



Special Report
on
Incidents of Siphoning of Fuel/Oil
at Sea in Asia (Part II)

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SR 01/2015

Incidents of Siphoning of Ship Fuel/Oil at Sea in Asia (Part II)

Background

1. Siphoning of ship fuel/oil is not a new trend, but the frequency of such incidents has escalated since April 2014. A total of 15 incidents of siphoning of ship fuel/oil had been reported onboard oil/product tankers in Asia in 2014, of which 12 incidents of siphoning were carried out, and three incidents were not successful.

2. This report provides an update to the Special Report on '*Incidents of siphoning of ship fuel/oil at Sea in Asia*' dated 24 July 2014, and focuses on the modus operandi of the perpetrators, involvement of syndicates and organized groups, and updates on some developments since the promulgation of the previous Special Report

Actions by the ReCAAP ISC

3. The ReCAAP ISC was concern and has been working closely with the shipping industry, governmental agencies, international organisations and ReCAAP Focal Points in sharing latest situation updates, case studies for purpose of highlighting best practices and sharing of lessons learned, encouraging pro-active actions by respective agencies in addressing the situation collectively. Some of the efforts undertaken by the ReCAAP ISC thus far are articulated as follows:

a. With Shipping Companies. The ReCAAP ISC has been engaging shipping companies, including conduct of operational visits to companies whose vessels had been boarded for siphoning of fuel/oil. Such visits allowed the ReCAAP ISC to gather first-hand information about the incidents, particularly the modus operandi of the perpetrators which enable us in making more accurate analysis. It also fostered trust and strengthened the cooperation between the ReCAAP ISC and the shipping industry in timely reporting and information sharing.

b. With Shipping Associations. Under the cooperative arrangement between the ReCAAP ISC and the Asian Shipowners' Forum (ASF), the ReCAAP ISC had participated and provided situation updates and assessments of incidents involving siphoning of ship fuel/oil to the shipping associations, including at the quarterly Singapore Shipping Association (SSA) Maritime Safety and Security Sub-Committee meetings, at the 23rd ASF General Meeting in Otsu, Japan on 19-21 May 2014 and at the 27th Interim meeting of the ASF Safe Navigation & Environment Committee (SNEC) in Shanghai, China on 19 Sep 14.

- c. Heads of Asian Coast Guard Agencies Meeting (HACGAM). At the 10th HACGAM held in Yokohama, Japan on 30 Sep 14, the ReCAAP ISC highlighted the situation of piracy and armed robbery against ships in Asia, particularly the concerns over increasing oil siphoning incidents. In a joint statement issued at the meeting, members of HACGAM reiterated the need for continuous efforts to tackle these incidents and emphasized the importance of responses by maritime enforcement agencies in the region. The members agreed to the call for greater attention to the situation and to take appropriate responses.
- d. Information Fusion Centre (IFC). Under the standard operating procedure between the ReCAAP ISC and the IFC, the ReCAAP ISC has participated in its quarterly Shared Awareness Meeting (SAM) targeting at the shipping industry. At the SAM on 4 Dec 14, the ReCAAP ISC deliver a presentation providing our insight and assessment into the situation of siphoning of ship fuel/oil to the shipping community.
- e. International Maritime Organisation (IMO). At the IMO, the ReCAAP ISC spared no efforts in highlighting the situation of oil siphoning incidents in Asia, calling on cooperation among inter-governmental, governmental and non-governmental entities in information sharing and operational cooperation. Interventions were made at the 112th session of the IMO Council Meeting and the 94th session of the IMO Maritime Safety Committee (MSC) on 17 Jun 14 and 19 Nov 14 respectively. A short paper focusing on incidents of siphoning was generated and disseminated at the 112th session of the IMO Council Meeting.
- f. International Criminal Police Organisation (INTERPOL). As the siphoning incidents are likely to be syndicates-operated and transnational in nature, the ReCAAP ISC has collaborated with INTERPOL in sharing information under the cooperation agreement signed between the ReCAAP ISC and INTERPOL in 2012.
- g. The 3rd ReCAAP ISC Special Governing Council Meeting. At the meeting held on 13-14 December 2014 in Tokyo, Japan; the Special Governing Council recognised the concerns of the shipping community on siphoning incidents; and encouraged the ReCAAP ISC to continue its efforts in providing more accurate assessments and timely information to all stakeholders. This was encapsulated in the statement issued by the Chairperson of the ReCAAP ISC Governing Council.

h. ReCAAP Focal Points' Senior Officer Meeting 6/14. Held in Tokyo, Japan on 12-13 December 2014, this annual meeting of the Senior Officers of the ReCAAP Focal Points discussed the increasing number of incidents of siphoning of ship fuel/oil in Asia, amongst other issues. Together with the ReCAAP ISC, the Focal Points are prepared and ready to appropriately respond to the development of the situation in the region.

Modus Operandi

4. Generally, the modus operandi of the perpetrators in most of the siphoning incidents was fairly similar. Refer to **Annex A** on incidents involving siphoning of fuel/oil during 2011-2014. The perpetrators were interested in the manifest of fuel/oil onboard the vessel; and had no intention to hijack the vessel or kidnap the crew. Upon boarding the vessel, they tied the crew and locked them in the cabin, steered the vessel to another location to conduct the siphoning onto another vessel which would come alongside. After completion of the siphoning, the perpetrators would destroy the vessel's communication and navigation equipment, stole the crew's cash and personal belongings before leaving the vessel. The crew was not harmed and there was no report of violence involved. Refer to the **Annex B** on the modus operandi of the 12 incidents of siphoning which are summarised below:

a. Size of Vessel. Of the 12 incidents, majority involved tankers of less than 2000 GT. Seven incidents involved tankers between 1000-2000 GT, two incidents involved tankers of 2148 GT and 2223 GT, one incident involved a tanker of 3238 GT, one incident involved a tanker of 4080 GT and one incident involved a tanker of 5153 GT.

b. Time of Incident. All boardings occurred during hours of darkness, with nine boardings took place between 2000-2345 hrs, two between 0055-0205 hrs, and one at 0600 hrs.

c. Duration the Perpetrators were onboard Vessels. It varied from case to case, and likely involved different groups of perpetrators although it may be the same for some incidents due to the similarity in modus operandi. Of the nine incidents with reports on the duration the perpetrators remained onboard the vessels; six incidents involved the perpetrators onboard the vessels for estimated 6-10 hours, and two incidents for estimated 4-5 hours. However, in the incident involving *Srikandi 515*, the owner 'lost' the tanker for 49 days (9 Oct-27 Nov 14). Investigation is ongoing as to what happened to the vessel during this period.

d. Number of Perpetrators. Of the 12 incidents, six involved 8-10 perpetrators, three involved 5-7 perpetrators, one involved 16 perpetrators and two involved 25-26 perpetrators.

- e. Weapons. Majority of the incidents involved the perpetrators armed with knives and firearms (such as guns, handguns, pistols). Of the 12 incidents, eight reported that the perpetrators were armed with knives and firearms. Notably, there was no report of the firearms being discharged.
- f. Treatment of Crew. In most of the incidents, the crew was tied and locked in the mess room or engine control room when the perpetrators steered the vessel to the South China Sea to carry out siphoning. The crew was not injured in most of the incidents except for minor injury sustained by the crew in two incidents; namely onboard *Sri Phangnga* and *Sunrise 689*.
- g. Action by the Crew. Of the 12 incidents, SSAS was activated in four incidents, of which the maritime enforcement agencies responded to three incidents, namely *Ai Maru* on 14 Jun 14 (where six warships from Malaysia, Indonesia and Singapore were deployed), *Oriental Glory* on 16 Jul 14 (where *KD Trengganu* from the Royal Malaysian Navy was deployed), and *Suratchanya* on 15 Oct 14 (where three vessels from the Indonesian Navy were reportedly deployed).

Organised Crime and Syndicates

5. Based on the locations where siphoning was carried out, and the modus operandi of the perpetrators, it is assessed that there were at least three organised groups involved. One group operating in the Straits of Malacca and Singapore (SOMS) region which is relatively less violent and had not been very successful probably due to the patrolling by the littoral States and the ongoing joint coordinated patrols. The other groups believed to be operating in the South China Sea (SCS) probably equipped with relatively more 'sea-worthy' vessels due to the sea state/condition there. Pending further inputs to substantiate our assessments, we believed that one of the groups, possibly with Indochina connections had been active in the area, deploying larger number of perpetrators and targeting larger tankers (amongst these include *Budi Mesra Dua*, *Sunrise 689* and *Oriental Glory*).
6. Syndicates are likely to be involved and this was evidenced from a recent arrest made by the Singapore Police Coast Guard in September 2014. A total of 53 men involved in illegal ship fuel trade were arrested. Most of these cases were insider-job involving the crew who siphoned fuel/oil from their own vessel. Initial investigation revealed that syndicates were behind the crime with mastermind and middle men who served as the in-between for 'sellers' and 'buyers'.
7. In incidents where boarding took place and the perpetrators steered the vessels from one location to another to conduct siphoning to another vessel, syndicates and organised groups would need to have good knowledge or insider information of the type of manifest onboard the victim vessel, the vessel's route, type of siphoning equipment onboard the vessel to facilitate the siphoning process, preferred location for

conduct of siphoning to avoid detection by authorities, scheduling of another vessel to come alongside the victim vessel at specific time and location, storage of the stolen fuel/oil and location to transfer the stolen fuel/oil to potential buyers. The group would also need to understand the 'market' demand including the type and grade of fuel/oil and the 'market price' of the siphoned fuel/oil. From speaking to some shipping companies, the ReCAAP ISC was informed that some groups have connections and belong to well-organised syndicates which sell illegally siphoned fuel/oil or employ middle men as distribution channels, either a wholesaler or retailer themselves, to sell the stolen fuel/oil. Networking and word of mouth are the mean of linkages between buyers and sellers for cheaper bunkers, not ruling out transnational organised syndicates being involved.

8. Precise planning and coordination are essential, and good information network is key in such operation. However, there had been two incidents where the 'wrong' vessels were boarded. In the incident involving *New Glory* (25 May 14), the perpetrators left the tanker after they searched the tanker's cargo and realised that the vessel was carrying hot asphalt instead of diesel. However, they took the crew's cash, personal belongings and damaged the vessel's communication equipment before leaving the vessel. Similar scenario occurred onboard *VP Asphalt 2* on 7 Dec 14 also carrying asphalt. Unfortunately, the Third Engineer sustained a shot in his head when the master located him after the perpetrators left the vessel.

9. Notably, several victim vessels' last port of call was Singapore. Of the 12 incidents, eight vessels departed Singapore port. It is assessed that perpetrators targeted vessels loaded with fuel/oil from Singapore refineries which are believed to produce better quality and grade of fuel/oil.

Suspected Conspiracy

10. The conspiracy between perpetrators and ship's crew cannot be ruled out, as some companies' vessels had been boarded and robbed one after another, including *Ai Maru*, *Naniwa Maru No. 1* and *Moresby 9*; and *Danai 4*, *Orapin 4* and *Orapin 2*. Worth mentioning was the incident involved *Naniwa Maru No. 1* where the master, chief officer and chief engineer left the tanker with the perpetrators, bringing along their personal belongings and travel documents. Apparently, the company also failed to contact the crews' families after the incident.

11. Over the past two years, two vessels had been boarded more than once. For example, *Ai Maru*, a Honduras-registered tanker had been boarded twice; the first time on 5 Jun 12 by six pirates in the vicinity approximately 30 nm off Horsburgh Lighthouse, SCS. The pirates took control of the tanker but left when they noticed a small aircraft hovering overhead in the vicinity. Two years later, on 14 Jun 14, *Ai Maru* was again boarded and the pirates successfully siphoned 40% of the Marine Gas Oil (MGO) she carried. The other tanker targeted more than once was *Moresby*

9, a Honduras-registered product tanker which was boarded on 17 Aug 13 and 4 Jun 14.

Implications

12. Various types of fuel/oil had been siphoned, although majority of the incidents targeted MGO as it is relatively more costly and therefore in greater demand. The other types of fuel/oil being targeted were Marine Diesel Oil (MDO), Automotive Diesel Fuel (ADF), Diesel, Marine Fuel Oil (MFO) and Lube Oil.

13. Illegal siphoning of fuel/oil has become a lucrative business owing to the market price and taxes imposed on fuel/oil. With continued demand for fuel/oil in underground markets, siphoning incidents are here to stay. As such, the ReCAAP ISC strongly urges the littoral States and shipping industry to adopt a more concrete and robust response to address this problem collectively. A drop in the price of oil is likely to bring about a decline in its market price. However, whether this will dampen demand for fuel/oil in the underground market remains to be seen.

14. Illegal selling of fuel/oil in pursue of greater profits by culprits who may compromise on the quality of fuel/oil. For those who seek to buy cheaper fuel/oil, they may not be too concern about the inferior quality of fuel/oil that may affect the engine of their vessel, and possible pollution or environmental concerns that may arise in the event of collision or oil spillage.

Risk Assessments

15. With increase in the number of siphoning incidents in the region in 2014, shipping companies are facing the challenges in ensuring the safety of not only the manifest they carried but most importantly the safety and security of their crew. Hence, it is important for ship owners and master to be apprised of the latest situation and locations with relatively high number of incidents. This is to give them the option of avoiding the route (if possible), but if not, to exercise high level of vigilance when passing through the location. Based on the case studies done by the ReCAAP ISC, the timing of boarding by perpetrators and the appearance of another tanker to come alongside the victim vessel seemed to be more than coincidental. It is obvious that the perpetrators have knowledge of the manifest carried onboard the tanker, its route and schedule. It is therefore important for shipping company to maintain confidentiality on the type of manifest, the vessel's intended route and schedule.

Recommendations

16. Preparedness and pro-active action by shipping companies are fundamental to the prevention of this illegal activity; and amongst the key recommendations by the ReCAAP ISC are: enhanced vigilance while underway and conduct of risk

assessments, and timely reporting. Amongst other countermeasures adopted, the ReCAAP ISC recommends the following:

- a. Conduct maritime risk analysis including threat profiling to determine potential threat in the area, identify the locations vulnerable to boarding by pirates/robbers, assess the risk involved in the route taken and formulate security plan based on the analysis;
- b. Coordinate and inform maritime enforcement agency in the area of the planned voyage specifically if the route to be taken is vulnerable to boarding or had occurrence of boarding before;
- c. Conduct regular crew's background check, and mindful of the crew's activities onboard the ship and ashore;
- d. Review the composition of master and crew (if possible) in the event that the same person or group of crew was involved in previous piracy or armed robbery incidents; and
- e. Preserve and collect evidence after boarding for investigation purpose. Refer to **Annex C** for the IMO guidelines on "*preservation and collection of evidence following an allegation of a serious crime having taken place onboard a ship or following a report of a missing person from a ship, and pastoral and medical care of persons affected*".

17. The ReCAAP ISC notes that there is a dire need to strengthen national coordination among the littoral States through their respective enforcement agencies to curb illegal siphoning activities. In response, more need to be done by the littoral States such as enhancing existing joint coordinated patrols by the littoral states (which is currently ongoing in SOMS) to SCS to maintain presence. To display a strong commitment and determination to clamp down illegal siphoning activities in this region, the littoral States may consider joint patrols and surveillance in the SCS to apprehend perpetrators in action in order to serve as deterrence. The ReCAAP ISC recommends the littoral States to examine the following:

- a. Formulate standing procedures among enforcement agencies in the region to facilitate the planning of combined operations and to coordinate effective response to piracy/armed robbery incidents, including when suspicious entities were involved.
- b. Exhaust the possibilities of utilising intelligence units of enforcement agencies by conducting combined covert enforcement operations to gather information about groups involved in siphoning activities, their mastermind, affiliates and 'blacklist' companies that sell illegally siphoned fuel/oil;

- c. Establish a composite special task force or group from the Navy, Maritime Police, Air Force and other maritime enforcement agencies to conduct regular maritime presence in locations of concern;
- d. Establish a legal framework to facilitate and enhance effective prosecution of the arrested perpetrators.

Conclusion

18. The ReCAAP ISC reiterates the need for collective and shared responsibilities among all concerned entities to deal and tackle with this maritime crime. On this note, the ReCAAP ISC strongly encourages ship master and crew to exercise enhanced counter-piracy measures and report all incidents to the nearest coastal State immediately; ship owners/agents to review its crew, manpower and information structure to minimise/eradicate insider's involvements; and urges the littoral enforcement agencies to beef up its surveillance efforts and activate timely responses when incidents were reported to them.

**Prepared by the ReCAAP ISC
9 January 2015**

Enclosures:

Annex A: Incidents involving siphoning of fuel/oil (2011-2014)

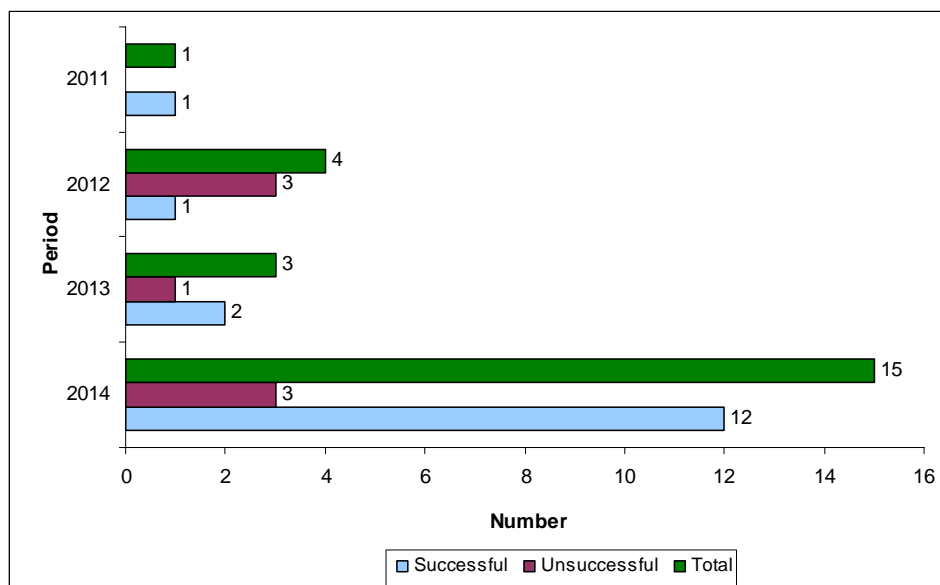
Annex B: Modus Operandi of Perpetrators in Siphoning Incidents (2014)

Annex C: IMO guidelines on "*Preservation and collection of evidence following an allegation of a serious crime having taken place onboard a ship or following a report of a missing person from a ship, and pastoral and medical care of persons affected*".

Annex A

Incidents involving siphoning of fuel/oil (2011-2014)

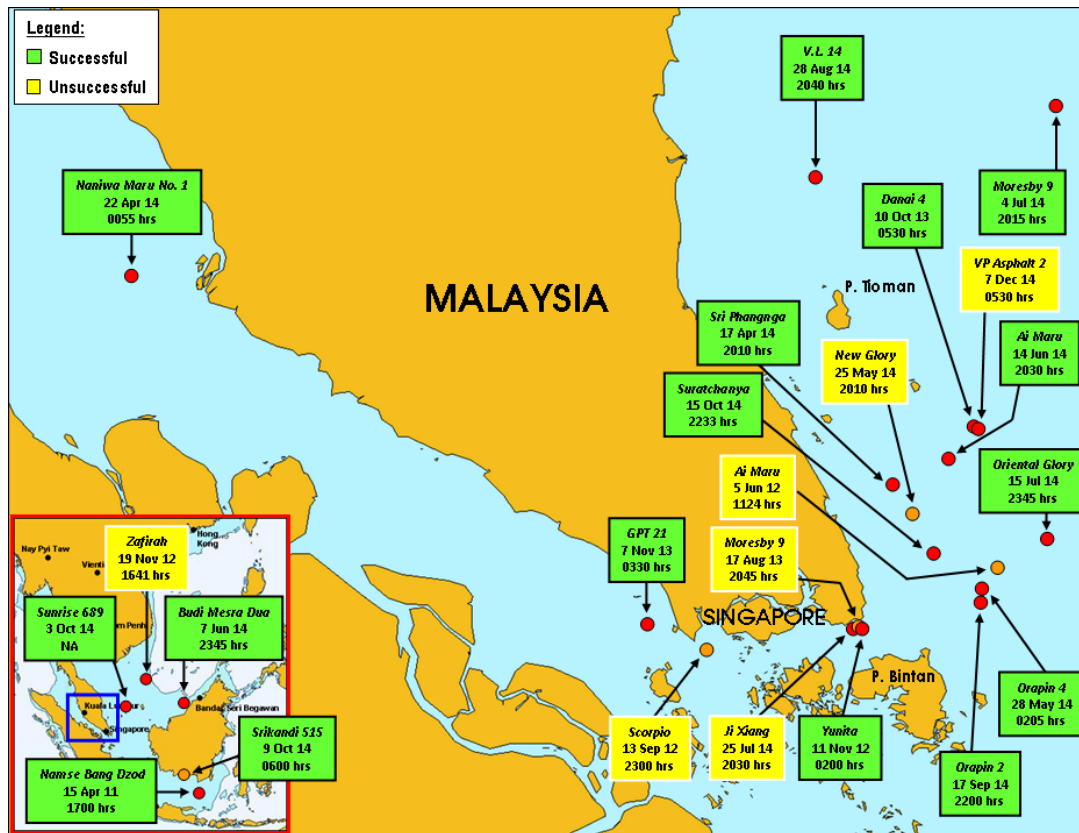
1. A total of 23 siphoning of fuel/oil incidents had been reported for the period 2011-2014. Of the 23 incidents, 16 were successfully conducted while seven were unsuccessful due to the timely intervention by enforcement agencies resulting from the timely reporting of incidents to the ReCAAP ISC and authorities that prompted the concerned agencies to respond immediately to the incident. The unsuccessful conduct of siphoning incidents also can be attributed to the vigilance shown by the crew by activating the Ship Security Alert System (SSAS) and reporting the incident to other vessels within the vicinity. The chart below shows the total number of reported incidents occurred in Asia during 2011-2014 (both successful and unsuccessful cases).



Number of Siphoning Incidents (Successful vs Unsuccessful) (2011-2014)

Location of incidents (2011-2014)

2. Of the 23 incidents, 14 incidents occurred in South China Sea (SCS), 10 of which were successfully conducted and four were foiled. See map on the next page for the location of the incidents.



Location of Siphoning Incidents (successful and unsuccessful) during 2011-2014

3. The ReCAAP ISC notes that most siphoning occurred in the SCS. The further away from coast has made the regional enforcement authority taking longer time to arrive at the location of the incident, and thus giving the perpetrators more time to conduct their siphoning processes and escape before the arrival of the authorities at the location.

4. Notably, the last known successfully siphoning incident occurred on 15 Oct 14 onboard *Suratchanya*. No incident was reported in the past two months (November-December 2014). The ReCAAP ISC assessed that this could possibly be attributed to the following factors: the increase in surveillance by the regional enforcement agencies, the arrest made by the Singapore Police Coast Guard which could have served as deterrence; the enhanced vigilance and counter-measures efforts adopted by the shipping companies and its crew; and/or the environmental and weather factor which was not conducive for siphoning activities, particularly in the SCS during this period.

Modus Operandi of Perpetrators in Siphoning Incidents (2014)

Name/Type/GT	Date/Time	LPOC / NPOC	Modus Operandi			SSAS activated?	Comms destroyed?	Ship renamed?	Duration of incident	Economic loss
			Number	Weapons	Treatment					
Fuel Siphoned										
<i>Sri Phangnga</i> Tanker 929	17/04/14 2010 hrs	Singapore / Cambodia	16	Swords, handgun	Minor injury to master	✓	✓	Did not rename but name and company logo painted over	6 hrs 30 min	400 metric ton of <u>MGO</u> Crew's personal belongings Ship equipment
<i>Naniwa Maru No. 1</i> Tanker 3238	22/04/14 0055 hrs	Singapore / Myanmar	5	NA	Crew held hostage	-	-	-	-	2,500 metric ton of <u>MDO</u>
<i>Orapin 4</i> Product tanker 1924	28/05/14 0205 hrs	Singapore / Indonesia	10	Guns, knives	Crew tied	-	✓	Renamed to <i>RAPI</i>	10 hrs	3,200 metric ton of <u>ADF</u>
<i>Budi Mesra Dua</i> Oil tanker 5153	07/06/14 2330 hrs	Singapore / East Malaysia	26	Knives, swords	Crew tied & locked in mess room	-	✓	-	9 hrs 41 min	940 metric ton of <u>diesel</u> Crew's personal belongings
<i>Ai Maru</i> Product tanker 1007	14/06/14 2030 hrs	Singapore / Thailand	7	Pistols, knives	Crew tied & locked in room	✓	✓	-	4 hrs 20 min	620 metric ton of <u>MGO</u> Crew's personal belongings
<i>Moresby 9</i> Product tanker 1321	04/07/14 2015 hrs	Malaysia / Hong Kong	9	Pistols, machetes	Crew tied & locked in engine control room	-	-	-	7 hrs 45 min	2118 metric ton of <u>MGO</u>
<i>Oriental Glory</i> Product tanker 2223	15/07/14 2345 hrs	NA	25	NA	-	✓	✓	-	4 hrs 05 min	1600 metric ton of <u>MFO</u> Cash & personal belongings
<i>V.L. 14</i> Oil tanker 1074	28/08/14 2040 hrs	Singapore / Thailand	6	Guns	-	-	✓	-	7 hrs 20 min	<u>Lube oil</u> siphoned Crew's personal belongings
<i>Orapin 2</i> Product tanker 1598	17/09/14 2200 hrs	Singapore / Timor-Leste	8	Pistols, machetes	Crew tied & locked in cubicle	-	✓	-	-	<u>MGO</u> siphoned Cash & personal belongings

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Name/Type/GT	Date/Time	LPOC / NPOC	Modus Operandi			SSAS activated?	Comms destroyed?	Ship renamed?	Duration of incident	Economic loss
			Number	Weapons	Treatment					
Fuel Siphoned										
<i>Sunrise 689</i> Chemical tanker 4080	03/10/14 NA	Singapore / Vietnam	10	Guns, knives	Two of the crew were slightly injured	-	✓	-	-	<u>Gas oil</u> siphoned
<i>Srikandi 515</i> Product tanker 1975	09/10/14 0600 hrs	Indonesia (Sampit) / Indonesia (Gresik)	8	NA	Crew abandoned onto a life raft	-	-	Renamed to <i>CHONGLI 2</i>	49 days	<u>Palm oil</u> siphoned
<i>Suratchanya</i> Tanker 2148	15/10/14 2233 hrs	Malaysia / Thailand	9	NA		✓	✓	-	8 hrs 27 min	<u>Gasoline</u> siphoned
Fuel NOT Siphoned										
<i>New Glory</i> Tanker 4268	25/05/14 2010 hrs	-	8	Armed	-	-	✓	-	6 hrs 40 min	Cash & personal belongings
<i>Ji Xiang</i> Product tanker 1989	25/07/14 2030 hrs	-	10	Pistols, machetes	A crew was shot in the neck	-	-	-	-	Ship property
<i>VP Asphalt 2</i> Tanker 3118	07/12/14 0530 hrs	-	7	Guns	Third Engineer was killed	-	-	-	1 hr 15 min	Crew's personal belongings

ASSEMBLY
28th session
Agenda item 6

A 28/Res.1091
28 March 2014
Original: ENGLISH

**Resolution A.1091(28)
Adopted on 4 December 2013
(Agenda item 6)**

**GUIDELINES ON 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 ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to recommendations and guidelines concerning maritime safety,

BEARING IN MIND that the Assembly, at its twenty-seventh regular session, by 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,

RECALLING 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,

RECALLING FURTHER 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,

NOTING 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,

NOTING ALSO that whilst voluntary, such guidance as provided here would assist shipowners, operators and masters in cooperating with relevant investigating authorities and would 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,

1 URGES Member Governments to consider the Guidelines in the annex, and to advise shipowners, operators and masters to:

- .1 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; and
- .2 provide pastoral and medical care to persons affected;

2 URGES ALSO intergovernmental organizations and non-governmental organizations with consultative status to consider the Guidelines as set out in the annex and to advise their membership to act accordingly;

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

Annex

**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 onboard 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 alleged or discovered serious crimes to the flag State, other interested States and parties involved, including law-enforcement authorities. 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 up a list of persons who may have information and invite them to record their recollection of events on the pro forma provided in appendix 1. Any person may refuse to provide his or her 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, in order 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 on board as an efficient way of resolving the situation. If the missing person is not found, the relevant shipboard 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 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 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, or 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 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 need to 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 and Time/Crew Mess Room /RF/1, .../RF/2, .../RF/3 etc.

Where an item of obvious significance is found, both the person recovering it and the person able to identify it in relation to any 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, the identification reference should be written in ink (not in pencil) on the outside of the package. In the case of plastic bags, glass jars or smaller containers, a reference label will need to be attached. Adhesive tape – 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:

Signature:

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><u>WARNING:</u> THE HANDLING OF BODY FLUIDS CONSTITUTES A HEALTH HAZARD ALWAYS SEEK ADVICE IF UNSURE</p>			
BLOOD			
<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 separate, suitable and 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 device), 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 ship's 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>

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>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 ship's doctor/medic and shore authorities.</p> <p>Never use staplers.</p>

TYPE OF EXHIBIT	SAMPLING/TREATMENT	RECOMMENDED PACKAGING	PRACTICAL OPTIONS FOR CONSIDERATION
4) Semen stained items	<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. Avoid talking over the item, as contamination can occur.</p> <p>Small items such as tampons, sanitary towels or knickers should be frozen where possible.</p> <p>Condoms should either be sealed with a clip or tied at the top.</p>	<p>Place each individual item in a sealed paper sack or clean cardboard box.</p> <p>Note any stains which were wet when obtained, both in the notes and on the exhibit.</p>	<p>As above. May be impractical to obtain and store. However, if possible to obtain and store, it could provide valuable evidence.</p>
FIBRES AND 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, but always use adhesive tape to seal any bag.</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>

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 staplers to secure the bag, only seal with adhesive tape.
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 it 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 inside plastic as it 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 upon.	If film photography is used, package the entire film cassette.
GLASSWARE AND 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 AND 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 taking action 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 shoreside 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 should be 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. 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 taking action 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 being packaged.	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's and victim's clothing at separate locations to eliminate the possibility of cross contamination.
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 OR MAKE ANY INDENTATIONS ON DOCUMENT.	