

Somali pirates extradited to face trial in Netherlands

FIVE Somalian pirates who attacked a Netherlands-Antillean vessel have been successfully extradited to the Netherlands, *writes Helen Hill.*

Aged between 20 and 40 years, the five were captured on January 2 following an attack on the *Samanyolu*.

The Danish frigate *Absalon* deployed a helicopter when it saw *Samanyolu* was being attacked. The crew of *Samanyolu* fired flare guns into the pirate vessel, starting a fire. When the pirates jumped overboard, they were picked up by the Danish Navy.

Jesper Lynge, a spokesman for the Admiral Danish Fleet, which is responsible for military security and safety at sea, previously said the Somalians are still being held on the frigate, while it was in Bahrain for a crew change. It was not known if they had remained on the vessel since then.

Wim de Bruin, a spokesman for the Dutch Public Prosecutor, said this case would be the first piracy case ever tried in the Netherlands.

Taco van der Valk, a lawyer from AKD Rotterdam, said the case would most probably be tried using the Netherlands Penal Code, which came into force in September 1886. There is little case law, but he thought they would be charged under Sections 381 et sequi (on sea rovers).

Piracy under article 381 carries a sentence of a maximum of 12 years for anyone serving as a master/skipper on board a vessel in the knowledge that the vessel is to be used to commit violence on the high seas against other vessels. A person serving on board as a crew member may get a maximum of nine years.

Those equipping, chartering or insuring these vessels (in the knowledge of their intended use) were also subject to criminal prosecution, he said.

Mr van der Valk said it would be surprising to see a "first offender" get the maximum penalty, although the court may be inclined to give a higher sentence to send a message to other Somali pirates.

Ministry of Justice spokesman Wim van der Weegen said Dutch minister Ernst Hirsch Ballin believed it was important for all countries that come under attack by pirates to take responsibility for prosecuting them.

Mr Hirsch Ballin had also urged other European ministers that the EU should coordinate such actions.