Department of Transport
An Roinn Iompair

Marine Notice No. 53 of 2008

PIRACY AND ARMED ROBBERY AGAINST SHIPS IN WATERS OFF THE COAST OF SOMALIA

For the attention of all Owners, Operators, Masters, Skippers and Ship Agents of Merchant Ships, Fishing Vessels and Recreational Craft.

The Maritime Safety Directorate wishes to remind mariners of the continuing civil conflict and political instability in Somalia, which has given rise to renewed attacks on ships and a worrying increase in the number of reported piracy incidents in recent months, especially off the coast of Northern Somalia and in the Gulf of Aden. This is demonstrated by the attached report of pirate attacks and hijackings (provided courtesy of UNOSAT in Annex III with a map available at the link below.)
http://unosat.web.cern.ch/unosat/freeproducts/somalia/Piracy/UNOSAT_SOM_Piracy_Gulf_Aden_Sept08_Lowres_v6.pdf

The Maritime Safety Directorate would remind all vessels intending to navigate in the Gulf of Aden and off the coast of Somalia of the increased risk of a piracy attack. Vessels navigating in these waters are reminded of the guidance given in IMO MSC Circular 1233 (attached in Annex I) and in MSC/Circ.623/Rev.3 (attached in Annex II).

Operators of vessels intending to navigate in this area are urged to contact the Marine Survey Office for further advice. (e-mail to maritimesecurity@transport.ie)

Director General,
Maritime Safety Directorate,
Department of Transport,
Leeson Lane,
Dublin 2.

7 October 2008

ANNEX I

INTERNATIONAL MARITIME ORGANIZATION

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Ref. T2-MSS/2.11.4.1

MSC.1/Circ.1233
15 June 2007

PIRACY AND ARMED ROBBERY AGAINST SHIPS
IN WATERS OFF THE COAST OF SOMALIA

1   Whilst, during the latter part of 2006, there was a much-welcome significant drop in the number of acts of piracy and armed robbery against ships reported in waters off the coast of Somalia, there has, since the beginning of the current year, been a worrying increase in the number of reported incidents.

2   The hijacking of ships and demands for the payment of ransoms for their release and for the release of their crews and cargo appear to have become a common pattern, with the perpetrators having also been engaged in attacks on, and seizure of, ships carrying food aid to Somalia under the auspices of the United Nations World Food Programme.

3   Whilst most of the incidents have reportedly occurred at distances ranging up to 200 nautical miles off the Somali coast (suggesting a pattern of well organized and co-ordinated activities), there have also been cases of attacks that have taken place in Somalia's territorial sea. The actual extent of the incidents is very difficult to gauge and there may have been several other unreported cases.

4   In view of the situation, as described above, and the impact any act of piracy and armed robbery may have on human life, the safety of navigation and the environment, Member Governments and international organizations concerned are invited, as a matter of urgency, to bring this circular to the attention of shipowners, ship operators and managers, shipping companies, shipmasters and all other relevant parties advising them to take any action deemed appropriate in the circumstances and, in particular, to comply with the recommendations in:

> .1   MSC/Circ.622/Rev.1 – Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships; and

> .2   MSC/Circ.623/Rev.3 – Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships,

noting that, as a result of IMO bringing the issue to the attention of the United Nations Security Council, its President, in a statement issued on 15 March 2006, included the following:

> "The Security Council takes note of resolution A.979(24) adopted on 23 November 2005 at the twenty-fourth session of the International Maritime Organization biennial Assembly, concerning the increasing incidents of piracy and armed robbery against ships in waters off the coast of Somalia. The Council encourages Member States whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia to be vigilant to any incident of piracy therein and to take appropriate

action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law. … The Council further urges co-operation among all States, particularly regional States, and active prosecution of piracy offences."

5   This circular is issued following consultations between the Secretary-General and the Acting Chairman of the Maritime Safety Committee.

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ANNEX II

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Ref. T1/13.01

MSC/Circ.623/Rev.3
29 May 2002

PIRACY AND ARMED ROBBERY AGAINST SHIPS

Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships

1   The Maritime Safety Committee, at its seventy-fifth session (15 to 24 May 2002), approved a revised MSC/Circ.623/Rev.2 (Guidance to shipowners and ship operators, shipmasters and crews for preventing and suppressing acts of piracy and armed robbery against ships) as given at annex.

2   The revision was carried out on the basis of the outcome of COMSAR 6 to make RCCs and others concerned aware of the dangers in alerting pirates/terrorists that a distress alert or other communication has been transmitted by the affected ship following a piracy/terrorist alert.

3   Member Governments and organizations in consultative status with IMO are recommended to bring this circular to the attention of shipowners, ship operators, shipping companies, shipmasters and crews and all other parties concerned.

4   This circular revokes MSC/Circ.623/Rev.2.

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ANNEX

GUIDANCE TO SHIPOWNERS AND SHIP OPERATORS, SHIPMASTERS AND CREWS ON PREVENTING AND SUPPRESSING ACTS OF PIRACY* AND ARMED ROBBERY AGAINST SHIPS

Introduction

1   This circular aims at bringing to the attention of shipowners, masters and crews the precautions to be taken to reduce the risks of piracy on the high seas and armed robbery against ships at anchor, off ports or when underway through a coastal State's territorial waters. It outlines steps that should be taken to reduce the risk of such attacks, possible responses to them and the vital need to report attacks, both successful and unsuccessful, to the authorities of the relevant coastal State and to the ships' own maritime Administration. Such reports are to be made as soon as possible, to enable necessary action to be taken.

2   These recommendations have been culled from a number of sources. Where conflicting advice has been apparent, the reason for choosing the recommended course has been stated.

The pirates/robbers objective

3   In addition to hijacking of ships, and the theft of cargo, the main targets of the South East Asian attacker appear to be cash in the ship's safe, crew possessions and any other portable ship's equipment, even including coils of rope. In South America some piracy and armed robbery attacks are drug related. When there has been evidence of tampering with containers, it has been suggested that the raiders may initially have gained access when the ship was berthed in port and then gone over the side, with what they could carry. Thorough checking of ships' compartments and securing before leaving ports is therefore recommended.

Reducing the temptation for piracy and armed robbery

Cash in the ship's safe

4   The belief that large sums of cash are carried in the master's safe attracts attackers. On several occasions this belief has been justified and substantial sums have been stolen. While carrying cash may sometimes be necessary to meet operational needs and crew requirements and to overcome exchange

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* The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

   "Piracy consists of any of the following acts:
       (a)   any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
           (i)   on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
           (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
       (b)   any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
       (c)   any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)."

control restrictions in some States, it acts as a magnet for attackers and they will intimidate the master or crew members until the locations have been revealed. Shipowners should consider ways of eliminating the need to carry large sums of cash on board ship. When this need arises because of exchange control restrictions imposed by States, the matter should be referred to the ship's maritime Administration to consider if representations should be made to encourage a more flexible approach as part of the international response to eliminate attacks by pirates and armed robbers.

Discretion by masters and members of the crew

5   Masters should bear in mind the possibility that attackers are monitoring ship-to-shore communications and using intercepted information to select their targets. Caution should, therefore, be exercised when transmitting information on cargo or valuables on board by radio in areas where attacks occur.

6   Members of the crew going ashore in ports in affected areas should be advised not to discuss the voyage or cargo particulars with persons unconnected with the ship's business.

Smaller crews

7   The smaller crew numbers now found on board ships also favour the attacker. A small crew engaged in ensuring the safe navigation of their ship through congested or confined waters will have the additional onerous task of maintaining high levels of security surveillance for prolonged periods. Shipowners will wish to consider enhancing security watches if their ship is in waters or at anchor off ports, where attacks occur. Shipowners will wish to consider providing appropriate surveillance and detection equipment to aid their crews and protect their ships.

Recommended practices

8   The recommended practices outlined below are based on reports of incidents, advice published by commercial organizations and measures developed to enhance ship security. The extent to which the recommendations are followed or applied are matters solely for the owners or master of ships operating in areas where attacks occur. The shipping industry would also benefit from consulting other existing recommendations*.

9   The recommended actions are defined as phases related to any voyage in a piracy and armed robbery threat area. The phases define the main stages in all situations of non-piracy/armed robbery, attempted piracy/armed robbery and confirmed piracy/armed robbery. Depending on the development of any one situation, they may or may not materialize.

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*   For example, United Kingdom Marine Guidance Note 75, BIMCO publication "The Ship Master's Security Manual" (July 1998), ICS/ISF Pirates and Armed Robbers - A Master's Guide (Third Edition 1999), IMB Special Report on Piracy and Armed Robbery (March 1998)

The pre-piracy/armed robbery phase - Ship security plan

10   All ships expected to operate in waters where attacks occur should have a ship security plan** which pertains to piracy and armed robbery against ships. The ship security plan should be prepared having regard to the risks that may be faced, the crew members available, their capability and training, the ability to establish secure areas on board ship and the surveillance and detection equipment that has been provided. The plan should, *inter alia*, cover:

> .1   the need for enhanced surveillance and the use of lighting, surveillance and detection equipment;

> .2   crew responses, if a potential attack is detected or an attack is underway;

> .3   the radio alarm procedures to be followed; and

> .4   the reports to be made after an attack or an **attempted attack**.

Ship security plans should ensure that masters and crews are made fully aware of the risks involved during attacks by pirates or armed robbers. In particular, they should address the dangers that may arise if a crew adopts an aggressive response to an attack. Early detection of a possible attack is the **most effective deterrent**. Aggressive responses, once an attack is underway and, in particular, once the attackers have boarded the ship, could significantly increase the risk to the ship and those on board.

11   In accordance with the ship security plan, all doors allowing access to the bridge, engine room, steering gear compartments, officers' cabins and crew accommodation should be secured and controlled in affected areas and should be regularly inspected. The intention should be to establish secure areas which attackers will find difficult to penetrate.

12   It is important that any response to an incident is well planned and executed, and those involved should be as familiar as possible with a ship environment. Therefore those responsible within the security forces for responding to acts of piracy and armed robbery against ships, whether at sea or in port, should be trained in the general layout and features of the types of ships most likely to be encountered and shipowners should co-operate with the security forces in providing access to their ships to allow the necessary on board familiarization.

Routing and delaying anchoring

13   If at all possible, ships should be routed away from areas where attacks are known to have taken place and, in particular, seek to avoid bottle-necks. If ships are approaching ports where attacks have taken place on ships at anchor, rather than ships underway, and it is known that the ship will have to anchor off port for some time, consideration should be given to delaying anchoring by slow steaming or longer routing to remain well off shore thereby reducing the period during which the ship will be at risk. Contact with port authorities should ensure that berthing priorities are not affected. Charter party agreements should

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**   Possible guidance can be found in MSC/Circ.443

recognize that ships may need to delay arrival at ports where attacks occur either when no berth is available for the ship or offshore loading or unloading will be delayed for a protracted period.

Practice the implementation of the ship security plan

14   Prior to entering an area, where attacks have occurred, the ship's crew should have practised and perfected the procedures set down in the ship security plan. Alarm signals and procedures should have been thoroughly practised. If instructions are to be given over the ship's address systems or personal radios, they must be clearly understood by those who may not have fully mastered the language in which the instructions will be given.

15   It cannot be emphasized enough that all possible access points to the ship and any key and secure areas on it must be secured or controlled in port, at anchor and when underway in affected areas. Crews should be trained in the use of any additional surveillance or detection equipment installed on the ship. Planning and training must be on the basis that an attack will take place and not in the belief that with some luck it will not happen. Indications to attackers that the ship has an alert and trained crew implementing a ship security plan will help to deter them from attacking the ship.

Precautions at anchor or in port

16   In areas where attacks occur it is important to limit, record and control those who are allowed access to a ship when in port or at anchor. Photographing those who board the ship can be a useful deterrent or assist the identification of attackers who may have had access to the ship prior to their attack. Film need only be developed in the event of a subsequent attack. Given that attackers may use knowledge of cargo manifests to select their targets, every effort should be made to limit the circulation of documents which give information on the cargoes on board or their location on the ship.

17   Prior to leaving port the ship should be thoroughly searched and all doors or access points secured or controlled. This is particularly important in the case of the bridge, engine room, steering space and other vulnerable areas. Doors and access points should be regularly checked thereafter. The means of controlling doors or access points which would need to be used in the event of an onboard emergency will need careful consideration. Ship or crew safety should not be compromised.

18   Security guards employed in port or at anchorage on different ships should be in communication with each other and the port authorities during their watch. The responsibility for vetting such guards lies with the security personnel companies, which themselves should be vetted by the appropriate authorities.

Watchkeeping and vigilance

19   Maintaining vigilance is essential. All too often the first indication of an attack has been when the attackers appear on the bridge or in the master's cabin. Advance warning of a possible attack will give the opportunity to sound alarms, alert other ships and the coastal authorities, illuminate the suspect craft, undertake evasive manoeuvring or initiate other response procedures. Signs that the ship is aware it is being approached can deter attackers.

20   When ships are in, or approaching areas where attacks take place, bridge watches and look-outs should be augmented.   Additional watches on the stern or covering radar "blind spots" should be considered.   Companies should consider investing in low-light binoculars for bridge staff and look-outs. Radar should be constantly manned but it may be difficult to detect low profile fast moving craft on ship's radars. A yacht radar mounted on the stern may provide additional radar cover capable of detecting small craft approaching from astern when the ship is underway.   Use of an appropriately positioned yacht radar when the ship is at anchor may also provide warning of the close approach of small craft.

21   It is particularly important to maintain a radar and visual watch for craft which may be trailing the ship when underway but which could close in quickly when mounting an attack. Small craft which appear to be matching the speed of the ship on a parallel or following course should always be treated with suspicion. When a suspect craft has been noticed, it is important that an effective all-round watch is maintained for fear the first craft is a decoy with the intention to board the ship from a second craft while attention is focused on the first.

22   Companies owning ships that frequently visit areas where attacks occur should consider the purchase and use of more sophisticated visual and electronic devices in order to augment both radar and visual watch capability against attackers' craft at night, thereby improving the prospects of obtaining an early warning of a possible attack. In particular, the provision of night vision devices, small radars to cover the blind stern arcs, closed circuit television and physical devices, such as barbed wire, may be considered. In certain circumstances non-lethal weapons may also be appropriate.   Infrared detection and alerting equipment may also be utilized.

Communications procedures

23   The master should ensure that an authorized person responsible for communications is on duty at all time when the ship is in, or approaching, areas where attacks occur.

24   Prior to entering areas where attacks have occurred and where the GMDSS installation on board does not have facility for automatically updating the "ship position" data from an associated electronic navigation aid, it is strongly recommended to enter the ship's position at regular intervals into the appropriate communications equipment manually. It is recommended that owners initiate the GMDSS INMARSAT "C" alarm programme before entering affected areas for use when appropriate (MSC/Circ.805).

Radio watchkeeping and responses

25   A constant radio watch should be maintained with the appropriate shore or naval authorities when in areas where attacks have occurred. Continuous watch should also be maintained on all distress and safety frequencies, particularly VHF Channel 16 and 2,182 kHz, as well as in any other channels or frequencies which could have been determined by local authorities for certain areas.   Ships should also ensure all maritime safety information broadcasts for the area monitored. As it is anticipated that INMARSAT's enhanced group calling system (EGC) will normally be used for such broadcasts using the SafetyNET service, owners should ensure a suitably configured EGC receiver is continuously available when in, or approaching areas where there is risk of attack. Owners should also consider fitting a dedicated receiver for this purpose, i.e. one that is not incorporated into a Ship Earth Station used for commercial purposes to ensure no urgent broadcasts are missed.

26   The International Maritime Organization (IMO) recommends in MSC/Circ.597, issued in August 1992, that reports concerning attacks by pirates or armed robbers should be made to the relevant Rescue Co-ordination Centre (RCC) for the area. MSC/Circ.597 also recommends that Governments should arrange for the RCCs to be able to pass reports of attacks to the appropriate security forces.

27   If suspicious movements are identified which may result in an imminent attack, the ship is advised to contact the relevant RCC or with the radio stations which could have been recommended by local authorities for certain areas. Where the master believes these movements could constitute a direct danger to navigation, consideration should be given to broadcasting an "All stations (CQ)" "danger message" as a warning to other ships in the vicinity as well as advising the appropriate RCC. A danger message should be transmitted in plain language on a VHF working frequency following an announcement on VHF Channel 70 using the "safety" priority. All such measures shall be preceded by the safety signal (Sécurité).

28   When, in his/her opinion, there is conclusive evidence that the safety of the ship is threatened, the master should immediately contact the relevant RCC or, in certain areas, with the radio stations which could have been recommended by local authorities, and if considered appropriate, authorize broadcast of an "All Stations" "Urgent Message" on VHF Channel 16, 2,182 kHz or any other radiocommunications service he/she considers appropriate or which could have been recommended by local authorities; e.g. INMARSAT, etc. All such messages shall be preceded by the appropriate Urgency signal (PAN PAN) and/or a DSC call on VHF Channel 70 and/or 2,187.5 kHz using the "all ships urgency" category. If the Urgency signal has been used and an attack does not, in fact, develop, the ship should cancel the message as soon as it knows that action is no longer necessary. This message of cancellation should likewise be addressed to "all stations"

29   Should an attack occur and, in the opinion of the master, the ship or crew are in grave and imminent danger requiring immediate assistance, he/she should immediately authorize the broadcasting of a distress message, preceded by the appropriate distress alerts (MAYDAY, DSC, etc.), using all available radiocommunications systems. To minimize delays, if using a ship earth station, ships should ensure the coast earth station associated with the RCC is used.

30   The ship may be able to send a covert piracy/terrorist alert to an RCC. However, as pirates/terrorists may be on board the ship and within audible range of the communication equipment, when the RCC sends an acknowledgement of receipt and attempts to establish communication, they could be alerted to the fact that a piracy/terrorist alert has been transmitted. This knowledge may serve to further endanger the lives of the crew on board the ship. RCCs and others should, therefore, be aware of the danger of unwillingly alerting the pirates/terrorists that a distress alert or other communication has been transmitted by the ship.

31   Masters should bear in mind that the distress signal is provided for use only in case of **imminent** danger and its use for less urgent purposes might result in insufficient attention being paid to calls from ships really in need of immediate assistance. Care and discretion must be employed in its use, to prevent its devaluation in the future. Where the transmission of the Distress signal is not fully justified, use should be made of the Urgency signal. The Urgency signal has priority over all communications other than distress.

Standard ships' message formats

32   The standard ships' message formats given in appendix 2 should be used for all piracy/armed robbery initial and follow-up alert reports.

Lighting

33   Ships should use the maximum lighting available consistent with safe navigation, having regard in particular to the provisions of Rule 20(b) of the 1972 Collision Regulations. Bow and overside lights should be left on if it can be done without endangering navigation. Ships must not keep on deck lights when underway, as it may lead other ships to assume the ship is at anchor. Wide beam floods could illuminate the area astern of the ship. Signal projector lights can be used systematically to probe for suspect craft using the radar guidance if possible. So far as is practicable crew members on duty outside the ship's secure areas when in port or at anchor should avail themselves of shadow and avoid being silhouetted by deck lights as this may make them targets for seizure by approaching attackers.

34   It has been suggested that ships should travel blacked out except for mandatory navigation lights. This may prevent attackers establishing points of reference when approaching a ship. In addition, turning on the ship's lights as attackers approach could alert them that they have been seen, dazzle them and encourage them to desist. It is difficult, however, to maintain full blackout on a merchant ship. The effectiveness of this approach will ultimately depend in part on the level of moonlight, but primarily on the vigilance of the ship's crew. While suddenly turning on the ship's light may alarm or dazzle attackers, it could also place the crew at a disadvantage at a crucial point through temporary loss of their night vision. On balance, this approach cannot be recommended.

Secure areas

35   In accordance with the ship security plan, all doors allowing access to the bridge, engine room, steering gear compartments, officers' cabins and crew accommodation should be secured and controlled at all times and should be regularly inspected. The intention should be to establish secure areas which attackers will find difficult to penetrate. Consideration should be given to the installation of special access control systems to the ship's secure areas. Ports, scuttles and windows which could provide access to such secure areas should be securely closed and should have laminated glass, if possible. Deadlights should be shut and clipped tightly. The internal doors within secure areas which give immediate access to key areas such as the bridge, radio room, engine room and master's cabin, should be strengthened and have special access control systems and automatic alarms.

36   Securing doors providing access to, and egress from, secure or key areas may give rise to concern over safety in the event of an accident. In any situation where there is a conflict between safety and security, the safety requirements should be paramount. Nevertheless, attempts should be made to incorporate appropriate safety provisions while allowing accesses and exits to be secured or controlled.

37   Owners may wish to consider providing closed-circuit television (CCTV) coverage and recording of the main access points to the ship's secure areas, the corridors approaching the entrances to key areas and the bridge.

38   To prevent seizure of individual crew members by attackers - seizure and threatening a crew member is one of the more common means of attackers gaining control over a ship - all crew members not engaged on essential outside duties should remain within a secure area during the hours of darkness. Those whose duties necessarily involve working outside such areas at night should remain in constant communication with the bridge and should have practised using alternative routes to return to a secure area in the event of an attack. Crew members who fear they may not be able to return to a secure area during an attack, should select places in advance in which they can take temporary refuge.

39   There should be designated muster areas within the ship's secure areas where the crew can muster during an attack and communicate their location and numbers to the bridge.

Alarms

40   Alarm signals, including the ship's whistle, should be sounded on the approach of attackers. Alarms and signs of response can discourage attackers. Alarm signals or announcements which provide an indication at the point at which the attacker may board, or have boarded, may help crew members in exposed locations select the most appropriate route to return to a secure area.

Use of distress flares

41   The only flares authorized for carriage on board ship are intended for use if the ship is in distress and is in need of immediate assistance. As with the unwarranted use of the Distress signal on the radio (see paragraph 24 above), use of distress flares simply to alert shipping rather than to indicate that the ship is in grave and imminent danger may reduce their effect in the situations in which they are intended to be used and responded to. Radio transmissions should be used to alert shipping of the risk of attacks rather than distress flares. Distress flares should only be used when the master considers that the attackers' actions are putting his/her ship in imminent danger.

Evasive manoeuvring and use of hoses

42   Provided that navigational safety allows, masters should consider "riding off" attackers craft by heavy wheel movements as they approach. The effect of the bow wave and wash may deter would-be attackers and make it difficult for them to attach poles or grappling irons to the ship. Manoeuvres of this kind should not be used in confined or congested waters or close inshore or by ships constrained by their draught in the confined deep water routes found, for example, in the Malacca and Singapore Straits.

43   The use of water hoses should also be considered though they may be difficult to train if evasive manoeuvring is also taking place. Water pressures of 80 lb per square inch and above have deterred and repulsed attackers. Not only does the attacker have to fight against the jet of water but the flow may swamp his/her boat and damage engines and electrical systems. Special fittings for training hoses could be considered which would also provide protection for the hose operator. A number of spare fire hoses could be rigged and tied down to be pressurized at short notice if a potential attack is detected.

44   Employing evasive manoeuvres and hoses must rest on a determination to successfully deter attackers or to delay their boarding to allow all crew members to gain the sanctuary of secure areas. Continued heavy wheel movements with attackers on board may lessen their confidence that they will be able to return safely to their craft and may persuade them to disembark quickly. However, responses of this

kind could lead to reprisals by the attackers if they seize crew members and should not be engaged in unless the master is convinced he can use them to advantage and without risk to those on board. They should not be used if the attackers have already seized crew members.

Firearms

45   The carrying and use of firearms for personal protection or protection of a ship is strongly discouraged.

46   Carriage of arms on board ship may encourage attackers to carry firearms thereby escalating an already dangerous situation, and any firearms on board may themselves become an attractive target for an attacker. The use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great. In some jurisdictions, killing a national may have unforeseen consequences even for a person who believes he has acted in self defence.

The phases of suspected or attempted piracy/armed robbery attack

Suspected piracy/armed robbery vessel detected

47   Early detection of suspected attacks must be the first line of defence. If the vigilance and surveillance has been successful, a pirate/armed robbery vessel will be detected early. This is the stage at which the security forces of the nearest littoral or coastal State must be informed through the RCC, using the ships' message format contained in appendix 2. The ship's crew should be warned and, if not already in their defensive positions, they should move to them. Evasive manoeuvres and hoses should be vigorously employed as detailed in the preparation phase.

Being certain that piracy/armed robbery will be attempted

48   If not already in touch with the security forces of the littoral coastal State, efforts should be made to establish contact. Crew preparations should be completed and, where a local rule of the road allows ships under attack to do so, a combination of sound and light signals should be made to warn other ships in the vicinity that an attack is about to take place. Vigorous manoeuvring should be continued and maximum speed should be sustained if navigation conditions permit.

Pirate/armed robbery vessel in proximity to, or in contact with, own ship

49   Vigorous use of hoses in the boarding area should be continued. It may be possible to cast off grappling hooks and poles, provided the ship's crew are not put to unnecessary danger.

Pirates/armed robbers start to board ship

50   Timing during this phase will be critical and as soon as it is appreciated that a boarding is inevitable all crew should be ordered to seek their secure positions.

Pirates/armed robbers have succeeded in entering ship

51   Early detection of potential attacks must be the first line of defence, action to prevent the attackers actually boarding the second, but there will be incidents when attackers succeed in boarding a ship. The majority of pirates and armed robbers are opportunists seeking an easy target and time may not be on their side, particularly if the crew are aware they are on board and are raising the alarm. However, the attackers may seek to compensate for the pressure of time they face by escalating their threats or the violence they employ.

When attackers are on board the actions of the master and crew should be aimed at:

.1   securing the greatest level of safety for those on board the ship;

.2   seeking to ensure that the crew remain in control of the navigation of the ship; and

.3   securing the earliest possible departure of the attackers from the ship.

52   The options available to the master and crew will depend on the extent to which the attackers have secured control of the ship, e.g. by having gained access to the bridge or engine room, or by seizing crew members who they can threaten, to force the master or crew to comply with their wishes. However, even if the crew are all safely within secure areas, the master will always have to consider the risk to the ship the attackers could cause outside those areas, e.g. by using firebombs to start fires on a tanker or chemical carrier.

53   If the master is certain that all his/her crew are within secure areas and that the attackers cannot gain access or by their actions outside the secure areas they do not place the entire ship at imminent risk, then he/she may consider undertaking evasive manoeuvres of the type referred to above to encourage the attackers to return to their craft.

54   The possibility of a sortie by a well-organized crew has, in the past, successfully persuaded attackers to leave a ship but the use of this tactic is only appropriate if it can be undertaken at no risk to the crew. For an action like this to be attempted the master must have clear knowledge of where the attackers are on the ship, that they are not carrying firearms or other potentially lethal weapons and that the number of crew involved significantly outnumbers the attackers they will face. If a sortie party can use water hoses, they stand an increased chance of success. The intention should be to encourage the attackers back to their craft. Crew members should not seek to come between the attackers and their craft nor should they seek to capture attackers as to do so may increase the resistance the attackers offer which will, in turn, increase the risk faced by members of the sortie party. Once outside the secure area, the sortie party should always stay together. Pursuit of an individual attacker by a lone crew member may be attractive but if it results in the crew member being isolated and seized by the attackers, the advantage turns to the attackers. Crew members should operate together and remain in constant communication with the bridge and should be recalled if their line of withdrawal to a secure area is threatened.

55   If the crew do apprehend an attacker, he/she should be placed in secure confinement and well cared for. Arrangements should be made to transfer him/her to the custody of officers of the security forces of a coastal State at the earliest possible opportunity. Any evidence relating to this activities should also be handed over to the authorities who take him/her into custody.

The pirates/armed robbers begin to gain control and take one or more of the ship's crew into their custody

56   If the attackers have gained control of the engine room or bridge, have seized crew members or can pose an imminent threat to the safety of a ship, the master or officer in charge should remain calm and, if possible, seek to negotiate with the attackers with the intention of maintaining the crew's control over the navigation of the ship, the safe return of any hostages they may hold and the early departure of the attackers from the ship. There will be many circumstances when compliance with the attackers' demands will be the only safe alternative and when resistance or obstruction of any kind could be both futile and dangerous.

57   In the event of attackers gaining temporary control of the ship, crew members should, if it is safe and practicable, leave Close Circuit Television (CCTV) records running.

58   As there have been occasions when entire crews have been locked up, consideration should be given to secreting equipment within areas in which the crew could be detained to facilitate their early escape.

The pirates/armed robbers have stolen property/money, etc.

59   At this stage it is essential that the pirates/armed robbers are assured that they have been given everything they demand and a strong reassurance that nothing has been secreted may persuade the pirates/armed robbers to leave.

The pirates/armed robbers start to disembark from the ship

60   If the crew are in their secure positions, it would be unwise of them to leave this security until it is confirmed that the pirates/armed robbers have left the ship.

The pirates/armed robbers have disembarked from the ship

61   A pre-arranged signal on the ship's siren will alert the crew to the "all clear".

Action after an attack and reporting incidents

62   Immediately after securing the safety of the ship and crew a post attack report (Follow-up report, as shown in Ships' message formats in appendix 2) should be made to the relevant RCC and, through them, to the security forces of the coastal State concerned. As well as information on the identity and location of the ship, any injuries to crew members or damage to the ship should be reported as should the direction in which the attackers departed together with brief details of their numbers and, if possible, a description of their craft. If the crew have apprehended an attacker, that should also be reported in this report.

63   If an attack has resulted in the death of, or serious injury to, any person on board the ship or serious damage to the ship itself, an immediate report should also be sent to the ship's maritime Administration. In any event a report of an attack is vital if follow-up action is to be taken by the ship's maritime Administration.

64   Any CCTV or other recording of the incident should be secured. If practicable, areas that have been damaged or rifled should be secured and remain untouched by crew members pending possible forensic examination by the security forces of a coastal State. Crew members who came into contact with the attackers should be asked to prepare an individual report on their experience noting, in particular, any distinguishing features which could help subsequent identification of the attackers. A full inventory, including a description of any personal possessions or equipment taken, with serial numbers when known, should also be prepared.

65   As soon as possible after the incident, a fuller report should be transmitted to the authorities of the coastal State in whose waters the attack occurred or, if on the high seas, to the authorities of the nearest coastal State. Due and serious consideration should be given to complying with any request made by the competent authorities of the coastal State to allow officers of the security forces to board the ship, take statements from crew members and undertake forensic and other investigations. Copies of any CCTV recordings, photographs, etc. should be provided if they are available.

66   Ships should take the necessary precautions, and implement the necessary procedures to ensure rapid reporting of any case of attack or attempted attack to the authorities in the relevant coastal States to enhance the possibility of security forces apprehending the attackers.

67   Any report transmitted to a coastal State should also be transmitted to the ship's maritime Administration at the earliest opportunity. A complete report of the incident, including details of any follow-up action that was taken or difficulties that may have been experienced, should eventually be submitted to the ship's maritime Administration. The report received by maritime Administrations may be used in any diplomatic approaches made by the flag State to the Government of the coastal State in which the incident occurred. This will also provide the basis for the report to IMO.

68   The format required for reports to IMO through maritime Administrations or international organizations is attached at appendix 4. Indeed, at present the lack of adequate and accurate reporting of attacks is directly affecting the ability to secure governmental and international action. Reports may also contribute to future refining and updating any advice that might be issued to ships.

69   Reports to the RCC, coastal State and the ship's maritime Administration should also be made if an attack has been unsuccessful.

70   Using RCCs, as recommended by IMO in MSC/Circ.597, will eliminate communication difficulties.

**On leaving piracy/armed robbery threat areas**

71   On leaving piracy/armed robbery threat areas, shipmasters should make certain that those spaces that need to be unlocked for safety reasons are unlocked, unrig hoses and revert to normal watchkeeping/lighting.

72   A summary of the piracy/armed robbery phases and how they may, or may not, develop is given in appendix 3.

APPENDIX 1

STATISTICS, FLOW DIAGRAMS AND OTHER RELEVANT INFORMATION

Flow diagram for attacks in coastal waters
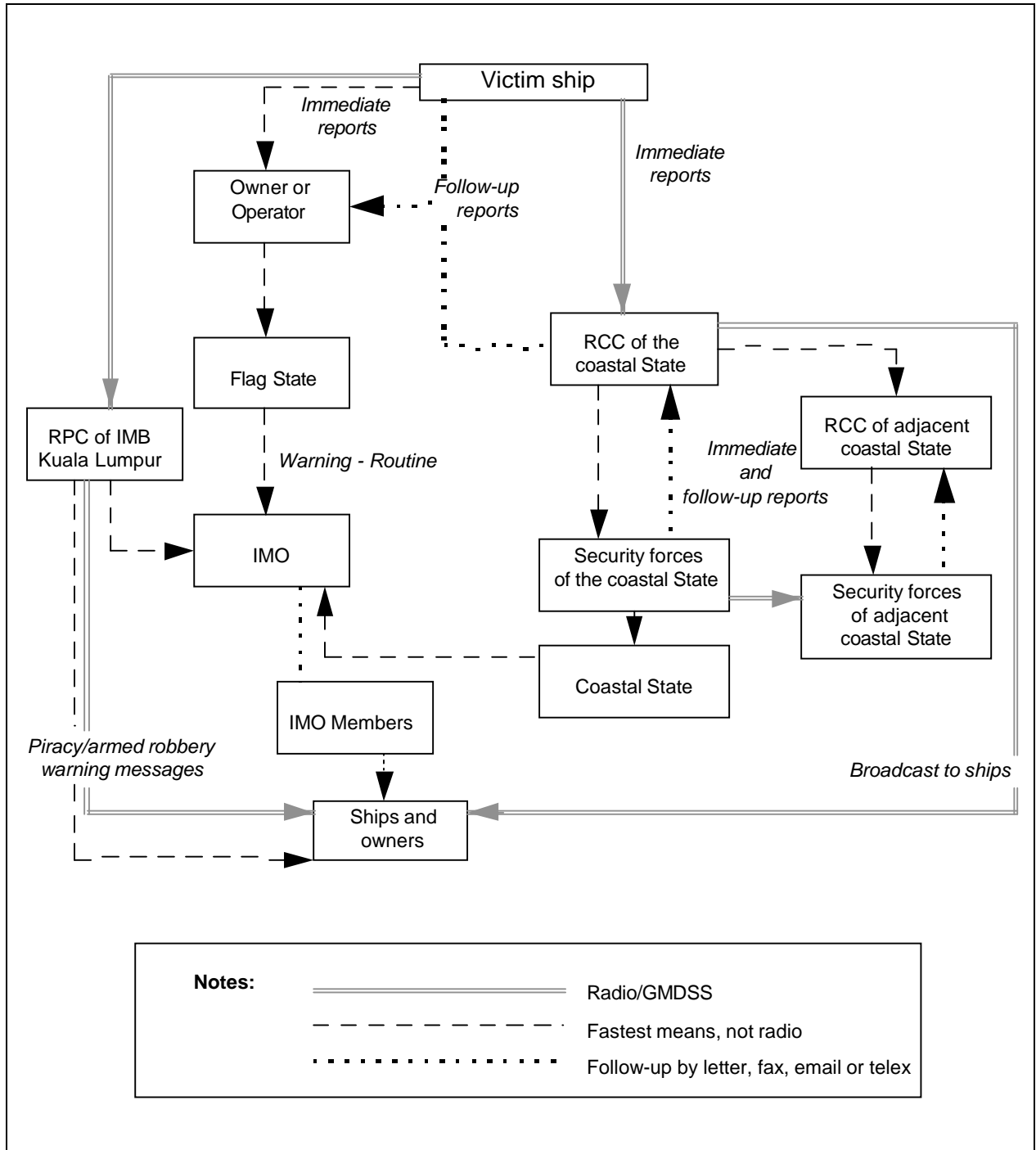
APPENDIX 2

SHIPS' MESSAGE FORMATS

Report 1 - Initial message - Piracy/armed robbery attack alert

1   Ship's name and, callsign, IMO number, INMARSAT IDs (plus ocean region code) and MMSI

         MAYDAY/DISTRESS ALERT (see note)

         URGENCY SIGNAL

         PIRACY/ARMED ROBBERY ATTACK

2   Ship's position (and time of position UTC)

                 Latitude   Longitude
                 Course Speed   KTS

3   Nature of event

Note: It is expected that this message will be a Distress Message because the ship or persons will be in grave or imminent danger when under attack. Where this is not the case, the word MAYDAY/DISTRESS ALERT is to be omitted.

         Use of distress priority (3) in the INMARSAT system will not require MAYDAY/ DISTRESS ALERT to be included.

Report 2 - Follow-up report - Piracy/armed robbery attack alert

1   Ship's name and, callsign, IMO number

2   Reference initial PIRACY/ARMED ROBBERY ALERT

3   Position of incident
         Latitude   Longitude
         Name of the area

4   Details of incident, e.g.:
         While sailing, at anchor or at berth?
         Method of attack
         Description/number of suspect craft
         Number and brief description of pirates/robbers
         What kind of weapons did the pirates/robbers carry ?
         Any other information (e.g. language spoken)
         Injuries to crew and passengers
         Damage to ship (Which part of the ship was attacked?)
         Brief details of stolen property/cargo
         Action taken by the master and crew

Was incident reported to the coastal authority and to whom?
Action taken by the Coastal State

5   Last observed movements of pirate/suspect craft, e.g.:
        Date/time/course/position/speed

6   Assistance required

7   Preferred communications with reporting ship, e.g.:
        Appropriate Coast Radio Station
        HF/MF/VHF
        INMARSAT IDs (plus ocean region code)
        MMSI

8   Date/time of report (UTC)

APPENDIX 3

**"PHASES" RELATED TO VOYAGES
IN PIRACY AND ARMED ROBBERY THREAT AREAS**

Phase Symbol	Phase Description
A	Approaching a piracy/armed robbery threat area (1 hour prior to entering)
B	Entering a piracy/armed robbery threat area
C	Inside a piracy/armed robbery threat area, but no suspect piracy/armed robbery vessel detected
D	Inside a piracy/armed robbery threat area: suspect piracy/armed robbery vessel detected
E	Certainty that piracyarmed robbery will be attempted
F	Pirate/armed robbery vessel in proximity to, or in contact with, own ship
G	Pirates/armed robbers start attempts to enter ship
H	Pirates/armed robbers have succeeded in entering ship
I	Pirates/armed robbers have one or more of the ship's personnel in their control/custody
J	The pirates/armed robbers have gained access to the bridge or the master's office
K	The pirates/armed robbers have stolen property/money etc
L	The pirates/armed robbers start to disembark
M	The pirates/armed robbers have disembarked
N	The pirate/armed robbery vessel is no longer in contact with the ship
O	Own ship leaves the piracy/armed robbery threat area

APPENDIX 4

**FORMAT FOR REPORTING TO IMO THROUGH MARITIME
ADMINISTRATIONS OR INTERNATIONAL ORGANIZATIONS**

2* Ship's name and IMO number
   Type of ship
   Flag
   Gross tonnage
3 Date and time
4 Latitude   Longitude
   Name of the area**
   While sailing, at anchor or at berth?
5 Method of attack
   Description/number of suspect craft
   Number and brief description of pirates/robbers
   What kind of weapons did the pirates/robbers carry ?
   Any other information (e.g. language spoken)
6 Injuries to crew and passengers
   Damage to ship (Which part of the ship was attacked?)
   Brief details of stolen property/cargo
7 Action taken by the master and crew
8 Was incident reported to the coastal authority and to whom?
9 Reporting State or international organization
10 Action taken by the Coastal State

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*   Corresponding to the column numbers in the annex to the IMO monthly circulars

**   The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

   "Piracy consists of any of the following acts:
      (a)   any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
         (i)   on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
         (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
      (b)   any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
      (c)   any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)."

APPENDIX 5

DECALOGUE OF SAFETY

1   Watch over the ship and the cargo

It is the duty of every Master to take care of the cargo and take precautionary measures for the complete safety of the ship, as well as that of the activities carried out on board by the crew or other persons employed on board. All crew members should co-operate in the vigilance, in their own interests, communicating any suspicious activity to the Officer of the Watch.

2   Illuminate the ship and its side

Keep the ship illuminated, particularly, the outer side and the whole length of the deck, using high powered floodlights. Bad visibility impedes the action of the watchmen, constituting a favourable factor for unlawful activities. Do not forget what is recommended in rules 2 and 30 of the COLREG.

3   Establish communication for outside support

Whenever possible, install a telephone line with easy access for the watchman or crew member on duty. Ask for assistance by the telephone.

Remember also the list of stations which will be on permanent watch on VHF- channel 16. These stations can forward the request for assistance to the competent authorities.

4   Control of accesses to the cargo and to living quarters

The Master's cabin is one of the main objectives of the assailants who are looking for money and the master keys to other living quarters, to steal the crew's personal effects of value and nautical equipment from the bridge. The cabins and other living quarters should be kept locked whenever their occupants are absent.

Normally cargo will only be the object of robbery or theft if the criminals have advance knowledge of the contents, through information collected by unscrupulous persons who have access to the bill of lading. Attempt to stow the containers with valuable cargo in a manner to obstruct their doors. Isolate the means of access to the ship and also the accesses to the internal areas, creating a sole way of entry and exit by the gangway, guaranteeing its control by the watchman posted there.

5   Keep the portholes closed

Open portholes can be an easy access to clever criminals: close them with the clips in place always when you leave. Try also, to keep the accesses to internal areas locked, guaranteeing the entry and exit by the gangway watchman.

6   Do not leave valuables exposed

Try to reduce the opportunities of robbery by putting all portable equipment which is not in use to its place of storage. Valuables left exposed tempt opportunistic thieves, keep them in safe place under lock and key.

7   Keep the gangways raised

At anchorages and in port, make the access difficult by keeping the gangways and rope ladders raised. In port, only leave the gangway to the dockside down.

8   In case of an assault

I -   do not hesitate to sound the ship's general alarm in case of a threat of assault;

II -   try to keep adequate lighting to permanently dazzle the opponents, in case of an attempt by strangers to climb the ship's side;

III -   raise the alarm, by VHF - channel 16, to the ships in the area and to the permanent watch system of the authorities ashore (cite the existing structure in the port). The efficiency of assistance by the security forces depends on an early alarm;

IV -   sound the alarm with intermittent blasts on the siren and use visual alarms with floodlights and signalling rockets;

V -   if appropriate, to protect the lives of those onboard, use measures to repel the boarding by employing powerful floodlights for dazzling the aggressors or using jets of water or signalling rockets against the areas of boarding; and

VI -   do not attempt any heroic acts.

9   Keep the contracted watchmen under the control of the officer of the watch

Demand a good watchman service. Make them identify all persons that enter and leave the ship. Recommend that the crew co-operate with the control. Do not allow the watchman to leave the gangway, unless he is relieved by another watchman or a crew member.

10   Communicate to the police any occurrence relating to robbery, theft or assault

Occurrences involving assault or robbery should be communicated to the Security forces, for the pertinent legal steps to be taken.

This information will make possible the study of measures to be adopted for the prevention and combat of these crimes, contributing to guaranteeing the safety of the crew and the ship.

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ANNEX III

Summary of Reported Pirate Incidents Since 1 January 2008:

Sharp increase in reported pirate activity along the coast of Puntland in the Gulf of Aden (5 hijackings & 6 attempted hijackings) and dramatic reduction of pirate activity in southern Somali waters (only one hijacking) for January - April 2008.

- 6 Hijackings (including Spanish vessel Playa De Bakio 20/4/08)

- 6 Attempted Hijackings (Including Japanese Tanker Takayama 21/4/08)

- 14 suspicious approaches

This map illustrates reported incidents of piracy off the Somali coast from 1 January to 24 April 2008 (highlighted with red halo). Events from 2005 to 2007 are also shown. The incidents are classified into 7 types: 'Hijacked' where pirates have taken control of a ship; 'Attempted Hijacking' where pirates have deployed weapons and attempted to hijack a vessel and failed; 'Suspicious Approach' where a suspicious vessel has followed or chased another ship; 'Pirates Captured' where pirates have been arrested; 'Pirate Land Base' where pirates concentrate ashore; 'Suspected Pirate Mother Ship', the suspected location of a large vessel used to launch multiple attacks with smaller, high speed boats in deep water; and 'Military Strike Against Pirates', where a foreign military power has deployed weapons in a military strike against either pirate vessels or their associated resources on land. A majority of reported 'Suspicious Approach' incidents may represent accidental vessel approaches misperceived as a pirate threat. Of special interest is the apparent dramatic reduction of pirate activity in southern Somali waters, and a corresponding increase in activity centered in the Gulf of Aden along the coast of Puntland, the semi-autonomous state of Somalia.

Incident Data : ICC-IMB, ONI-ASAM, Garowe, Shabelle MN

Satellite Data : ASTER, Formosat, Landsat ETM, MODIS

GIS Data Sources : NGA, NASA, GIST, UNOSAT, VLIZ, GEBCO

Map Production : UNOSAT (24 April 2008)

Map Scale 1:4,100,000 for A2 Print

Map Projection: Transverse Mecator - WGS-84

UNOSAT Contact Information: info@unosat.org - Fax: +41-22-917 8062 - 24/7 Hotline: +41 76 487 4998 Phone: +41 22 917 8517 - www.unosat.org

EVENT NOTES:

1) * UKMTO Note: The United Kingdom Maritime Trade Organization 'advises there have been a number of reports of possible piracy incidents involving groups of small boats in [April 2008]. Current assessments…suggest that they are more likely to be smugglers than piracy related. The small boats may possibly be attempting to trail larger merchant vessels to avoid radar detection or to create a lee from adverse weather. Is it also possible that suspicious crafts can actually be fishermen attempting to move merchant vessels away from their nets by approaching the ship to make it change its course. Small boats have been observed approaching on an interception course and have approached within 2NM. Masters are reminded that while coalition assets will endeavor to assist vessels with genuine problems they may also be diverted to non-genuine calls. Masters are asked to assess carefully the urgency of the situation before making a general call for coalition assistance.'(Source UKMTO & ONI-NGA Report 16 April 2008)

2) Over 35 Somali refugees drowned after being forced into the water by smugglers along the coast of Yemen 20 February 2008

3) UNHCR estimates over 130 Somali refugees drowned after two smuggler boats capsized while en-route to Yemen (21 January 2008)

4) The ICC International Maritime Bureau issue alert for Gulf of Aden followingincrease in pirate activity (April 2008)

5) Pirates hijack vessel 'Al-Khaleej' near Bossaso port on 21 April. Puntland forces launch naval operation and capture pirates, free vessel on 22 April 2008.

6) The International Maritime Bureau (IMB) continues to recommend a minimum transit distance of 200 nautical miles away from the coast for those vessels not calling on Somali ports [IMB-ICC 2008]

7) Pirates hijack French Yacht 'Le Ponant' on 4 April 2008 and take vessel to Garaad

8) U.S. Navy warships launch missiles at 3 targets in the village of Eyl, while hijacked Russian tug boat ' Svitzer Korsakov' was held offshore (12 Feb. 2008). Puntland forces launch ground operation against pirates on 13 Feb. 2008. Russian vessel released 18 March 2008 after $700,000 ransom paid.

9) After reported $2 million ransom paid, pirates release hijacked French yacht 'Le Ponant'. French launch helicopter raid inland from Garaad village, capturing pirates on 12 April 2008.

10) Somalia's TFG President Abdullah Yusuf Ahmed authorizes foreign military intervention to combat Somali piracy (16 April 2008)

11) France & U.S. draft new UN resolution to allow foreign warships (and aircraft) to pursue pirates within Somalia's territorial waters following the hijacking of the French yacht 'Le Ponant'

12) Spanish navy deploy frigate SPS Mendez Nuñez (F104) to support hijacked fishing vessel near village of Gaan (21 April 2008)

13) WFP has successfully delivered about 100,000 tones of food aid via 14 ships to Somalia since naval escorts began in November 2007.

14) Dutch begin 3 month (April to June 2008) naval escort ofWFP food shipments, taking over from Danish naval patrols.

15) Pirates hijack Spanish fishing vessel 'Playa de Bakio' on 20 April 2008 and take vessel 5km off shore from Gaan. Only reported attack in southern Somali waters from Jan-April 2008.

16) Puntland government official arrested on 5 February 2008 for alleged links with pirates in Eyl holding the hijacked Russian vessel 'Svitzer Korsakov'. Official later released under 'mysterious circumstances' (Garowe Online report 24 February 2008).

17) Pirates hijack Russian Tug 'Svitzer Korsakov' on 1 Feb 2008 and take vessel to Eyl. Released on 18 March 2008.