

4 ALBERT EMBANKMENT
LONDON SE1 7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

Ref. T2-MSS/2.11.4.1

MSC.1/Circ.1404
23 May 2011

**GUIDELINES TO ASSIST IN THE INVESTIGATION OF THE CRIMES OF PIRACY AND
ARMED ROBBERY AGAINST SHIPS**

1 The Assembly, at its twenty-sixth regular session and through resolution A.1025(26), adopted the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships.

2 Pursuant to the better implementation of resolution A.1025(26), the Maritime Safety Committee (the Committee), at its eighty-ninth session (11 to 20 May 2011), developed Guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships (the Guidelines), and agreed to disseminate the Guidelines to all interested parties.

3 These Guidelines should be read in conjunction with resolution A.1025(26).

4 Member Governments are invited to consider the Guidelines as set out in the annex, and advise Administrations and other authorities to assist in the investigation of the crimes of piracy and armed robbery against ships and to act accordingly.

5 Intergovernmental and non-governmental organizations with consultative status are also invited to consider the Guidelines as set out in the annex and to advise their membership to act accordingly, taking into account the guidance provided in MSC.1/Circ.1333, 1334 and 1337 and resolution A.1025(26).

6 Member Governments and intergovernmental 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

GUIDELINES TO ASSIST IN THE INVESTIGATION OF THE CRIMES OF PIRACY AND ARMED ROBBERY AGAINST SHIPS

Introduction

Member Governments and the international community have taken positive steps in an effort to curb the crimes of piracy and armed robbery against ships. However compared to the scale of the problem, the increasing physical, mental and sexual violence towards the crew and the ever increasing extent of sea area threatened by these pirates, the efforts remain limited in their outcome.

Governments are urged to take a more robust stance towards dealing effectively with these crimes and to provide more assistance to vessels transiting pirate-infested waters as well as after the vessels are released after prolonged periods in captivity.

The capture, prosecution and sentencing of pirates and armed robbers is probably the most appropriate deterrent action available to Governments. A vessel being released after prolonged captivity is likely to have a lot of potential evidence which, if collected, recorded and maintained in an appropriate manner, could supplement a prosecution case at a later date. To do this, Governments are encouraged to have trained investigators available who can collect the available evidence from a vessel immediately after its release. Failing this, every effort should be made to have an investigator available at the vessel's first port of call after release.

Guidelines to the investigator

If the investigator is to board the vessel at the first port of call immediately after release, he/she should liaise with the Master directly on the procedures he/she will be employing to collect the evidence. The investigator should bear in mind what the master and crew have been through and that the Master's ability to assist in the investigation may be limited. A balance should be struck between the needs of the investigator and the needs of the Master and crew. The requirement to have an early liaison should be facilitated by the shipowner, the Company security officer and the flag State of the ship.

The investigator should always be sensitive to the fact that the crew would have been subject to extreme levels of stress during their period of capture and negotiation and would like to get the vessel back to normal operational condition as quickly as possible. The Master should give the investigator assistance and cooperation, to the best of his/her ability, for the collection of evidence.

If the investigator has to board the vessel at the first port of call after release he/she should:

- .1 Contact the CSO of the vessel and confirm if the Master has been able to cordon off areas of the ship to preserve the evidence.
- .2 Recognize and appreciate that the crew would have been under extreme stress for a number of days and may have been subject to physical, mental and even sexual abuse. The investigator should be sensitive to this fact while taking crew statements.
- .3 Be mindful of the flag State's obligations to conduct its own investigation as well as its need for immediate access to the ship and crew upon the ship's arrival.

The following sections briefly describe some of the actions and procedures in the collection of evidence to support the submission of written reports.

SECTION 1

Crew Statement

Statement of
(Given names) (Family name)

Name of Ship Operating Company

Flag State Type of Vessel

IMO No.

Description of alleged offenders: The information given by the crew should be in as much detail as possible from what they personally saw, heard or experienced. Use a new sheet for each pirate. The pirates should be described as accurately as possible. All information about the pirates, including how they treated each crew member giving evidence, as well as how they were seen to treat the other crew members, should be given. If no names were heard then the pirate should be given a number to distinguish him. This number should also be used as a reference in the crew statement.

Alleged offender 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:
(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/equipment carried:
(Automatic rifle/grenade launcher/handgun/knife/machete/ammunition belt/radio, other)

Attitude:
(violent/brutal/aggressive/demanding or considerate/courteous/considerate/respectful)

Describe how this person treated you or others:.....
.....
.....
.....
.....

SECTION 2

Securing the Crime Scene and Recovery and Packaging of Exhibits

The following guidelines are intended to assist the investigator to recover valuable material which after forensic examination by a competent authority may assist in the subsequent identification, arrest and prosecution of the pirates that held the vessel and crew captive.

The investigator 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 the investigator 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.
- .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 3

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 a pirate, (e.g., firearm, grenade, ammunition belt, rope, galley utensil, blanket, etc.) should include this on their pro-forma statement (see SECTION 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:

IDENTIFICATION REFERENCE

.....SS...../..03-03-2011..1425 / Crew Mess Room /.....RF...../...01.....
(Ship name) / (Date/Time) / (Location) / (Recovered by) / (Seq. number)

Brief description: (for example – Brown blanket used by pirate leader)

Signature:

SECTION 4

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	Brown blanket used by Pirate leader	Ronaldo Fernandez		As above	

SECTION 5
Guidelines on recovery and packaging of exhibits

TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
<p><u>WARNING:</u> THE HANDLING OF BODY FLUIDS CONSTITUTES A HEALTH HAZARD ALWAYS SEEK ADVICE IF UNSURE</p>			
BLOOD			
<p>A) Blood stained items originating from a pirate</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 (from pirate(s)) on immovable objects</p>			<p>Mark any sack or container that contains blood with 'BIOHAZARD'</p>

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>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>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>
FIBRES & HAIRS			
<p>Items onto which fibres may have been transferred (e.g., from pirates 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>

TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
Rope or Twine used by pirate	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.	Wrap each item separately in a polythene or paper sack and seal effectively.	Do not use staplers to seal any bag. Always use adhesive tape.
Where there is a possibility of a PHYSICAL FIT between broken or cut ends	If the rope must be cut to remove it, first clearly label the original cut or broken ends. Always leave knots intact.	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.	As well as potential evidence re: a crime, such evidence could be of considerable value to an accident investigation or inquest re: suicide.
Items recovered that may have hairs present	Recover the whole item wherever possible.	Wrap each item separately in a polythene or paper sack and ensure the bag is completely sealed.	Do not use staples to secure the bag, only adhesive tape.
CLOTHING, BEDDING AND FOOTWEAR			
Bedding used by pirate(s)	Where possible and practical recover whole item, e.g., blanket used by the pirate. 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, ensure different staff recover bedding and bag and seal items at a separate location before storage.
Clothing (used or left by pirates)	Recover the whole item of clothing if used by the pirate.	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.	Avoid risks of contamination by drying at separate locations where practical.
Footwear	Package any footwear used by the pirate(s).	Use separate paper sacks or cardboard boxes for each item and seal securely.	Suitable boxes might be those that contained photocopier paper.

TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
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.
GLASSWARE & CERAMICS			
Glasses, cups mugs, etc., used by the pirate(s)	Recover whole or broken items used by the pirates.	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.
IT IS DANGEROUS PRACTICE TO LIFT A FIREARM BY THE TRIGGER GUARD	<p>Do NOT touch unless you are familiar with firearms. Seek specialist advice.</p> <p>NEVER position yourself so that the gun barrel is pointing in your direction. REMEMBER a loaded gun can be discharged when being moved or simply touched.</p> <p>IF there is a person experienced in the handling of firearms available, get that person</p>	<p>Photograph the firearm in position before any attempt is made to move it.</p> <p>Tie the item with string to the inner surface of a cardboard box, so that movement in the box is restricted. Seal and label the box correctly.</p> <p>If possible, photograph the position of any cartridges or bullets in the chamber/ breach/magazine before</p>	<p>NEVER INSERT A PENCIL OR OTHER OBJECT INTO THE BARREL, THIS COULD DESTROY VALUABLE EVIDENCE.</p> <p>If it is suspected that the barrel of the firearm has been in the mouth of the victim, the muzzle (having been allowed to dry naturally) should be protected by placing an envelope loosely over it but NOT affixed with adhesive.</p>

TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
	to make the weapon safe by unloading the weapon noting the position of any cartridges present in the chamber of a revolver, in the barrel of a shotgun, etc.	removal providing it is safe to do so in the opinion of a firearms-trained person. Any bullet/cartridge removed should be packed separately. Place in a dry cardboard box and secure. Place in cardboard box of other secure container and seal with adhesive tape.	Handle with great care with gloves if possible, lift by placing a gloved finger at each end touching the minimum surface possible.
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.
	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., as this would most likely destroy any ballistic evidential value. This should be left to forensic experts. Photograph any projectile <i>in situ</i> .		Wherever possible, seek advice from shore authorities before removal of area surrounding projectile. Mark the area clearly without touching or damaging the scene.

TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
MODEL, REPLICA AND BLANK FIRING FIREARMS			
WARNING – see above	Treat as real until proved otherwise. All wads and cartridge cases should be recovered.	Wrap in tissue paper (NOT cotton wool) and place in a cardboard box, seal and label. For loose bullets/pellets, pack as above. Once known to be safe, place in a polycover and lay in a box padded with tissue paper to prevent movement, and seal and label.	If unsure as to whether or not the weapon is a replica, etc., seek advice from shore authorities BEFORE packaging.
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.
Clothing of victim (crew)	As above.	As above.	As above.
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.	