COUNTER PIRACY PROGRAMME

Support to the Trial and Related Treatment of Piracy Suspects

Issue Eleven: March 2013

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Foreword

As it approaches its fourth anniversary, UNODC’s Counter Piracy Programme has never been busier. As you will see in the pages of this eleventh edition of our brochure, UNODC is now supporting piracy prosecutions in Kenya, Seychelles, Mauritius and Somalia. With over 1,200 suspected or convicted pirates detained in 21 countries around the world, UNODC’s work on counter piracy remains highly relevant.

This issue of the brochure focuses on the first handover of suspected pirates to Mauritius. The twelve suspects were detained by the naval forces of the European Union in January 2013 and passed to the Mauritius Police Force to be investigated. As with all transfers, UNODC was involved in preparing the police and other criminal justice agencies for the particular challenges of investigating and prosecuting this transnational crime and providing the necessary equipment and infrastructure to ensure a fair and efficient trial. This is the third of the highly successful joint EU/UNODC programmes to have worked with a prosecuting state.

The brochure will also explain the wider positive impact on Kenya’s criminal justice system of the court constructed by UNODC for piracy trials in Mombasa. Now known as Shanzu Court it is used not only for piracy trials but also for the wider benefit of other court users on the Kenyan Coast: a clear example of UNODC’s counter piracy work bringing wider benefits to the justice system.

As an agency with a mandate to consider victims of crime as well as criminals, UNODC has also partnered with the United Nations Political Office for Somalia in a Hostage Support Programme. You will read in this brochure about some of the hostages that, after release from long periods of mistreatment, have been assisted to get from Somalia back home to their families.

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Counter Piracy Programme in Facts and Figures

Counter Piracy Programme in Numbers

0  Number of piracy trials failed due to lack of trial support
4  Number of courtrooms constructed or under construction
6  Number of piracy prosecuting centres that have received support from UNODC
9  Number of prisons holding piracy prisoners constructed, refurbished or underway
46 Number of hostages helped to return home by UNODC
300 Number of Somali pirates prosecuted or awaiting trial in Seychelles, Kenya and Mauritius
350 Number of police officers, prosecutors, judges and prison staff who have participated in UNODC organised learning exchanges
400 Number of Somali prison staff trained
500 Number of days of interpretation delivered
600 Number of prisoners provided with welfare support
1200 Number of piracy prisoners held around the world
1400 Number of international standard prison spaces provided under the programme
2009 Year that the UNODC Counter Piracy programme started

Police and Coastguards

The Counter Piracy Programme has set up and run a mentorship scheme, with eleven international professionals delivering direct training and support to hundreds of law enforcement officers in the region.

More than 100 police officers have taken part in learning exchanges with their counterparts from other nations and territories.

Over 300 police officers and coastguards have received counter piracy training or mentoring.
Correctional facilities

The Counter Piracy Programme has completed the construction of a state-of-the-art correctional facility to house 380 inmates in Hargeisa, Somaliland.

In Puntland, a 500-bed prison is currently under construction in Garowe, and Bossaso prison has been extended with a new 40 bed prison block and another 200 bed block is underway.

Five prisons in Kenya have been subject to extensive refurbishment work.

In the Seychelles, the Counter Piracy Programme has built a 60-bed high security block and undertaken reconstruction work on the main prison, including an exercise yard and vocational training area.

Two additional prison blocks of 18 beds each have been added to the principal prison in Mauritius.

Transfers

29 convicted pirates have been transferred from the Seychelles to Hargeisa, Somaliland.

Five convicted pirates have been transferred from the Seychelles to Bossaso, Puntland.

Repatriation

Two fifteen-year-old suspects have been returned to their families in Somalia.

Prison transfers

59 piracy prisoners have been transferred to Somali prisons by the Counter Piracy Programme.

Hostage release

Forty-six released hostages have been supported by the Joint UNPOS/UNODC Hostage Support Programme.

Prosecution and Courts

Four dedicated courtrooms (in Kenya, Puntland, Seychelles and Mauritius) have been or are being constructed, by UNODC along with two Ministry of Justice buildings in Somalia.

Nine international civilian witnesses have been flown to the Seychelles to testify in piracy trials. One civilian witness has been brought to Kenya, and one has testified via video link from Poland.
Kenya was the first state to agree to accept for prosecution suspected pirates captured in the waters off Somalia. It currently holds 130 convicted or suspected pirates in its already over-burdened prison system. Those convicted are often serving long sentences of up to 20 years.

Shimo la Tewa prison in Mombasa is a remand prison, holding 80 suspected pirates, the largest number for any prison in Kenya.

UNODC’s relationship with Shimo la Tewa goes back to 2009. Currently, UNODC is working on the following areas:

- Improving the medical facilities
- Refurbishing the dispensary
- Providing prisoner uniforms
- Improving water and sanitation facilities
- Providing vocational training through construction work
- Constructing classrooms for the borstal (juvenile detention facility).

Shanzu Court

To date, Kenya has had 83 successful piracy convictions. However, the movement of suspects between Shimo la Tewa and the courthouse in Mombasa was proving an arduous journey through traffic which caused security concerns, hold-ups and communication problems.

With the assistance of UNODC and UNOPS, a new courtroom has been purpose-built adjacent to the Shimo la Tewa site, negating the need to transfer. Shanzu Court has a secure dock, a separate witness waiting area and improved holding cells.

In addition to piracy cases, the court has been used for other high-risk trials including members of the separatist group, the Mombasa Republican Council, accused of violent terrorist attacks.

Between July and November 2012, the courtroom heard 764 cases and has its own resident Magistrate, previously trained by UNODC. Judge Ole Tanchu said: “This facility is a big asset and a marked improvement on security and conditions for the court and accused alike. It has also eased the congestion in the main Mombasa courtroom and we are grateful for the involvement of UNODC.”
Seeing Patterns

New analytical techniques can be a vital tool in the fight against piracy.

“It’s all about seeing patterns,” says Greg Kitsell, a former UK Customs & Excise officer and Serious Organised Crime Agency analyst. Greg is one of the Counter Piracy Programme’s expert trainers. His specialism: Crime Pattern Analysis.

“It sounds like a bit of a buzzword,” he says, “but this is real. With the right data, and the right tools for mining that data, you can identify evidence which can cut off criminal behaviour at source.”

Greg was recently training a group of police officers in Mauritius, in a two-week course designed to bring them up to speed in the latest analytical techniques. The course was followed with a week’s intensive training in computers and specialist analytical software provided by UNODC.

“The crime scene is a ship in the ocean,” explains Greg. “It might have been damaged or destroyed in the process of capture. In the past, when a military warship detained suspected pirates, they were usually more concerned with putting the boats and equipment out of use than they were with evidence-gathering. A lot of valuable information would get lost that way.”

Lately, though, there has been much more emphasis on analysis. For example, if warships are able to record basic facts about the pirate skiffs they detain—such as the amount of fuel, food and water aboard, and the length of the storming ladders—they can deduce vital information about the pirates’ range and their intended targets.

UNODC has been providing countries which will receive the suspects with the means and know-how to process such information.

Mauritius has been provided with telephone analysis equipment to track phone calls, and Greg gave crucial advice on how to follow money trails and organisational networks.

The course he ran also had some unexpected results. “After the weekend break, the students told me they’d applied what they learned to a spate of motorcycle thefts on the island,” Greg recalls. “Going through their records, they identified likely suspects and a disposal opportunity on the second-hand spares market. They made four arrests and busted a gang who had been plaguing the island for years.”
Mauritius Milestones

Mauritius is set to become a key player in the campaign against piracy in the Indian Ocean, after signing an agreement to accept suspected pirates from the EU. EU/UNODC commenced their joint support programme to the country in August 2011. In December 2011 the legislature passed the Piracy and Maritime Violence Act, which came into effect in June 2012. As 2013 began, the island state stepped up its commitment with the arrival of the first suspected pirates for prosecution.

The twelve suspects had been apprehended by EU NAVFOR and delivered to Mauritius as part of the new agreement. The joint EU/UNODC Programme had helped Mauritius prepare for the handover of pirates, based on similar schemes in the Seychelles and Kenya.

The Programme lent support to the four pillars of the anti-piracy community: the police, prosecutors, courts and prisons. There was a wide range of assistance, including training, refurbishment, funding for legal aid, and Somali interpreters. A full-time Somali interpreter has been provided by the Counter Piracy Programme and additional interpreters will be provided as necessary. The Programme is also committed to facilitating the travel of civilian witnesses to testify in piracy trials.

By March 2012, initial police interviews and evidence gathering will be concluded and the pirates will be awaiting trial. In anticipation of this, the CPP has renovated the courtroom in which the trials are due to take place, installing a secure dock, automatic transcription equipment, videolink equipment and security equipment.

Other material support to Mauritius includes crime scene analysis kits, and telephone analysis equipment, to allow authorities to harvest information such as call logs from seized cell phones. All was funded by the EU.

A key part of the commitment to take on piracy prosecutions comes with the handover of suspects and evidence. An incorrectly managed handover has the potential to derail a prosecution. With this in mind, the CPP provided detailed handover training and support, and facilitated a number of simulation exercises, to the Mauritian authorities.

The best form of training comes from the exchange of skills and experience between countries accustomed to dealing with piracy issues (see box). The CPP sent

The EU/UNODC joint programme sponsored four prisons personnel from the Seychelles and 4 from Mauritius to visit prison facilities in Perth, Western Australia. Two additional personnel from Mauritius and nine from the Seychelles were also included.

Delegates reported that their horizons had been expanded and that they had learned many new ideas, insights and procedures as well as making invaluable contacts and connections for the future.

They looked at issues such as risk management; incentives; vocational training and juvenile support.

The busy tour schedule included inspections, information and briefings on a 900 bed male remand prison; a 600 bed maximum security prison for male sentenced prisoners, including a high security prison within the prison; a regional multipurpose prison; a pre-release centre for 80 women; and a newly expanded juvenile detention centre for remand and convicted males and females.

Mauritius Prisons Commissioner, Jean Bruneau, said of the tour: "This was a great opportunity for our team to take on board some valuable lessons from a large-scale system. The first-hand experience that they bring back from Australia will benefit their colleagues in the service, as well as inmates and other stakeholders."
Mauritian police officer Rony Narain to the Seychelles to spend six months with the counter piracy unit there. He also escorted the 12 suspected pirates from Djibouti to Mauritius, and personally took charge of the evidence in the case.

Additionally, the CPP supported the secondment of three prosecutors and four police officers to the Seychelles to shadow piracy trials. Four prison officers were sent to Perth, Australia, for a study tour of facilities there. Meanwhile, the prisons service in Mauritius is being assisted in the production of a 10-year strategic development plan by one of the CPP’s experts in the field.

Prison facilities in Mauritius are being upgraded courtesy of the joint EU/UNODC Programme. A wing of Beau Bassin prison with spaces for 35 prisoners has been refurbished, specifically to hold suspected and convicted pirates.

Sharing Skills, Real-life Learning

The CPP has been active in providing Regional Learning Exchanges. These have developed to become UNODC’s main forum for training in counter piracy issues for the Seychelles, Mauritius, Kenya and Tanzania. Delegates come from countries across the region to learn new skills and share their experiences. The emphasis is firmly on participation: as well as sessions led by international experts, the delegates are encouraged to relate their own experiences and share expertise that they have developed in their own careers.

The most recent Learning Exchange, in Mauritius in December 2012, focused on prisons. The one-week course was attended by 25 participants from across the region.
The Journey Home

Leonardo Hoy-Carrasco, Associate Hostage Release and Repatriation Officer with the Joint UNPOS/UNODC Hostage Support Programme, shares his experience with assisting freed hostages to get home and rebuild their lives.

“It was truly like being born again. We had given up hope and suddenly we were brought back to life.”

Those were the words of a crew member of the MV Iceberg, released in late December 2012, after being held hostage for over one thousand days off the coast of Somalia.

It was a traumatic rescue. The cargo vessel had run aground, due to the inept navigation of its pirate crew. The Puntland Maritime Police Force (PMPF) had exchanged fire with the pirates, and the hostages had quivered terrified on deck as the bullets rang around them. Eventually, the pirates left the vessel which allowed for the safe release of the captives.

In the end, three of the pirates were captured on land but that was scant consolation to the 22 hostages, who had endured almost three years of captivity, degradation and torture. At times, they had been reduced to drinking salt water in order to survive, and were forced to work in life-threatening conditions. One crew member had his ear cut off and another lost the sight in one eye following a beating. One of the crew members died and another is still missing.

The Iceberg was registered in Dubai, flying the Panamanian flag. The crew members came from an wide array of countries, including India, Pakistan, The Philippines, Yemen, and Ghana. There were even two citizens of the new state of South Sudan, whose nation did not exist before they were taken prisoner. Naturally, the priority of each of these diverse individuals was to return to their home and family as soon as possible. Repatriating them was never going to be an easy task. I had to deal with multiple embassies, as well as the Puntland and Kenyan authorities, and different international agencies in order to prepare all the required documentation and meet the logistical challenges of the repatriation. I was very aware of the physical and mental trauma the hostages had experienced, so my main concern was to make this process as pain-free as possible for them. Many of these tasks were made easier by the great help we received from the Director General of Counter Piracy in Puntland, who took care of all the immediate medical needs, as well as facilitating logistical support in Puntland. He even took the hostages shopping for new clothes in Bossaso.

“Repatriating them was never going to be an easy task. I had to deal with multiple embassies, as well as the Puntland and Kenyan authorities, and different international agencies in order to prepare all the required documentation and meet the logistical challenges of the repatriation.”
While considering what to prepare in terms of medical aid for the repatriation flight, I asked myself: What state would a human being be in after enduring these atrocities for so long? I was astonished by the answer. All hostages were strong and ready to go home. They were smiling and thanking the people who had released them; quiet at times but determined and forward-looking. The strength, determination and perseverance of the crew of the Iceberg remains a truly remarkable example of what the human spirit can overcome.

One of the hostages—a friendly Ghanaian named Jewel—told me that he had been so horrified by the treatment he received at the hands of his captors that once freed, he never wanted to touch Somali soil again. Yet here he was, on the tarmac at Bosasso airport, exchanging hugs and fond goodbyes with the Puntland police officers who had looked after him following his release. The same was true for many of his colleagues: the kindness and support demonstrated by their liberators was an important first step in the healing process.

As we travelled back to Nairobi together, I noticed a sense of anxiety start to descend upon the freed hostages. For almost three years they had been each other’s family and helped one another stay alive and sane through their collective nightmare. Only they fully understood what they had gone through, and in an hour’s time they would be parting company – perhaps never to see each other again. When I think of their calm dignity and courage, I feel privileged to have played a part in their long journey back home.

The support given to released hostages varies enormously from country to country. Those from wealthy nations will almost certainly receive counselling upon their return home but many others will be expected to pick up their lives where they left off, without any kind of help. It’s an issue I am keen to raise with international actors involved in fighting piracy.
Often, dreams of being freed and going home are shattered as returning crew members find their families in crisis. The families of the hostages have been forced to run up massive debt, based on the assumption of their income, in the hope of raising a ransom or simply to survive in the absence of the main breadwinner. Some ship owners refuse to pay salary for the time that a crew member is held hostage. It’s the ultimate cruel irony that hostages can find themselves free, only to be plunged into a new and distressing crisis. Our commitment to released hostages cannot just end with their repatriation as many of them end up suffering twice.

It’s important to help freed hostages re-establish their lives and recover mentally so that they can re-join the workforce. I have tried to stay in touch with all of the hostages that have been supported through the Joint UNPOS/UNODC programme.

Though all are thankful for the support they received upon their release, many are still struggling to rebuild their lives and more needs to be done to support them in the post captivity stage.

Worldwide piracy incidents in 2013 (to end Feb):

Total Attacks: 44
Total Hijackings: 3
Current crew/vessels held by Somali pirates (end Feb 2013):
Vessels: 7 Hostages: 113.

Source: International Chamber of Commerce
Jewel Kwesi Ahiable, crew member of the MV Iceberg, was held by Somali pirates for over 1000 days. Here, he recounts his ordeal in his own words.

Warships came around on several occasions. Sometimes two warships at a time, helicopters flying over, aeroplanes. In fact, whenever this happened, it caused us more problems, because the pirates put us under more pressure, closing all the windows and we almost suffocated.

On the 10th December (2012), at about 5.30am, I was just about to pray, when I heard the pirates making a lot of noise. Then we heard gunfire, and after that a very great exchange of fire. It wasn't long before a chopper came, and the pirates ran down and told us to go to the upper level. That's where we had to hide: a very dangerous place.

We thought we would be rescued then, but in fact it continued for thirteen days. The bullets were just flying, penetrating where we were. The pirates were safe, but we were left to the mercy of God.

On the 22nd, a pirate came to us and told us they wanted to surrender, but the commander (on shore) would not let them. That afternoon, they told us they were going home, and we'd be given over to the soldiers. We didn't believe it, because we were so used to hearing lies from them.

The next morning, they were packing their things. Then we all began to cry, thanking God, and around 12 o'clock the pirates left. Two crew had sustained bullet injuries, and they were taken off too, for medical treatment.

We had no idea who we were going to meet. We were taken off in a boat. In three years we had not stepped on land, so we sank to our knees in gratitude. That was the first time we learned it was the Puntland Maritime Police Force who had rescued us.

Initially, I hated Somalia and Somalians, because of the wickedness with which we had been treated. But we were honoured at how our rescuers treated us. They took us to the top hotel in Garowe and we began to feel like human beings. On the way to Bosasso, people lined the roads cheering us. I am grateful to the Somalis and the people of Puntland for what they have done.
Shooting Hoops in Hargeisa

Boreholes in Bossaso, and gardening in Garowe: making piracy prisons a place for rehabilitation.

The team in blue take the ball, pass deftly across the court, shoot for the basket—and score. The team in yellow clutch their heads in despair.

It could be a scene from a friendly game of basketball anywhere in the world. But the yellow team are Somaliland’s trophy-winning prison officer’s squad—and their rivals in blue, who have just scored a symbolic victory, are the prisoners they’re here to guard.

In line with an improved rate of conviction for piracy-related offences, the prison population in Somalia, Somaliland and Puntland has grown in recent years. This is also due to UNODC’s policy of transfers for prisoners, wherever possible (see page 16). A key pillar of the Counter Piracy Programme’s involvement with prisons and the ongoing prisoner transfer scheme is the need for prisoners to be held in humane conditions which accord to international standards: not only is this a basic human right, but it is also thought to impact re-offending rates. Prisoners who have an outlet for physical activity, and who are able to participate in education and vocational training, are more likely to turn their back on crime at the conclusion of their sentence.

In Hargeisa prison, the basketball court is just part of the involvement of the Counter Piracy Programme.

“When we first opened the Hargeisa facility in 2010,” recalls Geraint Roberts, the CPP’s logistics manager, “the cells had good beds, mattresses, running water and toilets. It was a state-of-the-art facility, up to international standards. The problem was, the prisoners were now in better accommodation than the guards! We realised that staff accommodation would also have to be brought up to a higher standard.”

The solution was ingenious. The inmates were offered on-site training in construction skills, and the volunteers honed their newly-learned abilities with the construction of a new block for the staff.
The scheme was such a success that it has had a rewarding spin-off: the training unit now runs a concrete block-making plant which has orders for over 150,000 bricks. As well as providing many of the inmates with skills that they will be able to transfer to the outside world, it’s an important revenue stream for the prison service, where budgets are always tight.

Another brick in the wall: blocks made by inmates provide an additional revenue stream

Garowe

In Garowe, construction is also firmly under way. The city’s present prison was designed to hold only 20-30 inmates, and is currently at more than double its capacity. With an upswing in the number of pirates being repatriated, the need for a new facility was pressing. With the assistance of the Counter Piracy Programme, a new prison is being constructed on the outskirts of the city. Presently about 30% built, the entire facility is designed to accommodate 500 prisoners in four blocks, and is scheduled to open in October this year. The new prison will have many amenities for recreation and training—including a garden to grow fresh vegetables for inmates and staff. It’s another example of how the CPP aims to take an overview of the prison environment, for the benefit of the community as a whole.

When opened, the prison will also benefit the local community in terms of employment. An estimated 300 staff will be recruited, and their training is a key part of the CPP’s support to the facility prior to opening.

Taking prisons to a new level
Bosasso

In Bosasso, work is at an even more advanced stage. The prison has a recently opened 40-bed building which currently houses 30 pirates recently repatriated from the Seychelles. Ultimately that building will become the female block next to a 200-bed facility due to be completed in the next few months.

The prisoners recently celebrated the successful striking of water in a new borehole by raising the governor on their shoulders—an example of the positive relationship which exists between staff and inmates.

The CPP has also supervised the construction of a new administration block, gatehouse and secure entrance, a water tower and septic tanks. Some aspects of the build proved challenging due to the lack of technical capacity of local contractors—particularly a lack of heavy machinery. But these issues were overcome with the assistance of United Nations Office for Project Services (UNOPS).
Breaking Down the Language Barriers

As part of the Counter Piracy Programme’s commitment to preventing future crime through rehabilitation, a programme was launched in Montagne Posse prison to teach Somali prisoners basic language, mathematics and IT skills.

Two “Peer Partners” were recruited—prisoners who are themselves experienced, qualified teachers.

Lessons commenced in October 2012 and all prisoners attended classes on a set weekly timetable. There were almost 100 Somalis on the programme in two locations in the prison. There were about 12 prisoners in each class and attendance was excellent, and during that time the Somalis began to appreciate receiving education in English, Maths and basic IT.

The training co-ordinators reported that the prisoners regard education as a very important aspect in their lives and can see that through education they can aspire to livelihoods other than piracy when they are released.

An extract from a letter to UNODC written by the Somali prisoners in Montagne Posse as they prepare to move to Somalia to serve the balance of their sentences:

“We Somali prisoners want to take this golden opportunity to thank you for the very good support we have and continue to receive.

We have each spent different amounts of time in prison but all of us appreciate the extent of your help.

Right from the time when we were first arrested until today, when the time of our departure has come to spend the rest of our sentences back in Somalia, through your initiatives in the English and Mathematics class, most of us are able to read, write and communicate. In fact some of us can now speak good English and our desire is that this learning continue back home in Somalia.

We want to continue learning so we can work with the Somali government and help our country to grow. Before, we did not have a government and there was no order for school but now we are ready to study.”
In March 2013 UNODC organised the latest transfer of piracy prisoners from Seychelles to Somalia. 25 pirates were sent to Bosasso from Montagne Posse prison in the Seychelles in three charter flights. 13 of the prisoners had been apprehended by the US Navy and 12 by EUNAVFOR. Previously 34 pirates have been transferred to Somalia: 29 to Hargeisa in Somaliland and 5 to Bosasso in Puntland.

Mohamed Rage, Puntland Minister of Ports & Marine Transport said: “We would like to appreciate UNODC’s efforts for helping the Puntland government. UNODC have built prisons, conducted vital advocacy programs and are planning inmate development programs. I also I would like to thank the Seychelles government for their collaboration to fight piracy.”

Ali Nour, the governor of Garowe Prison, told the repatriated prisoners: “Welcome back to your country. You are lucky to come back to your home, and we promise that you will get the same rights that you had in the Seychelles prisons.”
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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Front Cover: Maham Mohammed Hersi, trainee prisons officer, Puntland, at a recent UNODC training event. Photo: Mike Pflanz

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