

**[Submission by the State of Qatar to the International Law Commission on the topic  
“Prevention and repression of Piracy and armed robbery at sea” – 22 March 2023]**

**Question (a): The legislation, case law and practice of States relevant to the topic,  
including in relation to articles 100 to 107 of the United Nations Convention on the  
Law of the Sea**

There are numerous laws concerning piracy in Qatar. Those laws set out penalties to prevent piracy and armed robbery at sea. They include the following:

**Act No. 11 (2004) promulgating the Criminal Code**

1. Article 17 provides as follows: “The provisions of the present Act shall apply to anyone located in the State after committing abroad, as a perpetrator or accomplice, any offence of trafficking in drugs or persons, or any offence of piracy or international terrorism”.

2. Article 235 *bis*:

Any individual who commits any of the following acts of piracy shall be sentenced to life imprisonment:

1. Violence, detention or depredation, committed for private ends by the crew or the passengers of a ship or a private aircraft, and directed:
  - on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
2. Voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
3. inciting or intentionally facilitating an act described in in item 1 or 2 of the present article;

- Capital punishment shall apply if the act results in the death of one or more persons;
- A sentence of imprisonment for no more than five years shall apply if, after taking control of the ship or aircraft, the person spontaneously returns it to its legitimate captain or to the party legally entitled to control it, provided that the act has not resulted in damage to property on board the vehicle or in any harm to persons present on board.

*Article 235 bis 1*

Any individual who commits any of the following acts of armed robbery shall be sentenced to life imprisonment:

1. Violence, detention, depredation or the threat of depredation, committed for private ends and directed against another ship, or against persons or property on board such ship in the internal waters or territorial waters of the State;
2. Inciting or intentionally facilitating an act described in in item 1 of the present article;
  - Capital punishment shall apply if the act results in the death of one or more persons;
  - A sentence of imprisonment for no more than five years shall apply if, after taking control of the ship, the person spontaneously returns it to its legitimate captain or to the party legally entitled to control it, provided that the act has not resulted in damage to property on board the vehicle or in any harm to persons present on board.

**Act No. 12 (2019) concerning the maritime areas of the State of Qatar**

*Article 1*

For the purposes of the present Act, the following terms and expressions shall have the meanings set forth below unless the context requires otherwise (...):

The Convention: United Nations Convention on the Law of the Sea, 1982

*Article 6*

The sovereignty of the State shall extend, beyond its land territory and internal waters, to its territorial sea, its bed and subsoil, and the air space thereover.

The State shall exercise sovereignty over its territorial sea in accordance with the provisions of the present Act, the Convention and the other rules of international law.

*Article 7*

With due regard for the laws and regulations in force in the State, ships of all States shall enjoy the right of innocent passage through the territorial sea of the State. Such passage shall be continuous and expeditious, unless the conditions of ordinary navigation require stopping or anchoring.

Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with the Convention and with other rules of international law.

It shall not include the right to circle in the air space over the territorial waters.

*Article 11*

The flag State shall bear international responsibility for any loss or damage to the coastal State resulting from the non-compliance by a warship, submarine or other government ship operated for non-commercial purposes with the laws and regulations of the State concerning passage through the territorial sea or with the provisions of the Convention or other rules of international law.

*Article 17*

All foreign ships shall respect the rights of the State in its exclusive economic zone and comply with the laws of the State, the provisions of the Convention and any other rules of international law.

**Cabinet Decision No. 37 (2009) establishing the Standing Committee on the United Nations Convention on the Law of the Sea**

*Article 3*

The Committee shall have the following functions:

1. Advising the State on issues related to the United Nations Convention on the Law of the Sea and relevant international conventions;
2. Undertaking studies and field, technical and legal research connected with the application of the Convention;
3. Reviewing and examining the laws of the State in connection with the provisions of the Convention, assessing their compliance therewith, and making recommendations in that regard;
4. Proposing draft legislative tools and other means to effectively uphold the rights and obligations of the State under the Convention;
5. Participating in delegations representing the State in conferences and committees of the United Nations concerning the Convention, and in relevant committees.

**Question (b): The agreements entered into by States under which persons accused of piracy or armed robbery at sea are transferred with a view to prosecution**

1. Qatar became a party to the 1982 United Nations Convention on the Law of the Sea by virtue of Decree No. 41 (2003) ratifying the Convention.

*Article 100*

*Duty to cooperate in the repression of piracy* - All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

*Article 101*

*Definition of piracy*

Piracy consists of any of the following acts:

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

*Article 102*

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

*Article 103*

*Definition of a pirate ship or aircraft* – A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

*Article 104*

*Retention or loss of the nationality of a pirate ship or aircraft* – A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

*Article 105*

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

*Article 106*

*Liability for seizure without adequate grounds* – Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

*Article 107*

*Ships and aircraft which are entitled to seize on account of piracy* – A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

2. Qatar became a party to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation by virtue of Decree No. 2 (2009) approving the accession of Qatar to that Convention.

*Article 3*

1. Any person commits an offence if that person unlawfully and intentionally:
  - (a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
  - (b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
  - (c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or
  - (d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or
  - (e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or
  - (f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or
  - (g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f).
2. Any person also commits an offence if that person:
  - (a) attempts to commit any of the offences set forth in paragraph 1; or
  - (b) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
  - (c) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the ship in question.