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# **RULES ON THE USE OF FORCE**

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| <b>Rules on the Use of Force</b> | Rules on the Use of Force   |
| <b>Document Ref</b>              | SM/OPS/PRO/001  |
| <b>ISO Standard</b>              | ISO 28007:2015 / ISO 18788:2015 / ISO 28000:2022                    |
| <b>ISO Clauses</b>               | 28007: 4.4 / 18788: A.4.4 / 28000: 8.3                              |
| <b>Version</b>                   | 1.0   |
| <b>Classification</b>            | Internal  |
| <b>Effective Date</b>            | 2 April 2026  |
| <b>Review Date</b>               | 2 April 2027  |
| <b>Approved By</b>               | Darren Watts, Group Compliance Director<br>Pavel Shparber, CEO      |
| <b>Supersedes</b>                | SMS/SOP/IO/001 – reformatted and migrated to new referencing system |

## 1. INTRODUCTION

Seagull Maritime employ Standard Operating Procedures (SOPs) to ensure that all our armed maritime security Operators (also referred to as 'MSOs') conduct their duties to the highest personal and professional standards. Notwithstanding current Best Management Practice, from time to time, there are circumstances that necessitate the employment of armed maritime security guards to impose effective protective security.

It is always assumed that vessel owners will not deploy armed guards without carrying out a detailed risk assessment and that vessel owners are aware that the deployment of armed guards is an additional layer of protection and not an alternative to the implementation of current Best Management Practice.

An armed response is only used in the most extreme of circumstances, where there is an imminent threat to life. The policy and procedures outlined within this document demonstrate the importance Seagull Maritime place on this capability and the mitigating measures that we put in place to avoid uncontrolled discharge of a weapon and ensure that any armed response is proportionate, legal, accountable and necessary in all the circumstances.

## PART A – LAWS AND REGULATIONS

### Governing Regulations

- A-1** Any armed contractor being engaged (PCASP) by Seagull Maritime will operate in strict accordance with all applicable national and international laws and regulations, including the Controls, Codes and Protocols Governing the Use of Armed Force at Sea (see Annex A).

## PART B – PRINCIPLES

### Use of Force Principles List B1 – Use of Armed Force at Sea

- B-1** The following Principles apply to the use of armed force at sea:

#### Principle One: Master's Authority

At all times the Master shall retain the ultimate control and responsibility for the safety and security of the Vessel and the rules set out in this RUF shall always be subject to the Master's ultimate authority which may be exercised by the Master in his discretion at any time.

Notwithstanding any other statement in this document, in the event the Team Leader has decided there is an actual, perceived or threatened attack the Team Leader shall advise the Master, or in his absence the officer of the watch, that he intends to invoke the RUF. The Master of the vessel shall at all times have overall control of the vessel and any decisions made by the Master shall be binding. However, notwithstanding the aforementioned, each security personnel will always have an individual right of self-defence in accordance with the applicable national law.

#### Principle Two: Armed Force as a Last Resort

All reasonable steps must be taken to avoid the use of armed force. Armed force may only ever be employed following a graduated response escalation unless to do so would further endanger life.

#### Principle Three: Proportionality

Any use of armed force must be appropriate to the situation and proportionate to the threat; the use of excessive force must be avoided.

#### Principle Four: Deployment

Armed force must not be used except in self-defence or defence of others against a grave threat of death or serious injury, and only when there is no other way to prevent the threat.

#### Principle Five: Regulatory Compliance

At all times Seagull Maritime shall be in a position to demonstrate that our personnel, weapons, ammunition and equipment are ethical and comply with all national and international obligations applicable to regular law enforcement officials of the state of registration of the vessel and, as a minimum, with the standards expressed in Annex A.

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Relevant documentation proving weapons authorisation will be carried by Seagull Maritime Privately Contracted Armed Security Personnel (PCASP) at all times.

## **Principle Six: Legal Compliance**

Seagull Maritime PCASP must cooperate and always comply with the relevant internationally recognised laws, jurisdictions and their territorial laws and procedures.

## **Principle Seven: Reporting and Transparency**

Seagull Maritime's Security Operations Centre will report at the earliest opportunity all incidents involving armed force to the vessel's Company Security Officer (CSO) and any other members of the vessel's General Management team as nominated to Seagull Maritime prior to an armed transit being embarked. All orders and actions shall be recorded and included in written reports.

## **Use Of Force Principles List B2 – Apprehension and Treatment of Attackers**

**B-2** The following Principles apply to the apprehension and treatment of attackers at sea:

### **Principle Eight: Apprehension in Self-Defence**

No person will be apprehended unless in self-defence, or the defence of others, against an imminent threat of violence, or following an attack or crime committed by such persons against vessel crew members or embarked Seagull Maritime PCASP.

### **Principle Nine: Repatriation**

Any person apprehended in international waters will be repatriated to a Competent Authority at the earliest opportunity; the apprehension must be consistent with applicable national and international law.

Seagull Maritime's Security Operations Centre will report at the earliest opportunity all such incidents to the vessel's Company Security Officer (CSO) and any other members of the vessel's General Management team as nominated to Seagull Maritime prior to an armed transit being embarked.

### **Principle Ten: Treatment of Detainees**

Any persons so apprehended will be treated humanely and consistent with their status and protections under applicable human rights law or international humanitarian law, including prohibitions on torture or other cruel, inhuman or degrading treatment or punishment. There are no justifications for engaging in torture or other cruel, inhuman or degrading treatment or punishment – this is without exception.

### **Principle Eleven: Reporting and Transparency**

Any personnel, either vessel crew member or Seagull Maritime PCASP, must report any acts of torture or other cruel, inhuman or degrading treatment or punishment, known to them, or of which they have reasonable suspicion.

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Seagull Maritime's Security Operations Centre will report at the earliest opportunity all such incidents to the vessel's Company Security Officer (CSO) and any other members of the vessel's General Management team as nominated to Seagull Maritime prior to an armed transit being embarked.

## **Principle Twelve: Treatment of Casualties**

Any person who is injured and/or incapacitated (i.e. poses no further threat), must be treated medically to the best ability of the persons present, (be they vessel crew members or Seagull Maritime Team Members). The casualty(ies) should then be repatriated in accordance with Principle Nine.

Seagull Maritime's Security Operations Centre will report at the earliest opportunity all such incidents to the vessel's Company Security Officer (CSO) and any other members of the vessel's General Management team as nominated to Seagull Maritime prior to an armed transit being embarked.

## **Principle Thirteen: Handling Fatalities**

All reasonable attempts must be made to collate evidence if a fatality occurs.

If a crew or PCASP fatality occurs, the casualty will be handled in accordance with company standing instructions.

If an attacker fatality occurs, the body will be treated appropriately and repatriated in accordance with Principle Nine.

Seagull Maritime's Security Operations Centre will report at the earliest opportunity all such incidents to the vessel's Company Security Officer (CSO) and any other members of the vessel's General Management team as nominated to Seagull Maritime prior to an armed transit being embarked.

## PART C – IMPLEMENTATION

### Implementation of Use of Force Principles

- C-1** Wherever use of force is deployed, all reasonable and practical measures must be taken to ensure that the following principles are adhered to: The safety of all personnel is paramount.
- a. Minimise collateral damage and injury, respect human life.
  - b. Respect human rights, especially the Voluntary Principles on Security and Human Rights (VPSHRs).
  - c. Consistent with applicable legal principles.
  - d. Always consider alternatives to use of force.

All use of force decisions and actions must be consistent with the Voluntary Principles on Security and Human Rights (VPSHRs) and the International Code of Conduct for Private Security Service Providers (ICoC). Personnel are required to complete VPSHR awareness training prior to deployment.

### Threat Assessment and Escalated Response

- C-2** No armed force may be used unless a justifiable and imminent threat exists to warrant such a response. Any response must be reasonable in intensity, duration and magnitude relative to the perceived or demonstrated threat based on all the facts known at the time. The level of force used must be limited to that which is reasonably necessary to counter the threat.
- C-3** Any armed response must cease immediately when it becomes clear that the threat no longer justifies continued armed action, as advised by the Seagull Maritime PCASP Team Leader [1] who orders the cessation of all firing.

**[1]** *All orders, instructions or direction emanating from the Seagull Maritime Team Leader assume, and are predicated on, his availability to deliver such orders. If he is unavailable such that orders (e.g. to open fire or cease firing) cannot be issued by him, the Seagull Maritime Team Member nominated as his Second-in-Command (2IC) or any other Seagull Maritime Team Member, may act in his stead, on the condition that all such orders or instructions, (including for the avoidance of any doubt, those of the Team Leader himself), are in strict compliance with the Rules on the Use of Force (RUF) at Form 1 and the rules and guidance laid down in this document.*

## PART D – RULES ON THE USE OF FORCE FOR INDIVIDUALS AUTHORISED TO CARRY FIREARMS

### Rules Concerning Weapon States (The Status of Weapons and Ammunition) On Board

**D1** For the purposes of deploying armed support for a client vessel by a Seagull Maritime PCASP Team, there are 3 weapon states:

| Weapon State         | Definition   |
|----------------------|--|
| WEAPONS <b>TIGHT</b> | All weapons, ammunition, ancillaries, equipment securely locked in cabinet/locker/container/weapons bag. Access strictly subject to Master and Team Leader permission. Magazines de-charged at end of transit when vessel alongside.   |
| WEAPONS <b>HOLD</b>  | Weapons and ammunition deployed and issued to Team Members (Form 4). Firearms always carried UNLOADED (no magazine fitted, no ammunition in weapon). Ammunition carried in magazine or on person. Safety-catches applied unless about to fire. NOTE: Seagull Maritime owns no firearms without safety-catch. |
| WEAPONS <b>FREE</b>  | Authority to fire given by Team Leader. Weapons operated within strict RUF confines. All recording devices activated. Team Leader returns to WEAPONS HOLD as soon as possible. Unloading supervised by Team Leader.  |

### Rules Concerning Stowage of Weapons and Ammunition on Board

**D-2** Weapons and ammunition will be stowed in weapons bags in a secured cabinet or facility (i.e. Weapons **TIGHT**). At an appropriate point once, the vessel has departed a port and moved beyond national waters (i.e. 12nm), but immediately before entry into the designated high risk area (HRA), if required, and with the written permission of the Master, weapons and ammunition may be released from storage and issued to the Seagull Maritime Team Members under the supervision of the Team Leader (i.e. move from Weapons **TIGHT** to Weapons **HOLD**) (see Form 4).

NOTE: Weapons and ammunition should only be moved from Weapons **TIGHT** to Weapons **HOLD** if there is a clear and credible threat on the transit route. Otherwise Weapons **TIGHT** should be observed.

These Rules on the Use of Force remain in force for the duration of the passage within the HRA (as designated by the International Maritime Organisation (IMO)).

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- D-3** On existing the designated HRA, weapons and ammunition are always to be returned to secure stowage (Weapons **TIGHT**).
- D-4** All weapons, ammunition and specialist items of equipment (i.e. radios and night vision devices) are to be issued and signed for under the supervision of the Seagull Maritime Team Leader. Once issued, the Team Leader will be accountable for the maintenance of a strict status log of all weapons, ammunition and equipment which must be mustered and accounted for in writing, by named individuals, at least once in every 24-hour period (see Form 2).
- D-5** The release and re-stowage of weapons and ammunition is to be logged and recorded in writing and signed / counter-signed by both the Seagull Maritime Team Leader and the Master (see Form 4).

## Rules Concerning the Decision to Open Fire

- D-6** Once in the Weapons **HOLD** state, the Seagull Maritime Team Leader will have the discretion to order the Seagull Maritime Team to conduct such measures, up to and including the use of lethal force in self-defence or the defence of others against a grave threat of death or serious injury, and only when there is no other way to prevent the threat (escalation from Weapons **HOLD** to Weapons **FREE**).

Prior to operation of weapons by Seagull Maritime Team Members, it is critical that the Team Leader (and in his absence or unavailability, his 2IC or the individual Team Members) assesses any potential attack scenario to ascertain the intent of the attackers. It is only when, in his professional judgement, he is convinced of the attackers' intent to threaten life or serious injury that he may then authorise Team Members to operate their weapons in strict accordance with the RUF in Form 1.

As soon as is practically possible, the Team Leader is to submit a written report to the Master and Seagull Maritime Operations explaining his actions, augmented by statements from other Team Members if required. This statement must explain unequivocally why the action was taken.

## Rules of Proportionality

- D-7** The armed response must be measured and proportional to the attack it is designed to counter (see Form 1). Specifically:
  - a. Armed force must only be used as a last resort.
  - b. Only the minimum armed force necessary may be used.
  - c. Armed force may only be used in self-defence or the defence of others against a grave threat of death or serious injury, and only when there is no other way to prevent the threat.

## Rules On Issuing a Challenge or Warning

**D-8** A challenge - or warning - must be issued when a suspected attacker is approaching the vessel unless to do so would further endanger life, or where crew members, Seagull Maritime Team Members or others in the immediate vicinity are under armed attack and there is no other way to prevent the danger. Whilst the response escalation framework below gives a guide as to how the Team Members should respond to an attack scenario, if they are fired upon at any range, they may return fire in strict accordance with the RUF at Form 1.

**400m:** At a range of approximately 400 metres from the vessel, weapons are to be held in plain view by the Seagull Maritime Team Members where deemed safe to do so. This is to indicate clearly to any potential attackers that the personnel on board are armed.

**300m:** At approximately 300 metres, the Team Members may fire an aimed volley of approximately 2-3 single warning shots in the vicinity of the incoming skiff(s) (without targeting individual attackers) and remain with their weapons on aim. Shots should be aimed into the water at a safe distance from the incoming vessels to minimise the risk of harm.

**200m:** At approximately 200 metres from the vessel the Team Members may seek to disable the attacking craft's engines using all proportionate means, if in their professional judgement they can do so without any undue risk of unintentionally shooting any personnel in the craft.

**100m:** At approximately 100 metres from the vessel, the Team Members issue a verbal challenge by shouting, "stop or I fire" or words to that effect.

NOTE: The above is an ideal "best case" scenario, the Seagull Maritime Security Team Leader and Team Members should use their best efforts, judgement of the situation and skill set to respond at the appropriate distances where applicable.

## Rules Concerning the Application of Lethal Force

**D-9** If the above measures all fail and the attackers are in close proximity to the principal vessel; are attempting to board or have boarded the vessel; and/or are firing upon the crew or Seagull Maritime Team Members; are aiming or launching an RPG, the Team Members may open fire in self-defence or the defence of others against a grave threat of death or serious injury, and only when there is no other way to prevent the threat. As per the Master's ultimate authority he can order a ceasefire. However, this does not affect an individual's inherent right to self-defence.

**D-10** If Seagull Maritime Team Members open fire, they must:

- a. Fire only aimed shots.
- b. Fire no more rounds than are necessary.
- c. Take all reasonable precautions not to injure anyone other than their target.
- d. Cease firing as soon as the threat to life or serious injury has itself ceased.
- e. Have due regard for the safety of the principal vessel and the containment of hydrocarbons.

## Rules to be Applied Post-Opening Fire

- D-11** If, during an armed attack, members of the attacking force are killed or injured, or their craft or vessels become damaged or destroyed, the Master may direct the following actions in consultation with the Seagull Maritime Team Leader that the threat no longer exists:
- a. The deploying of a life-raft and survival equipment for the use of any survivors.
  - b. Contact the UKMTO and MSCIO with coordinates and details of the incident.
  - c. Await instructions from the UKMTO to assist in a rescue operation of any injured persons under SOLAS regulations (though this is at the Master's discretion).

- D-12** After opening fire, any use of firearms must be fully investigated and reported by the Seagull Maritime Team Leader to the Seagull Maritime Security Operations Centre, who in turn without delay, will inform the vessel's CSO and any other members of the vessel's General Management team as nominated to Seagull Maritime prior to an armed transit being embarked

These reports must, as a minimum, cover the following (see Form 5):

- a. An accurate written account by the Team Leader of the incident and the Seagull Maritime Team's response. This should be augmented with photographic and other supporting information (including video / CCTV records if available, and written statements by other Team Members or crew members if applicable). It must record locations of all Team Members and their respective actions. All relevant recording media (e.g. digital Dictaphones) are to be carried by each of the Team Members and activated if a suspicious vessel is sighted (Weapons **FREE**); these are to be collected, and the information downloaded and saved on at least two separate devices.
- b. Details of any firers, any weapons fired, and all ammunition expended.
- c. Details of any first aid administered.
- d. Details of any apprehensions made.
- e. Any follow-up action or intentions of the team.

You can send an immediate incident alert via the Seagull Safety Reporting App at [learn.seagullmaritimeltd.com](http://learn.seagullmaritimeltd.com) if accessible. This does not remove the above reporting requirements.

## PART E – DOCUMENTATION

### **E-1 Form 1 – RUF Card**

Must be carried by all PCASP whilst onboard client vessel.

Contains Guidance for Opening Fire.

### **E-2 Form 2 – Statement of Understanding and Compliance (Team Members)**

Signed by all PCASP before entering HRA and/or when weapons moved to WEAPONS HOLD.

Acknowledges understanding of RUF document.

Lists personal weapon details, ammunition issued, recording equipment.

### **E-3 Form 3 – Statement of Understanding and Compliance (Master/OOW)**

Signed by Master and all OOWs.

Acknowledges understanding of RUF document.

Acknowledges Team Member accountability (NOT Master/OOW).

### **E-4 Form 4 – Authorisation to Release Weapons**

Completed before entering HRA.

Master authorises Team Leader (Weapons HOLD and Weapons FREE).

Authorisation reversed on HRA exit or when no threat recognised.

### **E-5 Form 5 – Incident Report**

Completed after armed incident.

Sections for: report author details, description of incident, weapon details, casualties on principal vessel, casualties amongst attackers, apprehensions, evidence collated, potential for adverse media reporting, and future intentions.

## ANNEX A – CONTROLS, LAWS AND PROTOCOLS GOVERNING USE OF ARMED FORCE AT SEA

### A. Seagull Maritime Management System and SOP Control Framework

Accountabilities allocated to specific posts. Requirement for: Security Plans, Operational Procedures, Risk Assessments. Review of Security Threat Levels. Execution of Risk Management Plan.

Apply the Voluntary Principles on Security and Human Rights (VPSHRs).

### B. Voluntary Principles on Security and Human Rights (VPSHRs)

Governments, companies and NGOs in dialogue on security and human rights. Security is a fundamental need. Governments have primary responsibility to promote and protect human rights. Companies act consistent with laws of countries where present. Importance of engaging civil society and host/home governments. Sharing best security practices and procedures.

Seagull Maritime is committed to upholding the VPSHRs across all operations. All PCASP receive VPSHR awareness training as part of their pre-deployment preparation. VPSHR compliance is monitored through the company's internal audit programme and reported as part of the management review process.

### C. UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials (1990)

Keep ethical issues under constant review. Develop broad range of means for differentiated use of force/firearms. Apply non-violent means before resorting to force/firearms. Exercise restraint, minimise damage/injury, respect human life. Provide medical assistance to injured. Notification to superiors and relatives at earliest time.

### D. Code of Conduct for Law Enforcement Officials

Respect and protect human dignity. Maintain and uphold human rights of all persons. Force only when strictly necessary and to extent required for duty. No instigating or tolerating torture or cruel/inhuman/degrading treatment. Ensure full protection of health of persons in custody. Officials shall respect the law.

### E. Convention for Suppression of Unlawful Acts Against Safety of Maritime Navigation (Rome, 1988)

Everyone has right to life, liberty, security of person. Unlawful acts jeopardize safety of persons and property. All states must strictly comply with rules and principles of general international law. Offences: unlawfully and intentionally seizing ship by force/threat. Perform act of violence against person on board or ship itself. Master may deliver any person to authorities of other state.

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## **F. International Code of Conduct for Private Security Service Providers (ICoC, 2010)**

Private military and security companies (PMSCs) obliged to comply with international humanitarian law, human rights law, national law. PMSC personnel subject to prosecution if commit crimes. Criteria for selection of PMSCs. Contract terms with PMSCs. Monitoring compliance and accountability. Rules on provision of services including use of force/firearms.

NOTE: The ICoC (International Code of Conduct for Private Security Service Providers, 2010) is distinct from but complementary to the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict (2008). Both frameworks inform Seagull Maritime's approach to responsible security provision.

## **G. International Association of Oil and Gas Producers (OGP) Report 320 Revision 2 (Feb 2010)**

Safety of all personnel is paramount. Minimise damage, injury, respect and preserve human life. Security agreements respect human rights and consistent with legal principles. Alternatives to armed protection should be considered. All carrying arms must be professionally trained security professionals.

## **H. IMO Best Management Practice**

BMP Maritime Security (BMP-MS), published March 2025, replacing the withdrawn BMP5. Guidance on piracy risk assessment. Ship and company planning procedures. Ship protection measures including armed protection. Situations: pirate attack; pirates take control; military respond. Reporting and contact details.

NOTE: BMP5 (2018) was officially withdrawn in March 2025 and replaced by BMP Maritime Security (BMP-MS). All references to BMP5 in legacy documentation should be read as referring to BMP-MS.

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## **ANNEX B – EMERGENCY CONTACT DETAILS**

### **Maritime Security Centre Indian Ocean (MSCIO)**

Website: <https://www.mscao.eu>

Telephone: 0033 (0) 298 220 220 / 0033 (0) 298 220 170

Email: [postmaster@mscao.eu](mailto:postmaster@mscao.eu)

### **United Kingdom Maritime Trade Operations (UKMTO)**

Website: <https://www.ukmto.org>

Telephone: +44 (0) 2392 222060

Email: [watchkeepers@ukmto.org](mailto:watchkeepers@ukmto.org)

### **Combined Maritime Forces (CMF)**

Website: <https://combinedmaritimeforces.com>

Telephone: +973 1785 9017

Email: [cmf\\_info@me.navy.mil](mailto:cmf_info@me.navy.mil)

### **Seagull Maritime Limited 24/7 OPS Centre**

Website: <https://seagullmaritimeltd.com>

Telephone: +44 (0) 20 3519 9772

Email: [ops@seagullsecurity.com](mailto:ops@seagullsecurity.com)