



# Counter Piracy Programme



**UNODC**

United Nations Office on Drugs and Crime

*November 2009*

## INTRODUCTION

Somalia has been without an effective central government since 1991, and the absence of basic rule of law has provoked a surge of hijacking and piracy in the region. In 2008, 168 pirate attacks were reported off the coast of Somalia and the number for 2009 is likely to exceed 200. Attacks have now occurred as far south as the exclusive economic zone of Seychelles and beyond the operating area of Operation ATALANTA of the European Union Naval Force (EUNAVFOR).

The proliferation of attacks against ships off the coast of Somalia has had serious consequences, including the disruption of critical humanitarian aid deliveries to Somalia, an increase in shipping insurance premiums, damage to economies and an increased prospect of environmental disasters.

The growing incidents of piracy have focused the world's attention on Somalia and served to emphasise that what happens within Somalia has repercussions far

beyond her borders. Any lasting solution to the problem of piracy involves ensuring stability, development and an effective criminal justice system in Somalia. Until that is achieved, it is critical to assist in the prosecution of suspected pirates in order to deter further acts and to avoid these crimes being treated with impunity.

In its resolution 1851, the Security Council encouraged States and organizations to establish a mechanism for international cooperation in combating piracy off the coast of Somalia and to work to enhance the capacity of relevant States in the region to combat piracy, including judicial capacity. This is the work UNODC is now taking forward.



Skiff captured by Seychelles Coast Guard



UNODC expert examining mother ships captured by Seychelles Coast Guard

## DELIVERY

The UNODC programme was set up on 1 May 2009 to support piracy prosecutions which were already underway. As a result, it was expected to deliver immediately and it did so: the rate of delivery has been high.

### FUNDING

Although the EC/UNODC programmes in Kenya and Seychelles remain the backbone of the UNODC counter piracy effort, their success has drawn other donors, including Canada, Australia and the United States. The Australian Federal Police has provided the programme with a Police Advisor who works with police officers across the region to improve investigative skills and to coordinate investigations.

We are also working with donors towards a programme of improvement for the criminal justice systems in the wider region, including the Puntland and Somaliland regions of Somalia, starting in the prisons area.

### OUTPUTS SINCE 1 MAY 09

We have delivered the following key outputs in Kenya:

#### POLICE

- Delivered training in modern investigatory procedures
- Drafted handover guidance to assist navies in ensuring evidence complies with Kenyan law
- Reconditioned police cars to help with investigations
- Supplied the police with office and investigative equipment
- Ensured the safe transport of weapons for ballistic examination in Nairobi



Weapons seized from pirates at Mombasa CID HQ

### IN PROGRESS

- Complete refitting of an exhibit room to ensure secure stowage of firearms
- A dedicated training package in piracy investigations

### PROSECUTORS

- Delivered two workshops covering the law of the sea, advocacy issues and legislative amendments
- Travel for prosecutors to Mombasa courts to conduct trials
- Legal resources
- Office equipment
- Car hire and fuel
- Arranging attendance at international piracy conferences



UNODC training course for judges, prosecutors, police officers and prisons staff, Nairobi

### IN PROGRESS

- Purchase of a car to allow prosecutors to travel to courts in the region
- Rental of office space for the Counter-Piracy Unit
- Further law of the sea training

### COURTS

- Reviews of remand cases leading to a 20% reduction in the number of prisoners at Shimo La Tewa Prison
- Attendance of witnesses from overseas to give evidence at piracy trials
- Provision of defence lawyers where piracy suspects have none<sup>1</sup>
- Interpretation into Somali to ensure the suspects can follow court proceedings
- Introduction of computers to Mombasa courtroom
- Provision of facilities to allow video evidence to be viewed in Mombasa courtroom

### IN PROGRESS

- A substantial judicial training package
- Renovation of Shimo La Tewa courtroom to create the first courtroom in Kenya equipped to modern standards for serious criminal trials
- Installation of emergency lighting in court cells
- Installation of fire fighting equipment throughout Mombasa Law Courts

<sup>1</sup> UNODC provides defence support only where it is requested to do so by the court and where no other defence assistance is in place. Currently that applies in only two cases.



Mombasa courtroom

- Provision of a transcription service for Mombasa Law Courts

### PRISONS

- Supply of mattresses and blankets for all 2,500 prisoners in Shimo La Tewa
- Complete cleaning and repainting of the prison
- Doubling of sewerage capacity
- Doubling of water supply to allow better access to drinking and washing water
- Welfare service for prisoners to provide suspected pirates with basic necessities
- Provision of education and sports equipment
- Improvement in medical care for all prisoners
- Delivery of office equipment
- Complete kitchen rebuild
- Senior prison staff study tour to UK

### IN PROGRESS

- Improvements to prison medical facilities
- Basic refurbishment of four more prisons
- Refurbishment of prison vehicles to allow for more secure movement to court



Prisoners at work at Shimo La Tewa Prison, Mombasa



Old prison kitchen



New prison kitchen built by UNODC

## LOOKING FORWARD



UNODC Prisons experts estimating work at Manyani Prison, Voi

### KENYA

To date, the EC/UNODC Programme has delivered a wide range of well targeted support to the Kenyan criminal justice system and donors may be confident that conditions and efficiency have improved significantly. Further donor funding will make it possible to demonstrate to the Government of Kenya that the international community is committed to supporting them in the longer term. UNODC has already secured some funding for further work which include further training for judges and prosecutors, improvements to the courts and substantial work in the prison health and education area.

The success of the remand review initiative, which for very modest outlay has been able to make substantial improvements in prison conditions and significant reductions in court loadings, suggests it may have wider application in Kenya and East Africa.

### SEYCHELLES

The decision of the Government of Seychelles to accept piracy suspects for trial has resulted in a joint EC/UNODC Programme to assist the Seychelles criminal justice system with the additional work associated with taking piracy cases. EC/UNODC has already been able to

provide some assistance to Seychelles, including interpreters for the police and courts and the provision of a prosecutor to assist the State Law Office. The EC/UNODC Seychelles Programme, assisted by substantial donations from the US, Canada and Australia will deliver support in the following principal areas:

### POLICE

- A fully equipped major incident room for piracy and other investigations
- A police mentor to help the police develop their investigative skills
- Navigation and radio equipment for the coastguard to ensure they can communicate with naval forces in the region



Award of certificates in Law of the Sea to Seychelles Coast Guard and Police Officers

- Provision of an additional prosecutor
- Training to meet the Attorney General's needs
- Legal resources and office equipment

### COURTS

- The introduction of a transcription service
- Training of judges to meet the Chief Justice's needs



The Court of Appeal Seychelles

### PRISONS

- Extensive refurbishment to improve conditions for prisoners and improve security for the people of Seychelles
- Improvements to health and educational services in the prison
- Training of senior management overseas
- A complete training package for junior prison staff including the provision of uniforms and equipment
- Assistance with the writing of prison routines
- Assistance with improvements to the parole and probation arrangements
- The provision of dedicated facilities for female prisoners and juveniles



Montagne Posse Prison, Seychelles.

# L O C K U P

XABSIGA DHERE EE G/NOGAAL

1-7-06	17	16	33	17	16	1	-	33
2-7-06	16	19	35	16	18	1	-	35
3-7-06	16	21	37	16	20	1	-	37
4-7-06	15	20	35	15	19	1	-	35
5-7-06	15	21	36	15	20	1	-	36
6-7-06	15	23	38	15	21	1	-	38
7-7-06	15	23	38	15	22	1	-	38
8-7-06	15	22	37	15	21	1	-	37
9-7-06	15	23	38	15	22	1	-	38
10-7-06	15	23	38	15	22	1	-	38
11-7-06	15	23	38	15	22	1	-	38
12-7-06	16	23	39	16	22	1	-	39
13-7-06	16	23	39	16	22	1	-	39
14-7-06	16	23	39	16	22	1	-	39
15-7-06	16	23	39	16	22	1	-	39
16-7-06	17	24	41	17	23	1	-	41
17-7-06	17	24	41	17	23	1	-	41
18-7-06	14	25	39	14	24	1	-	39
19-7-06	14	25	39	14	24	1	-	39
20-7-06	14	25	39	14	24	1	-	39
21-7-06	14	25	39	14	24	1	-	39
22-7-06	16	23	39	15	23	1	-	39
23-7-06	16	23	39	15	23	1	-	39
24-7-06	16	24	40	15	24	1	-	40
25-7-06	16	24	40	15	24	1	-	40
26-7-06	16	25	41	15	25	1	-	41
27-7-06	16	26	42	15	26	1	-	42
28-7-06	16	25	41	15	25	1	-	41
29-7-06	18	21	39	17	21	1	-	39
30-7-06	18	24	42	17	21	1	-	42
31-7-06	20	20	40	19	20	1	-	40

Rudimentary record keeping in a Somali prison.

## SOMALIA

Few would disagree that ideally Somali piracy suspects should be tried and imprisoned in their own country. Due to concerns over the respect for international and human rights standards in the criminal justice system in Somalia, many States with naval forces in the area have been hesitant to transfer suspected pirates to Somalia for prosecution.

## SOMALILAND AND PUNTLAND PRISON PROGRAMME

UNODC is investigating the possibility of transfer agreements between trying states and Somalia to allow Somalis that are convicted of piracy to return home to serve the remainder of their prison sentences. These transfers would serve the double purpose of alleviating the burden placed on those states that have conducted prosecutions and also of satisfying requests by Somalia to allow its nationals to return home. These agreements will only be able to operate, however, if the transferring states and the prosecuting states are satisfied that the conditions in the Somali prisons that would house the convicted pirates meet international standards.

The UNODC Somaliland and Puntland Prison Programme will begin early in 2010 and will seek to ensure that international standards will be respected in order to allow for:

- The secure and humane imprisonment of those sentenced by the courts in Puntland and Somaliland;
- The transfer of Somali pirates convicted in regional states.

The Programme will be based around the opening of the two new prisons in Gardo, Puntland (due to open in May 2010)

and Hargeisa, Somaliland (December 2009). These prisons have been built to international standards but have yet to be occupied. In parallel with the setting to work of the two new prisons, UNODC will work on the 20 or so other facilities in Puntland and Somaliland (prisons and local detention facilities) to bring them closer to international standards. Immediate areas of concern include the treatment of child prisoners, medical facilities, basic staff training and the lack of sanitation. In the longer term, physical security, education and the construction of a facility for juveniles and women are priorities.

For the Programme to succeed there must be a commitment from the local administration, including the development of prison legislation, the payment of staff and the support of training.



Garoe Prison, Puntland

### SOMALILAND AND PUNTLAND POLICE AND PROSECUTOR PROGRAMME

In the longer term and in cooperation with other UN agencies, UNODC will work towards improving the wider criminal justice system in Somalia to help ensure it meets international standards for fair and humane treatment and is based in the sound framework of the rule of law.

UNODC will take responsibility for the training of certain specialist practitioners within the criminal justice system of Somalia early in 2010. In the first instance, these groups will include the prosecutors and police investigators, areas where UNODC has proven expertise. This programme will commence 1 April 2010.

### REGIONAL EXPANSION

UNODC has completed assessments of the laws of Kenya, Seychelles, Tanzania and Mauritius with the assistance of their Governments. Assessments of Yemen and Somaliland will take place in November 2009. The assessments focus on the piracy related provisions and aim to assist these countries with amending their laws to allow for fair and effective prosecutions. UNODC has also offered assistance with redrafting where necessary.

### CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA TRUST FUND

UNODC will be working with the Contact Group to establish mechanisms for the delivery of assistance funded under this trust fund. In particular, UNODC will be working to ensure that the delivery of assistance under the fast track arrangement to support ongoing prosecutions is speedy and effective.



Piracy suspects transported to trial, Nairobi



A cell for juvenile prisoners at Manderu prison, Somaliland



# UNODC

United Nations Office on Drugs and Crime

## 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](http://www.unodc.org/unodc/en/piracy/index.html)

Programme Coordinator: [alan.cole@unodc.org](mailto:alan.cole@unodc.org)

Regional Advisor: [anne-marie.brinkman@unodc.org](mailto:anne-marie.brinkman@unodc.org)

UNODC Regional Office in Eastern Africa,

United Nations Avenue,

Block A-208

P.O. Box 30218-00100, Nairobi, Kenya

Tel: +254 20 7621890

Fax: +254 20 7623667

