

CIL QUESTIONNAIRE

PART I: GENERAL QUESTIONS ON RATIFICATION AND IMPLEMENTATION OF GLOBAL CONVENTIONS

| LEGISLATIVE PROVISIONS ON TREATIES | |
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| 1. | Does your constitution have provisions on international treaties? Please describe. |
| 2. | Does your country have any Acts of Parliament or other national legislation governing the signing, ratification and/or implementation of treaties? Please describe. |
| 3. | Does your country have any regulations, manuals or other unofficial documents setting out the practices and procedures to be followed in the ratification and/or accession and/or implementation of international treaties? Please describe. |
| TREATY RATIFICATION PROCEDURE | |
| Government Agencies Responsible for Treaty Ratification | |
| 4. | Which agency or agencies in your government have legal experts to provide advice to your government on international law and treaties (e.g. is it a division in the Foreign Affairs Ministry or the Attorney-General's Chambers or the Ministry of Justice)? |
| 5. | Are there international law and treaty law experts in other ministries or government departments? |
| 6. | Are there international law and treaty experts in national legislative bodies? |
| 7. | Which agency and/or agencies are responsible for studying an international treaty and making a recommendation on whether or not your country should ratify and/or accede to the treaty (Is this the responsibility of the ministry or government agency dealing with that subject-matter or area, for e.g., in Singapore, the Maritime and Port Authority (MPA) has the responsibility for reviewing all IMO Conventions on the safety of navigation etc.)? |
| 8. | If a treaty requires review, by more than one government department or agency, is an inter-agency committee established? If so, who establishes the inter-agency committee, and who decides which agency leads or chairs the inter-agency committee? |
| 9. | What is the role of the Ministry of Foreign Affairs or the Government legal advisors on international law in such a review? |
| 10. | What is the role of the National Assembly or Parliament (or its committees) in such a review? |
| Treaty Ratification Procedure | |
| 11. | What is the procedure/process for ratification of a treaty? |
| TREATY IMPLEMENTATION PROCEDURE | |
| Government Agencies Responsible for Treaty Implementation | |
| 12. | Which agency is responsible for studying and reporting on whether legislation must be enacted by Parliament or the national legislative body in order to implement the obligations in international treaties your country has ratified or decided to ratify? |
| 13. | Which agency or agencies are responsible for drafting any implementing legislation? |
| 14. | Which agency or agencies must approve any draft implementing legislation? |
| Treaty Implementation Procedure | |
| 15. | How are particular treaty obligations implemented in national law? Once ratified, can a treaty be directly implemented or does it need to |

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| | be followed with implementing laws and regulations, such as promulgation of new statutes or executive orders? |
| 16. | What is the procedure/process for the implementation of treaty into national law? |
| CRIMINAL JURISDICTION GIVEN TO NATIONAL COURTS | |
| 17. | Are there constitutional provisions or legislative provisions setting out the criminal jurisdiction of your Courts (e.g. offences within territory, on ships flying your flags, by your nationals, etc)? |

PART II: IMPLEMENTATION OF GLOBAL CONVENTIONS TO WHICH YOUR COUNTRY IS A PARTY

For each of the Conventions your country is a party to, please answer the following questions (refer to the Table on Page 2):

| 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) | |
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| Implementing Legislation | |
| 18. | Which government agency is the lead agency with responsibility for (a) implementing UNCLOS into your national law, (b) for drafting the implementing legislation [if not the same as (a)] and (b) for ensuring that your country complies with its obligations under UNCLOS (there may be more than one agency)? |
| 19. | Does your country have national legislation <i>implementing</i> UNCLOS provisions on piracy (Articles 100 – 110 of UNCLOS)? Please elaborate, particularly on: <ul style="list-style-type: none"> a. The definition of piracy in your implementing legislation; b. How it differs from the UNCLOS definition of piracy in Article 101; c. The penalties prescribed. |
| 20. | If your country does not have legislation implementing UNCLOS provisions on piracy, does it have <i>other legislation</i> on piracy? Please elaborate, particularly on: <ul style="list-style-type: none"> a. The definition of piracy in this other legislation; b. How it differs from the UNCLOS definition of piracy; c. The penalties prescribed. |
| 21. | If your country is a party to UNCLOS, but has no implementing legislation for UNCLOS provisions on piracy and no other legislation, please explain why (for example, treaties are considered self-executing and hence automatically incorporated under your national laws , or whether implementing legislation is currently being drafted etc). |
| Jurisdiction over acts of piracy | |
| 22. | Does your country's national legislation (implementing or other) provide universal jurisdiction to your national courts to prosecute pirates of any nationality for acts which take place outside of your country's territorial sovereignty (i.e. high seas or exclusive economic zones) and which otherwise do not have any connection to your country (i.e. neither the pirates, victim crew members or ships are from your country). Please elaborate. |
| Prosecution of acts of piracy | |
| 23. | Are you are aware of any prosecutions in your national courts for acts of piracy that occur outside the territorial sovereignty of your |

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| | country (i.e. exclusive economic zone or high seas)? Please elaborate. ¹ |
| 1979 INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (HOSTAGE TAKING CONVENTION) | |
| Lead Agency | |
| 24. | Which government agency is the lead agency with responsibility for (a) implementing the Hostage Taking Convention into your national law, (b) for drafting the implementing legislation (if not the same as (a)) and (b) for ensuring that your country complies with its obligations under the Hostage Taking Convention (there may be more than one agency)? |
| Offences and Penalties under the Hostage Taking Convention (Article 1 and 2) | |
| 25. | Does your country have national legislation implementing the Hostage Taking Convention? If it does, please answer the following questions: <ul style="list-style-type: none"> a. Does your country have specific legislation making the offences exactly as set out in Article 1 of the Hostage Taking Convention offences under your national law? Please elaborate. b. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 2? c. Does your implementing legislation also create offences for attempts and abetment as provided in Article 1? d. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 2? |
| 26. | If your country has no implementing legislation for the Hostage Taking Convention, does it have other legislation which deals with the same offences as the Hostage Taking Convention? If so, please answer the following questions: <ul style="list-style-type: none"> a. How do the offences in your existing legislation differ from the offence of Hostage Taking in Article 1 of the Hostage Taking Convention? b. What are the penalties? c. Are there offences covering attempts and abetment? d. What are the penalties? |
| 27. | If your country is a party to the Hostage Taking Convention and has neither implementing legislation nor other legislation in respect of the Hostage Taking Convention, please answer the following questions: <ul style="list-style-type: none"> a. Please explain why there is neither implementing nor other legislation (for example, treaties are considered self-executing and hence automatically incorporated under your national laws, or implementing legislation is currently being drafted). b. If your country does not have implementing legislation because it believes that Article 1 is self-executing and automatically becomes part of your law, what penalty would be imposed in your country if a person were found guilty of committing an offence under Article 1? |
| Jurisdiction over offences under the Hostage Taking Convention (Article 5) | |
| 28. | Compulsory Jurisdiction: Does your national legislation (either implementing or other legislation) give your country jurisdiction over an offence: |

¹ If there are many examples, please just choose one or two which you believe would be the most relevant or instructive in demonstrating how prosecutions for that particular offence are carried out in your country.

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| | <ul style="list-style-type: none"> a. Committed by a foreign national in your territory (territoriality principle, Article 5 (1) (a)); b. Committed by a foreign national or your own national outside your territory on board a ship or aircraft registered in your country (flag state principle, Article 5 (1) (a)); c. Committed by a national of your country outside your territory (nationality principle, Article 5 (1) (b)); d. Committed by a foreign national or your own national in order to compel the government of your country to do or abstain from doing any act, whether the act constituting the offence is committed in or outside your country (protective principle, Article 5 (1) c)); e. Committed by a foreign national outside your territory when the foreign national who committed the offence is present in your territory after the commission of the offence (presence of offender, Article 5 (2)). |
| 29. | <p>Permissive jurisdiction: Does your national legislation (either implementing or other legislation) give your country jurisdiction over an offence:</p> <ul style="list-style-type: none"> a. Committed outside your territory by a stateless person who has his or her habitual residence in your country (nationality principle, Article 5 (1) (b)); b. Committed by a foreign national outside your territory with respect to a hostage who is a national of your country (Passive personality principle, Article 5 (1) (d)). |
| Applicability to Maritime Crimes (the taking of crew members hostage on board a ship) | |
| 30. | Please consider whether there is anything in your national legislation (either implementing or other legislation) that prohibits the legislation from applying to the taking of crew-members hostage on board a ship. |
| Prosecutions under Hostage Taking National Legislation | |
| 31. | Are you aware of any cases of prosecutions in your courts of persons who committed the act of hostage taking against crew members on board a ship? If so, please elaborate ² . |
| 1988 CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION (1988 SUA) | |
| Lead Agency | |
| 32. | Which government agency is the lead agency with responsibility for (a) implementing 1988 SUA into your national law, (b) for drafting the implementing legislation [if not the same as (a)] and (b) for ensuring that your country complies with its obligations under 1988 SUA (there may be more than one agency). |
| Offences and Penalties under 1988 SUA (Articles 3 and 5) | |
| 33. | <p>Does your country have national legislation implementing 1988 SUA? If it does, please answer the following questions:</p> <ul style="list-style-type: none"> a. Does your country have specific legislation making the offences exactly as set out in Article 3 (1) of 1988 offences under your national law? b. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 5? c. Does your implementing legislation also create offences for attempts, abetment and threatening to commit offences as provided |

² If there are many examples, please just choose one or two which you believe would be the most relevant or instructive in demonstrating how prosecutions for that particular offence are carried out in your country.

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| | <p>for in Article 3 (2)?</p> <p>d. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 5?</p> |
| 34. | <p>If your country has no implementing legislation for 1988 SUA, does it have <i>other</i> legislation which deals with the same offences as 1988 SUA? If so, please answer the following questions:</p> <p>a. How do the offences in this other legislation differ from the offences set out in Article 3 of SUA 1988?</p> <p>b. What penalties are prescribed?</p> <p>c. Are there offences covering attempts, abetment and threatening to commit offences? What are the penalties?</p> |
| 35. | <p>If your country is a party to 1988 SUA and has neither implementing legislation nor other legislation in respect of 1988 SUA, please answer the following questions:</p> <p>a. Please explain why there is neither implementing nor other legislation (for example, treaties are considered self-executing and hence automatically incorporated under your national laws, or implementing legislation is currently being drafted).</p> <p>b. If your country does not have implementing legislation because it believes that Article 3 is self-executing and automatically becomes part of your law, what penalty would be imposed in your country if a person were found guilty of committing an offence under Article 3?</p> |
| Jurisdiction over offences under SUA 1988 (Article 6) | |
| 36. | <p>Compulsory jurisdiction: Does your national legislation (either implementing or other legislation) give your country jurisdiction over an offence:</p> <p>a. Committed by a foreign national or your own national outside your territory against or on board a ship flying your country's flag at the time of the offence (flag state principle, Article 6 (1) (a));</p> <p>b. Committed by a foreign national in your territory, including your territorial sea (territoriality principle, Article 6 (1) (b));</p> <p>c. Committed by one of your nationals outside your territory (nationality principle, Article 6 (1) (c));</p> <p>d. Committed by a foreign national outside your territory when the foreign national who committed the offence is present in your territory after the commission of the offence (presence of offender, Article 6 (4)).</p> |
| 37. | <p>Permissive Jurisdiction: Does your national legislation (either implementing or other legislation) give your country jurisdiction over an offence:</p> <p>a. Committed by a stateless person whose habitual residence is in its territory (nationality principle, Article 6 (2) (a));</p> <p>b. Committed by a foreign national and during which, a national of your country is seized, threatened, injured or killed (passive personality principle, Article 6 (2) (b));</p> <p>c. Committed by a foreign national in an attempt to compel your country to do or abstain from doing any act (protective personality principle, Article 6 (2) (c)).</p> |
| Arrest and Delivery of Offenders by Master of Vessel (Article 8) | |
| 38. | <p>Does your national legislation (either implementing or other legislation) provide for the Master to arrest a person who has committed a SUA offence and deliver that person to appropriate authorities in another State Party, as set out in Article 8 of 1988 SUA?</p> |
| Prosecutions under SUA 1988 National Legislation | |

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| 39. | Are you aware of any cases of prosecutions for SUA offences or equivalent to SUA offences in your courts? If so, please elaborate. ³ |
| 1999 INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM (1999 Terrorism Financing Convention) | |
| Lead Agency | |
| 40. | Which government agency is the lead agency with responsibility for (a) implementing the 1999 Terrorism Financing Convention into your national law, (b) for drafting the implementing legislation (if not the same as (a)) and (b) for ensuring that your country complies with its obligations under the 1999 Terrorism Financing Convention (there may be more than one agency). |
| Offences and Penalties under the 1999 Terrorism Financing Convention (Article 2 together with the Annex and Article 4) | |
| 41. | Does your country have national legislation implementing the 1999 Terrorism Financing Convention? If it does, please answer the following questions: <ul style="list-style-type: none"> a. Does your country have specific implementing legislation making the offences exactly as set out in Article 2 of the 1999 Terrorism Financing Convention offences under your national law? b. Does such legislation provide that persons who finance the commission of SUA offences or hostage taking offences would be guilty of an offence under your national law on terrorist financing (See Article 2 (1) (a))? c. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 4 (b)? d. Does your implementing legislation also create offences for attempts, participation as an accomplice, organization or contribution to the commission of an offence as provided for in Article 2 (4) and (5)? e. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 4 (b)? |
| 42. | If your country has no implementing legislation for the 1999 Terrorism Financing Convention, does it have other legislation which deals with the same offences as the 1999 Terrorism Financing Convention? If so, please answer the following questions: <ul style="list-style-type: none"> a. How do the offences in such other legislation differ from the offences set out in Article 2 of the 1999 Terrorism Financing Convention? b. Does such other legislation provide that persons who finance the commission of SUA offences or hostage taking offences would be guilty of an offence under your national law on terrorist financing? c. What penalties are prescribed? d. Are there offences covering attempts, participation as an accomplice, organization or contribution to the commission of an offence? e. What are the penalties? |
| 43. | If your country has neither implementing legislation nor other legislation in respect of the 1999 Terrorism Financing Convention, please answer the following questions: <ul style="list-style-type: none"> a. Please explain why there is neither implementing nor other legislation (for example, treaties are considered self-executing and hence automatically incorporated under your national laws, or implementing legislation is currently being drafted). |

³ If there are many examples, please just choose one or two which you believe would be the most relevant or instructive in demonstrating how prosecutions for that particular offence are carried out in your country.

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| | b. If your country is a party to the 1999 Terrorism Financing Convention and does not have implementing legislation or other legislation because it believes that Article 2 is self-executing and automatically becomes part of your law, what penalty would be imposed in your country if a person were found guilty of committing an offence under Article 2? |
| Jurisdiction over offences under the 1999 Terrorism Financing Convention (Article 7) | |
| 44. | Compulsory Jurisdiction: Does your national legislation (either implementing or other legislation) give your country jurisdiction over an offence: <ul style="list-style-type: none"> a. Committed by a foreign national in the territory of your country (territoriality principle, Article 7 (1) (a)); b. Committed by a foreign national or national of your country on board a vessel flying the flag of that State or an aircraft registered in your country (flag state principle, Article 7 (1) (b)); c. Committed by a national of your country outside your territory (nationality principle, Article 7 (1) (c)); d. Committed by a foreign national outside your territory when the foreign national who committed the offence is present in your territory after the commission of the offence (presence of offender, Article 7 (4)). |
| 45. | Permissive Jurisdiction: Does your national legislation (either implementing or other legislation) give your country jurisdiction over an offence: <ul style="list-style-type: none"> a. Committed by a foreign national directed towards or which resulted in the carrying out of any of the offences in Article 2 (1) of the Terrorism Financing Convention in the territory of or against the national of that country (Article 7 (2) (a)); b. Committed by a foreign national directed towards or which resulted in the carrying out of any of the offences in Article 2 (1) (a) and (b) against a State or government facility of that country abroad, including diplomatic or consular premises of that country (Article 7 (2) (b)); c. Committed by a foreign national directed towards or which resulted in the carrying out of any of the offences in Article 2 (1) (a) and (b) committed in an attempt to compel that country to do or abstain from any act (Article 7 (2) (c)); d. Committed by a stateless person who has his or her habitual residence in the territory of that country (Article 7 (2) (d)); e. Committed on board an aircraft which is operated by your government (Article 7 (2) (e)). |
| Prosecutions under national legislation on terrorist financing | |
| 46. | Are you aware of any cases of prosecutions in your courts of persons who financed the commission of SUA offences and/or hostage taking offences such as the hijacking of ships or the taking of crewmembers hostage for ransom? If so, please elaborate. ⁴ |
| 2000 UNITED NATIONS CONVENTION ON TRANSNATIONAL ORGANIZED CRIME (2000 UNTOC) | |
| Lead Agency | |
| 47. | Which government agency is the lead agency with responsibility for (a) implementing the 2000 UNTOC into your national law, (b) for drafting the implementing legislation (if not the same as (a)) and (b) for ensuring that your country complies with its obligations under the 2000 UNTOC (there may be more than one agency). |
| Offences and Penalties under UNTOC (Articles 5 and 6) | |
| 48. | With regards to Article 5 on participating in an organized criminal group: |

⁴ If there are many examples, please just choose one or two which you believe would be the most relevant or instructive in demonstrating how prosecutions for that particular offence are carried out in your country.

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| | <ul style="list-style-type: none"> a. Does your country have specific implementing legislation making the offence set out in Article 5 of participating in an organized criminal group an offence under national law? Does your implementing legislation also create offences for attempts and abetment as provided for in Article 5 (1) (b) of UNTOC? What penalties does your legislation prescribe? b. If your country does not have implementing legislation, does it have other legislation which is equivalent to the offence of participating in an organized criminal group as set out in Article 5 of UNTOC, including attempts and abetment? What are the differences in elements of the offence under your legislation and the elements set out in Article 5? What penalties does your legislation prescribe? c. If your country is a party to 2000 UNTOC and has neither implementing legislation nor other legislation because it believes that Article 5 is self-executing and automatically becomes part of your law, what penalty would be imposed in your country if a person were found guilty of committing an offence under Article 5? |
| 49. | <p>With regards to Article 6 on laundering of the proceeds of crime:</p> <ul style="list-style-type: none"> a. Does your country have specific implementing legislation making the offence set out in Article 6 on laundering proceeds of crime an offence under national law? What are the penalties prescribed under your national legislation? b. If your country does have specific implementing legislation on Article 6 of UNTOC: <ul style="list-style-type: none"> i. What are the predicate offences under your domestic legislation to the offence of laundering proceeds of crime? ii. Does your legislation require that the predicate offences be committed in your country or include also offences committed outside your country? iii. If your legislation includes as predicate offences also offences committed outside your country, please explain whether your national legislation incorporates the requirement in Article 6 (2) (c) of UNTOC. iv. Does your national legislation permit the prosecution and punishment of an offender for both the predicate offence and the laundering of proceeds from the offence (See Article 6 (2) (e) of UNTOC)? c. If your country does not have implementing legislation, does it have other legislation which is equivalent to the offence of laundering of proceeds of crime as set out in Article 6 of UNTOC? What are the differences in elements of the offence under your legislation and the elements set out in Article 6? What penalties does your legislation prescribe? d. If your country is a party to 2000 UNTOC and has neither implementing legislation nor other legislation because it believes that Article 6 is self-executing and automatically becomes part of your law, what penalty would be imposed in your country if a person were found guilty of committing an offence under Article 6? |
| Jurisdiction over offences under UNTOC | |

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| 50. | <p>Compulsory Jurisdiction: Does your national legislation (existing or implementing) give your country jurisdiction over an offence:</p> <ul style="list-style-type: none"> a. Committed by a foreign national when the offence is committed in the territory of your State (Article 15 (1) (a)); b. Committed on board a vessel flying its flag or an aircraft registered under its laws (Article 15 (1) (b)); c. Committed by your own national outside of your territory where that national is in your territory and your country does not extradite him or her on grounds that he or she is a national of your country (Article 15 (1) (c)). |
| 51. | <p>Permissive Jurisdiction: Does your national legislation (existing or implementing) give your country jurisdiction over an offence:</p> <ul style="list-style-type: none"> a. Committed against one of your nationals (Article 15 (2) (a)); b. Committed by one of your nationals or a stateless or habitual resident in your territory (Article 15 (2) (b)); c. Relating to participation in an organized criminal group committed outside its territory with a view to the commission of a serious crime (as defined in Article 2 (b) of UNTOC) within its territory (Article 15 (2) (c) (i)); d. Relating to participation in money-laundering outside your territory aimed at the laundering of proceeds of crime in your territory (Article 15 (2) (c) (ii)); e. Committed outside your territory where the offender is present in your territory after the commission of the offence (Article 15 (4)). |
| Applicability to Maritime Crimes | |
| 52. | Please consider whether there is anything in your national legislation on Articles 5 and 6 (either implementing or other legislation) that prohibits that legislation from applying to the persons who organize or launder proceeds from maritime related crimes such as piracy, ship-hijacking and hostage taking of crew for ransom. |
| Prosecutions under national legislation on transnational organized crime | |
| 53. | Are you aware of any cases of prosecutions in your courts of persons who organized or laundered proceeds from maritime related crimes such as piracy, ship-hijacking and hostage taking of crew for ransom. If so, please elaborate. ⁵ |
| PROTOCOL OF 2005 TO 1988 CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION (2005 SUA Protocol) | |
| Lead Agency | |
| 54. | Which government agency is the lead agency with responsibility for (a) implementing the 2005 SUA Protocol into your national law; (b) for drafting the implementing legislation (if not the same as (a)); and (c) for ensuring that your country complies with its obligations under the 2005 SUA Protocol (there may be more than one agency). |
| Offences and Penalties under the 2005 SUA Protocol (Articles 4 and 5) | |
| 55. | <p>Does your country have national legislation implementing 2005 SUA Protocol? If it does, please answer the following questions:</p> <ul style="list-style-type: none"> a. How did your country implement 2005 SUA Protocol (for e.g. did it amend national legislation implementing 1988 SUA or did it adopt new legislation etc.) |

⁵ If there are many examples, please just choose one or two which you believe would be the most relevant or instructive in demonstrating how prosecutions for that particular offence are carried out in your country.

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| | <p>b. Does your country have specific legislation making offences in Article <i>3bis</i> (Maritime Terrorism and Trafficking in WMD and related material), Article <i>3ter</i> (Intentional Transport of Persons Guilty of Offences under 1988 SUA and the 2005 SUA Protocol) and Article <i>3quater</i> (Unlawful and Intentional Killing or Injuring during 1988 SUA offence or 2005 SUA Protocol Offence) offences under your national law (See Article 4 of 2005 SUA Protocol)?</p> <p>c. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 5?</p> <p>d. Does your implementing legislation also create offences for attempts, accomplices, organization and acting with a common purpose as provided for in Article <i>3quater</i>?</p> <p>e. What are the corresponding penalties? Do the penalties take into account the grave nature of the offence as required in Article 5?</p> |
| 56. | <p>If your country has no implementing legislation for 2005 SUA Protocol, does it have <i>other</i> legislation which deals with the same offences as 2005 SUA Protocol? If so, please answer the following questions:</p> <p>a. How do the offences in this other legislation differ from the offences set out in Article 4 of SUA 1988?</p> <p>b. What penalties are prescribed?</p> <p>c. Are there offences covering attempts, accomplices, organization and acting with a common purpose? What are the penalties?</p> |
| Jurisdiction under the 2005 SUA Protocol (Article 6) | |
| 57. | Please answer Questions 36 and 37. |
| Ship-Boarding Provisions (Article 8bis) | |
| 58. | Does your national legislation have provisions implementing Article <i>8bis</i> of the 2005 SUA Protocol on ship-boarding arrangements? Please describe the extent the provisions in your national legislation incorporates the elements in Article <i>8bis</i> . |
| 59. | Does your country have other national legislation that deals with ship-boarding arrangements in the context of maritime crime? Please elaborate. |
| Prosecutions under national legislation relating to 2005 SUA Protocol offences | |
| 60. | Are you aware of any cases of prosecutions in your courts of persons for 2005 SUA Protocol offences? If so, please elaborate ⁶ . |
| EXTRADITION AND MUTUAL LEGAL ASSISTANCE UNDER THE CONVENTIONS | |
| Extradition: | |
| 61. | In your country, is extradition granted: <p>a. By Statute; and/or</p> <p>b. By Treaty or other agreement or arrangement (bilateral or multilateral); and/or</p> <p>c. By virtue of reciprocity or comity?</p> |
| 62. | Does your country have constitutional provisions or national legislation on extradition? Please elaborate. |
| For each Convention which your country is a party to, please answer the following questions: | |
| 63. | Is your country able to carry out the obligations in the Conventions which you are party to with respect to the extradition of offenders? |

⁶ If there are many examples, please just choose one or two which you believe would be the most relevant or instructive in demonstrating how prosecutions for that particular offence are carried out in your country.

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| | Was it necessary to amend your laws to enable you to carry out these obligations? |
| 64. | If in your country, extradition is conditional on the existence of a treaty: <ul style="list-style-type: none"> a. Does your country take each of the Conventions to which you are a party as the legal basis for extradition in the absence of an extradition treaty (See Article 10 (2) of the Hostages Convention, Article 11 (2) of 1988 SUA, Article 11 (2) of the 1999 Terrorism Financing Convention, Article 16 (4) of UNTOC and Article 10 (2) of the 2005 SUA Protocol)? b. Are the offences covered by each of the Conventions included as extraditable offences in existing (bilateral or multilateral) extradition treaties? (See Article 10 (1) of the Hostages Convention, Article 11 (1) of 1988 SUA, Article 11 (1) of the 1999 Terrorism financing Convention, Article 16 (3) of UNTOC and Article 10 (1) of 2005 SUA Protocol). |
| 65. | If in your country, extradition is granted by statute, does that statute include all offences covered by each of the Convention as extraditable offences? ((See Article 10 (3) of the Hostages Convention, Article 11 (3) of 1988 SUA, Article 11 (3) of the 1999 Terrorism Financing Convention, Article 16 (6) of UNTOC and Article 10 (3) of 2005 SUA Protocol) |
| 66. | Are there any conditions in your country for granting extradition? |
| Mutual Legal Assistance | |
| 67. | In your country, is mutual legal assistance granted: <ul style="list-style-type: none"> a. By Statute; and/or b. By Treaty or other agreement or arrangement (bilateral or multilateral); and/or By virtue of reciprocity or comity? |
| 68. | Does your country have national legislation on mutual legal assistance? Please elaborate. |
| 69. | Is your country able to apply the provisions in each of the Conventions on mutual legal assistance to other State Parties in connection with criminal proceedings brought in respect of offences under the Conventions? (See Article 11 of the Hostages Convention, Article 12 (3) of 1988 SUA, Article 12 of the 1999 Terrorism Financing Convention, Article 18 of UNTOC and Article 11 of 2005 SUA Protocol) |
| 70. | Are there any conditions in your country for granting mutual legal assistance? |

PART III: CONVENTIONS WHICH YOUR COUNTRY IS NOT A PARTY TO

For each Convention your country is NOT a party to, please answer the following questions:

| CONVENTIONS WHICH YOUR COUNTRY IS NOT A PARTY TO | |
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| 71. | For each Convention to which your country is not a party to, is there a lead agency in your country that is responsible for studying and making a recommendation on whether to ratify or accede to the Convention? If so, please identify the agency |
| 72. | Please give a brief explanation as to why your country is not a party to any of the Conventions including an analysis of how the government might see the costs and benefits of becoming a party. |
| 73. | If your country is not a party to any of the Conventions, has it definitely decided that it is not in your interest to become a party, or is there a possibility that your government may reconsider the costs and benefits and become a party? |
| 74. | Has the agency or committee studying any of the Conventions encountered any particular provisions or issues that will make it difficult for your country to ratify or implement that particular Convention. |
| 75. | If your country decides to become a party to any of the Conventions, will it be necessary to either amend existing legislation or pass new legislation in order to implement the obligations under the Convention. |

STATUS OF CONVENTIONS IN ASEAN + 6 COUNTRIES (as of Oct 2010)

| No. | Grouping | <u>1979 Hostage Taking Convention</u> | <u>1982 UNCLOS</u> | <u>1988 SUA</u> | <u>1999 Terrorism Financing</u> | <u>2000 UNTOC</u> | <u>2005 SUA Protocol</u> |
|-----------------------------------|-----------------|--|-------------------------------|--------------------------------|--|--------------------------------|---------------------------------|
| <u>ASEAN Countries</u> | | | | | | | |
| 1. | Brunei | Accession (18 Oct 1988) | Ratification (5 Nov 1996) | Ratification (4 Dec 2003) | Accession (4 Dec 2002) | Accession (25 Mar 2008) | - |
| 2. | Cambodia | Accession (27 Jul 2006) | Signature (1 July 1983) | Accession (18 Aug 2006) | Ratification (12 Dec 2005) | Ratification (12 Dec 2005) | - |
| 3. | Indonesia | - | Ratification (3 Feb 1986) | - | Ratification (29 Jun 2006) | Ratification (20 Apr 2009) | - |
| 4. | LPDR | Accession (22 Aug 2002) | Ratification (5 Jun 1998) | - | Accession (29 Sep 2008) | Accession (26 Sept 2003) | - |
| 5. | Malaysia | Accession (29 May 2007) | Ratification (14 Oct 1996) | - | Accession (29 May 2007) | Ratification (24 Sept 2004) | - |
| 6. | Myanmar | Accession (4 Jun 2004) | Ratification (21 May 1996) | Accession (19 Sep 2003) | Ratification (16 Aug 2006) | Accession (30 Mar 2004) | - |
| 7. | Philippines | Ratification (14 Oct 1980) | Ratification (8 May 1984) | Ratification (6 Jan 2004) | Ratification (7 Jan 2004) | Ratification (28 May 2002) | - |
| 8. | Singapore | Accession (22 Oct 2010) | Ratification (17 Nov 1994) | Accession (3 Feb 2004) | Ratification (30 Dec 2002) | Ratification (28 Aug 2007) | - |
| 9. | Thailand | Accession (2 Oct 2007) | Signature (10 Nov 1982) | - | Ratification (29 Sept 2004) | Signature (13 Dec 2000) | - |
| 10. | Vietnam | - | Ratification (25 Jul 1994) | Accession (12 Jul 2000) | Accession (25 Sept 2002) | Signature (13 Dec 2000) | - |
| <u>ASEAN + 6 Countries</u> | | | | | | | |
| 11. | Australia | Accession (21 May 1990) | Ratification (5 Oct 1994) | Accession (20 Feb 1993) | Ratification (26 Sep 2002) | Ratification (27 May 2004) | Signature (7 Mar 2006) |
| 12. | China | Accession (26 Jan 1993) | Ratification (7 Jun 1996) | Ratification (20 Aug 1991) | Ratification (19 April 2006) | Ratification (23 Sept 2003) | - |
| 13. | India | Accession (7 Sept 1994) | Ratification (29 Jun 1995) | Accession (15 Oct 1999) | Ratification (22 April 2003) | Signature (12 Dec 2002) | - |
| 14. | Japan | Ratification (8 Jun 1987) | Ratification (20 Jun 1996) | Accession (24 April 1998) | Acceptance (11 June 2002) | Signature (12 Dec 2000) | - |
| 15. | New Zealand | Ratification (12 Nov 1985) | Ratification (19 Jul 1996) | Ratification (10 June 1999) | Ratification (4 Nov 2002) | Ratification (19 Jul 2002) | Signature (24 Jan 2007) |
| 16. | ROK | Accession (4 May 1983) | Ratification (29 Jan 1996) | Accession (14 May 2003) | Ratification (17 Feb 2004) | Signature (13 Dec 2000) | - |

