

SINGAPORE'S WRITTEN COMMENTS IN RESPONSE TO THE UNITED NATIONS OFFICE OF LEGAL AFFAIRS NOTE VERBALE NO. LA/COD/74 ON "PREVENTION AND REPRESSION OF PIRACY AND ARMED ROBBERY AT SEA"

(a) Information and views concerning 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

Enclosed in Annex A are copies of: (i) the relevant provisions of Singapore's Penal Code 1871 ("PC 1871"), under which piracy by the law of nations and piratical acts are criminalised; and (ii) the relevant provision of Singapore's Supreme Court of Judicature Act 1969, which gives the General Division of the High Court of Singapore the jurisdiction to try the offence of piracy by the law of nations by any person on the high seas.

While there is no specific offence of armed robbery at sea (or armed robbery against ships, e.g. as defined in the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia ("ReCAAP Agreement")) under Singapore criminal law, elements of armed robbery at sea are criminalised under several offences. These include the offence of hijacking of ships under section 3 of Singapore's Maritime Offences Act 2003 ("MOA 2003"), and the offences of voluntarily causing hurt in committing robbery, and robbery when armed or with attempt to cause death or grievous hurt under sections 394 and 397 of the PC 1871 respectively (which extend to acts of robbery committed on board ships in Singapore waters). Enclosed in Annex B are a copy of the MOA 2003 and relevant extracts of the PC 1871.

Singapore cooperates with Indonesia, Malaysia and Thailand in the Malacca Straits Patrol ("MSP"), a set of practical co-operative measures to ensure the security of the Straits of Malacca and Singapore ("SOMS"). The navies of these countries regularly review ways of enhancing the MSP's effectiveness and strengthening operational cooperation in the SOMS to step up information-sharing and enforcement presence in the area. Singapore's Police Coast Guard has also established Memoranda of Understanding and administrative arrangements with the Indonesian Directorate General for Customs and Excise, and the Korean Coast Guard, for bilateral cooperation in areas such as information sharing, training, and the conduct of coordinated patrols within the agencies' respective jurisdictions.

Singapore has also contributed to the international counter-piracy efforts in the Gulf of Aden under Combined Task Force 151 ("CTF 151") since 2009. The Singapore Armed Forces have thus far deployed five task groups and taken command of the CTF 151 five times.

(b) Information and views concerning the agreements entered into by States under which persons accused of piracy or armed robbery at sea are transferred with a view to prosecution

Singapore has bilateral extradition treaties in force with Germany, the Hong Kong Special Administrative Region of the People's Republic of China and the US, and signed a bilateral extradition treaty with Indonesia, all of which permit the possible extradition of fugitives for the offence of piracy, as well as offences which may comprise elements of armed robbery at sea. Enclosed in Annex C are copies of the texts of these extradition treaties.

Singapore can also extradite fugitives under the London Scheme on Extradition within the Commonwealth. The Scheme does not specify piracy or armed robbery against ships as offences for which a person may be extradited. However, it is possible for piracy or armed robbery at sea (or in Singapore's case, offences which criminalise elements of armed robbery at sea) to come within the meaning of an extradition offence under the Scheme where both the requesting and requested countries make these offences punishable by imprisonment for two years or a greater penalty. This requirement of a minimum penalty of two years' imprisonment is satisfied for the Singapore offences of piracy by the law of nations and piratical acts, as well as the Singapore offences criminalising elements of armed robbery at sea identified above.

Finally, there are expedited extradition arrangements between Singapore and Malaysia under sections 32 to 39 of Singapore's Extradition Act 1968 ("EA 1968"). Warrants of arrest from Brunei Darussalam and Malaysia may also be executed or served in Singapore pursuant to a simplified procedure provided for in section 121 of Singapore's Criminal Procedure Code 2010 ("CPC 2010"). Enclosed in Annex D are copies of the relevant provisions of the EA 1968 and the CPC 2010.

(c) Information and views concerning the role of international, regional and subregional organizations regarding the prevention and repression of acts of piracy and armed robbery at sea

International, regional or subregional organizations can play a significant role in fostering inter-governmental cooperation in the prevention and repression of piracy and armed robbery at sea. Singapore is party to the ReCAAP Agreement, which establishes the ReCAAP Information Sharing Center (the "Center"), an international organization whose members are the Contracting Parties to the ReCAAP Agreement.

Under the ReCAAP Agreement, the Center is established to promote close cooperation among the Contracting Parties in preventing and suppressing piracy and armed robbery at sea, and has the functions of, amongst others, managing and maintaining the expeditious flow of information relating to incidents of piracy and armed robbery at sea among the Contracting Parties and providing appropriate alerts, whenever possible, to the Contracting Parties, if there is reasonable ground to believe that a threat of incidents of piracy or armed robbery at sea is imminent.

In 2009, the Republic of Singapore Navy also set up the Information Fusion Centre (“IFC”), a regional maritime security centre, which aims to provide actionable information to cue responses to deal with maritime security threats and incidents, including piracy and armed robbery at sea. The IFC also supports broader efforts to build regional capacity for maritime awareness, through the conduct of exercises, workshops and other training activities.

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