

Note verbale from the Embassy of the Republic of Argentina to the United Kingdom, addressed to the Secretary-General, dated 6 February 2009

Ref. No.: ERUNI 72/09

The Embassy of the Republic of Argentina to the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretary-General of the International Maritime Organization and has pleasure in informing him of the following response by the Argentine authorities to IMO Circular letter No.2933:

a) The Republic of Argentina has incorporated piracy into its Penal Code as a legal category.

This crime is classified under section VII, "Crimes against Public Safety", chapter III, "Piracy", articles 198 and 199. The first of these articles defines punishable conduct, and the second aggravating circumstances.

The above-mentioned penal legislation is reproduced below:

### **"Chapter III – Piracy**

#### **Art. 198**

The punishment of between three and 15 years' confinement or imprisonment shall apply to anyone who:

- 1) either at sea or on navigable waterways, commits an act of plunder or violence against a ship or against persons or objects present on board, either without authorization from a belligerent power or in exceeding the limits of legitimately granted authorization;
- 2) commits an act of plunder or violence against an aircraft in flight, or against persons or objects present on board, either without authorization from a belligerent power or in exceeding the limits of legitimately granted authorization;
- 3) through violence, intimidation or deception, usurps the authority of a ship or aircraft with the aim of taking possession of it or making use of the objects or persons it carries;
- 4) in connivance with pirates, hands over to them a ship or aircraft, its cargo or the belongings of its passengers or crew;
- 5) with threats or violence, opposes the efforts of captain or crew to defend a ship or aircraft attacked by pirates;
- 6) for his own or other people's purposes equips a ship or aircraft for the purposes of piracy;
- 7) from the territory of the Republic, knowingly engages in dealings with pirates or provides them with assistance.

#### **Article 199**

If the acts of violence or hostility mentioned in the previous article entail the death of any person present on the attacked ship or aircraft, the punishment shall be between ten and 25 years' confinement or imprisonment.”

- b) The Argentine Republic is a Party to the United Nations Convention on the Law of the Sea (UNCLOS) which it approved by Law No. 24.543. This convention deals with piracy in articles 101 to 108 and 110.
- c) Argentina is also a Party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA Convention) and its Protocol for the Repression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, having approved the former by Law No.24.209 and the latter by Law No.25.771.

The Embassy of the Argentine Republic to the United Kingdom of Great Britain and Northern Ireland renews to the Secretary-General of the International Maritime Organization the assurance of its highest esteem.

(Seal of the embassy)

---