



CONTACT GROUP
ON PIRACY OFF THE COAST OF SOMALIA

مجموعة الاتصال المعنية بالقرصنة في قوسية الصومال العربية • Groupe de contact sur la piraterie au large de la Somalie
Grupo de Contacto sobre la Piratería frente a costas de Somalia • 打击索马里海域海盗联络组
Контактная группа по борьбе с пиратством у берегов Сомали



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CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA COMMUNIQUE OF THE CHAIR

18 August 2020

PREMATURE RELEASE OF CONVICTED PIRATES IN SOMALIA

The Chair of the Contact Group on Piracy off the Coast of Somalia (CGPCS) conveys deep concern and alerts the International Community and the UN Security Council over the recent decision of the Parliament of the Regional State of Puntland in Somalia to unilaterally breach the *Agreement on Transfer of sentenced pirates between Republic of Somalia and the Republic of Seychelles* and for establishing a “*technical committee on the release of piracy prisoners.*”

The decision implies that all 25 convicted pirates currently held in Bosasso (4) and Garowe (21), will be released between one and six years earlier than their sentences stipulated. The untimely release of these prisoners contravenes two Articles of the Agreement signed by Seychelles and the Federal Government of Somalia on the margins of the London Conference on Somalia in February 2011. Indeed, Article 5 on “Retention of Jurisdiction” clearly stipulates that “*The Transferring State or Authority shall retain exclusive jurisdiction for the review of the judgement or sentence.*” Additionally, pursuant to Article 7.1 on “*Continued Enforcement of Sentence*” of the same MoU “*The receiving State/Authority shall continue to enforce the sentence as if the sentence has been imposed by the receiving State or Authority*”. The early release of the convicted pirates compromises the agreed arrangements providing for the repatriation of such individuals to their home country to serve their sentence on a humanitarian basis.

The CGPCS Chair recalls the 22nd CGPCS Plenary Session recommendations of the *20th June 2019* in respect to “*strict observance of Transfer Agreement*” as per paragraph 11 of the Final Communiqué.

The CGPCS Chair calls upon the Federal Government of Somalia to facilitate the review the decision and commit to no release of convicted pirates serving time in Somalia. The undermining of the agreement with the Republic of Seychelles by a Regional State in Puntland, could impact on the ability of the Federal Government of Somalia to handle transfers of convicted pirates.

It is the strong opinion of the Chair therefore, that this situation is not acceptable and calls for an urgent meeting of the members of the Contact Group to discuss the matter and agree on concrete steps forward.

The CGPCS Chair commends the years of collective efforts of the International Community to deter piracy by establishing a mechanism for the arrest, fair prosecution, and humanitarian incarceration of Somali pirates. In this regard, any action against the collective efforts of Contact Group members are

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discouraged and strongly condemned as it will negatively impact on the acquis to reduce maritime security and its negative socioeconomic impacts on the region and the world at large.

Dr. Monica K. Juma, (Oxon), CBS

Cabinet Secretary for Defence, Republic of Kenya, and
Chair Contact Group on Piracy off the Coast of Somalia

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