

ASSEMBLY
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Agenda item 10

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Resolution A.1058(27)

**Adopted on 30 November 2011
(Agenda item 10)**

**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**

THE ASSEMBLY,

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

RECALLING ALSO 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 the 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,

CONCERNED ABOUT reports of serious crimes such as sexual assaults taking place on ships, and cases of missing persons from ships in which no satisfactory explanation for the person's absence from the ship is readily available,

RECOGNIZING that the risk of a serious crime taking place on a ship will normally be addressed through the applicable onboard security arrangements, but that the risk of serious crime on board ships cannot be completely eliminated by any reasonable security measures,

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,

SEEING MERIT IN the elaboration of guidance to:

- .1 assist in the collation and preservation of evidence following the allegation of a serious crime having taken place on a ship or following a report of a missing person from a ship; and
- .2 assist in the pastoral and medical care of alleged victims of serious crimes,

NOTING ALSO that, while voluntary, such guidance would assist shipowners, ship operators and shipmasters in cooperating with relevant investigating authorities and 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,

INVITES Member States and other parties concerned to submit proposals to the Legal Committee to enable consideration of the issue raised in this resolution, bearing in mind that issues of criminal jurisdiction should be consistent with international law.
