



LAW N^o 2022/017 OF 27 DEC 2022

RELATING TO THE SUPPRESSION OF PIRACY, TERRORISM AND
OFFENCES AGAINST THE SAFETY OF MARITIME NAVIGATION
AND PLATFORMS

*The Parliament deliberated and adopted,
the President of the Republic hereby
enacts the law set out below:*

CHAPTER I

GENERAL PROVISIONS

SECTION 1: (1) This bill relates to the suppression of piracy, terrorism and offences against the safety of maritime navigation and platforms.

(2) It also aims to suppress unlawful acts at sea and on waterways.

SECTION 2: For the purposes of this law and subsequent instruments, the following definitions shall apply:

(1) Ship: any type of sea-going vessel operating in a marine environment, particularly hydrofoils, hovercraft, submersible craft and floating craft. Fixed or floating platforms and floating river and lake vessels or buoyant apparatuses shall be considered as ships when they are used to commit any of the offences specified in this law;

(2) Piracy:

(a) Any illegal act of violence committed for private ends by the crew or passengers of a private ship and directed:

- on the high seas against another ship, persons or property in a place outside the jurisdiction of any State;
- against a ship, persons or property in a place outside the jurisdiction of any State.

(b) any act of voluntary participation in the use of a pirate ship, with full knowledge of the facts;

(c) any act of inciting or intentionally facilitating the commission of the acts set out in Subsections (a) and (b) above;

(3) Platform: an artificial island, facility or structure permanently attached to the seabed for exploration and/or exploitation of resources or other economic purposes.

CHAPTER II

OFFENCES AND PENALTIES

I- PIRACY

SECTION 3: (1) Whoever commits an act of piracy as defined in Section 2 above shall be punished with life imprisonment and/or with fine of from CFAF 20 000 000 (twenty million) to 200 000 000 (two hundred million).



(2) The provisions of Subsection (1) above shall apply to any warship or any ship assigned to a public service whose mutinous crew has surrendered.

II- OFFENCES AGAINST THE SAFETY OF MARITIME NAVIGATION

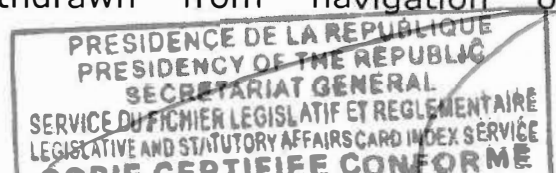
SECTION 4: (1) Whoever:

- (a)** seizes or exercises control over a ship by force or threat thereof;
- (b)** performs an act of violence against a person on board a ship, if that act is likely to endanger the safety of navigation or that ship;
- (c)** destroys a ship or causes damage to a ship or to its cargo which endangers or is likely to endanger the safety of navigation or that ship;
- (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 its cargo which endangers or is likely to endanger the safety of navigation or that ship;
- (e)** destroys or damages maritime navigation facilities or services or interferes with their operation, if any of such act is likely to endanger the safety of navigation;
- (f)** communicates false information likely to endanger the safe navigation of a ship;
- (g)** threatens or commits unlawful acts of interference against passengers, crew, ground staff or the public;
- (h)** manufactures or transports unmarked explosives, excluding military devices authorized under the Convention on the Marking of Plastic Explosives for the Purpose of Detention;
- (i)** commits an act that infringes maritime navigation safety regulations,

shall be punished with life imprisonment and/or with fine of from CFAF 20 000 000 (twenty million) to 200 000 000 (two hundred million).

(2) The provisions of this Section shall not apply to:

- (a)** warships;
- (b)** ships owned or operated by a State when used as naval auxiliary for customs, police or search purposes;
- (c)** ships that have been withdrawn from navigation or decommissioned.



III- OFFENCES AGAINST THE SAFETY OF PLATFORMS

SECTION 5: (1) Whoever:

- (a) by force or by threat of force seizes or exercises control over a platform;
- (b) destroys or causes damage to a platform where that damage is likely to endanger the safety of the platform;
- (c) commits an act of violence against a person on board a platform, if that act is likely to endanger the safety of the platform;
- (d) places or causes to be placed on a platform, by any means whatsoever, a device or substance which is likely to destroy or to compromise the safety of that platform;

shall be punished with life imprisonment and/or with fine of from CFAF 20 000 000 (twenty million) to 200 000 000 (two hundred million).

(2) The provisions of this section shall not apply to platforms or facilities used exclusively for military, customs or police purposes.

IV- ACTS OF TERRORISM ON BOARD SHIPS AND PLATFORMS

SECTION 6: Whoever unlawfully and intentionally:

- (a) uses on board, against or from a ship, weapons, explosives or biological, chemical or nuclear substances to intimidate or coerce the population or Governments;
- (b) takes hostages for the purpose of intimidating or coercing the population or Governments;
- (c) carries on board a ship the same weapons or substances for the same purpose of intimidation or coercion;
- (d) uses a ship for the purpose of causing casualties or serious damage;
- (e) knowingly transports on board a ship biological, chemical or nuclear weapons;
- (f) knowingly transports on board a ship substances intended to be used in the production of nuclear devices, without any agreement or control by the International Atomic Energy Agency;
- (g) knowingly transports on board a ship materials intended to be significantly used in the production of biological, chemical or nuclear weapons;



shall be punished with life imprisonment and/or with fine of from CFAF 20 000 000 (twenty million) to 200 000 000 (two hundred million).

V- ILLEGAL TRANSPORTATION OF MINORS

SECTION 7: (1) Whoever:

- (a) takes children below 18 (eighteen) years aboard a ship, either on his account or in order to hand them over to a third party, whether or not in return for payment, with the intent of exploiting them;
- (b) the captain or any other crew member who, with or without the captain's knowledge, takes on board the children referred to in Subsection 1 above, for the purposes of paedophilia, prostitution or enlistment;
- (c) knowingly takes on board or voluntarily participates in the transportation of children below 18 (eighteen) years;

shall be punished with imprisonment for 20 (twenty) years and/or with fine of from CFAF 10 000 000 (ten million) to 100 000 000 (one hundred million).

(2) In the event of conviction for one of the offences specified in Subsection 1 above, the competent court shall pronounce the forfeitures provided for in Section 30 of the Penal Code.

VI- POLLUTION OF WATER BODIES AND WATERWAYS

SECTION 8: (1) Whoever intentionally discharges noxious liquid substances in categories A, B, C and D, as defined by the International Convention for the Prevention of Pollution from Ships, into the sea and waterways shall be punished with life imprisonment and/or with fine of from CFAF 500 000 000 (five hundred million) to 2 500 000 000 (two billion five hundred million).

(2) The noxious liquid substances referred to in Subsection 1 above shall be those specified in Regulation 3 of Annex II to the International Convention for the Prevention of Pollution from Ships.

(3) The provisions of Subsection 1 above shall apply to noxious substances transported in packages, containers, portable tanks, trucks, tank wagons or any other means.



(4) The fine provided for in Subsection 1 above shall be doubled if the perpetrator continued to commit the offence despite being warned by the competent authority.

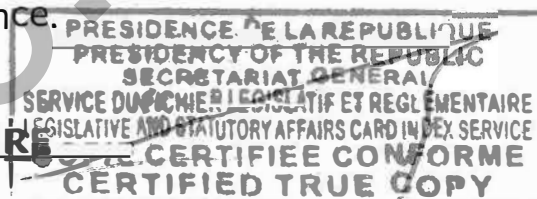
VII- UNAUTHORIZED BROADCASTS

SECTION 9: Whoever illegally transmits by radio, television or any other means of broadcasting from a ship or a fixed or mobile facility on the high seas, in violation of international regulations relating to the distribution of frequencies, in order to undermine State security, shall be punished with life imprisonment and/or with fine of from CFAF 200 000 000 (two hundred million) to 500 000 000 (five hundred million).

VIII- FINANCING

SECTION 10: Whoever, by any means whatsoever, finances or participates in the financing of any of the offences specified in this law shall face the same penalty applied to that offence.

CHAPTER III **APPLICABLE PROCEDURE**



SECTION 11: (1) Without prejudice to the prerogatives granted by the Criminal Procedure Code to judicial police officers with general jurisdiction, maritime affairs administrators, maritime navigation inspectors, environment inspectors, customs officers and Navy officers, who have taken an oath shall have, at sea, the status of judicial police officers with special jurisdiction, to establish the offences specified in this law, to divert, board, seize and detain suspects until they dock.

(2) Notwithstanding the provisions of Subsection 1 above, third-category forces may, as a special measure, carry out judicial police activities and under the same conditions when they intervene on water bodies.

(3) After intervening at sea the officers referred to in Subsections 1 and 2 above shall refer the matter to judicial police officers with general jurisdiction upon docking.

(4) The reports prepared by the judicial police officers referred to in Subsection 1 above shall be considered authoritative until they are proven to be false. Reports on offences committed on board ships shall be submitted to the competent Maritime Authority which may refer the matter to the competent State Prosecutor or State Counsel, or forward the report to the flag State's Maritime Authority, as necessary.

SECTION 12: Navy officers shall take the following oath before the Military Tribunal:

"I, [full name], Judicial Police Officer, swear that I will discharge my duties with dignity, loyalty, probity and humanity and that I will comply with the laws and regulations of the Republic".

SECTION 13: (1) The offences specified in this law shall fall within the jurisdiction of the Military Tribunal.

(2) Minors under the age of eighteen who commit, co-commit, or assist in the commission of the offences specified in this law shall be subject to the jurisdiction of the Court of First Instance, notwithstanding the material jurisdiction of the said Court.

SECTION 14: The prosecution of the offences specified in this law, as well as the sentences pronounced against the perpetrators shall be indefeasible.

SECTION 15: Whoever conspires with another to commit one or more of the offences referred to in this law, and before any commencement of its execution:

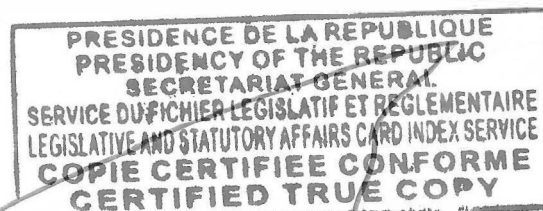
- (a) informs the administrative, judicial or military authorities;
- (b) helps to prevent the commission of the offence by any means;
- (c) helps to identify the co-perpetrators or accomplices;

shall be exempt from prosecution.

SECTION 16: Whoever, as a perpetrator or accomplice to the offences specified in Sections 3, 4, 5 and 6 of this law, helps to interrupt the commission of the offence or prevent it from resulting in death, injury or damage to property shall be punished with imprisonment for from 5 (five) to 15 (fifteen) years.

CHAPTER IV **FINAL PROVISIONS**

SECTION 17: (1) The provisions of the Penal Code, the Criminal Procedure Code and the Code of Military Justice that are not contrary to this law shall remain applicable.



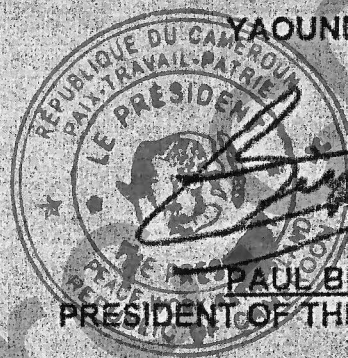
(2) The provisions of the Penal Code relating to conspiracy, attempt, co-action and complicity shall apply to natural and legal persons for the offences specified in this law.

(3) Notwithstanding the penalties provided for by this law, one of the accessory penalties provided for by the Penal Code may also be imposed on the natural and legal persons involved.

(4) In the event of mitigating circumstances, a stay of execution shall not be admissible.

SECTION 18: This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in French and English./-

PRESIDENCE DE LA REPUBLIQUE
PRESIDENCY OF THE REPUBLIC
SECRETARIAT GENERAL
SERVICE DU FICHIER LEGISLATIF ET REGLEMENTAIRE
LEGISLATIVE AND STATUTORY AFFAIRS CARD INDEX SERVICE
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YAOUNDE, 27 DEC 2022

PAUL BIYA
PRESIDENT OF THE REPUBLIC