



Deprivation of Liberty at Sea

INDEPENDENT INTERNATIONAL GUIDANCE
on Deprivation of Liberty at Sea by Shipmasters, Crew and/or
Privately Contracted Armed Security Personnel



NETwork of experts on the legal aspects of MARitime SAFETy and security - ISCH COST Action IS1105



Authors | David Hammond GDL & Dr. Anna Petrig LLM
Legal Research | Elisabeth Mavropoulou LLM
June 2015 | First Edition



HUMAN RIGHTS AT SEA

www.humanrightsatsea.org © 2015 Human Rights at Sea All Rights Reserved.



INDEX	PAGE
FOREWORD	1
I. INTRODUCTION	2
II. AUTHORISATION AND REQUIREMENTS FOR DEPRIVATION OF LIBERTY (Fundamental Rule 1)	3
III. LAWFUL DEPRIVATION OF LIBERTY IN RESPECT FOR HUMAN RIGHTS LAW (Fundamental Rule 2)	5
IV. CHECKLISTS FOR ACTORS INVOLVED IN DEPRIVATION OF LIBERTY	7
V. DEFINITIONS	15
VI. INTERNATIONAL INSTRUMENTS AND CASE LAW	16



FOREWORD

This Guidance, issued jointly by Human Rights at Sea ('HRAS') and the Network of Experts on the Legal Aspects of Maritime Safety and Security ('MARSAFENET') and financed through the European Union COST Action IS1105, is the first independently drafted international document covering Deprivation of Liberty ('DoL') by Shipmasters, crew and/or Privately Contracted Armed Security Personnel ('PCASP'). It is the result of in-depth research into the domestic and international legal frameworks governing deprivation of liberty on board private vessels. The Guidance, which complements existing guidelines on fair treatment of seafarers in the event of a maritime accident as adopted by the International Maritime Organization ('IMO'), aims to become a leading soft law instrument voluntarily applied by relevant actors in the maritime, fishing and security industries. The issue of DoL of criminal suspects by Shipmasters, crew and/or PCASP is highly topical: this is true for piracy prone areas but also for areas with large migration movements like the Mediterranean and the Andaman Sea, where chances are that Shipmasters or crew may be confronted with persons suspected of trafficking in human beings or other criminal offences.

OPERATIONAL USE

The Guidance is designed for operational use. It has been produced to work under a vessel's internal lighting and to be retained as an immediate reference guide on the bridge of any vessel.



I. INTRODUCTION

1. SCOPE

This Guidance ('the Guidance') covers the Deprivation of Liberty ('DoL') by the Shipmaster, by the crew and/or by Privately Contracted Armed Security Personnel ('PCASP') of persons suspected of having committed a criminal offence at sea, notably in immediate proximity to or on board a private vessel up until their handover to the competent authorities for further investigation, prosecution or release.

2. UNDERLYING PRINCIPLES

The Guidance is based on two underlying principles. First, human rights apply at sea as they do on land. Second, DoL is an exceptional measure since it interferes with the general right to liberty.

3. FUNDAMENTAL RULES

Based on these two underlying principles, the Guidance substantiates two fundamental rules:

FUNDAMENTAL RULE 1

Authorisation for DoL must pre-exist and its requirements must be fully met at the beginning and during the entire period of DoL. Shipmasters, crew and PCASP can only undertake acts relating to DoL where they are unequivocally authorised to do so by DoL law, and where all the requirements set forth in the respective authorisation are fully met at the beginning and during the entire period of DoL.

FUNDAMENTAL RULE 2

DoL must be lawful and comply with human rights law. Shipmasters, crew and PCASP must respect and apply the applicable domestic and international law governing DoL on board a private vessel, most notably the fundamental principles of relevant human rights law.

4. OBJECTIVES

The respect and application of these two fundamental rules by Shipmasters, crew and PCASP when undertaking acts relating to DoL contributes to achieving two objectives. First, that the human rights of criminal suspects at sea are safeguarded at all times. Second, that seafarers are not criminalised, or held liable in any other way, for acts relating to DoL.



II. AUTHORISATION AND REQUIREMENTS FOR DoL (Fundamental Rule 1)

5. RIGHT TO LIBERTY

The right to liberty of criminal suspects applies at sea as it does on land.

6. DEPRIVATION OF LIBERTY

The right to liberty is not absolute. In exceptional cases and in respect of the requirements and procedures set out in applicable domestic and international law, a criminal suspect may be deprived of his or her liberty.

7. ARREST AND DETENTION

a. By State authorities

As a general rule, only competent State authorities may deprive a criminal suspect of his or her liberty. This is generally referred to as 'arrest and detention'.

b. By private persons vested with law enforcement powers

Exceptionally, private persons are vested with, delegated or otherwise lawfully authorised by a State to exercise the law enforcement powers of arrest and detention.

8. PRIVATE ARREST AND DETENTION

a. By private persons not vested with law enforcement powers

Private persons not vested with the law enforcement powers of arrest and detention may exceptionally be allowed to deprive a criminal suspect of his or her liberty in their private capacity. This is generally referred to as 'private arrest and detention' or 'citizen's arrest'.

b. Legal basis for private arrest and detention

Whether a private person is authorised to engage in an act of private arrest and detention is governed by domestic and international law. While the approaches to private arrest and detention vary considerably between jurisdictions, three groups of rules authorising private arrest and detention can be distinguished:

i. Explicit rules on private arrest

Rules explicitly allowing for private persons to hold a criminal suspect up until his or her handover to the competent State authorities.

ii. Rules on self-defence

Rules of criminal law pertaining to self-defence or defence of third persons implicitly allowing for holding the attacker until his or her handover to the competent State authorities.

iii. Rules on handover of criminal suspects

Rules allowing for private persons to hand over criminal suspects, which imply that private persons may deprive a criminal suspect of his or her liberty up and until his or her handover to the competent State authorities (for example, Article 8 SUA Convention providing the Shipmaster with a right to delivery).



II. AUTHORISATION AND REQUIREMENTS FOR DoL (Fundamental Rule 1) cont/d

9. AUTHORISATION AND REQUIREMENTS

Private persons may only undertake acts relating to DoL where they are unequivocally authorised to do so by DoL law, and where all the requirements set forth in the respective authorisation are fully met at the beginning and during the entire period of DoL.

10. DEPRIVATION OF LIBERTY AUTHORISED BY A SHIPMASTER

a. **Authorisation**

A Shipmaster may only authorise and oversee the DoL of a criminal suspect by crew and/or PCASP where he or she is unequivocally authorised to do so by DoL law.

b. **Requirements**

For each act of DoL, the Shipmaster must ensure that the requirements set out in the applicable authorisation are fully met at the beginning and during the entire period of DoL.

c. **Consult authorising State**

Shipmasters must, where possible, consult with the competent authorities of the authorising State before authorising an act of DoL.

d. **Shipowner's legal advice and permission**

Shipmasters must, where possible, seek the legal advice and express permission of the shipowner to authorise and oversee acts relating to DoL.

e. **Shipmaster's ultimate responsibility**

The Shipmaster has the ultimate responsibility for the safety and security of the vessel under his or her command. This includes acts relating to DoL undertaken by crew and/or PCASP.

11. DEPRIVATION OF LIBERTY BY THE CREW

a. **Authorisation**

The crew can only deprive a criminal suspect of his or her liberty where they are unequivocally authorised to undertake this exceptional measure by the Shipmaster and by DoL law.

b. **Requirement**

For each act related to DoL, the crew must ensure, together with the Shipmaster, that the requirements set out in the applicable authorisation are met at the beginning and during the entire period of DoL.

c. **Respect Shipmaster's ultimate responsibility**

The crew must respect the Shipmaster's ultimate responsibility for the safety and security of the vessel under his or her command at all times, which includes acts relating to DoL undertaken by the crew.



II. AUTHORISATION AND REQUIREMENTS FOR DoL (Fundamental Rule 1) cont/d

12. DEPRIVATION OF LIBERTY BY PCASP

a. Authorisation

PCASP can only deprive a criminal suspect of his or her liberty where they are unequivocally authorised to undertake this exceptional measure by the Shipmaster and by DoL law.

b. Requirements

For each act of DoL, PCASP must ensure, together with the Shipmaster, that the requirements set out in the applicable authorisation are met at the beginning and during the entire period of DoL.

c. PMSC's legal advice and permission

PCASP must, where possible, seek the legal advice and express permission of Private Maritime Security Companies ('PMSCs') to undertake acts relating to DoL.

d. Respect Shipmaster's ultimate responsibility

PCASP must respect the Shipmaster's ultimate responsibility for the safety and security of the vessel under his or her command at all times, which includes acts relating to DoL undertaken by PCASP.

III. LAWFUL DoL IN RESPECT FOR HUMAN RIGHTS LAW (Fundamental Rule 2)

13. DEPRIVATION OF LIBERTY MUST BE LAWFUL

Shipmasters, crew and PCASP must respect and apply DoL law, most notably the fundamental principles of relevant human rights law when depriving a criminal suspect of his or her liberty.

14. RESPECT FOR HUMAN RIGHTS OF CRIMINAL SUSPECTS

a. Arrest and detention

Shipmasters, crew and PCASP vested with law enforcement powers to arrest and detain are under an obligation to respect and protect the human rights of criminal suspects deprived of their liberty on board a private vessel as set out in applicable international and domestic human rights law.

b. Private arrest and detention

Shipmasters, crew and PCASP undertaking private arrest and detention of criminal suspects on board a private vessel must be aware of and respect the fundamental principles of relevant human rights law.



III. LAWFUL DoL IN RESPECT FOR HUMAN RIGHTS LAW (Fundamental Rule 2) cont/d

15. SPECIFIC HUMAN RIGHTS TO BE RESPECTED

The human rights of criminal suspects deprived of their liberty on board a private vessel must be respected. They include, but are not limited to, the following:

a. Procedural safeguards

i. Arrest and detention

Criminal suspects arrested and detained on board a private vessel by persons vested with law enforcement powers must be granted the procedural safeguards as established by applicable international and domestic human rights law. These include, but are not limited to, the right to be informed about the reason for the arrest and continued detention, as well as about a possible surrender, and the rights to be brought promptly before a judge and to legal representation.

ii. Private arrest and detention

Shipmasters not vested with the law enforcement powers of arrest and detention must notably ensure that a criminal suspect deprived of his or her liberty is informed about the reasons of his or her private arrest, continued private detention and about a potential handover to the competent State authorities. Further, the Shipmaster must inform relevant authorities as soon as possible about the private arrest and detention and must organise and implement the handover of the criminal suspect to the competent State authorities without delay.

b. Treatment of criminal suspects

Shipmasters, crew and PCASP responsible for the supervision and handling of criminal suspects deprived of their liberty on board a private vessel must respect fundamental principles of relevant human rights which include, as a minimum, the following:

i. Humane treatment

They must treat criminal suspects with humanity and with respect for their inherent human dignity.

ii. Physical and moral integrity

They are prohibited from subjecting criminal suspects to torture or to cruel, inhuman or degrading treatment.

iii. Prohibition of discrimination

They are prohibited from discriminating against criminal suspects based on any ground whatsoever.



IV. MAIN ACTORS AND THEIR RESPONSIBILITIES

16. ENSURING APPLICATION OF FUNDAMENTAL RULES

In order to ensure the application of the two fundamental rules in relation to DoL on board private vessels, the responsibilities of the DoL actors in the maritime, fishing and security industries are set out below in the form of checklists.

17. MAIN ACTORS AND THEIR RESPONSIBILITIES

- a. The main actors involved in acts relating to DoL are:
 - i. Shipowners (as employers)
 - ii. Shipmasters
 - iii. Crew
 - iv. PMSCs (as employers)
 - v. PCASP
- b. The main actors' responsibilities are divided into two distinct stages:
 - i. Pre-transit planning and in-transit
 - ii. During and after DoL incidents



SHIPOWNERS' RESPONSIBILITIES

18. SHIPOWNERS' RESPONSIBILITIES

Shipowners' responsibilities in relation to DoL on board private vessels include, but are not limited to, the following:

PRE-TRANSIT PLANNING AND IN-TRANSIT

19. LEGAL FRAMEWORKS AND POLICY RELATING TO DoL ON BOARD PRIVATE VESSELS

- a. Responsibility to establish a DoL policy.
- b. Responsibility to set out to the Shipmaster, crew and PCASP the applicable DoL law and policy.
- c. Responsibility to ensure that an external auditing of the DoL policy is regularly undertaken and recorded.
- d. Responsibility to instruct the DoL law and policy.

20. RESPECT OF DoL LAW AND POLICY BY SHIPMASTER AND CREW

- a. Responsibility to ensure that the Shipmaster and crew understand and apply applicable DoL law and policy.
- b. Responsibility to ensure that the understanding and application of applicable DoL law and policy is a requirement for the Shipmaster's and crew's employment and maintenance of the employment contract.
- c. Responsibility to ensure that the Shipmaster and crew regularly undergo training and instruction on applicable DoL law and policy.
- d. Responsibility to monitor and ensure the Shipmaster's and crew's compliance with applicable DoL law and policy.
- e. Responsibility to establish a mechanism to confidentially report cases of non-compliance with applicable DoL law and policy directly to the shipowner without internal or external interference to that process.

21. INSURANCE

Responsibility to ensure that insurance cover is in place to protect against potential claims arising from instances of DoL.



SHIPOWNERS' RESPONSIBILITIES cont'd

DURING AND AFTER DoL INCIDENTS

22. SITUATIONS OF NON-COMPLIANCE WITH DoL LAW AND POLICY BY SHIPMASTERS, CREW AND/OR PCASP

- a. Responsibility to efficiently and effectively investigate and address reports of non-compliance with applicable DoL law and policy on board a private vessel in a transparent and lawful manner.
- b. Responsibility to take the necessary measures against Shipmaster, crew and/or PCASP for not complying with applicable DoL law and policy on board a private vessel, including informing the competent State authorities of the incident.

SHIPMASTERS' RESPONSIBILITIES

23. SHIPMASTERS' RESPONSIBILITIES

Shipmasters' responsibilities in relation to DoL on board private vessels include, but are not limited to, the following:

PRE-TRANSIT PLANNING AND IN-TRANSIT

24. RESPECT OF DoL LAW AND POLICY BY SHIPMASTER

- a. Responsibility to understand and apply applicable DoL law and policy.
- b. Responsibility to regularly undergo training and instruction on applicable DoL law and policy.

25. RESPECT OF DoL LAW AND POLICY BY CREW AND PCASP

- a. Responsibility to ensure that crew and PCASP embarked, or to be embarked, and who are authorised to undertake acts relating to DoL, understand and fully apply applicable DoL law and policy.
- b. Responsibility to ensure that crew and PCASP embarked, or to be embarked, and who are authorised to undertake acts relating to DoL, regularly undergo training and instruction on applicable DoL law and policy.



SHIPMASTERS' RESPONSIBILITIES cont'd

DURING AND AFTER DoL INCIDENTS

26. AUTHORISATION OF AND REQUIREMENTS FOR DoL (FUNDAMENTAL RULE 1)

- a. Responsibility to only authorise and oversee acts relating to DoL by crew and/or PCASP if unequivocally authorised to do so by applicable DoL law and policy.
- b. Responsibility to ensure that the requirements for DoL set out in the respective authorisation are fully met at the beginning and during the entire period of DoL.
- c. Right to decide not to authorise DoL of a criminal suspect if to do so would interfere with the safety and security of the ship.

27. RESPECT FOR DoL LAW AND HUMAN RIGHTS (FUNDAMENTAL RULE 2)

- a. Responsibility to ensure that DoL complies with applicable DoL law and policy, notably that procedural safeguards are granted and that the treatment of criminal suspects complies with human rights law.
- b. Responsibility not to commit, aid and abet, incite or participate in any form of human rights violation and to refrain from any abuse of criminal suspects.
- c. Responsibility to oversee, either directly or through the delegated authority of another officer, acts relating to DoL undertaken by crew and/or PCASP.
- d. Responsibility to prevent the human rights of criminal suspects from being violated or abused in any way whatsoever.
- e. Responsibility to immediately report to the shipowner and the flag State any alleged human rights violations or abuses, whether directly witnessed by the Shipmaster, or reported to him by any other person, including the criminal suspect, and to update the shipowner following due investigation by the Shipmaster.



PRIVATE MARITIME SECURITY COMPANIES' RESPONSIBILITIES

28. PRIVATE MARITIME SECURITY COMPANIES' (PMSCS) RESPONSIBILITIES

PMSCs' responsibilities in relation to DoL on board private vessels include, but are not limited to, the following:

PRE-TRANSIT PLANNING AND IN-TRANSIT

29. LEGAL FRAMEWORK AND POLICY RELATING TO DoL ON BOARD PRIVATE VESSELS

- a. Responsibility to set out to the PCASP the applicable DoL law.
- b. Responsibility to establish a DoL policy.
- c. Responsibility to ensure that an external auditing of the DoL policy is regularly undertaken and recorded.
- d. Responsibility to instruct the DoL law and policy.

30. RESPECT OF DoL LAW AND POLICY BY PCASP

- a. Responsibility to ensure that PCASP understand and apply applicable DoL law and policy.
- b. Responsibility to ensure that the understanding and application of applicable DoL law and policy is a requirement for PCASP employment and maintenance of the employment contract.
- c. Responsibility to ensure that PCASP regularly undergo training and instruction on applicable DoL
- d. Responsibility to monitor PCASP compliance with applicable DoL law and policy.
- e. Responsibility to establish a mechanism to confidentially report cases of non-compliance with applicable DoL law and policy directly to the PMSC without internal or external interference to that process.

31. INSURANCE

Responsibility to ensure that insurance cover is in place to protect against potential claims arising from instances of DoL.



DURING AND AFTER DoL INCIDENTS

32. SITUATIONS OF NON-COMPLIANCE WITH DoL LAW AND POLICY BY PCASP

- a. Responsibility to efficiently and effectively investigate and address reports of non-compliance with applicable DoL law and policy on board a private vessel in a transparent and lawful manner.
- b. Responsibility to take the necessary measures against PCASP for not complying with applicable DoL law and policy on board a private vessel, including informing the competent State authorities of the incident.

CREW'S RESPONSIBILITIES

33. CREW'S RESPONSIBILITIES

The crew's responsibilities in relation to DoL on board private vessels include, but are not limited to, the following:

PRE-TRANSIT PLANNING AND IN-TRANSIT

34. RESPECT FOR DoL LAW AND POLICY BY CREW

- a. Responsibility to understand and apply applicable DoL law and policy.
- b. Responsibility to regularly undergo training and instruction on applicable DoL law and policy.



CREW'S RESPONSIBILITIES cont'd

DURING AND AFTER DoL INCIDENTS

35. AUTHORISATION AND REQUIREMENTS FOR DoL (FUNDAMENTAL RULE 1)

- a. Responsibility to only undertake acts relating to DoL if authorised to do so by applicable DoL law and policy.
- b. Responsibility to ensure, together with the Shipmaster, that the requirements for DoL set out in the respective authorisation are fully met at the beginning and during the entire period of DoL.

36. RESPECT FOR DoL LAW AND HUMAN RIGHTS (FUNDAMENTAL RULE 2)

- a. Responsibility to ensure that DoL complies with applicable DoL law and policy, notably that procedural safeguards are granted and treatment of criminal suspects complies with human rights law.
- b. Responsibility not to commit, aid and abet, incite or participate in any form human rights violation and to refrain from any abuse of criminal suspects.
- c. Responsibility to prevent the human rights of criminal suspects from being violated or abused in any way whatsoever.
- d. Responsibility to immediately report to the Shipmaster all alleged human rights violations or abuses, whether directly witnessed by the crew, or reported to the crew by any other person, including the criminal suspect.

PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL'S RESPONSIBILITIES

37. PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL'S (PCASP) RESPONSIBILITIES

PCASP's responsibilities in relation to DOL on board private vessels include, but are not limited to, the following:



PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL'S RESPONSIBILITIES cont'd

PRE-TRANSIT PLANNING AND IN-TRANSIT

38. RESPECT OF DoL LAW AND POLICY BY PCASP

- a. Responsibility to understand and apply applicable DoL law and policy.
 - b. Responsibility to regularly undergo training and instruction on applicable DoL law and policy.
-

DURING AND AFTER DoL INCIDENTS

39. AUTHORISATION AND REQUIREMENTS FOR DoL (FUNDAMENTAL RULE 1)

- a. Responsibility to only undertake acts relating to DoL if authorised to do so by applicable DoL law and policy.
- b. Responsibility to ensure, together with the Shipmaster, that the requirements for DoL set out in the respective authorisation are fully met at the beginning and during the entire period of DoL.
- c. Right to decide not to undertake DoL despite being authorised to do so and all requirements of the respective authorisation being met, if to do so would interfere with the safety and security of the ship. The Shipmaster retains the ultimate responsibility for the safety and security of the ship.

40. RESPECT FOR DoL LAW AND HUMAN RIGHTS (FUNDAMENTAL RULE 2)

- a. Responsibility to ensure that DoL complies with applicable DoL law and policy, notably that procedural safeguards are granted and treatment of criminal suspects complies with human rights law.
- b. Responsibility not to commit, aid and abet, incite or participate in any form of human rights violation and to refrain from any abuse of criminal suspects.
- c. Responsibility to prevent the human rights of the criminal suspects deprived of his liberty from being violated or abused in any way whatsoever.
- d. Responsibility to immediately report to the Shipmaster any alleged human rights violations or abuses, whether directly witnessed by the PCASP, or reported to them by any other person, including the criminal suspect.
- e. Responsibility to report to the PMSC, as per Standing Operating Procedures, any alleged human rights violations or abuses, whether directly witnessed by the PCASP, or reported to them by any other person, including the criminal suspect.



V. DEFINITIONS

Arrest means the seizure of a person by a competent State authority or competent State official or a private person unequivocally vested with, delegated or otherwise lawfully authorised by a State to exercise this law enforcement power.

Competent authorities means State law enforcement, prosecutorial or judicial authorities concerned with implementing appropriate law enforcement measures.

Crew means officers and ratings.

Criminal offence means an illegal act or omission of any type entailing a penal sanction as defined by applicable international or domestic law.

Criminal suspect means an individual who is reasonably suspected of having been involved in the commission of a criminal offence.

Deprivation of Liberty (DoL) law means the applicable domestic and international law pertaining to DoL on board private vessels relating to the specific voyage and routing.

Deprivation of Liberty (DoL) policy means a company's human rights policy which explicitly addresses how DoL on board private vessels complies with applicable DoL law.

Deprivation of Liberty means the removal of a person's freedom of movement.

Detention means the keeping of an arrested person in custody by a competent State authority or competent State official or a private person unequivocally vested with, delegated or otherwise lawfully authorised by a State to exercise this law enforcement power.

Human rights mean all rights inherent to all human beings who are equally entitled to them without discrimination. These rights are all interrelated, interdependent and indivisible.

Private arrest and detention means the removal of a person's freedom of movement by a private person not possessing any law enforcement powers but authorised to do so by law.

Private Maritime Security Company (PMSC) means a private entity that employs contractors to provide both armed and unarmed security services on board a vessel for its protection against the perpetration of criminal offences.

Private vessel means every type of vessel that is not a warship or otherwise State owned.

Privately Contracted Armed Security Personnel (PCASP) means both armed and unarmed employees of a PMSC that are engaged in the provision of all services related to the protection of a vessel, crew and cargo.

Shipmaster means the master or captain of a private vessel.



VI. INTERNATIONAL INSTRUMENTS AND CASE LAW

1. The Universal Declaration of Human Rights (UDHR) 1948.
2. The International Covenant on Civil and Political Rights (ICCPR) 1966.
3. The Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment 1988.
4. The UN Guiding Principles on Business and Human Rights 2011.
5. United Nations Convention on the Law of the Sea (UNCLOS) 1982.
6. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) 1988.
7. International Ship and Port Facility Security (ISPS) Code 2004.
8. International Convention for the Safety of Life at Sea (SOLAS) 1974.
9. EU Port Security Directive – Directive 2005/65/EC.
10. ISO 28007-1:2015 Procedures for Private Maritime Security Companies (2015).
11. European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1953.
12. American Convention on Human Rights, Pact of San José 1978.
13. African Charter on Human and People's Rights, Banjul Charter 1986.
14. Arab Charter on Human Rights 2008.
15. Association of Southeast Asian Nations (ASEAN) Human Rights Declaration 2012.
16. The MV SAIGA (No.2) Case (*St. Vincent and the Grenadines v. Guinea*) 1 July 1999.
17. ECtHR, *Ali Samatar and Others v. France*, applications nos. 17110/10 and 17301/10 (4 December 2014).
18. ECtHR, *Hassan and Others v. France*, application nos. 46695/10 and 54588/10 (4 December 2014).
19. ECtHR, *Medvedyev and Others v. France*, application no. 3394/03 (29 March 2010).
20. ECtHR, *Rigopoulos v. Spain*, application no. 37388/97 (12 January 1999).





Deprivation of Liberty at Sea

INDEPENDENT INTERNATIONAL GUIDANCE

on Deprivation of Liberty at Sea by Shipmasters, Crew and/or
Privately Contracted Armed Security Personnel

Human Rights at Sea (HRAS) is a Registered Charity in England and Wales No. 1161673. The organisation has been independently developed for the benefit of the international community for matters and issues concerning human rights in the maritime environment. Its aim is to explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused. www.humanrightsatsea.org

MARSAFENET is the acronym for network of experts on the legal aspects of maritime safety and security. MARSAFENET (COST Action IS1105) brings together experts in international law of the sea in order to increase the knowledge on maritime security and safety and to develop a common conceptual and methodological framework with the goal of filling in legal gaps and transforming scientific results into normative and policy solutions. MARSAFENET focuses on urgent maritime matters in four areas: shipping and marine environmental protection, new developments of economic activities at sea, maritime international security and border surveillance and protection of fragile and semi enclosed seas. www.marsafenet.org

ISBN 978-0-9932680-1-4



HUMAN RIGHTS AT SEA

For further information please contact:

enquiries@humanrightsatsea.org

www.humanrightsatsea.org

Human Rights at Sea | Langstone Technology Park
Langstone Road | Havant | PO9 1SA | UK