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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

QUESTIONNAIRE ON ISSUES OF COMBATING MARITIME PIRACY

Questionnaire prepared by the Russian Federation

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**QUESTIONNAIRE
ON ISSUES OF COMBATING MARITIME PIRACY
WITHIN THE EUROPEAN COMMITTEE ON CRIME PROBLEMS**

1) Can the international legal framework existing today be considered sufficient to effectively combat maritime piracy and other illegal acts at sea, including armed robbery? Should the existing international legal framework on such an issue be improved (modernized) or supplemented?

2) To what extent is the legislation of your State adapted to prosecute persons suspected of piracy and robbery at sea?

3) What measures are provided for in the national legislation of your State to criminalize piracy and robbery at sea? How is piracy defined in the legislation of your State?

4) As far as your State is concerned, have there been cases of capture of persons suspected of piracy in the open sea by a warship or civilian vessel flying the flag of your State? If so, what measures were taken to detain and/or subsequently prosecute or punish them?

5) As far as your State is concerned, have there been cases when persons suspected of piracy were released? If so, what was the reason for that?

6) Has your State ever conducted operations to release a captured vessel flying the flag of your State, members of a crew who were citizens of your State (or foreign citizens) or, using its naval forces, has taken part in freeing the vessels flying the flags of foreign States, but having citizens of your State among their crew? Have there been any legal consequences caused by the actions of representatives of your State aimed at freeing the vessels or crew members?

7) What is the legal foundation for the rights and obligations and procedural authority of a vessel captain or a commanding officer of a military vessel in relation to the arrest, interrogation, detention and possible transfer of persons suspected of piracy for the administration of justice?

8) Which rights are enjoyed by persons arrested on suspicion of piracy or robbery at sea (including the right to defense, interpreting services, etc.) under your State's law when they undergo legal proceedings on board a vessel?

9) How does your State's law govern the order and duration of custody of a person suspected of piracy or robbery at sea on board a vessel and during his or her transfer either for the administration of justice or to another party for criminal prosecution?

10) How does your State ensure that the maximum duration of custody standards established by law for such persons are observed in cases of their transfer for the administration of justice from remote areas of the high seas?

11) How does your State ensure the participation of investigators, prosecutors and judges on board of military vessels of your State escorting commercial vessels and patrolling piracy-prone areas of the high seas?

12) Has your State signed any international agreements (arrangements) that govern the participation of foreign law enforcement officers in the investigations or provision of assistance in the investigations on vessels arrested by a military vessel of your State in the course of an operation to rescue the former from pirates?

13) Is your State a party to any international agreements (arrangements) governing the transfer of persons suspected of piracy to coastal States for further criminal prosecution of such persons?

14) Have there been any cases of such transfer, when the receiving side had to return persons suspected of piracy to the transferring side because of the lack of evidence of their crime/act of piracy? What actions were taken in such cases by the transferring side?

15) Do commercial vessels flying the flag of your State use the services of private military and security companies (PMSC) available for escorting vessels through piracy-prone parts of international trade routes?

16) What legislative regulations apply to the activities of PMSC not subject to the jurisdiction of your State, including such aspects as licensing and control of their activities, the use of weapons and entering the ports of foreign States with guards and arms on board?

17) Has your State had any legal or administrative problems in ensuring access of vessels flying the flag of your State with armed guards on board to the ports of foreign States? If so, how (through what channels) were they addressed?