



UNODC

United Nations Office on Drugs and Crime



COUNTER-PIRACY PROGRAMME

Support to the Trial and Related
Treatment of Piracy Suspects

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Message from our Regional Representative

"The UNODC Counter-Piracy Programme is a component of the UNODC capacity-building Programme entitled "Promoting the Rule of Law and Human Security in Eastern Africa, 2009-2012", under the rubric of Sub-Programme one on "Countering illicit trafficking, organized Crime and Terrorism.

I am very pleased to introduce this Sixth Edition of the Counter Piracy Programme Brochure, issued on the second anniversary of the Programme's commencement. UNODC has a proven pedigree in addressing organized crime across the globe but the Counter Piracy Programme is different from other UNODC programming in a number of ways. First, it was set up at very short notice in response to an emerging threat to global security, namely the scourge of piracy off the Coast of Somalia. My team here at the Regional Office for Eastern Africa in Nairobi has expanded in both number and geographical scope and it continues to provide dynamic support to regional States engaged in piracy prosecutions. Secondly, the programme enjoys an unprecedented level of cooperation with regional law enforcement organizations, partner governments, donors and other UN agencies. This brochure and a fortnightly electronic update ensure that we keep all our partners up to date with events. Finally, the programme has had to respond to a rapid increase in the number of prosecutions. As I write this, 1011 young Somali men are held in 20

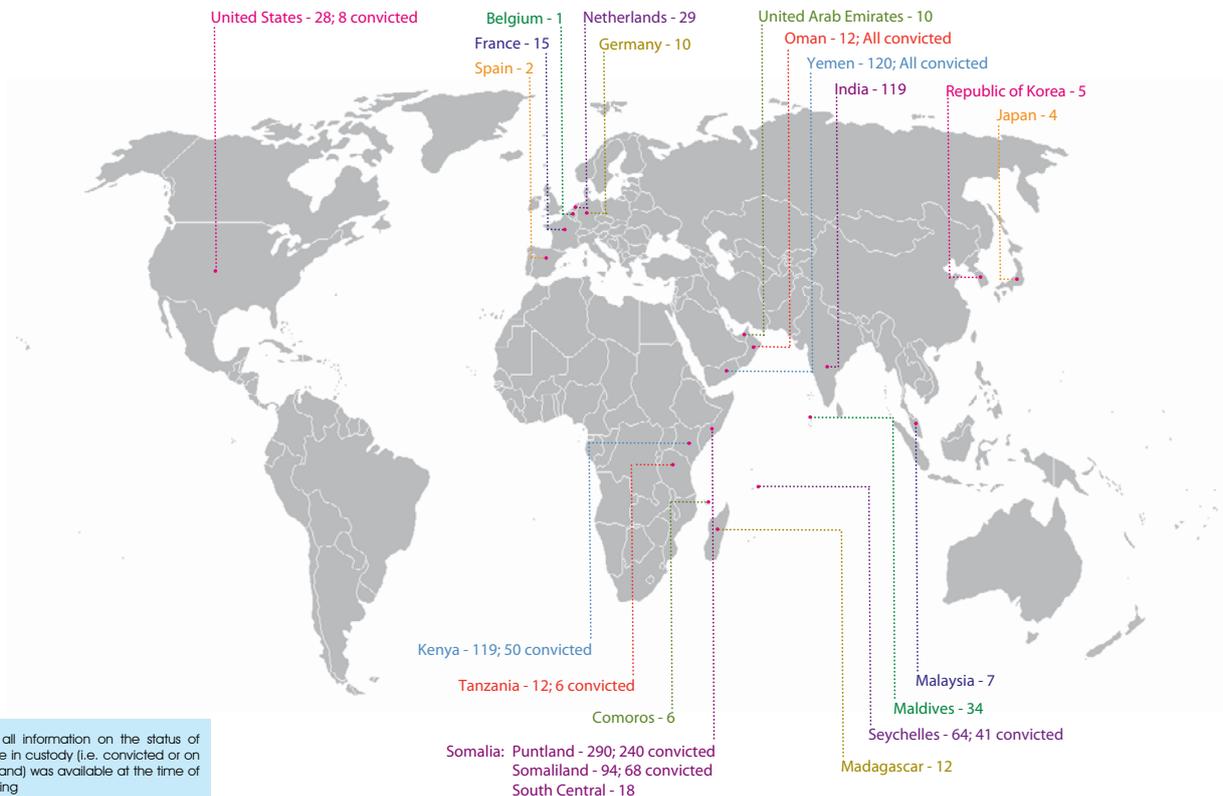


countries awaiting trial for piracy or convicted and serving prison sentences. UNODC's capacity building work to the countries of Eastern Africa who prosecute pirate suspects is aimed at ensuring that trials are fair and efficient; and prison conditions are humane, in accordance with international minimum standards.

This Sixth Edition not only highlights the work we have been doing throughout the East African region, but also gives you the opportunity to hear from some of our partners.

Loide A. N. Lungameni
UNODC Representative
Regional Office for Eastern Africa

Piracy Prosecutions Worldwide



Not all information on the status of those in custody (i.e. convicted or on remand) was available at the time of printing

Counter-Piracy Programme

What we do

The UNODC Counter-Piracy Programme (CPP) began in May 2009 with a mandate to help Kenya deal with an increase of attacks by Somali pirates. UNODC CPP is now working in six countries in the Indian Ocean. The CPP has proved effective in supporting efforts to detain and prosecute piracy suspects according to international standards of rule of law and respect for human rights.

But piracy is feeding off the instability, weak governance and poverty that plague Somalia and Somali criminals are outpacing international efforts to stem the menace. The root causes of piracy are found on land and tackling them requires security on the ground. As long as piracy is so lucrative and other economic options so bleak, the incentives for criminals are strong.

The CPP focuses on fair and efficient trials and imprisonment in regional centres, and secure imprisonment in humane conditions in Somalia. UNODC and its partners have had considerable success across the criminal justice sector. Kenya is currently trying 69 suspects, having already convicted 50, and Seychelles, despite its size, has undertaken 64 prosecutions and already convicted 41 suspects. Mauritius has declared that it too will assist in the prosecution of pirates. These countries, as well as Tanzania and Maldives, continue to be assisted by UNODC with

judicial, prosecutorial, police and prison capacity building programmes. Prisons and other buildings have been supplied in some countries as well as office equipment, law books and specialist coast guard equipment.

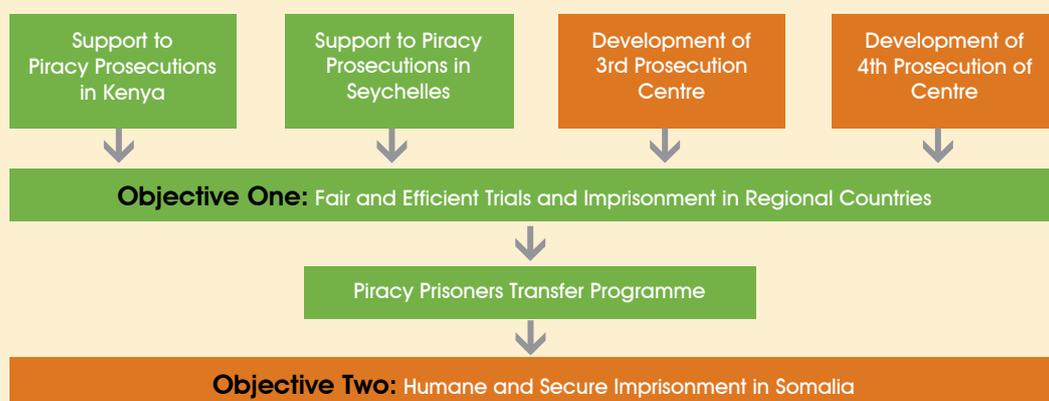
UNODC Executive Director Yury Fedotov has called for support to expand the regional programme to even more countries; to enable Somalia to upgrade its prisons and courts; and ensure that Somali pirates convicted in other countries can serve their sentences in their home country. With more than 1,000 men currently in detention in 20 countries, UNODC is addressing an urgent situation given that long-term imprisonment places a very substantial burden on prosecuting countries. Pirates have been sentenced to jail terms ranging from 5 to 20 years.

Somalia's prison system is chronically under-funded and its capacity to prosecute and imprison pirates needs to be strengthened. UNODC has already started this task by completing work on a new prison in Hargeisa, the capital of Somaliland and choosing sites for more prison construction in Bosasso and Garowe in Puntland. By building up weak institutions in the parts of Somalia where we can work, UNODC is helping to address the problem within a rule-of-law framework, and also beginning to build pride and capacity in Somalia's own institutions. By strengthening the rule of law to combat piracy, UNODC is also helping Somalia to rebuild a more just and stable society for all its citizens.

Counter Piracy Programme Strategic Plan

The CPP Strategic Plan has two objectives:

1. Fair and efficient trials and imprisonment in regional countries and;
2. Humane and secure imprisonment in Somalia



Legend: ■ In place ■ Commenced

Seychelles

A Nation Under Siege

Seychelles Minister of Foreign Affairs Jean-Paul Adam describes what piracy is doing to his country - and thanks the UNODC for its help.

What's the cost of piracy? While various people and organizations have different answers, in the Seychelles it can be defined fiscally as at least four percent of the small nation's GDP. More than \$US4million of the country's \$US100million economy is now spent annually on sea patrols by the Seychelles Coast Guard. Money set aside for health and education is now being diverted to matters of defence and national security.

Such an exotic and spectacular country naturally draws tourists from round the world and tourism makes for a large part of the Seychelles economy. But Foreign Affairs Minister Jean-Paul Adam says things took a turn for the worse when Somali pirates started entering Seychellois waters, which cover almost 1.5million square kilometres.

“There's a lot to be done that has not moved into place yet.”

- Minister Jean-Paul Adam

“The big problem piracy brought about immediately was (that) – overnight - it became unviable for all the small yachts, all the small charters, and it had a huge knock-on effect on employment,” Minister Adam says. “It has quite a serious impact in the economy. At the same time (as) we were doing economic reforms, this was just exactly what we didn't need. The impact of piracy is massive.”

While tourism continues to grow in the Seychelles, and the main island of Mahe is still considered safe from pirate attacks, Mr Adam regrets that the outer islands can't be used to their maximum effect.

UNODC has been working with the Seychelles Government since December 2009, helping to boost capabilities across the law and order sphere. Police have received investigation and management skills training, judges and magistrates have travelled to learn from colleagues in other jurisdictions and prison staff have been trained and supplied with new equipment. The coast guard has also been supplied with new radars, computers, cameras and evidence gathering equipment. In all, \$4million has been spent in the Seychelles, including \$US750,000 for the new prison complex at Montagne Posee.

Minister Adam is very appreciative of the help from the international community and speaks highly of the work the UNODC has done for the Seychelles.

“I think it (UNODC) has had a very positive effect. Having the support of the UNODC has helped a lot. It's had a huge impact on our economy. We appreciate a great deal the support that we receive... in terms of training, in terms of capacity building, also in terms of building a new prison.”

While Seychelles is thankful for the help it receives, the minister says there is room for improvement.

“What is being done overall is not enough because we've not actually broken the piracy 'business model',” the minister says. “There's a lot to be done that has not moved into place yet. This is not a criticism *per se* of any individual organization – it's more a reflection that for us to be able to tackle piracy we need to do a lot more – and we need to do it now.”

The Seychelles Government's message is that three aspects need to be addressed quickly if the international community is to curb piracy, namely:

- Escalate counter-piracy efforts at sea.
- Solve the problems on land in Somalia.
- Tackle money laundering that goes hand in hand with piracy.

The minister points out that about 600 people are being held hostage in Somalia. “If you lose 600 of any one nationality to pirates like that, it would long ago have been deemed unacceptable,” he says. It's fair to say that the minister and some of his colleagues feel that if the outside world was as threatened as the Seychelles, then there would be more action and with much more urgency.



Seychelles Minister of Foreign Affairs Jean-Paul Adam says more needs to be done to combat piracy.

Shimo La Tewa Prison a Standout

UNODC Executive Director Yury Fedotov inspects the work the Counter Piracy Programme has done in Mombasa's biggest prison – and comes away impressed.

As the lead United Nations agency assisting countries in combating crime, UNODC has been working with the Kenyan authorities since May 2009 in their efforts to combat piracy. As a neighbour to Somalia, Kenya has played a vital role in piracy prosecutions and convictions.

“ If prisoners do not understand that what they have done is wrong, and if they are not equipped with alternate tools ... we cannot counter recidivism. ”

- Executive Director Yury Fedotov

One of the focal areas of these actions to suppress piracy activities is Shimo La Tewa, near the Kenyan coastal city of Mombasa. The Shimo La Tewa courthouse and prison both deal with piracy cases, the latter currently holding 69 piracy suspects awaiting trial. As a key drop-off point for piracy suspects captured by patrolling navies, the area has become of key importance in global efforts to fight that crime.

During his recent visit to Eastern Africa, UNODC Executive Director Yury Fedotov met with the Provincial

Commissioner of Prisons, James K'Odieny, and the Chief Magistrate for Mombasa, Ms. Rosemelle Mutoka, and spoke of the importance of Kenya's counter-piracy efforts: "Piracy is considered a global problem and one which has hit the region and the world in many ways. Kenya's response to tackling this is commendable and we look forward to expanding the UNODC Counter-Piracy Programme even further," Mr. Fedotov said.

In June 2010, a new high-security courtroom was opened in Shimo La Tewa to meet increased judicial needs relating to piracy. Constructed through funding from the UNODC Counter-Piracy Programme, the court has increased trial capacity and now provides a secure, modern environment suitable for trying piracy cases.

UNODC has also been working with authorities to facilitate a review of the country's legal frameworks, supporting and training prosecutors and police and improving prison facilities. The refurbished Shimo La Tewa prison ensures sufficient security while maintaining a humane approach to imprisonment.

While visiting Shimo La Tewa, the Executive Director expressed his appreciation for the introduction of the many rehabilitation schemes which are now in place for convicted and remanded pirates and other prisoners:

"Rehabilitation is an integral part of the justice process-if prisoners do not understand that what they have done is wrong, and if they are not equipped with alternate tools for when they are released, we cannot counter recidivism."



Mombasa's
Shimo La Tewa
Prison.

Kenya

Shimo La Tewa Prison



Shimo La Tewa prison women's kitchen in April 2010 ...



... the same kitchen handed over to the prison superintendent by Alan Cole, CPP Coordinator in September 2010.

UNODC strives to make improvements across all areas of the sectors it works in. Shimo La Tewa Prison is no exception. The women's prison received substantial repairs, including an amazing transformation of the women's kitchen. UNODC has spent almost \$US750,000 on refurbishing several Kenyan prisons.



Exterior of the new women's kitchen, built by UNODC.

Shimo La Tewa's Officer in Charge

Mombasa is East Africa's main port and for several years has been the main drop-off point for pirates captured in the Somali Basin. UNODC has rebuilt and renovated major portions of the city's main prison, Shimo La Tewa, including completely rebuilding its on-site courthouse.

Shimo La Tewa prison in Mombasa, Kenya, may seem an odd bedfellow of the UNODC's Counter Piracy Programme. But in order to house alleged pirates on remand, and those convicted of piracy on the high seas, the UNODC has been working hard with the Kenyan Government and its prison service to improve prison facilities right across the country.

In 2009, after lengthy consultation with Prisons Commissioner Isaya Osugu, Assistant Commissioner Margaret Chuma and the wider prison service, the UNODC went to work. It set about repairing and doubling Shimo La Tewa's broken sanitation system, built staff accommodation, and the kitchens were updated and refurbished. A court for piracy hearings and other high security issues was built within the Shimo La Tewa prison grounds.

This is the only court in Kenya within a prison. UNODC provided a welfare service for alleged pirates to ensure they had basic necessities, provided medical and recreational facilities for all prisoners and staff and provided educational materials. Paint was also provided with which prisoners painted attractive murals on the walls. Much of this work was the brainchild of Asst Comm Chuma a former teacher who quit her job when she was studying for her Masters in Psychology. "It was obvious to me that I could serve people better - I'd be of more use if I could change the behaviour of people whose lives have gone wrong," she says. "I have never regretted that decision."

“ I know I can now do something with my life. ”

- Convicted pirate

Geraint Roberts, UNODC's logistics expert, says Margaret is a true professional. "She is a joy to work with. She has vision, and knew exactly what she needed and wanted and was able to impart that to us with the utmost professionalism."

"We all hold her in high regard and we look forward to our work continuing with her," he said.

Asst Comm Chuma says she and the prison staff are extremely grateful. "All this help has improved Shimo La Tewa a lot," she said. "The court's proximity to the prison is a real boon. To get prisoners to court we use less manpower, it's cost effective because we had to use buses to get

prisoners to court, it leads to better coordination between the court and us, it provides better security for high risk prisoners and it also improves the case flow."

The self-respect and self-image of prisoners improved considerably after they had participated in the painting of murals on the prison walls. And the refurbishment and painting of the two prison buses has led to a better corporate image, Asst Comm Chuma said.

She spent two years in Liberia and two years in the Democratic Republic of Congo developing prison staff training programmes. She has worked in women's prisons and was in charge of Eldoret Prison. Due to Margaret's vision, programmes have been introduced which look to rehabilitating a prisoner the moment he or she arrives at Shimo La Tewa. Her staff is also trained in how to assist prisoners get their lives back on track.



Shimo La Tewa Prison Superintendent Margaret Chuma in her office.

Two convicted Somali pirates in Shimo La Tewa are living testimony to the wonderful efforts by the governor and her staff to rehabilitate prisoners.

Abdi* and Mohamed* were sentenced to seven years jail almost five years ago for piracy offences. Both were illiterate and spoke only Somali. Both now speak Swahili and English, are literate, and Abdi helps out in the prison madrasa (Islamic school) each day.

Both say they had never heard of court, the law, or prison before their capture in the Indian Ocean.

"Before I didn't know the difference between right and wrong but now I do and I want to start a new life," Abdi says.

"But thanks to the people here I have some education and I know I can now do something with my life."

*Not their real names

Seychelles

Fighting Pirates in Paradise

UNODC continues its support of the Seychelles with a dedicated Police Coordinator and some vital police equipment.

Seychelles Police Commissioner Ernest Quatre admits that the advent of piracy impacting directly on his nation was a surprise but with the assistance of UNODC he and his officers feel much more confident and prepared for what the tide may bring. In 2008 a number of Seychellois citizens working on vessels were abducted at sea by Somali pirates, and since then more than 70 pirates have been taken ashore by the authorities for prosecution.

"We were not prepared for the eventuality of piracy but we take on all challenges and we are ready to tackle it as best as we possibly can," Commissioner Quatre, a former head of detectives and veteran of more than 40 years, said.

In 2009, UNODC conducted a special course in Seychelles, highlighting the issues surrounding piracy – an offence that until recent times had not really been heard of for more than 200 years. Since then, UNODC has had a specialist police advisor working in the Seychelles. This year sees former South African detective Bruce Bursik as a police adviser, attached to the Seychelles Police.

"Building our resources and training our people is vital for successful policing and we are grateful to the UNODC for its assistance," Comm Quatre said.

The Commissioner was on hand also when UNODC recently handed over 75 radios to the Seychelles Police Force at a special ceremony at the Seychelles Police Academy.



UNODC logistics manager Geraint Roberts (left) explains the workings of the new police radios to Seychelles Minister for Interior Joel Morgan.



UNODC Police Coordinator Bruce Bursik (left) with Seychelles Police Commissioner Ernest Quatre (seated) and Superintendent Ted Barbe discussing how to deal with the impending arrival of more suspected Somali pirates.

The radios, which consist of 50 handsets for officers on foot patrol, 10 sets to be installed in police vehicles and 15 base sets for police stations on the main islands of Mahe and Praslin. Equipment to be used for maintenance and repairs was also provided as part of the package.

“ The Seychelles Police have been without radios for years and have had to use mobile phones to communicate on duty. ”

The handover was the first of three phases. The second phase will see further radios and other specialist electronic equipment provided for specific use in the fight against piracy. Phase three will involve maintenance training and specialist equipment for the communications command room. Phase three is likely to be completed by the end of 2011.

The Seychelles Police have been without radios for many years and have had to resort to mobile phones for communication whilst on duty.

Minister of Interior Joel Morgan, who is responsible for police affairs, praised UNODC for using donor funding to purchase radios, as quick and direct communication was a vital part of modern policing. He also told the assembled officers that he expected the radios to be used professionally at all times.

Another important benefit the radios bring is the ability of police officers to communicate with the Seychelles Coast Guard, which at the forefront of the battle against Somali pirates in Seychellois waters. The police and coast guard liaise closely in compiling evidence to prosecute alleged pirates captured at sea.

Major Step Forward Towards Repatriating Somali Prisoners

An essential step towards the transfer of convicted pirates to prisons in Somalia is for the prosecuting state to enter into Prisoner Transfer laws with Somalia.

UNODC worked hard to bring Seychelles, which had signalled its willingness to enter talks, together with Somalia's Transitional Federal Government (TFG), Puntland and Somaliland.

Recently Seychelles created history by becoming the first country to sign agreements with authorities from all three regions, paving the way for repatriating convicted Somalis once prison conditions are acceptable.

UNODC also recently facilitated two transfers of acquitted Somali men from Kenya and Seychelles and both missions, whilst costly and extremely complex, were completed successfully.



Seychelles Minister for Interior Joel Morgan with Puntland's Counter Piracy Minister Mr Saeed Mohamed Rage signing prisoner transfer agreements in Dubai. Photo supplied by Seychelles Government.

Prison Commissioner's Anti-Piracy Mission to Seychelles

Puntland's Commissioner for Prisons and Police Ali Noor recently visited the Seychelles to meet with his counterparts to discuss piracy issues.

In his meetings with Seychelles Police Commissioner Ernest Quatre, both men came to an early agreement that steps must be taken quickly to stop piracy before it spirals out of control.

Mr Noor's prisons hold the most pirates in the world and from his vantage point, he says it is vital, and urgent, that more be done in Somalia itself to stop people being attracted to piracy. The Commissioner praised the UNODC, which facilitated his visit to the Seychelles, for commencing work on Bosasso Prison and for making a commitment to building another prison in Garowe, Puntland's capital. Both Commissioners agreed to continue their cooperation.

Seychelles Minister of Foreign Affairs, Jean-Paul Adam, also met with Mr Noor and both agreed the talks were fruitful.

Mr Noor then met with Seychelles Prison Governor Maxime Tirant and a number of pirates and alleged pirates in custody at Montagne Posee Prison, many of whom hail from Puntland.

Solving the piracy "problem" is not easy. UNODC is delighted Puntland and Seychelles, along with other countries and regions, are moving towards finding an outcome that hopefully can stop piracy in its tracks.



Seychelles Minister of Foreign Affairs Jean-Paul Adam (left) presenting Commissioner Ali Noor with a commemorative plaque during the commissioner's visit to Seychelles. With them are UNODC's Police Coordinator Bruce Bursik and Somali interpreter Abdullahi Salat. Photo supplied by Seychelles Government.

Somaliland & Puntland

Piracy Prisoner Transfer Programme



The opening of Somaliland's Hargeisa Prison on March 29, 2011 drew international attention. Mr Fedotov is surrounded by journalists from Europe, North America and Africa as he speaks with convicted pirates (in yellow) inside the prison walls.

Somaliland Correctional Corps Speak of Benefits

All across the land, prison conditions are dire. Some of the prisons, overcrowded to bursting point, were built more than 120 years ago and have had no upgrades since the 1880s. The prisons are overcrowded and due to a lack of finances and resources, little has been done to improve conditions for Somaliland's 2500 plus prisoners.

Despite this gloom, the head of Somaliland's Correctional Services Department, Maxamed Xuseen Faarax, says he now leaps out of bed with "strong morale". He is delighted with Hargeisa Prison, built by UNDP and UNODC – the first prison for more than 50 years - and he now sees signs the international community wants to really help.

"We desperately need better prisons like the Hargeisa Prison," the former policeman says. "Crime is on the increase and the crimes of today are very different to before. Terrorism, piracy, theft, murder, rape – prisons in

Somaliland were built before these types of crimes were common. The types of prisons we have here are not appropriate for these types of prisoners."

After spending two years capacity building in nations suffering at the hands of Somali pirates, UNODC is now also building on UNDP's work in Somaliland. UNODC has just opened the new Hargeisa Prison as the international community looks for ways to solve the problem of repatriating more than 1,000 pirates from prisons around the world. UNODC has also provided extensive expert training to the 210 prison officers at Hargeisa, as well as providing equipment, and material for prisoner and staff uniforms.

"Until recently the challenge was that that there was no scope for improvement in the prison service," Commissioner Faarax says. "Previously our training was so

Puntland & Somaliland

The Piracy Prisoner Transfer Programme (PPTP) was developed by UNODC in response to calls from prosecuting states for a long-term imprisonment solution for those pirates convicted in their courts. For countries in the region, particularly the smaller ones such as Seychelles, prison capacity is scarce. Piracy sentences in the region are lengthy and have ranged up to 22 years. UNODC is firmly believes that prisoners should, wherever possible and subject to human rights considerations, serve their prison sentences in their own country. This principle applies equally to Somali pirates, although prison conditions across most of the Somali regions currently fall well short of international standards, causing many states to discount prisoner transfers to Somalia.

UNODC developed the PPTP in June 2010. Jack Lang, the UN Secretary General's Special Advisor on Legal Issues Related to Piracy off the Coast of Somalia, later stated he sees the programme as a means of simultaneously easing the burden on prosecuting states while improving long-term criminal justice capacity in Somalia. The programme proposed the building of two prisons, one in Puntland and one in Somaliland, with a full assistance package from UNODC. This package includes assistance with design, construction, staff training, associated law reform and prison operation. The programme is approaching 50% funding, sites have been identified and it is hoped that construction will begin early in 2012.

UNODC has already completed refurbishing work on Hargeisa Prison in Somaliland and it was officially handed over to Somaliland by Executive Director Yury Fedotov on March 29. Work has already started on refurbishing and increasing accommodation in Puntland's overcrowded Bosasso prison.



Prison refurbishment work at Bosasso in Puntland's north. An extra 200 prisoners can be accommodated once the work is completed. A new prison is to be built in Puntland's capital, Garowe.



Somaliland

minimal that the officers couldn't do their jobs properly. We have an acute lack of resources. Many of our officers are about to retire and the new graduates need to be trained to international standards."

Building new prisons in Somaliland and Puntland is vital, as UNODC Counter Piracy Programme Coordinator Alan Cole explains.

"The international community is now largely in agreement that we must work towards ensuring Somali pirates are tried in their own country and, when they have been tried abroad, returned home to serve their prison sentences in Somalia," he says. "Hargeisa prison is the first new prison to be opened in Somalia for many years and is a clear demonstration that Somaliland is committed to improving its prison sector and UNODC is going to continue to work in Somaliland and Puntland with the authorities to ensure that they are properly supported in the fight against piracy."



Commissioner Maxamed Xuseen Faarax (left) meeting with his senior prison officials.



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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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Photo below courtesy of EUNAVFOR

Front Cover: UNODC translator Abdullahi Salat (standing) helping a Seychelles defence lawyer talk with her Somali clients during a case at the Seychelles Supreme Court.

