

## PARLIAMENTARY QUESTION

B/792	<p>The Honourable Fourth Member for Mahebourg and Plaine Magnien <b>(Mr Henry)</b></p> <p><i>To ask the Honourable the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms –</i></p> <p><b>Whether, in regard to the Somalian pirates, he will state the number thereof who have been allocated Counsel under the Legal Aid Scheme (Supplementary), indicating the amount of funds received from the European Union in relation thereto, indicating (a) if all the barristers appearing as Counsel in the said cases have received their fees as per the arrangement of the European Union and/or United Nations, and, if so, when and, if not, why not and (b) the number of cases tried since 11 August 2016 to date?</b></p>
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### REPLY

Madam Speaker,

Out of 12 Somalian Nationals charged with the offence of having committed an act of piracy, 4 were provided free legal aid at the provisional stage at the District Court Level to assist them in Court and to give their statements in 2013. All the 12 accused parties were granted free legal aid under Legal Aid Act before the Intermediate Court in 2013, the Supreme Court in 2015 and in the course of the fresh trial in 2016 before the Intermediate Court.

Funds have been provided by the United Nation's Office for Project Services and not the European Union. A total sum of 37,000 US dollars has been received and transferred to the Accountant General in connection with the trial of the accused

parties. A sum of 5,000 US dollars has been retained by the Supreme Court to meet the expenses incurred for transcription of proceedings and photocopies of various documents. The balance of 32,000 US dollars has been kept in a deposit account with the Accountant General.

In regard to the question as to whether all the barristers appearing in the said cases have received their fees, I am informed that pending claims from all the legal advisers appearing in the case, payment was kept in abeyance by the Supreme Court.

I am also informed that the Supreme Court has now received all the claims from the legal advisers. Claims were received from period May 2017 until 27 June 2018. The sum of 32,000 US dollars is now being apportioned and is to be paid equally to the said legal advisers in terms of their appearances before the different Courts.

Computation of the amount to be paid is being processed by the Chief Registrar and the Deputy Chief Registrar and payment will be effected shortly by the Accountant General.

With regard to part (b) of the question:

**The number of cases tried since 11 August 2016 to date.**

Since 11 August 2016 to date, no other piracy case has been tried in our Courts.

## **Additional Information**

List of Counsel appearing for all of the accused before the different Courts is as follows:-

Mr Attorney Appa Jala has appeared for all accused parties in the appeal case.

S No.	Name of Counsel/Attorney	Appearance in Provisional case	Appearance in 1 <sup>st</sup> Trial	Appearance in Appeal case	Appearance in 2 <sup>nd</sup> Trial	No of Appearances
1.	R. Raghunundun		✓			1
2.	B. Radhakisson	✓		✓		2.
3.	R. Ramsaha		✓	✓		2
4.	L.C. Nuckchady	✓	✓	✓		3
5.	V. Ramchurn		✓	✓	✓	3
6.	G. Bhanji Soni	✓	✓	✓	✓	4
7.	D.Ramful		✓	✓	✓	3
8.	L.E.Ribot		✓	✓		2
9.	D.Ramano	✓	✓	✓	✓	4
10.	H.Bansroopun		✓			1.
11.	A.Kutwaroo			✓	✓	2.
12.	K.Lukeeram				✓	1.
13.	A.Toorabally		✓			1.

S No.	Name of Counsel/Attorney	Appearance in Provisional case	Appearance in 1 <sup>st</sup> Trial	Appearance in Appeal case	Appearance in 2 <sup>nd</sup> Trial	No of Appearances
14.	Y.Nazroo				✓	1.
15.	U.Hurnauth			✓	✓	2.
16.	D.Ortoo			✓	✓	2.
17.	N.Dulloo				✓	1.
18	C.Bissessur			✓	✓	2.
19	R.Appa Jala		✓			1.
<b>Total</b>		<b>4</b>	<b>11</b>	<b>12</b>	<b>11</b>	<b>38</b>

### **Further Additional Information**

Mauritius entered into a Transfer Agreement with the European Union on 14 July 2011 for the transfer and prosecution of suspected pirates to Mauritius. Similar agreements had already been entered in the region with Kenya and Seychelles. This Agreement was concluded when the scourge of maritime piracy off the Horn of Africa had reached its peak. The statistics of the International Maritime Bureau indicated 160 piracy attacks in the Somalia region for 2011, against 139 for 2010 and 80 for 2009<sup>1</sup>. Crew were being held for ransom, or killed.

Under the Transfer Agreement there has been one transfer of 12 suspected pirates to Mauritius in 2013. The 12 suspects were first tried before the Intermediate Court (CN 850/13 I.C.) but acquitted. The DPP lodged an appeal against the dismissal. The SC remitted back the case

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<sup>1</sup> International Maritime Bureau Statistics 2011 (attached)

to the Intermediate Court. The Intermediate Court eventually convicted the 12 pirates to five years imprisonment. The term of imprisonment imposed is being served in Somalia, further to an agreement between Mauritius and the then Transitional Federal Government of Somalia signed in 2012. They left Mauritius on 25 September 2016.