

WEEKLY PIRATE ACTIVITY UPDATE

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Impunity, mendacity and calumny - Diplomatic passports for pirates as Somali condemns UN report which criticises interim government corruption. Details are eagerly awaited following the release of Taiwanese fishing vessel 26-crew after 18 months; ransom paid but pirates fall out over double cross. As global piracy shows reduction of 54 percent in 6 months of 2012, NATO Commander warns "lack of "noise" can be misleading." New civilian EU mission to support regional maritime capacity-building. US supply ship fires on boat with Indian fishermen, killing one, claim that warnings were ignored in Gulf of Oman; India calls for legal action. Piracy off the Coast of Somalia saw another week of inactivity whilst Gulf of Guinea, without monsoon weather, sees pirates assaulting a Master and taking a crew hostage before departing. US courts are no hiding place for pirates, but pirate negotiator cleared of piracy in one case. Marine officer provides evidence in Italian piracy trial. Specialised penal court in Yemen hands down 10-year jail terms. Following UN criticism of private security, the sector hits back whilst Germany approved draft law regarding the use of privately contracted armed security personnel on board ships. Netherlands continues with the use of military VPD policy. Law applicable to the repression of high seas piracy remains a subject of unnecessary confusion and speculation - law-enforcement operations or law of armed conflict? Meanwhile, the Ukraine is to join NATO operation to fight piracy. Recent legal judgment makes it easier to reject a voyage because of the consequent exposure to war risks. Regional ports need to raise their marine security game before pirates start to pay more attention to them. Read one captain's account of navigating through the Gulf of Aden; a 90-minute attack, and being held hostage for 75 days. Time to to explore "other options" to secure the release of hostages aboard the hijacked **MV Iceberg 1**. "Nobody sleeps when we are off Somalia." Seychelles President appeals to Somali TFG President and all quarters for the rapid release of Seychellois hostages. Oil and gas fields off East Africa to muddy the waters and raise tension, as well as potential copycat fuel piracy. Australian navy to carry UAV later this year. "Social media sites are the coffee shops of the 21st century" - shipping appears to be way behind the curve of digital communications.

[OCEANUSLive Comment: *One year on from UN declaration of famine, Somalia faces worsening food crisis. Some prefer piracy to starvation - [Oxfam paper](#)*].
کریه م رمضان!

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REGIONAL ACTIVITY

East Africa

Somalia's president has shielded a top pirate leader from arrest by issuing him a diplomatic passport, according to a United Nations investigation which criticises the "climate of impunity" enjoyed by pirate kingpins in Somalia and abroad - [Reuters](#).

The U.N. Monitoring Group on Somalia said in a report to the Security Council, seen by Reuters that senior pirate leaders were benefitting from high level protection from Somali authorities and were not being sufficiently targeted for arrest or sanction by international authorities.

The Group said it had obtained evidence a diplomatic passport had been provided "with the authorization of Somali President Sheikh Sharif Sheikh Ahmed" to pirate leader Mohamed Abdi Hassan "Afweyne", who presented it to authorities in Malaysia on a trip there in April.

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Somalia's interim government has denied allegations of corruption contained in a leaked UN report - [BBC News](#). It alleged that around 70% of money intended for development and reconstruction in a country racked by 20 years of war was unaccounted for.

A statement from the prime minister's office said the allegations were "absolutely and demonstrably false". The UN-backed government's mandate expires next month when it is due to hand over to an elected president.

Image - Courtesy of BBC.

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Somalia: 10 things we've learnt this week - [BBC News](#).

An embarked security team aboard a U.S. Navy vessel fired upon a small motor vessel after it disregarded warnings and rapidly approached the U.S. ship near Jebel Ali, United Arab Emirates today, says the [US Navy](#).

In accordance with Navy force protection procedures, the sailors on the **USNS Rappahannock** (T-AO 204) used a series of non-lethal, preplanned responses to warn the vessel before resorting to lethal force.

The U.S. crew repeatedly attempted to warn the vessel's operators to turn away from their deliberate approach. When those efforts failed to deter the approaching vessel, the security team on the **Rappahannock** fired rounds from a .50-caliber machine gun.

The incident is under investigation.

Who runs Somalia?



A US ship has fired on a boat off the coast of the United Arab Emirates (UAE), US officials say - [BBC News](#).

The **USNS Rappahannock** fired on a vessel after it ignored warnings and rapidly approached the ship, the US Navy says.

There is no confirmation of casualties although a UAE official said an Indian fisherman had been killed and three more wounded.

The US has increased its presence in the Gulf after Iran renewed threats to close the strategic Strait of Hormuz.

In a statement, the US Navy in Bahrain said that a security team on board the refuelling ship fired on a small motor boat after it disregarded warnings and "rapidly approached" the US ship off the coast of Jebel Ali, near Dubai, UAE.

"In accordance with navy force protection procedures, the sailors... used a series of non-lethal, pre-planned responses to warn the vessel before resorting to lethal force," the statement said.

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[Khaleej Times](#) reports, India has sought action against the US Navy sailors who opened fire at a boat off the coast of Dubai, killing one Indian fisherman and injuring three others on Monday.

The Indian Ambassador to the UAE M.K. Lokesh told Khaleej Times that Indian foreign minister S. M. Krishna asked the Indian Embassy to approach the UAE authorities to take legal action against those responsible for the incident. "We have taken up the issue and we are pursuing the matter with both UAE and US authorities," the envoy said this morning.

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The European Council on Monday approved the launch of a new civilian Common Security and Defense Policy (CSDP) mission, EUCAP Nestor, to support regional maritime capacity-building in the Horn of Africa and Western Indian Ocean states, reports [Safety4Sea](#).

EUCAP Nestor is part of the EU's comprehensive approach to fighting piracy and instability in the region. A team of around 175 people will work to reinforce the capacity of states in the region to effectively govern their territorial waters. Djibouti, Kenya, the Seychelles and Somalia have accepted the EU's offer of assistance, the Council said in a press release. The mission will be extended to support Tanzania as soon as possible.

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Fighting symptoms or setting conditions? asks [Operation Ocean Shield](#) Task Force Commander.

It seems quiet in the Indian Ocean. That is to say, on the pirate side of life. Naval presence in the Gulf of Aden and strong monsoon winds in the Arabian Sea seem to withhold pirates from hunting for merchant ships and crews they want to hold for ransom.

The lack of "noise" can be misleading.

A few days ago I visited Admiral Yang, the commander of the Chinese Task Force 113. He was rightly proud. Since the end of 2008, Chinese task forces have escorted over 4500 ships in some 450 convoys with a 100% track record. His convoys, like those of Russia, Japan, India and Korea, continue. And not without a reason.

Along the coast of Somalia, seven ships with over 200 people are still held against their will. Most of them have been there for months, some even well over a year. Most of them are held in their own ship, others are held ashore, but always under horrible, often inhumane conditions. Pirates are still active, holding people, negotiating for ransom, preparing for new attacks, sometimes fighting amongst themselves, adversely affecting local communities in their attempts to develop a normal livelihood, destabilising the region in the process.

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The pirates who kidnapped three Kenyan International Aid Service (IAS) aid workers have moved their hostages to the southern Mudug region and are demanding a \$1.5 million ransom, reports *Somalia Report*.

Puntland authorities claimed they would take any steps to release the hostages which influenced the kidnappers decision to move the hostages from north to south of the region.

Robbed by pirates whilst adrift. NATO Dutch warship, **Evertsen** with Oman and Iran RCC assist the dhow to make it safely to port.

Image via @Oceanshield on Twitter



West Africa

With rougher weather of late and increased vigilance and upgraded defences on behalf of merchantmen the number if pirate attacks in the Indian Ocean has declined of late - [Handy Shipping Guide](#). The safer waters of the Gulf of Guinea however have seen an increased threat and this week a pirate raid was made on the German owned container ship **Olivia** at around 04:00 hours on the 15th July.

At the request of the Handy Shipping Guide the owners, Bremen based Herm. Dauelsberg, issued a statement saying the vessel was boarded by a group of armed pirates some 20 nautical miles off Conakry who proceeded to rob the crew of valuables. Herm. Dauelsberg confirms that all seafarers on board Olivia are safe and accounted for and that there were no injuries to the crew. Following the attack, the crew has resumed command of the vessel which has now proceeded on her voyage to North Africa.

The **Olivia** is a 20,000+ dwt box carrier flagged in Liberia [German according to IMO records] and built in 1995. The fact that the pirates did not take control of the vessel typifies the type of attack most often seen in this particular region as compared to East Africa and, although serious and extremely frightening for the crew, compares well with the savagery of the usual Somali piracy incidents.

Immediately after the incident the owner notified authorities and relevant parties and would like to state publicly its delight that the seafarers are safe and would like to thank the crew for their handling of the situation.

Image - courtesy of ShipSpotting.com.



RELEASED BY PIRATES

China has rescued a group of 26 fishermen, mainly Chinese and Vietnamese, who were taken from a Taiwanese trawler and had been held by Somali pirates for the last 18 months, the Chinese government has said - [Reuters](#).

The fishermen, who worked on the Taiwanese trawler "**FV Shiuh Fu No 1**", were seized in December 2010, the Chinese foreign ministry said in a statement on its website (www.mfa.gov.cn) late on Tuesday.

It gave no details about how the rescue was accomplished.

The crew consisted of 13 mainland Chinese, 12 Vietnamese and one Taiwanese, it said.

"After the hard work of many sides, the whole crew of 26 people was safely rescued on the evening of July 17, Beijing time," the brief statement said.

Taiwan's foreign ministry said it had assisted in ransom talks between the boat's owner and the pirates, although it did not say directly whether a ransom had been paid. It also thanked China for its assistance in the rescue.

Image - China warship Ma'anshan.



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After a lengthy investigation, [Somalia Report](#) has discovered an interesting twist in the release of the Taiwanese fishing vessel, the **Shiuh Fu No.1**, on Tuesday.

Following reports from the Taiwanese government that the boat had been released after successful ransom negotiations, [Somalia Report](#) contacted pirate sources who expressed surprise at the news of the vessel's release. It would appear that the pirate gang split during negotiations and the final process was far from normal as far as these things go.

The group of pirates who remained on board the vessel, including the translator other pirates who had used the boat as a mother ship, the *Ilaalo* (guards) group who protected the ship and their commander, Heeryo, apparently agreed to accept a ransom of \$3 million. They then released the vessel without informing pirate commanders or the investors on land.

"It (the boat) returned to Dhinooda village on July 8th, and the vessel was damaged by winds. The *Ilaalo* group and other pirates led by Cali Jeero cheated us. They took the ransom and released the vessel without telling us," Mohayadin Ali, a pirate investor from the group told [Somalia Report](#).

"After they took the ransom, they landed in Harardhere with speed boats and went to Mogadishu. We heard that they took \$3 million. They broke our deal so now we are hunting them. They are 16 armed pirates from the Salebaan and Sacad clans," Mohayadin Ali added.

The original pirate group was made up of men from the Fatxi group from the Hawiye clan along with pirates from the Majerteen and Dir clans who were based in Hobyo. The vessel was released between Dhinooda and Ceel-Dhanaane.

The investors and other pirates who are now seriously out of pocket blame the *Ilaalo* commanders, Shariif and Heeryo, two pirates from the Sacad clan, who they claim took the ransom and escaped to southern Somalia.

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PIRATES IN COURT

A judge has dropped one piracy count against Somali citizen Ali Mohamed Ali, in a unique case of international interest - McClatchydc.com.

Ali cannot be prosecuted for conspiracy to commit piracy, the judge says. But in a 42-page decision Friday, U.S. District Judge Ellen Segal Huvelle said she would permit federal prosecutors to continue with other parts of their case against Ali. As Judge Huvelle noted: "contemporary prosecutions of pirates present novel legal questions." To say the least. In part, as Huvelle noted, the complications revolve around the fact that although the indictment charges Ali with violations of U.S. law, none of the charged conduct has direct ties to the United States. Neither the alleged perpetrators nor the victims were American, the ship was Bahamian, and it was sailing on the high seas.

Here, the judge had to sort through a thicket.

There is a realm called "general piracy," the classic international crime which any nation can prosecute regardless of whether there is a national nexus. General piracy is, however, limited to those activities around which there is an international consensus. Then there is "municipal piracy," which any nation can define however it chooses, but which therefore can only be prosecuted if there is a national nexus.

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A Somalian accused of involvement in the 71-day siege of a Danish ship in the Gulf of Aden will face conspiracy to commit hostage-taking and aiding-and-abetting charges, but a federal judge dismissed a piracy charge against him, according to Courthouse News Service.

"Congress has not ... authorized prosecutions for piracy on the basis of universal jurisdiction that depart from the international definition of the crime," U.S. District Judge Ellen Huvelle ruled.

Pirates took over the **CEC Future** on Nov. 7, 2008, while the ship was transporting cargo for Texas-based McDermott International.

Using AK-47s, a rocket-propelled grenade and handguns to seize the vessel, the pirates held the cargo and the 13 crewmembers hostage for 71 days, until the ship's Danish owner, the Clipper Group, delivered a \$1.7 million ransom.

Ali Mohamed Ali, who claimed he was as much a prisoner as the vessel's crew, was arrested more than 2 years after the hijacking at Dulles International Airport, while en route from Somalia to an education conference in Raleigh.

He was criminally charged with three counts: piracy, aiding and abetting, and conspiracy to commit hostage-taking. He sought dismissal, claiming the charges were legally defective under international and domestic law.

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It's a bad time to be a pirate, at least in the American justice system - NPR.org.

Piracy on the high seas is one of the oldest crimes on the books. But U.S. authorities are using 18th century law in new ways to go after people who may never actually climb on board a ship and the men who negotiate and finance the plots.

About 1,000 pirates are in custody all over the world; about 30 of them are incarcerated in the United States.

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Dressed in blue and wearing a red tie, Robert William Yap, the 31 year old commanding officer of the Royal Marines unit on board of HMS [RFA] **Fort Victoria** in October 2011, enters the bunker courtroom of the Rebibbia prison in Rome - [Marsec Review](#).

It's 10:30 a.m. on a suffocatingly hot summer day in the Italian capital where, during the fourth hearing of the trial against a group of alleged Somali pirates charged with the attempted hijacking of the Italian merchant vessel **Montecristo**, the British officer is the only witness called to deliver his account of the events.

Answering the Public Prosecutor Francesco Scavo's questions, Yap recounts the events that unfolded 200 miles off the eastern coast of Somalia in the week between the 10th and 17th October last year.

«On October the 10th I was ordered to board the Italian merchant vessel **Montecristo**, – Yap said – the vessel had pirates onboard while the crew had taken refuge in the sealed off citadel close to the engine room. Our task was to secure the ship, hold the pirates and set the crew free and safe».

To do this Yap divided his forces into four boarding teams each comprised of 6 Royal Marines. The teams plus Yap himself, a medical officer and a signals expert made a total of 27 soldiers in all.

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A Yemeni court handed down jail sentences to Somalis after convicting them of forming an illegal group and carrying out piracy attacks in the Gulf of Aden, the 26 September website reported on Wednesday - [RBC Radio](#).

The specialized penal court in Mukallah, Hadramout, convicted Mahmoud Golid and Ahmed Dirih of kidnapping a Yemeni boat in the Yemeni territorial waters giving them a ten-year jail term each, according to the website. The second convict is still at large.

The court also sentenced two other Somali pirates, Ahmed Abdi and Abdulkadir Abdulelah, to five years in prison each, it said.

The four were convicted of forming an illegal, armed gang which carried pirate attacks off Yemen and the terms were ruled to have started since their arrest, the website added.

The convicts confessed to their crimes and possessing weapons during the investigations, but they still have a chance to appeal against the verdict.

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The private maritime security industry has hit back at a UN report which slated a number of its practices - [Shiptalk](#).

SAMI (The Security Association for the Maritime Industry) has reminded the UN that rather than pointing the finger, blame for the current problems concerning regulation is actually down to a lack of international co-operation.

The exponential growth of private maritime security companies was a result of a demand from shipowners and, rather than shying away from regulation, PMSCs have led the way, calling for and assisting with the establishment of a regulatory structure.

The UN report claimed some private maritime security companies were either ignorant or believed they could afford to flout regulation. It also said that due to very high profits PMSCs felt they could afford to dispose of weapons and ammunition at sea before disembarking at transit ports.

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The private maritime security industry has hit back at a damning report from the UN, claiming that it is not to blame for the current problems concerning regulation and that any solutions must come from international co-operation - [Seasecurity.org](#).

Currently there is no formal regulatory structure for shipowners to judge PMSCs upon and consequently many feel this has led to a vast disparity in the quality of firms available to hire.

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Somalia Report feature on the UN report scrutinising the maritime private security industry is available [HERE](#).

The German government has finally approved the draft law that will ultimately govern the employment of private maritime security companies on board Germany-flagged vessels, announced [World Maritime News](#).

However, the new rules are not expected to be in place for at least another 12 months.

The federal export control authority BAFA will be responsible for the certification process, in co-operation with the federal border police. Authorisation will be carried out according to the guidelines of the International Maritime Organization.

The new law will also involve a change to the law governing weapons. The federal weapons authority in Hamburg will be responsible for approving the weapons carried on board. This will also allow foreign PMSCs to receive the necessary permits comparatively easily. Military weapons will remain banned.

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[Dutch] Minister of Defence Hillen is making it cheaper for shipping companies to deploy marines on board merchant ships passing through waters off the coast of Somalia. These military personnel protect vulnerable vessels from pirates in Vessel Protection Detachments (VPDs), says [Marine Insight](#).

The Dutch shippers' organisation EVO responded enthusiastically to the price reduction. According to the shippers, trade stands to benefit the most if the government provides affordable security: "Dutch marines on board Dutch merchant ships is the best guarantee for safe transport of cargo through areas plagued by pirates".

In his quarterly report to Parliament, Minister of Defence Hans Hillen wrote that, in the last three months, the Defence organisation had received 17 requests for deployments of Vessel Protection Detachments on board vulnerable sea transports. Of this number, five led to actual deployments of VPDs.

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INTERNATIONAL RESPONSE

The European Union on Monday approved plans to launch a fresh civilian-led mission in the Horn of Africa to help fight piracy and instability in the region - [gCaptain](#).

The EUCAP Nestor mission, as it is being called, is aimed at creating "lasting solutions to the scourge of piracy," said EU's foreign policy chief of the EUCAP Nestor mission, Catherine Ashton.

In a statement, the EU said that around 175 people will be deployed to help monitor territorial waters off the coasts of Djibouti, Kenya, the Seychelles, Somalia and eventually Tanzania. The EUCAP team will be charged with strengthening the sea-going maritime capacities of the countries in the region, as well as provide training for coastal police forces and judges in Somalia. The EUCAP team will also seek to provide expert advice on legal, policy and operational matters concerning maritime security, deliver coast guard training and help to procure the necessary equipment, the EU said.

The mission will complement two ongoing EU operations in the region, including the EUNAVFOR's Operation Atalanta; which has an extensive naval-based mandate to fight piracy, and the EUTM Somalia; which provides training to Somali security forces. In May, EU forces attacked pirate supplies on the Somali shore after pledging to extend its missions to include Somalia's coast.

The EU said it had allocated a budget of EUR 22.8 million to help fund the mission for two years. EUCAP Nestor will have its headquarters in Djibouti, where training is to take place.

A maritime watchdog says sea piracy worldwide fell by 54 percent in the first half of 2012, led by a drop in Somali piracy - [AP News](#).

The International Maritime Bureau (IMB) says 177 attacks were reported from January to June, down from 266 in the same period last year. It says 20 vessels were hijacked worldwide with 334 crew members taken hostage.

[Read More ▶](#) Read [IMB report](#)

The MP Panamax 5 — a hulking red and black 226 meter-long bulk cargo ship — was anchored at East Kalimantan's Adang Bay when a crew of four armed robbers slipped on board - [The Jakarta Globe](#).

The robbers, armed with knives and a single gun, successfully snuck past the Singaporean vessel's crew as they off-loaded cargo during the early morning hours of January 28, 2012. They made their way to the ship's storeroom and were attempting to escape with a clutch of goods when they were spotted by one of the ship's "able seaman" — an unlicensed watchmen working the vessel's deck.

The robbers tried to attack the crewman, but he was able to sound the alarm. The robbers then squeezed off four shots and disappeared with a portion of the ship's haul.

Incidents like this occur with an alarming frequency at Indonesia's ports, according to figures released by the International Chamber of Commerce's International Maritime Bureau (IMB) on Monday. Armed robberies — which are different from piracy because they occur while a ship is in territorial waters — aboard ships docked in Indonesia reached a six-year high this year with 32 incidents, according to the report. Last year, 21 incidents were reported between the months of January and June.

"Nearly 90 percent of the incidents have occurred on vessels while they were anchored or berthed," IMB spokesman Cyrus Mody said. "It is mainly robbery, [not] piracy that is occurring in Indonesian waters. It is opportunistic."

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Despite its codification in treaty law, the law applicable to the repression of high seas piracy remains a subject of unnecessary confusion and speculation - [International Law Bureau](#). It is sometimes suggested that because pirates were described by classical authors as *hostes humani generis* (<enemies of humankind>), or because the United Nations Security Council has authorised the use of <necessary means> in repressing Somali piracy, that we are at war with pirates. Alternatively, it might be thought that because the current counter-piracy operations in the Gulf of Aden are being conducted by naval forces, the appropriate law governing their actions should be the laws of armed conflict. On the contrary, this commentary confirms the view accepted by all governments involved in counter-piracy operations: that this is a law-enforcement operation to which the laws of armed conflict have no application. This follows from the fact that pirates are not in any relevant legal sense engaged in an armed conflict. Further, it is far from obvious that deeming the laws of armed conflict to be applicable would make the task of navies any easier on the one hand, or provide any greater human rights protection to suspect pirates on the other.

There is already a clearly established framework for law-enforcement operations at sea; not only is this the correct law to apply as a matter of doctrine, it is hard to see what advantages would follow from applying the laws of war as a matter of policy.

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In its latest monitoring report on the status of Somalia's weapons embargo, the United Nations' task force for Somalia and Eritrea used their time and resources to deliver a grossly biased and incomplete report - [Dissident Nation](#).

At the head of this botched report is Matthew Bryden, a partisan pseudo-authority on Somalia who holds a passport to the unrecognized territory of Somaliland and serves as the coordinator of the monitoring group.

The UN's latest monitoring reports have been particularly tainted with bias, but the newest offering takes the cake, and should be enough to cast the mission aside as a joke.

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Ukraine will join the Ocean Shield international operation to fight piracy, the first deputy chief of the General Staff of the Armed Forces of Ukraine Vice Admiral Ihor Kabanenko told a press briefing "The Armed Forces of Ukraine in 2012 academic year", [ForUm](#) learned from the Defense Ministry press office.

"**Hetman Sagaidachnyi** frigate is preparing to participation in this operation, with a ship-based helicopter and a group of special forces on board. This will be our direct contribution to patrolling areas of possible actions of pirates under the international naval group," Vice-Admiral Ihor Kabanenko said.

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INTERTANKO participated in the UN Contact Group on Piracy off the Coast of Somalia Working Group 1 meeting at IMO on 12 July - [Envoy 360](#). Chaired by the United Kingdom, this Working Group is responsible for ensuring effective naval operational co-ordination and supporting the building of the judicial, penal and maritime capacity of Regional States to ensure they are better equipped to tackle piracy and maritime security challenges.

Many topics were covered, however, it is important to note the discussion on BMP, as follows: Military updates included a discussion on the experiences and challenges with the use of Vessel Protection Detachments (VPDs). The discussion on VPDs is of paramount importance because it can frequently release naval assets from escort duties. This is important to ship owners as certain countries still will not allow the use of armed guards. France and the Netherlands led the discussion.

It was clear, too, that there are still misunderstandings about the Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia (BMP). It is worth emphasising here a few basic facts about BMP, which are generally understood in the shipping industry, but perhaps not elsewhere:

- BMP is an Industry document brought about by an Industry initiative to enhance the protection of seafarers and ships.
- BMP has been regularly updated on the basis of broad co-operation - as evidenced by BMP version 4 - with the aim of helping to protect seafarers and ships.

- BMP was written primarily for the use of Company Security Officers (CSOs) and seafarers.
- BMP High Risk Area (HRA) has no connection with the area used by insurers to assess additional premia.
- BMP HRA covers an area where there is the potential for pirate attacks and allows for time to prepare/harden the vessel - it is essential to be ready.
- 70,000 hard copies of BMP4 have been produced plus soft copies. It is not an easy process to change it, and messaging must be clear.
- BMP provides guidelines and recommendations to be used within a risk assessment process.
- BMP does not lend itself to any mandating process.
- Comments to BMP are welcome as BMP is based on a genuine wish to help protect seafarers in an effective manner.

It is also worth mentioning that issues with armed guards cannot be laid at the door of BMP. These issues are separate and are being dealt with urgently at the IMO and elsewhere. Armed guards are a direct consequence of the threat from piracy. Some recently pirated vessels may well not have been as well prepared as they might have been if BMP4 had been completely and wholeheartedly embraced.

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Combined Maritime Forces (CMF) Chief of Staff, Captain John Carter, United States Navy attended the Contact Group on Piracy off the Coast of Somalia (CGPCS) Working Group #1 meeting at the International Maritime Organisation (IMO) Headquarters, in London, 12 July 2012.

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German frigate Bremen organised an exchange of experience with the Piracy information-sharing centre (ISC) in Mombasa - [EUNAVFOR](#). This centre is one of three under the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, commissioned by the , International Maritime Organisation (IMO) in 2011. The Mombasa ISC is co-housed with the Regional Maritime Rescue Coordination Centre (RMRCC), which operates on a 24-hour basis and covers extensive areas of the western Indian Ocean, including the Seychelles. Countries such as Maldives, Seychelles, Mauritius, Kenya and later also Somalia are reporting information on the movement of pirates to the ISC/RMRCC, and thus contribute to efforts to suppress piracy in the region.



FGS Bremen operations officer liaised with ISC/RMRCC personnel, exchanged experience, shared information on the current situation of piracy and briefed on the Mercury system [OCEANUSLive Note: System created by OL team previously serving as part of EUNAVFOR], an internet-based secured communication network, used as an alert and coordination tool by all anti-piracy stakeholders, civilian and military. On-board the German frigate **Bremen** the

operations officer and other crewmembers answered questions in regard to counter-piracy efforts by **FGS Bremen** and Operation Atalanta.

Insitu Pacific will install and run several of its ScanEagle unmanned aircraft vehicle systems on Australian navy frigates starting in September - [Neptune Maritime Security](#).

Insitu Pacific, the Australian affiliate of Boeing's Insitu Inc., said the naval installations expand a similar contract with the army for land-launched ScanEagle systems.

"These trials will enable the navy to examine the issues affecting an embarked UAS capability and to determine the installation requirements on board our vessels," the navy's development project manager Lt. Cmdr. Bob Ferry said.

The ScanEagle was used notably during the rescue operation of Richard Phillips, who had been captured by pirates in April 2009.

A ScanEagle was launched from the **USS Bainbridge**, which was sent in search of the pirates off the northern coast of Somalia.

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PIRACY COSTS

Leading maritime law firm Holman Fenwick Wilan (HFW) has announced news of a legal judgment which seemingly makes it easier to reject a voyage because of the consequent exposure to war risks - [Shiptalk](#).

The simplification applies to the "Conwartime clause", and HFW claim it to be a key decision for both owners and charterers.

The Court of Appeal decision in "Product Star No. 2" [1993], it has often been argued that there should be a twofold test. Now, however, an appeal ruling by Mr Justice Teare appears to remove the need for the second tier of the test by confining the judgement in "Product Star" to its specific facts and rejecting it as a judgement of general application.

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Many analysts argue that to truly stamp out piracy, global powers must stabilize Somalia, an East African state dogged by chronic conflict and poverty, comments [LA Times](#). Somalis overthrew a military dictatorship more than 20 years ago, but opposing clans sparred over what to do next, leaving the country without a central government for years. Its transitional government has been derided as weak and dysfunctional.

The leaked U.N. report bemoans rampant corruption and theft of taxpayer funds, with an estimated \$7 out of every \$10 meant for the government going missing. Government officials have also colluded in the piracy problem, the report alleges, shielding a notorious pirate kingpin from prosecution.

Meanwhile, "the international community is investing enormous resources to pursue and punish those at the bottom of the piracy pyramid — most of whom are impoverished, functionally illiterate youth who are easily replaced — while virtually guaranteeing impunity for those at the top of the piracy pyramid who bear greatest responsibility and profit the most," the U.N. report says.

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Kenya has raised the ire of Somalia by awarding offshore oil and gas exploration blocks to multinational companies in contested waters, and while the mainstream Western media glosses over this as a simple irritant for Kenya, Total and ENI, the move will give new impetus to Somali piracy and threatens to open up another frontline in the Somali conflict - [Oil Price](#).

Kenya is perhaps being a bit hasty in its excitement over oil, having discovered its very first commercially exploitable oil inland in the Rift Valley earlier this year. While that find is not contested, its decision to award three exploration blocks to Italy's Eni and one to France's Total in coastal waters claimed both by Kenya and Somalia is questionable.

Not only is it illegal to award these exploration blocks without a territorial dispute resolution, but the timing will be viewed as suspicious in Somalia, where Kenyan forces are presently attempting to establish their medium-term military credentials by fighting the terrorist group al-Shabaab alongside African Union (AMISOM) troops and the Somali transitional government (TFG).

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Ports need to raise their marine security game before pirates start to pay more attention to them and try to repeat the hijacking of a ship anchored in Omani waters, outside Salalah, writes [Port Strategy](#).

Although the incidence of successful attacks is actually coming down due to a rising awareness of onboard security and the growing use of guards, Philip Roche of Norton Rose said it may be that vessels waiting at anchorage will be further targeted as the pirates get more desperate.

He explains ships are increasingly better able to defend themselves whilst at sea by following best management practice, using their manoeuvrability and the embarkation of private security. Once in the anchorage waiting to berth, "ships have lost their main advantage of movement and boarding becomes potentially much easier".

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President Barack Obama has ordered a cutoff in U.S. imports of charcoal from Somalia, hoping to starve the militant Islamist group al-Shabab of resources - [Associated Press](#).

The step is one of several in an executive order Obama issued Friday targeting Al-Shabab, whose attacks have helped keep Somalia without a fully functioning government for more than two decades. Other measures include freezing the assets of individuals accused of threatening the peace in Somalia, obstructing humanitarian efforts and attacking African Union peacekeeping forces.

Obama's order says charcoal exports "generate significant revenue" for al-Shabab militants.

In a letter to Congress, Obama says the steps aim to combat corruption, piracy and a deteriorating security situation in the east African country.

SEAFARERS' PLIGHT

Boloram Das shall never be able to forget those days, comments [Times of Oman](#) Rejimon.

He was one of the seafarers held in captivity by Somali pirates after their dhow, **Nebarkad**, was hijacked by Somali pirates on June 20 from Omani waters and later rescued by NATO naval forces.

As he recalled, "It was a horrifying experience. They took over our food stocks and we were given only limited food and water for 10 days. We were beaten up badly. Our blankets were taken away. I was shivering. We had to sleep in a corner of our dhow. They also seized our cellphones and the medicines we had. The health condition of one of my friends was deteriorating. We begged for little food and medicine but they refused. Till the Dutch Flagship HNLMS **Evertsen** came to our rescue, we didn't have any hope of survival.

The dhow, which had four Indians and three Bangladeshis on board, was used by the pirates as a mother ship to attack merchant vessels in the Arabian Sea till it was released on June 29 after a two-day operation in the Gulf of Aden and the Arabian Sea.

"I am happy to see my crew back. They are in good health,-• Saeed Rashid, the owner of the freed dhow said. But the shipping industry and shipping insurance companies in Oman are not that happy over the uncertainty they are facing in the sea even as anti-piracy naval forces say that piracy cases have come down due to their combined efforts.

"Incidentally, this region is very near to Somalia from where the pirates are operating. Recently, a tanker was abducted by pirates near the port, which was widely reported in the media.

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The time has come to explore "other options" to secure the release of hostages aboard the hijacked **MV Iceberg 1**, according to the Indian ambassador, reports [The National](#).

MK Lokesh said he would meet crew members' families to discuss a new game plan after the ship's Yemeni owner failed to meet the mid-July deadline to secure their release.

"We have waited and we are disappointed," said Mr Lokesh. "The owner is elusive. He has not met anyone and we have been dealing only with his lawyer.

"We are not very happy. We have to think of something else now."

MV Iceberg 1, owned by the Dubai-based Azal Shipping, was captured on March 29, 2010.

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Visitors to www.saveourseafarers.com will now be able to read one captain's account of navigating through the Gulf of Aden.

Captain Miro Alibasic is a Senior Tanker Master with experience in commanding oil tankers, chemical tankers and gas carriers. He also specialises in ship operations and ship management, marine surveying and marine safety systems.

At the start of 2011 he was the Master of the **Zirku** oil tanker, controlled by the Arab Maritime Petroleum Transport Company (AMPTC). The ship came under vicious attack by Somali pirates with heavy machine guns. The vessel performed evasive manoeuvres under sustained attack for 90 minutes. Pirates finally managed to board the ship and the crew spent 75 days under pirate control before eventually being released.

Undeterred, Captain Miro Alibasic has since returned to the sea, taking the gas carrier **Ocean Gas** through the Gulf of Aden, also known as 'Pirate Alley', several times.

A copy of his diary of a voyage through the Gulf of Aden is available to read [HERE](#).

This gives an insight which gives an insight into the daily routine of the seafarer and the risks they endure transporting goods through pirate-infested waters.

Ship crews get nervous as soon as their vessels enter the waters around the Horn of Africa. Hardly surprising considering nearly 600 people are currently being held by pirates operating in the area and those who have so far been lucky, fear their vessel could be next - [Business Recorder](#).

The actions of the crew of the Indian freighter "**Safina Aibrahimi**" are typical for vessels navigating Somalia's treacherous coastal waters. "Nobody sleeps when we are off Somalia," says Captain Osman Daud, who has noticeable dark rings under his eyes.

"We keep watch around the clock for pirates." The Safina Albrahimi, which is anchored in the port of Berbera in the self-proclaimed Republic of Somaliland, has a crew of 20 merchant seamen, who sit cross-legged in the shade under a canopy as the ship is unloaded by Somali dockers.

"I don't know anymore how many times I've had pirates on board but it was definitely 20," complains captain Daud.

However, his men have been fortunate to date, with the pirates repeatedly taking mobile phones and valuables before leaving the ship again to continue their search for more valuable booty and successful plundering elsewhere.

The electrical equipment, used cars, truck tyres, rice sacks and other goods stacked in a disorganised heap on the Safina's deck are not worth the effort of maintaining control of the ship for the pirates. An oil tanker, container ship or even a vessel with a European or American crew offering the possibility of a ransom payment are much more lucrative targets.

But Daud and his crew still live in fear. The captain maintains radio contact with the warships patrolling off the coast of Somalia and monitoring the movement of suspicious ships.

Whenever he hears of a pirate attack anywhere along his planned course, Daud plots a new one.

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President Michel [of Seychelles] made the plea when he met the President of the Transitional Federal Government (TFG) of Somalia, Sharif Sheik Ahmed, on the sidelines of the AU summit in Addis Ababa over the weekend - [OCEANUSLive](#).

In the meeting, President Michel recalled the appeals that Seychelles has been making in all quarters for the rapid release on the Seychellois hostages, and asked President Sharif to add his weight to the efforts being undertaken.

President Michel stated that in view of the progress being made in Somalia to build stability, he was seeking the strengthening of efforts by the TFG to assist with the hostages' release since negotiations with the pirate groups were taking much too long.

President Michel highlighted the pain felt by the families of the two innocent fishermen who have been deprived of their freedom.

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AND FINALLY...

In a recent report in Lloyds' List - "Social media sites are the coffee shops of the 21st century" - shipping appears to be way behind the curve of digital communications, comments [PGC Global](#). Only 13% of the 50 shipping companies surveyed admitted to using social media. Maersk are leading the way: 'Maersk Line's move to engage with its customers has resulted in it now having nearly 360,000 Facebook likes, 4,900 Twitter followers and 17,300 LinkedIn followers.' Yet a vast proportion of the sector seems recalcitrant, why so? Most of use some form of digital comms in our daily lives, at home and at work, enjoying the reach and connectivity achieved through twitter, face book et al. Seafarers and their families crave good communications whilst on board and assuming that every shipowner has a website advertising its services, it would be logical to assume there would be a deeper web presence; after all when times are hard, marketing is key!

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PIRACY INCIDENTS

Hijacks:

- NSTR

Unsuccessful Attacks/Robberies (All regions):

- West Africa - Seven pirates armed with guns and knives boarded a drifting German container ship, **Olivia**, awaiting berthing instruction at 0355 UTC in position:13.9N – 013:47.4W, around 22nm SSW of Conakry, Guinea. They entered the bridge, took hostage the 2/O and C/O and tied their hands behind their backs. Two pirates took the 2/O and knocked on the Master's cabin. As the Master opened the door, they slammed it into the Master's face and then stole ship's cash and crew personal belongings. The pirates re-assembled on the bridge and took the crew members as hostage until they disembarked into their waiting boat. Port control and ships in the vicinity were informed. Reported (via IMB) 15 Jul.
- Gulf of Guinea - Two robbers armed with guns boarded an anchored bulk carrier at 0145 UTC in position:17.3N – 002:28.1E, around 1nm off Fairway buoy, Cotonou Anchorage, Benin. They entered Masters cabin stole ships cash and escaped in a fast small wooden boat. No injuries to crew. Incident reported to authorities who arrived onboard to investigate. Reported (via IMB) 17 Jul.

- South China Sea - Seven robbers armed with knives boarded a bulk carrier at anchor at 0300 LT in position 01:43.07N-101:27.72E, Dumai Anchorage, Indonesia. They threatened the crew with knives, broke the padlocks to 3 stores and attempted to steal ship property. Alarm raised, crew mustered and authorities informed. Seeing crew alertness, the robbers escaped empty handed. All crew safe. Reported (via IMB) 17 Jul.
- Indian Ocean - Robbers boarded a container vessel at berth at 2040 UTC in position 19:49S – 034:50E, Beira Port, Mozambique. They stole ship stores and escaped unnoticed. Master informed port authorities and local agent. All crew reported to be safe. Reported (via IMB) 18 Jul.

The [International Maritime Bureau](#) (IMB) figures at 16 July are: Vessels: 11; Hostages: 174. Additional at least 47 crews held on land. Somalia Report states 15 vessels and 229 hostages in all held. EUNAVFOR figures: Vessels: 7; Hostages: 211 (See table). [OCEANUSLive Note: IMB and EUNAVFOR figures do not include **FV Shih Fu No 1** and 26 crew rescued by China Navy].

EU Naval Force Somalia - Operation Atalanta				
		STATISTICS		
		UPDATED: 16/07/2012		
Currently held by pirates	Vessels ¹		Hostages ²	
	7		211	
Since 2009				
WFP Escorts		161		
AMISOM Escorts		127		
Tonnes of food delivered		932 037		
Pirates transferred to competent authorities with a view to their prosecution		128 (68 prosecuted)		
	2009	2010	2011	2012
Attacks ³	117	127	151	28
Pirated ⁴	46	47	25	5
Total incidents	163	174	176	33
Disruptions ⁵	14	65	28	11
Pirate Success Rate	28%	27%	14%	

¹ Plus an unknown number of unfortified Chinese and smaller vessels including their crew.
² Estimated.
³ An event where suspected pirates have located and closed on a vessel in a positive attempt to gain control of it.
⁴ A ship successfully boarded by pirates who subsequently take full control of propulsion and steering.
⁵ An action that results in a major loss of capacity of further hostile operations.

¹ Plus an unknown number of unreported Chinese and smaller vessels including their crew.

² Estimated.

³ An event where suspected pirates have boarded and closed on a vessel in a positive attempt to gain control of it.

⁴ A ship successfully boarded by pirates who subsequently take full control of propulsion and steering.

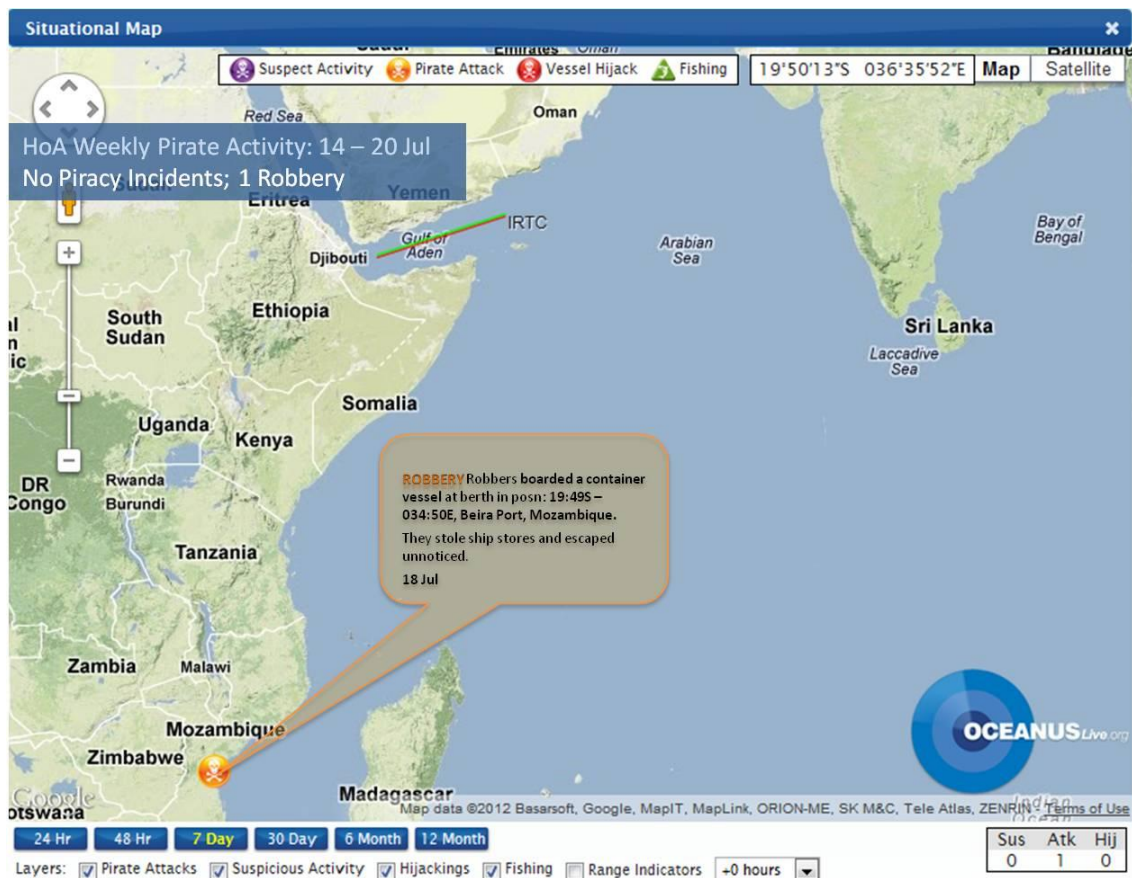
⁵ An action that renders a pirate group incapable of further pirate operations.

Vessels are reminded that the coalition forces' warships may not be in the vicinity of a pirate attack, subsequently, it is emphasised that seafarers can greatly reduce their chances of being pirated if they follow precautions as recommended in the [Best Management Practices](#), increasing speed and carrying out evasive manoeuvres is a proven deterrent to piracy attacks. BMP version 4 is available at the link above; a high resolution version can be downloaded [here](#).

Vessels are advised to exercise extreme caution when navigating in the vicinity of any reported positions of attacks and maintain maximum CPA with any ship acting suspiciously. Additionally, registration of vessel movement with [MSC\(HOA\)](#) prior to transiting the region is recommended.

SITUATIONAL MAP

An interactive version of this situational map is available through registration of verified access to [OCEANUSLive](http://OCEANUSLive.org)



[Horn of Africa Pirate Activity \(Click on Map for Larger View\)](#)

OCEANUSLive.org permits the reproduction of this image providing source and link are published (Map ToU)

Any suspicious activity should be reported to UKMTO in Dubai (Email [UKMTO](mailto:UKMTO@ukmto.ae) or Telephone+971 50 552 3215) and on entering the UKMTO Voluntary Reporting Area (VRA) bound by Suez, 78E and 10S.



**MARITIME
PIRACY -**
A Humanitarian Response

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