

**PRIZE RULES AND STANDING INTERROGATORIES
FOR PRIZE PROCEEDINGS
IN THE SOUTHERN DISTRICT OF TEXAS**

**SECTION I:
SCOPE OF RULES AND GENERAL PROVISIONS**

Rule 1. Title and Effective Date. These are the Prize Rules and Standing Interrogatories for Prize Proceedings in the United States District Court for the Southern District of Texas. These Rules became effective September 23, 2026, and may be cited as “Pr. R. __.”

Rule 2. Scope and Construction.

(a) These Rules are intended to apply in the Southern District of Texas to all vessels and property captured as Prize by the United States pursuant to 10 U.S.C. § 8851 *et seq* or other applicable substantive law.¹ They apply in particular cases when ordered as such by the assigned District Judge.

(b) These Rules should be construed, administered, and employed by the District Court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding to which they apply. If any party believes good cause exists to exempt a particular case from these Rules, or to modify them, that party may raise such reasons by motion with the assigned District Judge.

(c) These Rules shall not be construed to supersede or displace any currently enacted statute. The Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of the Southern District of Texas, and the individual procedures of particular Judges shall also remain in force to the extent not in conflict with these Rules.

(d) Capitalized terms of specialized usage shall have the defined meanings stated in Appendix A. The Standing Interrogatories in Prize approved by the Court are stated in Appendix B.

¹ 10 U.S.C. §§ 8851 *et seq*. Footnotes and statutory references are illustrative and not exhaustive as supporting legal authority.

Rule 3. Jurisdiction and Venue.

(a) This Court has exclusive jurisdiction over each Prize and each proceeding for the condemnation of Prize Property brought into the Southern District of Texas.²

(b) This Court has venue over each Prize brought into the waters of a consenting cobelligerent, brought into a locality under the control of the armed forces of the United States, or appropriated for use by the United States, if this Court is designated to exercise such jurisdiction by the Attorney General.³

(c) This Court has venue over any Prize that is lost, destroyed, or cannot be brought in for adjudication because of its condition if this Court is designated to exercise such jurisdiction by the Secretary of the Navy.⁴

(d) Powers and authorities granted under these Rules may be delegated as necessary and authorized by law.

**SECTION II:
INSTITUTION OF PROCEEDINGS**

Rule 4. Appointment and Duties of Prize Commissioners.

(a) This Court will appoint qualified individuals as Prize Commissioners. Prize Commissioners will take witness depositions and administer the Standing Interrogatories in Prize (or adopt depositions or interrogatories taken under a Forward examination pursuant to Rule 18), manage captured vessels and property brought into this District as Prize, and discharge other duties as designated by this Court.⁵

(b) There may be not more than three Prize Commissioners, one of whom must be a member of the bar of this Court of not less than three years' standing who is experienced in taking depositions, and one of whom must be the Naval Prize Commissioner. The Naval Prize Commissioner must be an officer of the United States Navy whose appointment is approved by the Secretary of the Navy. Appointed civilian Prize Commissioners are entitled to just and suitable compensation as allowed by law and determined by the Court.⁶

² 28 U.S.C. § 1333(2); 10 U.S.C. § 8852.

³ 10 U.S.C. § 8853(b).

⁴ 10 U.S.C. § 8853(c).

⁵ 10 U.S.C. § 8860.

⁶ 10 U.S.C. § 8855(a).

Rule 5. Appointment of Special Prize Commissioners in Forward Areas.

(a) The Court may appoint Special Prize Commissioners to act in locations outside the District, including foreign ports or operational theaters. Within their designated areas of operation, Special Prize Commissioners shall possess the same duties, powers, and functions as standing Prize Commissioners.⁷

(b) The Court will determine the number and qualifications of Special Prize Commissioners, at least one of whom must be a Naval Special Prize Commissioner. Appointed civilian Special Prize Commissioners are entitled to just and suitable compensation as allowed by law and determined by the Court.⁸

(c) These Rules shall also apply to all proceedings conducted by Special Prize Commissioners to the extent such application is operationally feasible and consistent with the laws of Prize and the laws of the United States generally.⁹

Rule 6. Duties of Special Prize Commissioners in Forward Areas.

Special Prize Commissioners appointed to act in the territory of a consenting cobelligerent, or in other areas outside the territorial limits of the United States, are authorized to take possession of Prize and other Captured Property in such areas from Prize Masters, give the Prize Master a receipt on behalf of this Court, and retain possession thereof pending appropriation by the United States or further order of this Court. If the United States appropriates Prize Property in the possession of a Special Prize Commissioner, the Commissioners are authorized and directed to deliver the property to the appropriating department or agency and obtain a receipt. The Commissioners must report all such appropriations to the Court, and proceedings will be conducted as required by law for U.S. government appropriations of Prize Property.¹⁰

Rule 7. Notice of Capture. The Capture Authority of any property taken as Prize, or brought into this District as Prize, or into waters within which this Court is authorized by law or international agreement to exercise jurisdiction in Prize proceedings, must notify this Court, a Commissioner, and the United States Attorney for the Southern District of Texas of the current location and intended destination of the Prize, or provide a notification to the Court of operational delay

⁷ 10 U.S.C. § 8855(b).

⁸ 10 U.S.C. § 8876.

⁹ 10 U.S.C. § 8855(b).

¹⁰ 10 U.S.C. §§ 8855, 8860.

that prevents such notice.¹¹ Such notification must be made (i) within 60 days of the capture, (ii) within 60 days of entry of any property brought into this District as Prize, or (iii) within 60 days of designation of this Court by the Secretary of the Navy pursuant to 10 U.S.C. § 8853(c), whichever is latest.

Rule 8. Action Upon Delay by the Capture Authority. If the Capture Authority fails to deliver the evidentiary documents, digital records, and Forward Interrogatories to a Commissioner within 60 days of the Notice of Capture in Rule 7, and has not provided an operational delay notification, the Commissioner shall issue a written notice to the designated Department of the Navy legal representative. The Capture Authority shall have 21 days from receipt of this notice to produce the required evidence or provide operational justification for the delay. If the Capture Authority fails to comply, the Commissioner shall certify the delinquency to the Court for further action, if appropriate.¹²

Rule 9. Securing of Prize Property. Upon receiving notice of a captured vessel or property onboard a vessel from the Capture Authority or the Court, a Commissioner or the United States Marshal must ensure or require the vessel is safely moored, anchored, or otherwise stored. This does not apply if the vessel or property onboard the vessel is lost, destroyed, in such a condition it cannot be safely moored, or appropriated for immediate military use.¹³

SECTION III: EXAMINATION OF PRIZE AND EVIDENCE

Rule 10. Examination of Prize; Prohibition on Breaking Cargo. If the Prize is a vessel, or onboard a vessel, a Commissioner shall examine whether any cargo has been lost, damaged, or destroyed. If any cargo has been unloaded, the Commissioner must determine where and why this occurred. If the Prize is not a vessel, or onboard a vessel, the Commissioner shall examine the Prize and Captured Property and determine whether any property is missing or has been subject to tampering or spoliation. The Commissioner may review and adopt such examinations conducted by military personnel or civilians authorized by military personnel (e.g., Naval Criminal Investigative Services (NCIS) agents or other personnel with relevant expertise) near or at the time of capture.¹⁴

¹¹ 10 U.S.C. §§ 8857, 8858.

¹² 10 U.S.C. § 8854.

¹³ 10 U.S.C. § 8860.

¹⁴ 10 U.S.C. § 8860.

Rule 11. Securing Prize Property by Seals. Before leaving the property, the Commissioner shall seal or otherwise appropriately secure the hatches, doors, containers, and other parcels as the case may require. The seals or securing mechanisms shall not be broken or property disturbed without a Court order, except where required for the continued safe operation of the vessel or in cases of fire or other emergency. The Commissioner may review, adopt, and employ security measures implemented and reported by military personnel or civilians authorized by military personnel (e.g., NCIS or other qualified personnel).¹⁵

Rule 12. Inventory and Deposit of Non-Vessel Prize Property. If the Prize is not a vessel, or onboard a vessel, the Commissioner shall take inventory and seal or otherwise appropriately secure the property. The Commissioner may review and adopt the inventory prepared and reported by military personnel or civilians authorized by military personnel and accept as adequate security measures implemented and reported by military personnel or civilians authorized by military personnel (e.g., NCIS or other qualified personnel).¹⁶

Rule 13. Inventory and Deposit of Non-Vessel Prize Property. If the Capture Authority fails to report Prize brought into this District within 60 days and a Commissioner becomes aware of the Prize, the Commissioner shall promptly report such information to the Court. Upon receiving this report, the Court shall issue an order directing the Department of the Navy to inform the Court of its intentions regarding the adjudication of the Prize.

Rule 14. Delivery of Seized Documents and Data. At the time of notification to the Court that Prize has arrived in the District (or that the District has been designated by the Secretary of the Navy or the Attorney General, as appropriate, to hear an extraterritorial Prize proceeding), the Court shall set a schedule setting the time and place for the Capture Authority to deliver to the Court or the designated Commissioner the available physical and digital records, physical or electronic media, documents, or writings found onboard the captured vessel (or reliable copies thereof) which are relevant to the Prize proceedings for the property and which are in the possession, custody, or control of the Capture Authority.¹⁷

Rule 15. Sale or Disposal of Perishable, Deteriorating, or Inherently Hazardous Cargo. If a Commissioner or the Capture Authority encounters

¹⁵ 10 U.S.C. § 8860.

¹⁶ 10 U.S.C. § 8860.

¹⁷ 10 U.S.C. §§ 8857, 8858, 8860.

perishable, deteriorating, or inherently hazardous or dangerous goods (for example, without limitation, crude oil or other unstable fuel, chemicals, or weapons or other munitions) and is unable to obtain prior judicial authorization for sale or disposal, he or she is authorized to dispose of the goods in a manner that best protects the safety of the affected personnel, property, and the environment. Such emergency actions, including local sale, destruction, or jettison, must be documented and reported to the Court as soon as practicable to preserve the record for adjudication and to account for the value of the property sought as Prize (if any) in a final decree.¹⁸ However, nothing in these Rules shall prevent the United States from other treatment, destruction, forfeiture, or abandonment of seized goods, items, vessels or other property under any other proper legal authority.

SECTION IV: THE RECORD AND FORWARD EXAMINATIONS

Rule 16. Delivery of Evidence and Interrogatories.

(a) Within 60 days after the Prize or Captured Property, or the digital and physical evidentiary record thereof, is brought within the jurisdiction of this Court, the Capture Authority shall deliver to a Commissioner the sworn statements, digital video, audio recordings, or certified transcripts of the Forward Interrogatories (or reliable copies thereof), if such materials exist.¹⁹

(b) If operational security requirements, active combat operations, or technical limitations regarding secure data transmission necessitate a delay beyond 60 days, the Capture Authority shall provide the Court with a notice of the delay and a projected timeline for delivery.²⁰

Rule 17. Secure Retention and Transmission of Evidence. A

Commissioner shall securely retain all delivered evidence, documents, and digital records until the record is completed. Upon completion, the Commissioner shall transmit all evidentiary materials, the accompanying affidavits, any other materials comprising the record, and any additional relevant information received regarding the Prize or Captured Property to the Court.²¹

¹⁸ 10 U.S.C. § 8860.

¹⁹ 10 U.S.C. §§ 8857, 8858, 8860, 8861.

²⁰ 10 U.S.C. §§ 8857, 8858.

²¹ 10 U.S.C. § 8860.

Rule 18. Forward Examination of Witnesses by Authorized Personnel.

(a) The Capture Authority is authorized to conduct sworn Standing Interrogatories in Prize, as promulgated by these Rules, of any witnesses at or near the time of capture.²² Such interrogatories may be conducted by NCIS agents or other designated military or civilian personnel with relevant expertise operating under the control and direction of the Capture Authority and who are authorized to administer oaths.²³

(b) A Commissioner shall review the submitted Forward Interrogatories. If the Commissioner finds the sworn interrogatories to be sufficiently reliable and comprehensive, the Commissioner may accept and enter them into the record *in lieu* of conducting an independent examination.²⁴ The Commissioner may also request supplemental Forward Interrogatories, if necessary.

(c) If the Commissioner declines to accept the Forward Interrogatories and requests to examine the witnesses directly, the Capture Authority shall produce the witnesses *only if* they remain in United States military custody and have not been repatriated, transferred, or released in accordance with international law. If witnesses do not remain in United States military custody, or have been repatriated, transferred, or released in accordance with international law, the Capture Authority shall, to the extent feasible, provide the identity, contact information, and last known whereabouts of those witnesses. Failure to produce repatriated or lawfully released witnesses shall not prejudice the Prize proceedings.²⁵

Rule 19. Conduct of Interrogatories. In conducting examinations, whether executed by a Commissioner or by designated Forward Examining Personnel, the examiner shall use the Standing Interrogatories in Prize of this Court, supplemented by any specific questions directed by the Court or deemed necessary by the examiner to elicit the material facts of the capture. Interrogatories should be recorded (by audio, audiovisual, visual, or stenographic means to the extent practicable), conducted under oath, and conducted individually. Parties may attend the examination of witnesses before the Commissioners, subject to the

²² 10 U.S.C. §§ 8857, 8858, 8861; *see also* Geneva Convention Relative to the Protection of Civilian Persons in Time of War arts. 35, 134, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; Convention Relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War (Hague XI) art. 6, Oct. 18, 1907, 36 Stat. 2396, 205 Consol. T.S. 367.

²³ 5 U.S.C. § 303; 10 U.S.C. § 936.

²⁴ 10 U.S.C. §§ 8857, 8858, 8860, 8861.

²⁵ 10 U.S.C. §§ 8857, 8858, 8860, 8861.

Commissioners' discretion, provided that such examinations are conducted within the United States or the territorial waters of the United States; but they shall have no right to participate in the examination. No parties may be physically present during a Forward examination but may attend remotely by technological means if technologically practicable and permitted by the Commissioners. Attendance by outside parties is prohibited regardless of the location of the examination. All objections regarding the regularity or legality of any examination shall be reserved for, and resolved by, the Court.²⁶

Rule 20. Voluntary Cooperation and Humane Treatment. Witnesses shall not be coerced, physically or psychologically compelled, or threatened to answer substantive interrogatories.²⁷ Witnesses are free to decline to answer substantive interrogatories. If witnesses decline to answer, the Commissioner or the Forward Examining Personnel shall memorialize such declination and the stated reason for the declination, if any.

Rule 21. Sequestration of Witnesses and Right to Counsel. Witnesses before the Commissioners or Forward Examining Personnel shall be questioned separately using the interrogatories prescribed by the Court. Without special authority from the Court, the witnesses may not see the interrogatories, documents, or papers, or consult with other persons interested in the cause during the examination.²⁸ Witnesses may consult with counsel, if practicable and the witness chooses to do so, prior to the examination; however, witnesses may not consult with counsel during the examination.

Rule 22. Consolidated Submission of Witness Examinations. The Capture Authority shall make every effort to submit the examinations of all available witnesses simultaneously.

Rule 23. Administration of Oath or Affirmation. The Commissioner or Forward Examining Personnel must administer an oath or affirmation to the witness prior to questioning, establishing that the statement is an official, sworn record. The form shall be substantially as follows:

²⁶ 10 U.S.C. §§ 8857, 8858, 8860, 8861.

²⁷ Geneva Convention Relative to the Treatment of Prisoners of War arts. 4(A)(5), 118, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; Geneva Convention Relative to the Protection of Civilian Persons in Time of War arts. 35, 134, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

²⁸ 10 U.S.C. §§ 8857, 8858, 8860, 8861.

“Do you swear or affirm the information you provide today will be the truth, to the best of your knowledge and belief?”²⁹

Rule 24. Use of Oath of Interpreters. Whenever a witness requires translation, the examiner shall utilize a competent interpreter or linguist in the required language(s). Prior to the commencement of the translated interrogatory, the examiner must administer and record the following oath or affirmation to the interpreter:

“Do you swear or affirm you will accurately, completely, and impartially translate the oath, the questions asked, and the answers given during this examination, to the best of your ability?”

Rule 25. Drafting of the Testimony. The examination of each witness on the Standing Interrogatories in Prize shall start with the following paragraph:

“Deposition of [WITNESS NAME], a witness produced, sworn, and examined, on the _____ day of _____, in the year _____, at the _____ of _____, on the Standing Interrogatories in Prize established by the United States District Court for the Southern District of Texas; the said witness having been produced for the purpose of such examination by _____, on behalf of the captors of a vessel called the _____ (or of certain goods, wares, and merchandise as the case may be).”³⁰

Rule 26. Digital Recording, Authentication, Protective Sealing.

(a) Examinations (consisting of the Standing Interrogatories in Prize) shall be recorded by audio, audiovisual, visual, or stenographic means to the extent practicable. Consent or knowledge of the witness regarding the recording of the interrogatory is not required.³¹

(b) Physical signatures or formal verbal validations by the witness are not required to authenticate the deposition. The Commissioner or Forward Examining Personnel shall execute a sworn written certification appended to the digital file or

²⁹ 10 U.S.C. § 8861.

³⁰ 10 U.S.C. § 8861.

³¹ U.S. Const. amend. IV; 18 U.S.C. § 2511.

transcript. This certification shall attest, under penalty of perjury, that the recording is a true, complete, and unedited record of the interrogatory as conducted.³²

(c) Should documents or other evidence require sealing to limit their distribution, the Office of the United States Attorney can file those documents for the submitting entity under seal.

Rule 27. Conflicts of Interest. No person possessing a direct financial or personal ownership interest in the Prize shall act as a Commissioner, Special Prize Commissioner, or Forward Examining Personnel. “Financial or personal interest” refers to a direct proprietary or commercial stake in the vessel or cargo. Employment, salary, or compensation received as a member of the armed forces of the United States or an employee of the Department of War, Department of the Navy or any United States government agency does not, on its own, constitute a conflict of interest. Furthermore, no examining agent or Commissioner shall act as legal counsel or advocate for any party in the Prize cause.

Rule 28. Deviation from These Rules. If a Commissioner or Capture Authority finds it impossible to comply with a specific court rule, he or she shall submit a report to the Court at the earliest opportunity.³³ The report must state the nature of the deviation and provide justification for non-compliance. Such reports shall be received by the Court as evidence of the necessity of the procedural deviation.

SECTION V: PLEADINGS, NOTICE, AND CLAIMS

Rule 29. Filing the Libel and Public Notice. Within 150 days after the Prize or Captured Property, or the physical or digital evidence thereof, is brought within the jurisdiction of this Court or after the production of the record, the United States Attorney shall file a Libel. Upon motion of the United States, the Court may extend this period by 60 days, which may be further extended by the Court for 60-day periods, as necessary, if the Court finds good cause for such extension. Upon filing the Libel, a Warrant for Arrest *in rem* shall be issued to the United States Marshal. The United States Attorney shall cause public notice of the proceedings to

³² 10 U.S.C. § 8853.

³³ *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004) (establishing military exigency standard).

be provided, including a description of the property and the steps to assert a claim of interest in the property.³⁴

Rule 30. Filing the Libel Outside of Jurisdiction of the Court. The United States Attorney shall file a Libel and request the issuance of the proper process. The initial process shall be a Warrant for Arrest *in rem*, which may be served constructively upon the property if physical arrest within the District is operationally impossible.³⁵

Rule 31. Requirements of the Libel. The Libel must identify the capturing unit, vessel, or designated military commander under whose authority the capture was executed.³⁶ The Libel must state the circumstances that form the basis for condemnation of the property.³⁷

Rule 32. Amendments to the Original Libel. If new information or matters incident to the Prize or Captured Property become known to the Capture Authority after the initial filing, the Court shall freely allow the United States to file an amended Libel. To satisfy the requirements of procedural due process, if the United States amends its Libel, the Claimant shall be afforded a reciprocal opportunity to amend their Verified Statement of Right or Interest and submit documentary rebuttal evidence.

Rule 33. Warrant for Arrest. If the property is within the jurisdiction of the Court, the Warrant for Arrest shall be served by the United States Marshal or other person as ordered by the Court. The United States Attorney shall effectuate public notice of the action and arrest by means reasonably calculated to provide public notice, including but not limited to publication in a paper of record within the District or publication on a designated government website for at least 30 consecutive days. The notice must specify that any Verified Statement of Right or Interest must be filed within 14 days of execution of process, and an Answer filed within 21 days thereafter.³⁸

Rule 34. Property in the Custody of the Court. Once the Prize or Captured Property is arrested *in rem*, it is deemed to be in the custody of the Court. Neither the United States Marshal nor the Capture Authority shall surrender,

³⁴ 10 U.S.C. § 8859.

³⁵ 10 U.S.C. § 8852.

³⁶ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(2)(b).

³⁷ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(2), E(2)(a).

³⁸ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(4).

release, or transfer the property upon security or otherwise without an express order of the Court.³⁹

Rule 35. Claim of Interest.

(a) Any claim of interest (which is limited to claims of ownership or other properly perfected or secured claims of creditors) in the Prize or Captured Property must be filed by the party in interest or an authorized agent. The Claim must be accompanied by a Verified Statement of Right or Interest, which must be made under oath and verified under penalty of perjury. Such Verified Statement must state with particularity the facts respecting the Claim, its veracity, and the specific manner in which the Claimant acquired lawful ownership of the property.⁴⁰ Any such Verified Statement of Right or Interest shall identify the specific vessel or property being claimed and state the Claimant's interest in such vessel or property.

(b) The United States may serve special interrogatories regarding the Claim, as well as the Claimant's identity and relationship to the property without the Court's leave at any time after the Libel has been filed. Answers or objections to the special interrogatories must be served within 21 days after the interrogatories are served. The United States need not respond to a Claimant's petition for restitution due to delay, or a Claimant's motion for summary judgment, until 21 days after the Claimant has answered these interrogatories.

(c) The United States may petition the Court to require a bond from the Claimant in appropriate cases.

(d) The Court shall retain the power to sanction any false or frivolous Claim. Such sanctions shall include but are not limited to monetary sanctions, the striking of any such false or frivolous Claim from the record, or any other sanction the Court deems appropriate.

Rule 36. Claimant Petition for Restitution Due to Delay. If a vessel is captured as Prize and no proceedings for adjudication are started within 150 days, and such period has not been enlarged or extended by the Court, any party claiming an interest in the Prize or Captured Property may file a petition for restitution with the Court. Upon such filing, the Commissioners may proceed to receive and secure the physical or digital documents, papers, and writings connected with the capture which the Claimant may have in their possession, custody, or power. The Commissioners shall also proceed with the examination of the Claimant's witnesses

³⁹ 10 U.S.C. §§ 8851 and 8862; Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(4).

⁴⁰ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(6)(a).

as is provided for cases where the Capture Authority initiates the proceedings. The Commissioners shall transmit this gathered evidentiary record to the Court. The Court shall review the petition and the evidentiary record transmitted by the Commissioners. The Court may hold a hearing or require written submissions regarding the detention of the property. The Court may issue an order directing the United States Attorney to show cause why a Libel should not be filed or proceed to adjudicate the Claimant's petition.

Rule 37. Release of Perishable Cargo Upon Security. If the Capture Authority and Claimant agree, or upon a sworn affidavit by the Claimant demonstrating that the cargo (or part thereof) is perishable, liable to deterioration, or subject to disproportionate expense to keep, the Court may order the cargo delivered to the Claimant (except if the cargo is illegal to possess or otherwise is so dangerous or hazardous as to render such transfer unsafe or impractical). To secure such release, the Claimant must post a surety bond or other Court-approved security equal to the appraised value of the cargo, conditioned to abide by the final decree of the Court. If the parties cannot agree upon the value of the cargo, the Court shall issue a Commission of Appraisal to ascertain it prior to release.⁴¹

Rule 38. Interlocutory Sale of Perishable or Hazardous Cargo. Notwithstanding the authorities and procedures outlined in Rule 15, in cases where no claim of ownership has been filed, and upon a sworn affidavit by the Capture Authority demonstrating the cargo is perishable, liable to deterioration, or poses an imminent hazard to the holding facility, vessel, or environment, the Capture Authority may petition the Court for an immediate decree of appraisal and interlocutory sale. The proceeds of such sale, minus the expenses of the sale as approved by the Court, shall be deposited forthwith into the registry of the Court to abide by the further orders of the Court.⁴² The Capture Authority or the United States may also request an Order of Destruction from the Court for any such cargo that is so dangerous or hazardous as to render such sale or continued storage unsafe or impractical.

Rule 39. Court Docket and Deadlines for Claims. The Court shall enter the name of each Prize cause upon the docket. The United States Attorney shall publish notice of the action and the arrest of the property.⁴³ Any Claimant asserting a right of possession or an ownership interest in the property must file a Verified

⁴¹ 10 U.S.C. § 8857(c); Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. E(9)(a).

⁴² Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. E(9)(a).

⁴³ 10 U.S.C. § 8859; Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(4).

Statement of Right or Interest within 14 days after the conclusion of publication or provision of direct notice or 14 days after the execution of process (whichever is sooner), unless the Court explicitly grants an enlargement of time.⁴⁴

Rule 40. Finality of Initial Record and Scope of Discovery.

(a) After the record of any examinations and the captured vessel's documents and data have been transmitted to the Court, and the Warrant for Arrest *in rem* has been issued, the Capture Authority's initial evidentiary record shall be deemed closed.

(b) However, if after evaluating the initial record, answers to the Standing Interrogatories in Prize, answers to any special interrogatories under Rule 35, the Claimant's Verified Statement of Right or Interest and any additional evidence submitted pursuant to these Rules, the Court finds substantial ambiguity or defect that prevents a just adjudication, it may entertain motions for Further Proofs or order Further Proofs *sua sponte*, subject to the exceptional necessity standards and national security safeguards.⁴⁵ Further Proofs shall not be granted to a Claimant where the initial record discloses spoliation, concealment, or falsification of the ship's papers, electronic or otherwise, or false answers to the interrogatories, unless the Claimant shows the defect is not attributable to the Claimant, the owner, or the ship's company. Before any Further Proofs may be ordered, the Court shall first resolve pending motions for summary judgment, if any, as set forth in Rule 52.

(c) Should the Court grant such a motion, the Court may, *sua sponte* or upon motion by the United States, enter such order as necessary to protect against the unauthorized disclosure of information for reasons of national security or any similarly restricted data. Such an order may limit disclosure, dissemination, or review upon such terms as the Court deems appropriate.

Rule 41. Admissibility of Cross-Vessel Evidence. Any evidence seized or obtained from another captured vessel may be admissible in a Prize cause if it is relevant to the adjudication of that said cause. A court order, prior affidavit, or advance notice is not required for the Capture Authority to introduce such relevant evidence in its pleadings.

⁴⁴ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(6)(a)(i).

⁴⁵ *The Sir William Peel*, 72 U.S. (5 Wall.) 517 (1866); *The Venus*, 12 U.S. (8 Cranch) 253 (1814).

Rule 42. Mutual Use of Evidence in Related Prize Cases.

(a) When the same Claimant intervenes in Prize causes involving different vessels, or for cargo captured onboard different vessels, and those causes are pending before the Court simultaneously, the evidence obtained in any one of those causes may be used in any or all related causes.

(b) The Capture Authority may, as a matter of right, invoke and rely upon the proofs taken in any of the related causes during the hearing of another. Following such invocation by the Capture Authority, the Claimant shall have the reciprocal liberty to utilize and rely upon the same proofs in their defense across the related causes.

(c) The Court may, upon its own motion or the motion of any party, order the consolidation of such related causes for the purpose of hearing the evidence, provided that such consolidation serves the interests of judicial efficiency and accords with substantive law without causing undue prejudice to the parties.

**SECTION VI:
APPRAISAL, SALE, AND DEPOSITS**

Rule 43. Accounting for Sales Prior to Expense Allocation. In all cases where a decree of appraisal and interlocutory sale of any vessel or cargo has been executed, no questions regarding the final adjudication of such property, or the allowance and allocation of court costs, freight, or marshal expenses, shall be heard by the Court until a complete account of sales is returned and the gross proceeds have been deposited into the registry of the Court (or the Treasury of the United States) to abide the further orders of the Court.⁴⁶

Rule 44. Timelines for Appraisal and Sale. In all motions requesting a Commission of Appraisal⁴⁷ or a Decree of Interlocutory Sale,⁴⁸ the moving party shall specify the time within which the commission or decree must be made returnable to the Court.

Rule 45. Regular Returns and Status Reporting. The Commissioners and the United States Marshal shall make regular returns to the Court on the dates specified in their respective commissions or decrees. These returns must state the

⁴⁶ 10 U.S.C. §§ 8863, 8864.

⁴⁷ 10 U.S.C. § 8862.

⁴⁸ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. E(9).

progress made in the execution of the order. The Court may award additional time to the Commissioners and United States Marshal for good cause.⁴⁹

Rule 46. Immediate Deposit of Proceeds. The United States Marshal shall bring in and deposit the gross proceeds collected from any Prize sale at the time of their return. To facilitate ongoing operations, the Commissioners and United States Marshal may petition the Court to make partial returns or to withhold specific sums necessary to cover immediate expenses.⁵⁰

Rule 47. Vouchers for Costs and Expenses. Upon the return of any Commission of Appraisal or Decree of Interlocutory Sale, the Commissioners and the United States Marshal must submit all vouchers, receipts, and invoices within their control to justify any claimed expenses against the Prize Property or proceeds.⁵¹

Rule 48. Deposit into the U.S. Treasury or Court Registry. All moneys brought into the Court shall be deposited into the Treasury of the United States, or, if directed by the Court, into the official registry of the Court. Such funds shall only be drawn out upon the specific order of the Court, in favor of the persons respectively having a lawful right thereto, or their duly authorized agents.⁵²

Rule 49. Record of Deposits into the Docket. The Clerk of Court shall ensure that the deposit of any moneys into the official registry of the Court or the United States Treasury in a specific Prize cause is accurately and promptly recorded on the electronic docket for that individual case. This docket entry shall designate the amount paid, the date of deposit, and the entity remitting the funds.⁵³

Rule 50. Financial Accounting of Proceeds. The financial accounting and deposit records maintained on the case docket shall generally be open to the inspection of parties in interest and their legal counsel. However, the Court may, upon motion by the United States, redact these financial records or file them under seal to protect against the unauthorized disclosure of information for reasons of national security.⁵⁴

⁴⁹ 10 U.S.C. §§ 8860, 8862.

⁵⁰ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. E(9)(c).

⁵¹ 10 U.S.C. § 8864.

⁵² 10 U.S.C. § 8863.

⁵³ 10 U.S.C. § 8877.

⁵⁴ 10 U.S.C. § 8877.

Rule 51. Stipulation or Surety Bond. When property seized as Prize is authorized to be delivered to a Claimant upon security prior to final adjudication, the stipulation or surety bond shall be governed by Supplemental Rule E(5) for Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. The bond shall be fixed at an amount sufficient to cover the appraised value of the property, plus reasonably anticipated costs and interest.⁵⁵

SECTION VII: JUDGMENTS AND APPEALS

Rule 52. Summary Judgment.

(a) Prize causes may be decided upon a motion for summary judgment exclusively upon the initial record, answers to the Standing Interrogatories in Prize, answers to any special interrogatories under Rule 35, and the Claimant's Verified Statement of Right or Interest, inclusive of any contemporaneous business or ownership records the Claimant submits in defense.⁵⁶ The Court may grant summary judgment if the movant shows by a preponderance of the evidence that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

(b) Any Claimant filing a timely Verified Statement of Right or Interest shall have the right to submit a Claim and contemporaneous business, financial, or digital records to establish lawful ownership and the innocent character of the property.

(c) No permission shall be granted to either party to introduce or obtain Further Proofs until any pending motion for summary judgment has been resolved or the Court has entered an order pursuant to Rule 52(d).⁵⁷

(d) Any party seeking discovery beyond the information in Rule 52(a) and (b) in order to properly respond to a motion for summary judgment—including additional interrogatories, depositions, or requests for production—must file a motion for Further Proofs, which must be supported by sworn affidavit or declaration showing the requesting party cannot present facts essential to justify its opposition to the summary judgment motion. The Court shall not grant such a motion unless the moving party demonstrates there is substantial ambiguity, doubt,

⁵⁵ 10 USC §§ 8851 et seq.

⁵⁶ 10 U.S.C. §§ 8853, 8854; *The Sir William Peel*, 72 U.S. (5 Wall.) 517 (1866); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

⁵⁷ *The Sir William Peel*, 72 U.S. (5 Wall.) 517 (1866); *The Venus*, 12 U.S. (8 Cranch) 253 (1814).

or defect on the face of the record that cannot be resolved without additional evidence.⁵⁸ A requesting party must also demonstrate an exceptional necessity for the specific discovery requested.⁵⁹

(e) Should the Court grant such a motion, the Court may, *sua sponte* or upon motion by the United States, enter such order as necessary to protect against the unauthorized disclosure of information for reasons of national security or any similarly restricted data. Such an order may limit disclosure, dissemination, or review upon such terms as the Court deems appropriate.

Rule 53. Default Judgment. If no Claimant files a Verified Statement of Right or Interest within 14 days of successful execution of process or conclusion of publication if process is unexecuted, whichever is earlier, the United States may move for an entry of default against a specific individual or default judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure (as applied through Supplemental Rule A(2) for Admiralty and Maritime Claims). No default judgment of condemnation shall be entered against the Prize or Captured Property unless the United States has complied with the publication and notice requirements of Supplemental Rule C(4) for Admiralty and Maritime Claims.⁶⁰

Rule 54. Damages. If damages are awarded by the Court against any party in a Prize cause, the Court may refer the computation of damages to one or more Commissioners or to a Special Master, who shall compute the damages in conformity with the Court's decree and return a report and recommendation to the Court detailing the amount and the particular items of which they are composed.⁶¹

Rule 55. Appeal of Damages. Any party aggrieved by an assessment of damages rendered by a Commissioner or Special Master may file written exceptions and seek a review by the Court. Objections to the assessment must be filed within 21 days of the issuance of the report. The Court shall review the contested portions of the assessment *de novo* based upon the evidentiary record provided and shall fix the final damages prior to the allowance of costs and expenses.⁶²

Rule 56. Appeals to the Circuit Court of Appeals. An appeal from a final decree of the Court in a Prize cause may be taken to the United States Court of Appeals for the Fifth Circuit. Unless otherwise ordered by the reviewing Court, an

⁵⁸ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. A(2); *The Sir William Peel*, 72 U.S. (5 Wall.) 517 (1866).

⁵⁹ *Mathews v. Eldridge*, 424 U.S. 319 (1976).

⁶⁰ Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(2)(b) (as to particularity pleading requirements).

⁶¹ 10 U.S.C. §§ 8855, 8860; Fed. R. Civ. P. 53(a)(1)(B)(ii).

⁶² 10 U.S.C. §§ 8851, 8864.

appeal shall not automatically stay the execution of a final decree. A party other than the United States seeking a stay pending appeal must provide a bond or other court-approved security pursuant to Rule 62 of the Federal Rules of Civil Procedure (as applied through Supplemental Rule A(2) for Admiralty and Maritime Claims), in an amount fixed by the Court. The United States shall not be required to post any bond, stipulation, or security to obtain a stay or prosecute an appeal.⁶³

Rule 57. Execution of Judicial Decree Notwithstanding Appeals. If an appealing party causes unreasonable delay in preparing or transmitting the necessary transcripts or digital records to the appellate court, the opposing party may move the appellate court for leave to execute the decree notwithstanding the pendency of the appeal.⁶⁴

Appendix A: Definitions

Appendix B: Standing Interrogatories in Prize

⁶³ 10 U.S.C. § 8880.

⁶⁴ 10 U.S.C. § 8880.

APPENDIX A

DEFINITIONS

1. **Capture Authority.** The Commanding Officer who directs the capture of a Prize. This authority may be the Commanding Officer of the capturing unit or superior officer in that unit's chain of command. The Capture Authority's duties are listed in 10 U.S.C. § 8857.
2. **Captured Property.** This term denotes property temporarily possessed but not sought for Prize.
3. **Claim.** The pleading by which a person asserting ownership of, or properly perfected security interest in, Captured Property intervenes in the *in rem* proceeding to contest condemnation and seek restitution. *See The Hampton*, 72 U.S. (5 Wall.) 372 (1866).
4. **Claimant.** A person who has filed a Claim and Verified Statement of Right or Interest, as owner or authorized agent of an owner or secured creditor.
5. **Commission of Appraisement.** An order of the Court directing the Prize Commissioners or the United States Marshal, with appraisers, to inventory and appraise the Prize and return the appraisement within a stated time.
6. **Decree of Interlocutory Sale.** An order of the Court, entered before final adjudication, directing sale of a Prize that is perishable, liable to deteriorate or depreciate, hazardous, or disproportionately expensive to keep.
7. **Forward Examining Personnel.** Military personnel, Department of War civilian personnel, or other civilian personnel authorized by the Department of War, who collect evidence or examine witnesses near or at the time of capture at the direction of the Capture Authority or Prize Master. Forward Examining Personnel, Prize Commissioner, and Special Prize Commissioners may be referred to in aggregate as "examiners."
8. **Forward or Forward Area.** Any area outside the territorial limits of the United States, including the waters of a cobelligerent nation, a U.S.-occupied territory, or a consenting neutral nation.
9. **Further Proofs.** Orders for extrinsic discovery, additional interrogatories, requests for production or inspection, depositions, or witness testimony beyond the initial record, Standing Interrogatories in Prize, or special interrogatories. Further Proofs are not designed as general civil discovery

but shall instead specify the matters on which proof is permitted, the form of the proof, and the time within which it must be filed.

10. **Libel.** The first pleading of the complainant in admiralty law. See *The Hampton*, 72 U.S. (5 Wall.) 372 (1866).
11. **Naval Criminal Investigative Service.** A civilian federal law enforcement and counterintelligence agency that provides investigative services to the Department of the Navy and operates under the authority of the Secretary of the Navy. NCIS functions within the Department of the Navy as the Federal Bureau of Investigation does within the civilian community.
12. **Naval Prize Commissioner.** A commissioned naval officer, appointed by the District Court with the approval of the Secretary of the Navy, who serves as one of the three Prize Commissioners in a judicial district. In addition to his separate responsibilities as a Prize Commissioner listed in 10 U.S.C. § 8860, the specific statutory duty of the Naval Prize Commissioner is to protect the interests of the Department of the Navy in the Prize Property during the adjudication process. See 10 U.S.C. § 8855(a).
13. **Naval Special Prize Commissioner.** A commissioned naval officer, appointed by the District Court, with the approval of the Secretary of the Navy, to perform Prize Commissioner duties in Forward Areas or when the Prize is appropriated for governmental use. The Naval Special Prize Commissioner shall protect the interests of the Department of the Navy in the Prize Property. 10 U.S.C. § 8855(b).
14. **Notice of Capture.** The formal notification after capture of a Prize by the Capture Authority to the Court or a Commissioner, if already appointed, and the United States Attorney for the Southern District of Texas. The notification will report the capture, the current location of the Prize, and the intended destination of the Prize. Alternatively, in the event of an operational delay that prevents such notice, the Capture Authority will report only the capture and provide a projected timeline for notification of current location and intended destination. Examples of operational delay include active combat operations, operational security concerns, or technical limitations.
15. **Order of Destruction.** An order of the Court, on application of the Capture Authority or the United States, authorizing destruction of captured cargo so dangerous or hazardous that sale or continued storage is unsafe or

impracticable. Distinct from destruction of a Prize at sea by the capturing force.

16. **Prize.** The captured vessel, cargo, or other property, or any part thereof. The subsets vessel, cargo, and property may be referred to as “Prize Vessel,” “Prize Cargo,” and “Prize Property,” respectively, for purpose of differentiation.
17. **Prize Commissioners.** An official appointed by the District Court to assist in a Prize case. The duties of the Prize Commissioner include receiving the Prize’s documents from the Prize Master, taking testimony from witnesses or reviewing previously recorded witness testimony, inventorying the Prize Property or reviewing inventories conducted by the Prize Master, and reporting to the Court on any property that requires immediate sale. 10 U.S.C. § 8860. The Prize Commissioner may formally interrogate witnesses based on questions prescribed by the Court if witnesses are brought to port. As stated in Rule 4, there may be up to three Prize Commissioners in each judicial district, one of whom must be a Naval Prize Commissioner, as appointed by the District Court. *See* 10 U.S.C. § 8855(a). Forward Examining Personnel, Prize Commissioner, and Special Prize Commissioners may be referred to in aggregate as “examiners.”
18. **Prize Crew.** Personnel designated by the Capture Authority to assist the Prize Master in carrying out his duties. *See* 10 U.S.C. § 8857(a)(5).
19. **Prize Master.** The individual designated by the Capture Authority to take charge of the Prize, including, as applicable, the Prize Vessel and any Prize Cargo, Prize Property, and Prize Crew. Among other responsibilities listed in 10 U.S.C. § 8858, the Prize Master is responsible for the vessel’s safe navigation and security, any captured personnel remaining onboard the vessel, and preserving the Prize or Captured Property. The Prize Master is responsible for collecting and transmitting all evidence related to its seizure to the Prize Commissioners.
20. **Special Master.** A master appointed by the Court to assist with Prize proceedings. Such appointment will be consistent with Rule 53 of the Federal Rules of Civil Procedure, unless such appointment conflicts with these Rules, in which case these Rules control.
21. **Special Prize Commissioners.** An official appointed by a District Court to assist in a Prize case where the Prize is brought into a Forward Area or when the Prize is appropriated for governmental use. A Special Prize

Commissioner is authorized to perform the duties of a Prize Commissioner abroad. The Court may provide additional powers to Special Prize Commissioners, including the duties normally performed by U.S. Marshals. As stated in Rule 5, there is no limit on the number of Special Prize Commissioners that a District Court can appoint; however, at least one must be a Naval Special Prize Commissioner. 10 U.S.C. § 8855(b). Forward Examining Personnel, Prize Commissioner, and Special Prize Commissioners may be referred to in aggregate as “examiners.”

- 22. Standing Interrogatories in Prize or Standing Interrogatories.** A set of questions, prescribed by the Court, to be administered to relevant witnesses after capture, before any Claim is filed, and without counsel present, addressing nationality, ownership, cargo, voyage, papers, and the circumstances of the capture. Where used in a Forward Area, they are referred to as “Forward Interrogatories.” See Appendix B.
- 23. Verified Statement of Right or Interest.** A statement under oath accompanying a Claim that identifies the vessel or property claimed, the Claimant’s interest, and the particular facts by which the Claimant acquired lawful ownership.
- 24. Warrant for Arrest.** Process issued by the Court on the filing of the Libel, directing the United States Marshal or other person ordered by the Court to arrest the Prize and take it into the custody of the Court.

APPENDIX B

STANDING INTERROGATORIES IN PRIZE

Witnesses must be interrogated using the following questions. The order of questions may be determined by the interviewer. The use of follow-up or additional questions to clarify or further develop answers to the interrogatories is permitted. Interrogatories may be rephrased if necessary to ensure the witness understands the question. Additional interrogatories appropriate to the specific situation may be asked but not as substitutes for these standing interrogatories. Interrogatories may be omitted if not applicable (for example, asking a crew member if they are the master of the vessel when they clearly are not). The interrogation of each witness must be recorded by audio, audiovisual, visual, or stenographic means to the extent practicable.

PART I: BIOGRAPHICAL DATA

1. What is your name?
2. What is your date of birth?
3. Provide your address, phone number, and email.
4. Provide names and contact information for your next of kin and/or family.
5. What nation(s) are you a citizen or subject of?
6. What passport(s) do you hold?
7. What language(s) do you speak?
8. What is your education level?
9. Why are you onboard?
 - a. Are you a crewmember? Passenger? Supercargo? Contractor?
10. Who do you work for?
11. What is your title?
12. Describe your duties.
13. Are you a licensed mariner?
14. If so, what level of license do you hold?
(For licensed mariners or officers.)
15. What nation issued the license to you?

16. What nation's mariner credentials do you hold?
(For unlicensed mariners or lower-level crewmembers.)
17. Are you under the influence of alcohol, drugs, or other substances that may affect your ability to understand and respond to these questions?

**PART II:
THE VESSEL**

1. Were you present at the capture or taking of the vessel?
2. Were you present while any of the cargo was being loaded?
3. Where was the vessel captured?
4. What is the name of the vessel?
5. Has it ever been known by any other name?
 - a. If so, what was the other name or names?
6. What is the vessel's home port and port of registry?
7. What is the vessel's flag?
8. Does the vessel sail under any other flag or have the right to do so?
9. Has the vessel ever changed its flag?
 - a. If so, to what nation and when?
10. What is the vessel's registered tonnage?
11. What is the vessel's classification?
12. How many crew members are onboard?
13. How many passengers are onboard, if any?
14. What country built the vessel?
15. Where and when was the vessel built?
16. What was the vessel's employment before the present voyage?
17. Have you sustained any loss by the seizing and taking of the vessel?
 - a. If so, how much is that estimated loss?
18. Is the vessel insured?
 - a. For what voyage?
 - b. At what premium?
 - c. When and by what persons was such insurance provided?
 - d. In what country was such insurance provided?

**PART III:
OWNERSHIP AND TRUE INTERESTS**

1. Who is the owner of the vessel? State their name, nationality, and place of residence.
2. If the vessel is owned by a corporation, partnership, or other business entity, what is the name of that entity?
 - a. Under the laws of what nation was the entity incorporated or created?
 - b. Where is its principal place of business?
3. Provide the contact information for the owner of the vessel: address, telephone number, and email.
4. Do you know who the directors and chief officers of the owner are?
 - a. What are their nationalities?
 - b. What is the contact information for the directors and officers?
5. Is the vessel, in whole or in part, owned by any subject of an enemy state (name the enemy state for the witness) or any person acting for the benefit of an enemy state?
 - a. If so, which part?
6. Was any bill of sale or other instrument of transfer for the vessel made to you or any other person onboard at the time of capture? If so, produce it.
7. Has the vessel been sold or transferred in the last two years?
 - a. If so, when and to whom?

**PART IV:
THE CREW AND PASSENGERS**

1. Were you the master of the captured vessel?
2. How long have you been the master of this vessel?
3. Who appointed you to the command of the vessel?
4. What is your position on this vessel?
(If the witness is not the master.)
5. Who is the master of this vessel?
(If the witness is not the master.)
6. How long have you been on the vessel?
7. Of what nation are you a citizen or subject?

8. How many officers, crew, passengers, or other individuals were on the vessel at the time of its capture?
9. What are the nationalities of the vessel's officers and crew? Produce the crew list.
10. What are the nationalities of the vessel's passengers? Provide the passenger list.
11. Who provides for the salary of the crew?
12. Were any crew members or passengers hidden at the time of capture?
 - a. Who were they by name?

**PART V:
THE CURRENT VOYAGE**

1. Where did the present voyage begin?
2. Where was it intended to end?
3. What was the last port the vessel sailed from before its capture?
4. What was the next port of call for the vessel?
5. Where was the cargo loaded?
6. What other port or ports was the vessel going to?
7. Were there any charts, voyage plans (paper or electronic), or instructions onboard related to the present voyage?
 - a. If so, are they accurate or false?
 - b. If any voyage plans, log entries, or instructions are false, why are they false?
 - c. Have you instructed anyone or received any instructions to make changes or edits to these charts, voyage plans, or instructions? If so, from or to whom?
8. Did the vessel's Automatic Identification System (AIS) truthfully declare its last port and intended next port?
 - a. If not, why not?
9. Have you instructed anyone or received any instructions to modify the AIS to declare its last port or intended next port incorrectly? If so, from or to whom? Explain the fuel consumption and the recorded voyage distance, including unreported stops.
10. Have you undertaken any other actions to obfuscate the nature of the voyage (e.g., jump flags, repaint or cover the vessel's name, etc.)?

11. Has this vessel received any encrypted or unusual communications?
 - a. If so, provide details.

**PART VI:
THE CARGO**

1. What was the cargo on the vessel at the time of its capture? Provide all such documents and records, including the ship's manifest.
2. Who were the owners of the cargo? State their names, nationalities, and places of residence.
3. Who were the consignees of the cargo? State their names, nationalities, and places of residence.
4. Do you believe the cargo, or any part of it, was contraband of war? ("Contraband of war" generally includes but is not limited to any cargo, goods, material or other items that may not be shipped or provided to a belligerent because they serve a military purpose or a joint civilian/military purpose.)
5. Were there any goods onboard that were not on the cargo manifest?
 - a. If so, describe them and their owner.
6. Were any of the goods onboard the property of an enemy (or combatant) state or a subject of an enemy (or combatant) state?
7. Were the hatches to the cargo holds sealed?
 - a. If so, by whom and where?
8. Has any cargo been taken to shore, removed, thrown overboard, or transferred or transshipped from one vessel to another during the voyage?
 - a. When and where?

**PART VII:
DOCUMENTATION**

1. What ship's papers were onboard at the time of capture? Produce all such documents and records.
2. Were any of the documents false, fraudulent, or colorable?
3. Were any ship's papers, records, or electronic files destroyed, concealed, thrown overboard, or altered at any time, particularly at the time of capture?
 - a. If so, by whom and for what reason?

4. Do you have in your possession any communications, instructions, or orders from the vessel's owners, charterers, or shippers regarding the vessel, its voyage, or its cargo? If so, produce them.
 - a. Do you know if any other person might have such information?
5. Explain the discrepancies, if any, between documents and the actual cargo. (Show the witness the discrepancies.)

PART VIII:
THE CAPTURE AND KNOWLEDGE OF WAR OR ARMED CONFLICT

1. Did you know that a state of war or armed conflict exists(ed) between the United States and (state the name of the adversary nation(s) and/or non-state actors) at the time of capture?
2. Were you personally in possession of any arms or ammunition while on the vessel?
 - a. If so, for what purpose?
3. Were there weapons, weapon systems, munitions, armaments, ammunition, or implements of war on the vessel at the time the vessel was seized or any time prior to the seizure?
 - a. Describe the weapons, implements of war, etc.
 - b. Why were these items on the vessel?
 - c. Who owned or controlled these items?
 - d. Who controlled or directed the transportation, use, or disposition of these items?
 - e. Where were these items being shipped or transported?
 - f. Where were these items loaded on the vessel?
 - g. Who else on the vessel knew these items were on the vessel?
 - h. Were these items used in acts of aggression or defense during the voyage or at any time before or during the seizure of the vessel?
4. Did you at any time attempt to resist capture, flee from the capturing vessel, or signal other vessels for assistance?
5. Did the capturing vessel fire any guns?
 - a. If so, for what purpose?
6. Was the vessel at any time, during this voyage or a previous one, spoken to or seized by any other warship or vessel?
 - a. If so, provide details.

7. To your knowledge, has this vessel ever sailed under convoy escorted by a warship?
 - a. If so, of what nation?
8. Is there anything else you know that could affect the Court's judgment regarding the vessel or its cargo? If so, declare it now.