

SPECIAL ARRANGEMENT
BETWEEN
INTERNATIONAL MARITIME ORGANIZATION (IMO) AND
INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)
REGARDING THE OPERATIONAL ASPECTS OF PROGRAMMING
SUPPORTED BY THE TRUST FUND TO SUPPORT INITIATIVES OF STATES
COUNTERING PIRACY OFF THE COAST OF SOMALIA

WHEREAS, the Contact Group on Piracy off the Coast of Somalia (hereafter referred to as "the Contact Group") was established pursuant to Security Council resolution 1851 (2008) of 16 December 2008 as a voluntary, ad hoc international forum to coordinate international efforts in the fight against piracy off the coast of Somalia in recognition of the growing impact of piracy on humanitarian aid, commercial shipping, and regional trade in the Horn of Africa;

WHEREAS, in January 2010, at the request of the Contact Group, the United Nations Secretary-General established the "Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia (hereafter referred to as "the Trust Fund");

WHEREAS, in accordance with the revised Terms of Reference ("TOR") of for the Trust Fund dated 11 December 2012 to Support Initiatives of States Countering Piracy off the Coast of Somalia attached hereto as ANNEX I, INTERPOL has sought access to funding from the Trust Fund, through IMO, for the implementation of a project;

WHEREAS, the Minutes of the 14th Meeting of the Trust Fund Board on 14 November 2013 ("Minutes") attached hereto as ANNEX II record the Trust Fund's approval of Project Number 059 attached hereto as ANNEX III, and place certain conditions and obligations upon INTERPOL in relation to that approval;

WHEREAS, in the Cooperation Agreement between the United Nations and the International Criminal Police Organisation dated 8 July 1997 ("CA") Article 1 facilitates cooperation between the UN and INTERPOL in areas including crime prevention, and efforts to combat organised criminal groups;

WHEREAS, the CA, at Article 5, permits the UN and INTERPOL, to make special arrangements to facilitate joint implementation of projects of common interest;

WHEREAS, INTERPOL have agreed to receive funds from the Trust Fund through IMO, and to carry out programmatic activities in accordance with the TOR, the Memorandum of Understanding between the Recipient Organizations and the United Nations Development Programme regarding the Operational Aspects of Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia ("MOU") attached hereto as ANNEX IV, the Minutes, and this Special Arrangement ("SA");

NOW, THEREFORE, IMO and INTERPOL hereby agree as follows:

1. IMO will accept from the Trust Fund those funds allocated to INTERPOL for project implementation activities in relation to Project Number 059.

2. IMO will then transfer those funds to INTERPOL for the purpose of INTERPOL's project implementation action in accordance with Project Number 059 as approved by the Trust Fund, and in accordance with the TOR, MOU, Minutes, and this SA.
3. IMO will retain a PSC of 3% of the transferred funding total to cover administrative costs and associated activities.
4. INTERPOL will provide to IMO the financial and narrative reports required in accordance with the TOR, MOU, and Minutes. These reports will be provided to IMO at least 15 days prior to the deadlines as stipulated in the TOR and the Minutes, with a copy also sent to the TF Secretariat. IMO will have no role in the evaluation of the project from a financial or technical perspective.
5. Transparency and audit mechanisms and reports shall be drafted and approved as per INTERPOL rules, regulations, and guidelines, but shall incorporate any additional requirements or information as necessary in accordance with the TOR, MOU, and Minutes.
6. IMO will not bear any responsibility for implementation of the project and for ensuring accountability measures are properly complied with, IMO's responsibility lies solely in the transfer of the funds. No claim of liability may be made against or accepted by IMO arising in connection with activities of INTERPOL including the funding.
7. The Parties shall settle amicably any dispute arising out of this Special Agreement. Any dispute not settled within sixty (60) days from the date a Party has notified the other Party of the dispute and possible measures to rectify it, shall be resolved through consultation between the heads of the respective Parties.
8. This Special Agreement shall be effective upon the last date of signature of the approving officials and remain in force until the availability of funds, unless terminated by either of the Parties upon sixty (60) days prior written notice.
9. This Special Agreement may be amended by the Parties by mutual written agreement.
10. Nothing in or relating to this Special Agreement shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs and specialized agencies.

For IMO:

For INTERPOL:

Laurent Grosse
Executive Director Resource Management

CONTACT GROUP
ON PIRACY OFF THE COAST OF SOMALIA

مجموعة الاتصال على القرصنة في الصومال
 Group on Piracy off the Coast of Somalia
 Консультативная группа по пиратству в Сомали


**TRUST FUND TO SUPPORT INITIATIVES OF STATES
 COUNTERING PIRACY OFF THE COAST OF SOMALIA**
PROJECT DOCUMENT
A. PROJECT OVERVIEW

1. Requesting Recipient UN Organization (s), indicate the Lead Agency if Joint Programme	IMO [for INTERPOL and the International Maritime Bureau (IMB)]
2. Project/Joint Programme Title	INTERPOL Hostage Debriefing Initiative
3. Duration	12 months
4. Estimated Starting Date	1 December 2013
5. Location	India, Philippines, Vietnam, Sri Lanka, Indonesia and Malaysia.
6. Application to Window of Fund	Window A <input checked="" type="checkbox"/> Window B <input type="checkbox"/>
7. Focus Area	Debriefing of former hostages held by Somali Pirates in Support of Law Enforcement Investigations
8. Overall Budget (needed to implement the entire project) in USD	US \$ 237,668.00
9. Budget requested from Trust Fund in USD	US \$ 237,668.00
10. Project/Joint Programme indirect costs and percentage of total programme costs	US \$ 15,548.00
11. Bilateral/Multilateral contributions in USD	Nil

12. Brief Description

Incidents of maritime piracy have increased in both frequency and geographical locations throughout 2008, 2009 and 2010, and continued in 2011, with a slight decrease in 2012. As of 15 September 2013, 57 seafarers were reported to still be held by pirates in extremely difficult circumstances¹. With funding from the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund), UNODC and UNPOS established in October 2012 a joint programme to provide medical care, accommodation, food, clothes and welfare items to the isolated groups of hostages during the release phase and support them in returning home swiftly.

¹ Source: IMB

However, problems relating to the debriefing of hostages, information gathering and sharing still persist. Many of the released hostages are debriefed several times by different organizations, without these organizations sharing the information or coordinating the purposes of the debriefs. This results in information being lost, or corrupted, and confusing and/or alienating the hostages. Thus a more coordinated and holistic approach is needed in order to cover the different aspects of, and purposes for, information gathering in order to assuage the needs of law enforcement, industry, humanitarian aid and - very significantly - securing information that could lead to the release of other hostages in the future, and which can be utilized by policy makers, industry, and other stakeholders to inform the preparation of seafarers for transit through the High Risk Area.

INTERPOL's role in combating maritime piracy off the coast of Somalia has been recognized in a number of United Nations Security Council (UNSC) Resolutions (1950, 1976 and 2020)², and recently 2077, which inter alia urged States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation, and to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity.³

The ICC-CCS through its International Maritime Bureau Piracy Reporting Centre (IMB PRC) is the only single reporting point for ship Masters and their owners to report incidents of piracy and armed robbery occurring worldwide and has the capability to identify and locate these crews who could then be debriefed by competent authorities.

B. SITUATION ANALYSIS AND JUSTIFICATION

13. Problem Analysis

According to the United Nations Office on Drugs and Crime (UNODC), as of December 2012, 21 countries were prosecuting 1190 Somalia pirates. Although this high number emphasizes the efforts taken by the international community to bring pirates to justice, INTERPOL's MPTF has identified a still existing need for consequent hostage post release debriefings which can be crucial evidence in a prosecuting court.

The majority of hostages come from thirty-one countries and are disproportionately from the Asian Region.⁴ Debriefings of these released hostages by competent authorities are essential for the success of any investigation and prosecution, and could generate crucial evidence on the involved perpetrators and thereby supporting multiple piracy investigations around the world.

The current window of opportunity to carry out these debriefings remains at the time the vessel is released – a time of heightened emotion for the crew and their families. Once this crew are signed off and return to their homes and loved ones they often fall off the grid and in most cases are “forgotten” and the information available to them is lost. After a period at

² See full resolutions at annexes 1, 2, 3,4

³ Paragraph 29, Chapter VII of the Charter of the UN, UNSC resolution 2077(2012)

⁴ Annexes 5 and 6 show the disproportionate impact of piracy on Asian nationals compared to the nationals of other countries, and a breakdown of Asian piracy hostages per their nationality

home, they may sign on to a vessel belonging to a different owner possibly operating in a different part of the world. The Hostages Debriefing Initiative will allow for these “lost” crews to be found and then debriefed.

INTERPOL aims to support the following six Member States in debriefing their nationals who were held hostage by pirates (from 2008-2012)⁵:

- India, 299 hostages
- Philippines, 521
- Indonesia, 134 hostages
- Sri Lanka, 45 hostages
- Vietnam, 40 hostages
- Malaysia, 38 hostages

These countries have been selected on the following bases: (a) These countries’ police forces have already indicated support for this initiative. INTERPOL, which is in the process of implementing its counter-piracy program, has already assisted in debriefing a number of released hostages from the Philippines, Vietnam, Sri Lanka and India. (b) Most of these countries have approached INTERPOL in order to seek its assistance in providing them with the relevant skills to debrief maritime piracy hostages in order to ensure the systematic debriefing of released hostages. The skills set developed in this initiative can be used for the debriefing of released hostages in terrorism (hostage taking) cases or kidnapping-for-ransom cases.

There are four key objectives for debriefing of released hostages:

1. **Intelligence:** securing all information that occurred while the released hostage was in captivity. Information gleaned from debriefing of released hostages is shared with law enforcement agencies to build a stronger understanding of the overall pirate networks, determining pirate affiliations to other clans and evaluating the relevance of other evidence identified by the released hostage. Importantly, this information may assist in the release of other hostages still in captivity.
2. **Law Enforcement:** Because a crime has been committed, the debriefing is geared toward on-going investigations and prosecutions or developing additional evidence to launch new investigations. Law Enforcement would use the information from the debriefing to build prosecutable cases against known pirates and determine how the incident fits into all piracy-related cases throughout the world, and not one specific prosecution. In this connection, the INTERPOL Global Database, which has systematically been used and consulted during debriefings, is an indispensable tool in understanding the global picture.
3. **Security:** The debriefings will elicit details about the hijacking to help prevent future hostage taking or hijacking. Information which details tactics, techniques and procedures (TTPs) used by Somali pirates during an attack, hijacking, captivity, and release will be shared with the shipping industry and other partners to improve the Best Management Practices (BMP) and identify new TTPs.
4. **Humanitarian:** It is important that the debriefing process also gathers data on what assistance was provided to the hostages in the post-release phase, and about their experience of the different organizations they came in contact with. This will be used to evaluate and improve the different mechanisms put in place by the international

⁵ See Annex 9 for details of names of related vessels and flagships, provided by IMB, April 2013

community to help the seafarers. This will also help identify the different organizations who have been involved, in order to facilitate a more coordinated and coherent approach. Furthermore, data collected on the post-release stage, can help map, investigate and prosecute crimes committed against the seafarers by their employers or third parties, in violation with existing labor laws and conventions. What is essential, however, is that the two purposes – humanitarian and law enforcement – are coordinated, but seen to be independent and separately and differently focused upon their discrete aims in the manner and form in which they collect information.

14. Synergies/Partnerships

This Hostages Debriefing Initiative would be complemented by the existing program on Hostage Support developed by the United Nations Office of Drugs and Crime (IMO).

INTERPOL will conduct these debriefings with the host nation Law Enforcement Agencies (the National Central Bureaus and the Specialized Police Unit within the country) to ensure appropriate follow-up by that host nation, including the launching of its own investigation into the incident, and that the testimonial evidence is properly recorded in accordance with local criminal code and procedure.

The information extracted from these debriefings will be processed through INTERPOL's Global Database on Maritime Piracy, analysed and disseminated to support on-going investigations of INTERPOL Member States.

With the implementation of project EVEXI (Evidence Exploitation Initiative), the recipient countries have provided INTERPOL with a significant amount of quality information that was fed into the Global Database on Maritime Piracy for processing, establishing links and providing EVEXI recipient countries with analytical reports that supported their investigations.

15. Partnership Arrangements/Modalities

This project will be jointly implemented by INTERPOL and IMB, under the direction of INTERPOL Assistant Director and Head of the Maritime Piracy Task Force and Director, ICC Maritime Bureau. The project will be jointly supported by INTERPOL and IMB offices in, respectively, Lyon and London in coordination with INTERPOL Liaison Office in Lobang, Bangkok and INTERPOL National Central Bureau of the selected beneficiary countries and IMB PRC in Kuala Lumpur

INTERPOL and IMB will work in close collaboration with concerned national authorities and officials in India, Philippines, Vietnam, Sri Lanka, Malaysia and Indonesia, in synergy with international and regional partners, in particular the CGPCS Working Group 5, ReCAAP ISC, The International Transport Workers' Federation (ITF), the Maritime Piracy Humanitarian Response program (MPHRP), ASEANPOL, UNODC and IMO.

C. STRATEGY

16. Overview of Project Strategy

The project will be implemented in four stages:

Stage 1: Establishing status of released hostages

- Whereabouts of the released hostages
- The possibility and authorization to debrief their released hostages
- The dates of availability of the released hostages for debriefing

Stage 2: 2 days training in each country on interviewing skills covering

Country	Released hostages	Estimated Mission duration
India	299	2 weeks
Philippines	521	2 weeks
Indonesia	134	2 weeks
Sri Lanka	45	1 week
Vietnam	49	1 week
Malaysia	38	1 week

Stage 3: debriefings of Hostages and Hands on practical Training for newly trained officers

Country	Released hostages	Estimated Mission duration
India	64	2 weeks
Philippines	17	1 week
South Korea	12	1 week
Sri Lanka	9	1 week
Indonesia	26	2 weeks

Country	Released hostages	Estimated Mission duration
India	64	2 weeks
Philippines	17	1 week
South Korea	12	1 week
Sri Lanka	9	1 week
Indonesia	26	2 weeks

Country	Released hostages	Estimated Mission duration
India	64	2 weeks
Philippines	17	1 week
South Korea	12	1 week
Sri Lanka	9	1 week
Indonesia	26	2 weeks

Stage 4:

- Processing of information through the INTERPOL Global Database on Maritime Piracy
- Production and dissemination of analytical reports to support on-going investigations

17. Major Project Outcomes and Outputs

Outcome 1: Law enforcement authorities in India, Philippines, Vietnam, Sri Lanka and Indonesia will possess all the relevant skills to interview piracy hostages.

- Output 1: Establishing availability of hostages
- Output 2: Training of officers and immediate debriefing of hostages

In order to coordinate and allow for effective implementation of output 1 and 2, an Administrator will be recruited for the duration of the programme.

Outcome 2: The information obtained from the debriefings will be shared with INTERPOL, processed through the Global Database on Maritime Piracy with the support of a dedicated Operational Assistant. That information will be analysed via INTERPOL Maritime Piracy Global Database and subsequently shared with law enforcement agencies to support the prosecution of those who “illicitly finance, plan, organize, or unlawfully profit from pirate attacks off the coast of Somalia,” as stressed by UNSCR 2077 (2012).

18. Key Risks and Mitigation Strategy

Risk: The key hostages cannot be located.

Mitigation: IMB holds a database with the contact details of these hostages that can assist the local police with locating the said hostages. In addition, the International Transport Workers’ Federation (ITF) and the Maritime Piracy Humanitarian Response Program (MPHRP) continuously work with the family members of released hostages and will be important partners to INTERPOL and IMB in locating these witnesses and preparing them to cooperate with the authorities and to testify.

Risk: Reluctance of hostages to be debriefed.

Mitigation: INTERPOL will prepare the environment with the help of ITF and INM to encourage the released hostages to testify. The released hostages will receive reassurance that their needs will be addressed in order to find a solution. Furthermore, the local law enforcement agencies can assuage their concerns and fears to testify by offering them the necessary protection against any retaliation.

19. Means of Verification

- International community reports.
- Official reports of concerned law enforcement agencies.
- Contact Group on Piracy off the Coast of Somalia reviews and assessments by WG5.
- Interviews and assessments from trainees and outreach partners.

D. MANAGEMENT ARRANGEMENTS

20. Project Management Mechanisms and Structure

The Programme will be implemented through the INTERPOL General Secretariat. The strategic and day-to-day management and reporting to donors of the project will be conducted by the Head of INTERPOL's Maritime Piracy Task Force, and the expert advisors available at IMB, with the support of other staff working in the INTERPOL Liaison Office in Lobang (Bangkok), as well as the staff assigned to the programme by INTERPOL.

21. Project Evaluation

Evaluation of the project will be carried as part of the overall standard INTERPOL procedures for monitoring and evaluating externally funded projects. Evaluations will be made available to the Trust Fund Administrator and Trust Fund Board in line with the TORs of the Trust Fund.

22. Reporting

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

23. Legal Context

A full legal context applicable to this Project is available upon request.

E. Budget Overview (by Outcome)

OUTCOME	BUDGET
Project Outcome 1	\$222,120
Project Outcome 2	\$ 0
<i>Please add lines as necessary</i>	\$222,120

F. Budget Overview (by reporting categories)

1. Staff and other personnel costs	\$90,000
2. Supplies, Commodities, Materials	
3. Equipment, Vehicles and Furniture including Depreciation	
4. Contractual Services	
5. Travel	\$ 122,120
6. Transfers and Grants Counterparts	Nil
7. General Operating and Other Direct Costs	\$10,000
Sub-Total:	\$222,120.00
8. Indirect Support Costs (7%) of Sub-Total:	\$15,548.00
TOTAL	

Budget by Recipient Organization (RO) in the case of a Joint Programme (by reporting categories)

	Total	RO 1 (INTERPOL)	RO 2 (IMB)
1. Staff and other personnel costs	\$90,000.00	\$90,000.00	00.00
2. Supplies, Commodities, Materials			
3. Equipment, Vehicles and Furniture including Depreciation			
4. Contractual Services			
5. Travel	\$122,120.00	\$97,910.00	\$24,210.00
6. Transfers and Grants Counterparts			
7. General Operating and Other Direct Costs	\$10,000.00	\$8,000.00	\$2,000.00
Sub-Total:	\$15,548.00	\$195,910.00	\$26,210.00
8. Indirect Support Costs (7%) of Sub-Total:	\$1,093.36	\$137,14.00	\$1834.00
TOTAL	\$237,668.00	\$209,624.00	\$28,044.00

G. WORK PLAN & BUDGET								
EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME YEAR 2013/14				RESPONSIBLE PARTY	PLANNED BUDGET Budget Description Amount USD	
		Q1	Q2	Q3	Q4			
OUTCOME 1: Law enforcement authorities in India, Philippines, South Korea, Sri Lanka and Indonesia will possess all the relevant skills to interview piracy hostages			X			INTERPOL/IMB	Pre-deployment preparation/ Sub-contracts	9,260
Output 1.1 Establishing status of hostages	1.1.1 Travel for two experts to India (1 week)		X			INTERPOL/IMB	Pre-deployment preparation/ Sub-contracts	7,340
	1.1.2 Travel for two experts to Philippines (1 week)		X			INTERPOL/IMB	Pre-deployment preparation/ Sub-contracts	7,000
	1.1.3 Travel for two experts to Vietnam (1 week)		X			INTERPOL/IMB	Pre-deployment preparation/ Sub-contracts	7,600
	1.1.4 Travel for two experts to Sri Lanka (1 week)		X			INTERPOL/IMB	Pre-deployment preparation/ Sub-contracts	7,820
	1.1.5 Travel for two experts to Indonesia (1 week)		X			INTERPOL/IMB	Pre-deployment preparation/ Sub-contracts	9,400
	1.1.6 Travel for two experts to Malaysia (1 week)		X			INTERPOL/IMB	Pre-deployment preparation/ Sub-contracts	19,000
Output 1.2 Training of Law Enforcement and debriefings	1.2.1 Travel for two experts to India (2 weeks)			X		INTERPOL	Training/debriefing/ Sub-contracts	15,700
	1.2.2 Travel for two experts to Philippines (2 weeks)			X		INTERPOL	Training/debriefing/ Sub-contracts	7,000
	1.2.3 Travel for two experts to Vietnam (1 week)			X		INTERPOL	Training/debriefing/ Sub-contracts	7,600
	1.2.4 Travel for two experts to Sri Lanka (1 week)			X		INTERPOL	Training/debriefing/ Sub-contracts	15,000
	1.2.5 Travel for two experts to Indonesia (2 weeks)			X		INTERPOL	Training/debriefing/ Sub-contracts	9,400
	1.2.6 Travel for two experts to Malaysia (1 week)			X		INTERPOL	Training/debriefing/ Sub-contracts	
OUTCOME 2: Processing of information collected through the Global Database on Maritime Piracy								
Output 2.1							Expenses to be met through internal INTERPOL resources	
(please add rows as necessary)								
PROJECT MANAGEMENT AND SUPPORT COSTS								

Signed by the authorised representative on behalf of:

Recipient Organization	Name/Title of Signatory	Date	Signature
INTERPOL	Pierre. St. Hilaire, Head of MPTF	09/05/14	
IMB	Pottengal Mukundan, Director, ICC-International Maritime Bureau	09/05/2014	

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