



UNODC

United Nations Office on Drugs and Crime

Support to the Prosecution of Piracy Suspects

ASEM Seminar on Piracy at Sea
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Challenges to Piracy Prosecutions

- Piracy is a universal jurisdiction offence
- But there are legal and practical difficulties in ensuring that suspected pirates are brought to justice
 - Somalia not able to assume all prosecutions
 - Interdicting States face own challenges
- International community looking to regional states to ensure prosecutions



Regional Countries

Several regional countries are undertaking prosecutions

- Kenya:
 - 18 convicted pirates
 - 99 suspects on trial
- Seychelles:
 - 40 suspects on trial
- Puntland:
 - 208 in custody
- Somaliland:
 - 70 in custody



Legal Issues of Prosecuting

- Criminalization:
 - Even where piracy offences exist, offences have not been used frequently
- Jurisdiction:
 - Actual jurisdictional provisions of national legislation can be complex
- Evidentiary and procedural requirements:
 - Normal national provisions may not be very well suited to the particular circumstances of piracy prosecutions

Typical Demands of Prosecution

Witnesses:

- Foreign crews of ships that are attacked
- Members of foreign navies that interdict suspected pirates and begin investigations

Evidence:

- Weapons requiring forensic analysis
- Photographs and videos taken during attacks and/or investigations

Translation:

- Suspects and foreign witnesses require translation

Detention:

- Suspects have generally been detained pending trials and will need to be detained to serve sentence if convicted

Burden on Regional Countries

- Burden being placed on regional countries whose judicial and financial resources are already being stretched



Assistance required for them to be able to assist the international community in ensuring that pirates are brought to justice

Strategic Plan

In place

Commenced

Not yet commenced

Support to Regional Centre for the Prosecution of Piracy - Kenya

Support to Regional Centre for the Prosecution of Piracy - Seychelles

Development of 3rd Regional Centre for the Prosecution of Piracy

Development of 4th Regional Centre for the Prosecution of Piracy

Objective One: Fair and Efficient Trials and Imprisonment in Regional Centres

Somalia Corrections Programme

Objective Two: Humane and Secure Imprisonment in Somalia

Somalia Prosecutor Programme

Somalia Law Reform Programme

Somalia Judicial Programme (UNDP)

Somalia Legal Aid Programme (UNDP)

Objective Three: Fair and Efficient Trials in Somalia

Support to Regional Prosecutions



- Support the conduct of piracy prosecutions and other related treatment of piracy suspects
- Ensure that the trials are fair, humane and efficient and carried out within the framework of the rule of law
- Focused on Kenya and the Seychelles



Legislative Assistance

- Provide assistance to regional States upon request to improve their legislation relating to piracy
- Legislative framework:
 - Criminalization of offences
 - Establishment of jurisdiction
 - Evidentiary and procedural matters to facilitate fair and efficient trials

Prosecutorial Support

Prosecution:

- Legal and paralegal support
- Specialized training
- IT / legal materials
- Facilitation of additional prosecutors
- Elaboration of Handover Guidance for naval forces



Police and Maritime Authority

- Specialized training for piracy investigations
- General training on investigations, including evidence handling
- Construction of secure evidence storage areas
- Police mentor



Trial Support

- Trial support
 - Travel and other expenses of foreign witnesses or local expert witnesses
 - Support to NGO to fund defence for unrepresented accused
 - Interpretation
 - Transcription
- Judicial support
 - Judicial training
 - Online legal resources



Support to Courts

- Shimo La Tewa Court Room Project
 - complete refurbishment of courtroom
 - witness protection arrangements
 - video link facilities
 - transcription service
- Logistical support
 - Office and IT support
 - Rehabilitation of courtrooms and security facilities



Support to Prisons

- Repair and refurbishment of prisons:
 - Doubling water and sanitation facilities
 - Provision of mattresses and blankets
 - Medical support
 - Rebuild of kitchens
 - Education and sporting materials
 - Welfare service
- Judicial review of cases of all detainees to reduce overcrowding
- Seychelles: refurbishment and building of new prison block to allow them to better manage offenders



Support to Prisons

- Training of senior management and junior staff
- Assistance with drafting routines
- Training of parole staff
- Provision of prison mentor
- Improvement of staff living areas

Prison staff transport suspects to court



Somalia Programme

Important to provide assistance to Somalia

- Increasing the capacity in Somalia's basic legal and institutional structures to imprison and prosecute pirates
 - Working in complement to UNDP
 - Support from International Trust Fund for three main areas:
 - Prisons, legal reform and prosecutions

Somalia Corrections Programme

- Somaliland:
 - Hargeisa Prison – Final building work commenced. Estimated opening date July/ August 2010
 - Assessment of other Somaliland Prisons –
 - Somaliland prison standing orders
 - Somaliland prison clothing
- Puntland:
 - Assessment of Bosasso Prison

Prisoners in Somaliland wearing new prison clothing made by fellow detainees



Somalia Law Reform Programme

- First drafting event with representatives of all three regions
 - Piracy legislation
- Will also address:
 - Other serious offences
 - Evidentiary rules

Outdated legal library in
Somaliland courthouse



Somalia Prosecutorial Programme

- Training
- Logistical support
- Regional expertise

Courtroom in Hargeisa,
Somaliland





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Thank you for your attention

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