, the following views were expressed:

- the master should contact the respective law enforcement agencies for instructions on how to proceed with the collation of evidence;
- the master should act in concert with law enforcement agencies;
- the role of the master with regard to the collation of evidence should be limited to the minimum;
- the role of the master was not to conduct the investigation but to preserve the evidence;
- it might be necessary for the master to confiscate some items in order to preserve them as evidence, especially in cases where there is a suspicion that evidence might be destroyed, otherwise the master should not have this authority;
- the master should have the authority to carry out all lawful actions but might need to contact flag States;
- the master should have the authority to do so but not the duty to do so; and
- the master should also be obliged to collect the electronic evidence.

Paragraph 7(iv): Should the guidelines contain a list of crimes?

Regarding the question of the list of crimes and the definition of a crime, the following views were expressed:

- the Guidelines should contain a list of crimes; however, this list should be open;

- there is no need for a list of crimes and the definition of crime should be as wide and general as possible;
- there is no need to include in the Guidelines the definition of a crime;
- the guidelines should define serious crimes but the current definitions were too vague and might include for example environmental damage;
- an indicative list only should be included;
- a list of indicative crimes was not helpful;
- the Guidelines should not cover crimes which are covered by other IMO instruments, for example piracy and environmental issues; and
- if the list of crimes was too lengthy it might deter the master from acting.

Paragraph 7(v): Should the guidelines include a statement to the clear effect that the master should not be held criminally liable for any shortcomings by himself or the crew in preserving evidence?

Regarding the question of the liability of the master and the crew for any shortcomings in preserving evidence, the following views were expressed:

- the master and crew should not be liable for any shortcomings in preserving evidence;
- the master and crew should not be held liable for non-compliance with the Guidelines;
- the master and crew should not be liable except in cases of deliberate tampering with the evidence or gross negligence; and
- the master and crew should not be liable because they are not trained investigators.

7.7 The Committee agreed to establish a working group to discuss the Guidelines, with the terms of reference contained in document LEG 100/WP.3.

7.8 The report of the working group is contained in document LEG 100/WP.8, attached in annex [X] to this report.

7.9 The Committee expressed its appreciation to the working group and its Chair, Ms. Katy Ware (United Kingdom) for the excellent work accomplished.

7.10 Among the views expressed with regard to the report were the following:

- the text should be adopted in its entirety and be forwarded to the twenty-eighth session of the Assembly in the form of an Assembly resolution;
- the task of reformatting the text of the resolution should be entrusted to the Secretariat.
- in the paragraph on cooperation and coordination between interested States and parties, the Guidelines refer to international law; however, it should also include a specific reference to UNCLOS;
- in the paragraph on the role of the master, the flag State, rather than the master should report the allegation to interested States;

7.11 The point was made that the text of the Guidelines had been thoroughly discussed during the working group. All the ensuing views and proposals had been taken into account and extensive debate had taken place with regard to every paragraph of the proposed Guidelines. The text, as reflected in the report, was a sensitive compromise that should not be amended at this stage.

7.12 Following the discussion, the Committee turned its attention to the action requested in paragraph 17 of document LEG 100/WP.8. In this connection, it agreed to the new title of the draft Guidelines; approved the draft Guidelines and the associated appendices; approved the associated draft resolution to the Guidelines; agreed to the working group's recommendation not to convene an intersessional working group or correspondence group to develop the Guidelines further; and approved the report of the working group.

7.13 The Committee further agreed that the draft Guidelines should be referred to the twenty-eighth session of the Assembly for adoption, subject to the Secretariat making any necessary editorial amendments to the text.

8 MATTERS ARISING FROM THE 108TH AND 109TH REGULAR SESSIONS OF THE COUNCIL

8.1 The Secretariat introduced document LEG 100/8 on the decisions and conclusions of the 108th and 109th regular sessions of the Council, on matters of relevance to the Legal Committee.

8.2 The Committee took note of the information submitted by the Secretariat and, in particular:

- the Council's approval of the Committee's decision on the duplication of outputs for the 2012-2013 biennium, as well as the inclusion of a new agenda item on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims;
- the Council's noting of the Committee's decision to analyse further the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, with the aim of developing guidance to assist States interested in pursuing bilateral or regional arrangements, without revising Strategic Direction 7.2;
- the Council's endorsement of the Secretary-General's proposal that the theme for 2013 should be "Sustainable Development: IMO's contribution beyond Rio+20";
- the Council's endorsement of the proposal that unplanned outputs only be accepted within a biennium in exceptional circumstances; and
- the Council's decision to adopt all the amendments to the Statute of the International Maritime Law Institute (IMLI). The revised IMLI Statute can be found on the IMO website, under the link IMODOCS, Circular letter No.3326.

9 TECHNICAL CO-OPERATION ACTIVITIES RELATED TO MARITIME LEGISLATION

9.1 The Secretariat introduced document LEG 100/9, providing a report on IMLI's activities for the year 2012; a list of dissertations and maritime legislation drafting projects undertaken by its students in the 2011-2012 academic year; an interim list of students' dissertations and maritime legislation projects for the LLM Programme for the year 2012-2013; and information on the forthcoming publication of the IMLI Manual on International Maritime Law.

9.2 The Committee, in noting the information, agreed that, as the theses and projects in the LLM Programme are written only in English, in order to save resources, the list of dissertations and maritime drafting projects should, in future, be issued as an information paper; any other information provided by IMLI should, however, be issued as a meeting document.

9.3 The Secretariat introduced document LEG 100/9/1 on the thematic priorities to be included in the Integrated Technical Co-operation Programme (ITCP) covering the 2014-2015 biennium. In so doing, the Secretariat noted that, although technical assistance in the field of maritime legislation was already available to States on request, the Committee might wish to adjust its thematic priorities, with the aim of stimulating new activities in the field of maritime legislation.

9.4 The Committee agreed to revise the first thematic priority, as set out in paragraph 6 of the document as follows:

"Providing means to strengthen the legal capacity, maritime policy and infrastructure of national maritime authorities, with particular emphasis on Least Developed Countries and Small Island Developing States."

9.5 The Director, Technical Co-operation Division (TCD), introduced document LEG 100/9/2, reviewing technical co-operation activities on maritime legislation from January to December 2012.