

Request Office of Legal Affairs of the United Nations concerning information and views to the topic « Prevention and repression of piracy and armed robbery at sea » (A/77/10, para. 244)

The Commission requested the Secretariat to contact States and relevant international organizations in order to obtain information and views concerning:

- (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;
- (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; and
- (c) the role of international, regional and subregional organizations regarding the prevention and repression of acts of piracy and armed robbery at sea.

a) Legislation, case law and practice

There is no specific legislation, case law or practice in Switzerland concerning piracy or armed robbery at sea.

b) Agreements with other States

Switzerland has several bi- or multilateral extradition agreements with other States. Older agreements, such as the agreement with Brasil (https://www.fedlex.admin.ch/eli/cc/50/162_166_178/de) name piracy specifically as a criminal offense covered by the extradition treaty. Later agreements no longer contain catalogs of offenses. Instead, it is provided that extradition will take place, if the offense in question is a common law offense punishable in Switzerland and for which a minimum sentence of imprisonment of usually one year is provided. Piracy or armed robbery at sea are not specifically named as a criminal offence by the Swiss Criminal Code. However, acts could be considered to fall under the legal provisions for hostage taking, homicide, etc.

c) Role of international, regional and subregional organizations

Switzerland, as a landlocked country, does not have any regional or subregional organizations that are specifically charged with the prevention and repression of acts of piracy or armed robbery at sea. Concerning ships that fly the swiss flag, measures are taken in regard to protect the vessel. Specific instructions are given to owners, operators and vessels to exercise due caution when operating in regions that are considered to have a high risk of piracy. These instructions are:

- Strictly adhere to the guidance of BMP.5 (Global Counter Piracy Guidance) and BMP West Africa and, consider also information by IMB;
- measures equivalent to MARSEC level 2 within the boundaries of N250 – N280 and E0540 – E0580 and S170 – N210 and E0080 – W0290;
- undertake a new risk assessment before entering these regions and consider alternative routes and/or the engagement of private armed security;
- keep close contact to local agents and other local Authorities to get reliable information about the situation and, consider also information on www.maritime.dot.gov;
- check regularly all communication systems and keep the AIS on;
- check all fire extinguishing equipment at increased intervals and lock all doors;

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- consider extra lookouts and 360 degree CCTV coverage;
- report any suspicious and irregular activity immediately to UKMTO, Ph: +44 239 2222 060.