



UNODC

United Nations Office on Drugs and Crime



COUNTER-PIRACY PROGRAMME

Support to the Trial and Related
Treatment of Piracy Suspects

Issue Three: July 2010

Project Part Funded by the EU





HMAS Towoomba Intercepts Pirates in Gulf of Aden

I. Introduction

The UNODC Counter-Piracy Strategy recognises two fundamental facts. First, that the only viable long-term solution to solving the Somali piracy problem lies in the restoration of law and order in Somalia (including its waters). Second, that that solution is many years off.

The European Commission and UNODC launched this joint programme in 2009 to enhance criminal justice capacity among Somalia's neighbours and ensure that the trial and imprisonment of suspected pirates passed to them is humane and efficient and take place within a sound rule of law framework. UNODC is also investing in the long-term solution: the restoration of the rule of law in Somalia.

The Programme operates from UNODC's Regional Office for East Africa in Nairobi and maintains close ties with the navies who carry out the enforcement operations (notably the EU forces conducting Operation ATALANTA), the donor community and the criminal justice authorities in those states who are playing a part in the fight against piracy. The Programme employs experts in the full range of criminal justice disciplines who have developed expertise in piracy cases. The Programme also draws on other specialist staff within UNODC ROEA and from HQ in Vienna.

II. Programme Strategy

The UNODC Counter-Piracy Programme has three objectives:

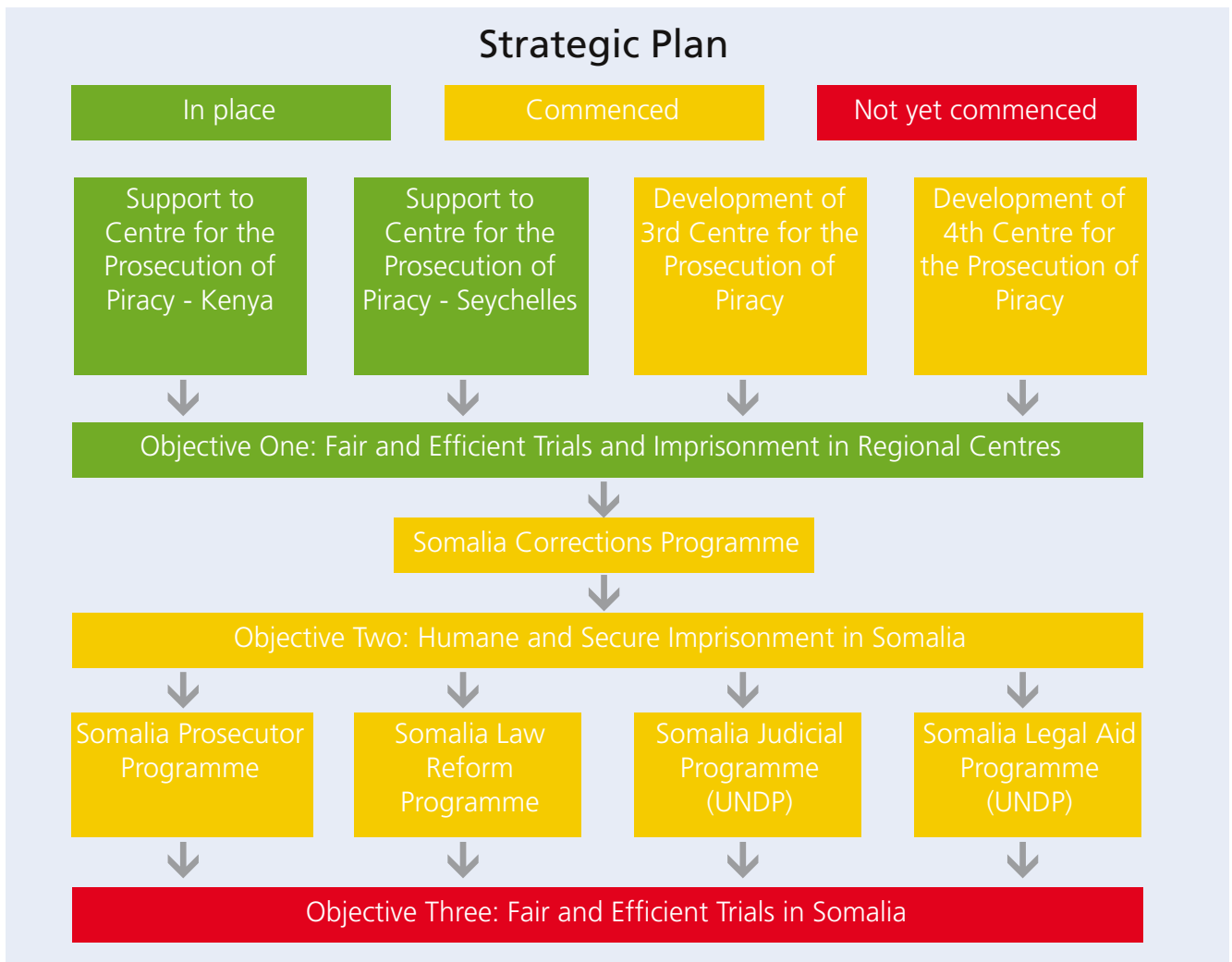
Objective One: Fair and Efficient Trials and Imprisonment in Regional Centres

Few regional states have an effective deep water naval capability and they therefore rely on foreign navies to act against piracy or at least to assist their own forces with long range detection. Those foreign navies require access to regional states that can deliver fair and efficient prosecutions and imprisonment if the effect of their naval operations is to be

maximized. When requested, UNODC visits regional states to assess their preparedness to deal with piracy cases (whether the result of arrests by domestic law enforcement authorities or by foreign navies) and to advise them on measures they might take to improve their readiness. UNODC has donor funding to assist regional states to improve their capability to prosecute piracy, particularly where the state agrees to take suspects arrested by foreign navies for trial.

Although UNODC support to the Regional Centres for the Prosecution of Piracy concentrates on improving capacity for piracy trials, the delivery strategy ensures that this investment benefits the criminal justice system as a whole through access to training, introduction of improved practices and infrastructure development.

Diagram1: Counter Piracy Strategic Plan



Objective Two: Humane and Secure Imprisonment in Somalia

UNODC seeks to improve the correction regimes in Somalia for two reasons. First, to ensure secure and humane imprisonment for those sentenced by local Somali Courts. Second, improvement to the imprisonment regimes offers the possibility that those convicted of piracy in regional states may be transferred back to Somalia to serve their sentences.



UNODC visiting prisons in Puntland

Objective Three: Fair and Efficient Trials in Somalia

In the long term, Somalia’s recovery will require the establishment of an effective rule of law framework. Currently, many areas of Somalia have no functioning criminal justice system. However, there are areas where UN initiatives have delivered marked improvements in the quality and delivery of justice. UNODC has assumed responsibility for two areas of Somali criminal justice development: the training of prosecutors and law reform initiatives. In conjunction with



Courtroom in the Supreme Court of Somaliland in Hargesia

other UN agencies, UNODC will build upon recent successes to improve the performance of the criminal justice system.

III. Cooperation with the Contact Group on Piracy off the Coast of Somalia

UNODC has welcomed and supported the establishment of the CGPCS, a model of effective international cooperation in response to a complex regional security issue.

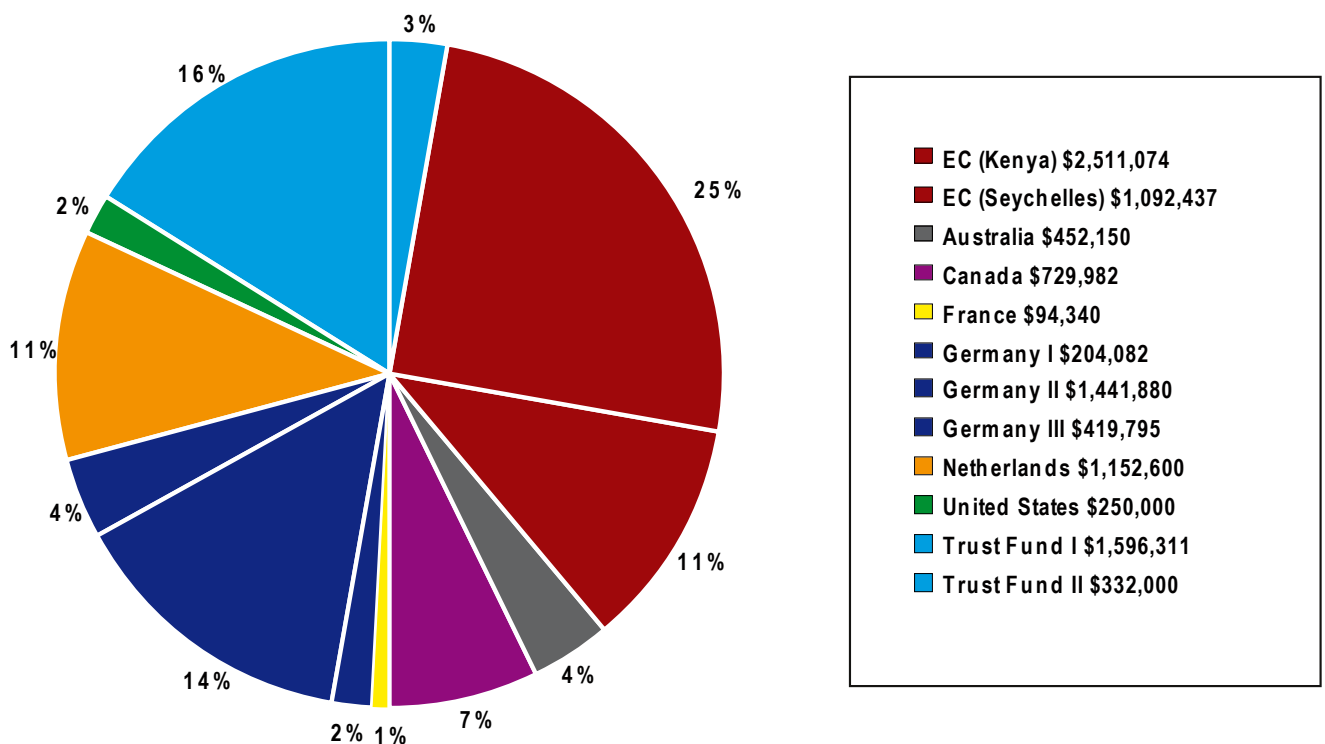
UNODC works closely with Working Groups I (Capacity Building) and II (Legal Issues) to support a coherent response in the region.

IV. Funding

The Programme was launched in May 2009 with initial funding from France and Germany. Substantial EC funding followed and the EC/UNODC programme, supplemented by German funding, remains the backbone of UNODC’s counter-piracy effort. Its demonstrated capacity for delivery has attracted additional funding from Australia, Canada, the Netherlands and the United States of America.

Diagram 2: UNODC Counter-Piracy Programme Funding (1 July 2010)

Total: USD 10,276,651



The rate of programme delivery has been high and in accordance with donor and UNODC regulations. As a result of the early success of the Programme, additional funding is anticipated for further programming in Kenya, Seychelles, Somalia and other countries in the region.

UNODC has received USD 1.9 million of funding from donors via the International Trust Fund set up to assist regional responses to piracy.

V. Delivery - Kenya

Since its inception, the Counter-Piracy Programme has achieved the following key outputs in Kenya:

Police

- Delivered training in modern investigatory procedures
- Drafted handover guidance to assist navies in ensuring that evidence complies with Kenyan law
- Reconditioned police vehicles to support the transportation of exhibits for forensic examination
- Renovated police buildings, supplied office and investigative equipment
- Refitted exhibit room and facilities to ensure secure stowage of firearms



Shimo La Tewa Courtroom construction in progress, May 2010



Newly refurbished Shimo La Tewa Court Room, June 2010



Opening of Shimo La Tewa Courtroom with Commissioner of Prisons Isaiah Osugo, Resident Judge Mohammed Ibrahim, Minister for Justice Mutula Kilonzo and German Ambassador Margit Hellwig-Boetter, June 2010

- Delivered specialist training in the handling of piracy cases

Prosecutors

- Delivered training in the law of the sea, advocacy and evidential issues
- Arranged travel for prosecutors to Mombasa courts to conduct trials
- Supplied legal research resources
- Supplied office and communications equipment
- Purchased an office car
- Delivered extended training opportunities through attendance at international piracy conferences

Courts

- In partnership with the Chief Magistrate of Mombasa and the Officer in Charge of Shimo La Tewa prison, completed a successful review of remand cases, identifying 517 individuals that were released immediately. This work is being taken forward across Kenya
- Ensured 100% attendance of witnesses from overseas to give evidence at piracy trials
- Provided interpretation into Somali to ensure that the suspects can follow court proceedings
- Provided interpretation from Spanish and French witnesses giving evidence
- Provided defence lawyers in cases where piracy suspects lack legal representation¹

1. UNODC Provides defence support only where it is requested to do so by the courts and where no other defence assistance is in place. Currently that applies only in two cases.

- Introduced computers to Mombasa courtroom to improve case management
- Provided facilities to allow video evidence to be viewed in Mombasa courtroom
- Trained magistrates in the law of the sea and specific piracy evidential issues
- Supported work to amend legislation related to piracy
- Completed renovation of Shimo La Tewa Court and equipped it to modern standards appropriate for serious criminal trials. Opened by the Minister of Justice, 24 June 2010
- Commenced the renovation of Mombasa Court Centre, including installation of emergency lighting, ventilation, sanitation equipment and fire fighting equipment.
- Doubled the supply of water for drinking and washing
- Doubled sewage capacity
- Undertook a complete kitchen rebuild
- Cleaned and repainted the prison
- Introduced welfare service for prisoners to provide suspected pirates with basic necessities
- Commenced the construction of staff housing, medical facilities, recreational facilities and amenities for female prisoners and their children.
- Commenced the basic refurbishments of five additional prisons where convicted pirates will be held including increasing the capacity of water and sanitation and the delivery of educational and sports equipment
- Commenced the basic refurbishments of four additional prisons where convicted

Corrections

- Improved medical facilities and care for all inmates and staff
- At Shimo La Tewa Prison, Mombasa:



Visit to Shimo La Tewa Prison by Nicholas Cage, UNODC Goodwill Ambassador and Antonio Mario Costa, Executive Director UNODC, November 2009



Somali Pirate arrested by Seychelles Coast Guard, February 2010

pirates will be held, including the provision of mattresses and blankets to prisoners and the provision of sports and educational materials

- Arranged for senior prison staff to undertake a study tour to the UK
- Refurbished prison vehicles

- Completed joint assessment of police training needs with INTERPOL
- Provided radio and tactical information equipment for coast guard
- Provided a dedicated Police Training Coordinator to ensure international assistance is focused on needs identified by Seychelles Police

VI. Delivery – Seychelles

The Joint EU/UNODC Programme in Seychelles commenced in January 2010. The Programme has delivered the following key outputs in Seychelles:

Police and Coast Guard

- Delivered specialist training in the handling of piracy cases

Prosecutors

- Delivered training covering the law of the sea, advocacy and evidential issues
- Provided additional prosecutor to the Attorney General's Office
- Commenced the upgrading of office equipment and legal resources

Courts

- Delivered training in the law of the sea and evidential issues
- Supported legislative amendments
- Supplied legal research resources
- Supplied office and transcription equipment
- Delivered extended training opportunities through attendance at international piracy conferences
- Provided funding through legal aid system for defence lawyers

Corrections

- Reached agreement on expansion and upgrade of prison beyond work envisaged in EC/UNODC counter-piracy programme
- Provided emergency training for prison staff
- Agreed construction of High Security Block to commence July 2010
- Agreed renovation of existing block
- Provided prison mentor to assist with the development of modern prison management practices



Somaliland Training on Prisoner Assessment, May 2010

VII. Delivery – Somalia

The UNODC programme in Somalia delivers support towards improved imprisonment arrangements and to courts through law reform and training of prosecutors.

Corrections

- Commenced remedial building work to allow opening of Hargeisa prison mid-2010
- Agreed additional works to create workshop, women's prison and improve staff housing
- Introduced Standing Orders for Somaliland Custodial Service
- Delivered uniforms to prisoners
- Delivered training in prisoner categorisation to the Somaliland Corrections Service to ensure that prisoners are properly managed through their sentences

Law Reform

- Reached agreement with Somalia's three authorities to work together on piracy related issues with other Nairobi based UN agencies



Prison staff in Somaliland after completing first prisoner assessments at Mandera Prison



Draft Somalia Anti-Piracy Law signed on 17 May 2010 now before Legislatures

- Commenced law reform process with all three Somalia authorities
- Drafted piracy law which has been passed to all three authorities for implementation

piracy while work continues to re-establish an effective court system in Somalia.

VIII. Regional Expansion

The international community hopes that more countries will prosecute those suspected of

UNODC has completed assessments of the capacity to prosecute piracy in a number of countries in the region at the request of governments. States have requested UNODC’s assistance in preparing themselves for the prosecution of pirates either arrested by their own forces or following transfer from regional states.



UNODC Training for Mauritius Prison Service, December 2009



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CONTACTS

If you would like to know more about the work that UNODC is doing in support of piracy prosecutions, please see www.unodc.org/unodc/en/piracy/index.html

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