



TRUST FUND TO SUPPORT INITIATIVES OF STATES  
COUNTERING PIRACY OFF THE COAST OF SOMALIA

PROJECT DOCUMENT

PROJECT OVERVIEW	
1. Requesting Agency	UNODC
2. Project Title	Support to Prisoner Transfer Flights from Seychelles to Somaliland and Puntland
3. Duration	12 months
4. Estimated Starting Date	January 2013
5. Location	The Seychelles
6. Application to Window of Fund	B
7. Focus Area	Maritime Law Enforcement
8. Overall Budget (needed to implement the entire project)	\$ 353,100
9. Request to Trust Fund	\$ 353,100
<p><b>10. Brief Description</b></p> <p><u>Transfers</u></p> <p>UNODC has, since 2009, been supporting Eastern African states willing to take up the prosecution of piracy suspects, including in Seychelles. As a pre-condition to take up further groups of captured suspected pirates for prosecution, the Seychelles Government require those already convicted of piracy to be transferred back home to Somalia to serve their sentences. This is set as a condition in order to alleviate the burden on the Seychellois prison system as sentences for piracy can be as high as 20 years, and the prison capacity in the Seychelles is already stretched. Transfers of piracy prisoners to Somalia is also seen as a more humanitarian long-term solution as this allows prisoners to be close to their families, culture, language and religion, while increasing the possibility of their successful reintegration into society. This specific proposal seeks funding for the transfer of those convicted of piracy that were apprehended by international navies and transferred for prosecution to Seychelles as well as those arrested and tried by Seychelles.</p> <p>UNODC has facilitated and funded one such prisoner transfer to date from the Seychelles and a number of repatriation flights for suspects who are acquitted or released for other reasons.</p>	
<b>11. SITUATION ANALYSIS AND JUSTIFICATION</b>	

A critical component of efforts to combat piracy off the coast of Somalia is to ensure that suspected pirates are brought to justice and the international community has turned to regional countries to assist in this process. Since May 2009, the UNODC Counter Piracy Programme (CPP) has provided targeted support and capacity building to those regional countries that have agreed to undertake piracy prosecutions to ensure that the trials and detention are fair, humane and efficient and take place within a sound rule of law framework.

At present, UNODC CPP is engaged in Kenya, Mauritius, Seychelles, Tanzania and Somalia, providing support to the police, prosecutors, courts and prison services.

Piracy suspects who are convicted often receive long sentences, which place a significant burden on the prison capacity of regional prosecuting states whose capacity is low as it is. The risk is therefore that Regional States are disincentivised to take on new piracy cases because of the strain this will place on their national prison systems. The UNODC Piracy Prisoner Transfer Programme (PPTP) has been established under the CPP to improve the corrections regimes within Somalia to allow pirates to be transferred there following a successful conviction. UNODC is improving prisons in both Puntland and Somaliland including prison construction, refurbishment, prison staff training, prison mentoring and monitoring in order to ensure that conditions are in line with international standards. Agreements reached between Seychelles and the Governments in Mogadishu, Puntland and Somaliland allow for the transfer of convicted pirates to prisons in Puntland and Somaliland. These agreements are complemented by Letters of Agreement between UNODC and the administrations in Puntland and Somaliland which regulate the PPTP.

Somaliland and Puntland both have sufficient and suitable prison capacity to accept all those convicted pirates currently held in Seychelles. In the case of Somaliland they will be held in Hargeisa, a 450 bed facility opened and mentored by UNODC. In the case of Puntland, those arrested by Seychelles Coastguard will be transferred to a dedicated prison block in Bosaso, constructed and mentored by UNODC.

17 convicted pirates were transferred from Seychelles to Somaliland in two flights in March 2012. UNODC Counter Piracy Programme trained prison officers in the Seychelles and Somaliland and assisted with the prisoner departures and arrivals. The 17 convicted pirates were all over the age of 18 and volunteered to move to Somaliland, where they are serving their sentences in Hargeisa prison.

### **Synergies/Partnerships**

The Counter Piracy Programme works closely with other UN agencies, recognizing that each has specialist skills to bring to the fight against Somali-based piracy. As well as supporting DPA in its political role, the Programme has developed close liaison with the International Maritime Organisation, supporting the implementation of the Djibouti Code of Conduct through the delivery of complementary training. All UNODC activities being implemented in Somalia are closely coordinated with UN Political Office for Somalia (UNPOS).

UNODC has welcomed and supported the establishment of the CGPCS, a model of effective international cooperation in response to a complex regional security issue. As well as being a critical implementation partner for Working Group I (Operational Coordination and Capability Development) of the Contact Group, UNODC acts as secretariat to Working Group II (Legal Issues), to which it has

provided various forms of support. In particular, UNODC has prepared an analysis of the legal and practical challenges involved in prosecuting suspected pirates regionally. The Counter Piracy Programme is a major contributor both to the development of thinking in the Contact Group and to the delivery of priorities identified by them.

## 12. STRATEGY

### 12.1 Overview of Project Strategy

As the transfer of convicted pirates to Somalia to serve their sentences is now an expressed condition for Seychelles to accept further handovers of suspects for prosecution, UNODC CPP seeks USD 330,000 for prisoner transfer flights from the Seychelles to Somaliland and Puntland in 2013. UNODC CPP will use the requested funds to reimburse the Government of the Seychelles for the costs of transporting convicted pirates to prisons in Somalia through an existing grant mechanism. Transfers will be made to Hargeisa, Bosasso and Garowe, the latter once operational. UNSC 2015 (2011) mandates UNODC, regional states and Somalia to conduct these flights which are recognized as essential in the report of the Secretary General on specialized anti-piracy courts in Somalia and other States in the region.

No arresting state has agreed to make military aircraft available for these flights. Scheduled flights cannot be used as transit airports and airlines are not prepared to cooperate. In any event, the cost of single tickets for prisoners and return tickets for guards on scheduled routes through Nairobi or Dubai would be no cheaper than a commercial charter.

To date, Seychelles and Kenya based private charter companies have been used to do this work. Given the lack of tarmac runways in Hargeisa, Bosasso or Garowe, smaller aircraft are used that can carry up to 9 prisoners plus guards.

Each flight costs no more than \$ 40,000 depending upon destination, current fuel price and landing fees. That cost includes security personnel.

This application seeks funding for the following transfers from Seychelles<sup>1</sup>:

Arresting State	Prisoners to Transfer
Denmark	8
EU	22
Netherlands	17
Seychelles	24
United Kingdom	19
United States	15
<b>TOTAL</b>	<b>105</b>

Moving 105 prisoners will require at least 12 flights costing a total of \$480,000. UNODC currently holds \$150,000 towards these flights and seeks the balance of \$330,000.

<sup>1</sup> Pending individual states/EUNAVFOR granting permission for onward transfer.

Prisoners are transferred to Somalia only if:

- a. They are 18 years old or above
- b. They are volunteers
- c. Their trial and any appeal is complete
- d. The arresting state gives permission to Seychelles Government
- e. The prosecuting state (Seychelles) gives permission

## 12.2 Major Project Outcomes and Outputs

**Outcome 1:** Transfer of convicted pirates from Seychelles to Somaliland and Puntland

## 12.3 Key Risks and Mitigation Strategy

The principal risks associated with the proposed project are:

- **Risk:** Lack of cooperation of receiving state
- **Mitigation:** UNODC has exchanged letters of agreement with Somaliland and Puntland. Both have entered into Agreements with Seychelles
- **Risk:** Hijacking of aircraft
- **Mitigation:** Aircraft have security staff embarked; prisoners are volunteers to return home

## 12.4 Means of Verification

UNODC and other international community reports, including Security Council and General Assembly Resolutions.

Official reports of trials

WG 1 assessments and other Contact Group reviews.

## 13. MANAGEMENT ARRANGEMENTS

### 13.1 Project Management Mechanisms and Structure

The project will be coordinated and supported from UNODC's Regional Office for East Africa (ROEA) in Nairobi, under the direction of Mr. Alan Cole, UNODC Regional Counter-Piracy Programme Coordinator.

### 13.2 Project Evaluation

Procedures for project management will be applied under the framework of UNODC results-based management, adopted by the Office to ensure effective deliver of technical assistance. A mid-term review will be conducted of the entire UNODC Counter-Piracy Programme. A final review of the project will be conducted by an independent evaluator and will be made available to the Fund Board

### 13.3 Reporting

UNODC will present certified project reports to the Fund Board and the Fund Manager on an annual basis, as per the TOR for the Fund, and the MOU for Participating UN Agencies. Interim reporting will be provided to the Fund Manager upon request.

**13.4 Legal Context**

The Government of the Seychelles agrees that the Standard Basic Assistance Agreement (SBAA) signed on 18 November 1977 with the United Nations Development Programme (UNDP), shall apply, *mutatis mutandis*, to the assistance provided by UNODC under the present project document. The Government confirms, in particular, that Article IX (Privileges and Immunities), Article X (Facilities for the execution of UNDP assistance), Article XI (Suspension or Termination of Assistance) and Article XII (Settlement of Disputes) of the SBAA shall apply to the activities of UNODC under this project.


The Seychelles has also signed transfer agreements with Somaliland and Puntland authorities.

A full legal context applicable to this Project available on request.

**13.5 Budget Overview (by Outcome)**

OUTCOME	BUDGET \$
Project Outcome 1 Transfer flights from the Seychelles to Somalia	330,000
Project Staff	Nil
Project Management Costs	Nil
PSC (7%)	23,100
<b>TOTAL</b>	<b>353,100</b>

Signed on behalf of: \* Alan Cole \*

Party/Entity	Name/Title of Signatory	Date	Signature
UNODC	Stamus Mangan	19 Nov 12	

3. WORK PLAN & BUDGET

EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME					RESPONSIBLE PARTY	PLANNED BUDGET	
		YEAR 1				Grant Agreement		Amount	USD
		Q1	Q2	Q3	Q4				
<b>OUTCOME 1: Transfer flights</b>									
Output 1		X	X	X	X	UNODC	Grant Agreement	\$330,000	
<b>PROJECT MANAGEMENT AND SUPPORT COSTS</b>									
	Personnel Costs								
	Travel								
	Equipment								
	Premises								
	Operating Expenses								
	Evaluation								
	General Management Services (7% of Cs)							23,100	
<b>TOTAL</b>									<b>353,100</b>