

Headlines: Court – charge of piracy dismissed; USCG – update of ports information matrix; USCG – proposal to increase Great Lakes Pilotage Rates; DOC – trade mission to the Port of Veracruz; LMRWSAC – meeting; Canada – examining and processing of irregular migrants; New Zealand – three missing after trawler sinks; Panama Canal – slight decline in usage; and Indonesia – three pirate attacks.

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Bryant's Maritime News

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Note: This newsletter is one section of the [Bryant's Maritime Consulting](http://brymar-consulting.com) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](mailto:dennis.l.bryant@gmail.com) directly. Much of the highlighted text in this newsletter constitutes links to Internet sites providing more detailed information. Links on this page may be in PDF format, requiring use of Adobe Acrobat Reader. Comments on these postings are encouraged and may be made by email to the editor or by going to the blog page on the website and clicking the envelope that appears at the end of each posting. Be aware that the daily newsletter is a single posting, even though it contains a number of individual items. Please avoid interrupting me with facts.

Court – charge of piracy dismissed



The US District Court for the Eastern District of Virginia granted a defense motion and dismissed the charge of piracy that had been filed against six young Somali men for an April 10 attack on the *USS Ashland* (LSD-48). [United States v. Said](#), No. 2:10cr57 (E.D. Va., August 17, 2010). As noted in the US Department of Justice [news release](#) of April 23, the six (along with five others charged in a March 31 attack on the *USS Nicholas*) were indicted by a federal grand jury for engaging in piracy, attack to plunder a vessel, assault with a dangerous weapon, conspiracy to use firearms during a crime of violence, and use of a firearm during a crime of violence. The court's ruling only dismisses the charge of piracy. The other charges (carrying a total maximum sentence of 50 years imprisonment) are undisturbed by this ruling. *Note: Having followed this case mostly through press reports, I was at first incredulous when I heard of the court's action here. After reading the decision and carefully studying the pertinent statutes, I am now of the opinion that the judge is correct. The piracy statute, as enacted by Congress, is vaguely worded. The only prior decision on*

this point (written by the US Supreme Court in 1820) reaches the same basic conclusion. International law on this point is inconsistent. Most telling is that Congress later adopted a statute establishing the crime of attack to plunder a vessel. This crime, which carries a maximum sentence of 10 years imprisonment, makes it a crime to launch (attempt) a piratical attack on a vessel on the high seas. This is very similar to the approach taken in the Criminal Code chapter on homicide, where murder carries a sentence of life imprisonment and attempted murder (a separate crime) carries a sentence of 20 years imprisonment.

USCG – update of ports information matrix



Without much fanfare, the US Coast Guard issued an updated version of its **Ports Information Matrix**, listing the various requirements imposed by foreign nations on entry into their ports of ships carrying weapons for use in self-defense against pirate attacks. (8/9/10). Note: This item was brought to my attention by my good friend John Bennett of **Maritime Protective Services**.

USCG – proposal to increase Great Lakes Pilotage Rates



The US Coast Guard proposes to increase the rates for pilotage on the Great Lakes by an average of approximately 4% to generate sufficient revenue to cover allowable expenses, target pilot compensation, and return on investment. Comments on the proposal should be submitted by September 20. **75 Fed. Reg. 51191** (August 19, 2010).

DOC – trade mission to the Port of Veracruz



The US Department of Commerce (DOC) is organizing an executive-led trade mission to the Port of Veracruz, Mexico for December 6-9. Applications for participation in the trade mission must be received by October 15. **75 Fed. Reg. 51243** (August 19, 2010).

LMRWSAC – meeting



The Lower Mississippi River Waterway Safety Advisory Committee (LMRWSAC), sponsored by the US Coast Guard, will meet in New Orleans on September 23. **75 Fed. Reg. 51097** (August 18, 2010).

Canada – examining and processing of irregular migrants



The Canada Border Services Agency (CBSA) issued a **media release** stating that it is examining and processing the 492 irregular migrants who entered Canada on the MV Sun Sea. The individuals have been transferred to appropriate

accommodations and detention facilities while more detailed examinations are conducted to determine admissibility. (8/16/10).

New Zealand – three missing after trawler sinks



Maritime New Zealand issued a **media release** stating that search has been suspended of the Southern Ocean for three men missing after the sinking of a fishing trawler. Of the 51 crew, 45 have been rescued and three bodies have been recovered. (8/18/10).

Panama Canal – slight decline in usage



The Panama Canal Authority issued a **press release** stating that total Canal transits for the period April through June 2010 declined 2.8% compared with the same period in 2009. Tonnage declined by 3.5%. (8/17/10).

Indonesia – three pirate attacks



The ReCAAP Information Sharing Centre issued an **Incident Alert** stating that it received reports of three incidents of sea piracy in waters off Pulau Mangkai, Indonesia during the two-day period of 16-17 August. All three incidents involved pirates boarding at night while the vessel was underway. In one incident, the alarm was raised and the pirates departed empty-handed. In the other two incidents, the robbers tied up some of the crew before escaping with cash and personal belongings. (8/18/10).

If you have questions regarding the above items, please contact the editor:

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