

Prof. Dr. G.A.M. Strijards LLM

International Criminal Law
Groningen University

In co-operation with

EULEC

The European Institute for
Freedom, Security and Justice

Recent Case

- Gulf of Aden
- Dutch frigate “the Seven Provinces” taking part in a NATO-manoeuvre in the Gulf of Aden as part of a flotilla



Piracy at the high Seas dd. May 5th 2009

- Acts of piracy on the 5th of May 2009 by Somalian pirates against the Antillian vessel "The Marathon" in the Aden Gulf from a dinghy
- five pirates
- barrels of petrol aboard
- scale and ladder catches
- jerry cans with water
- machineguns
- granates and throwers
- light rifles



- of course:
 - no flag, no registration, no passports
- The frigate fires several shots commanding “dead slow ahead”
- The dingy has to hove to the frigate
- Pirates surrender and come aboard the frigate



Details ship

- Details of the Marathon:
- Registration in Willemstad, Curacao
- Shipping company Amons in the Netherlands
- Sailors:
8 men with Ukraïñ nationality
- Intervention and hovering on in the High Seas



- Frigate does disembark the pirates in Bahrein, being detained awaiting for a forthcoming request for extradition of the Netherlands
- Detention in pens for camels
- Communication of those events to the Prosecutorial Office of the Netherlands
- Sends a KLM-plane
- Upon arrival KLM denies access to the pirates given security risks
- Office orders KLM to have the suspects embark: what about the territorial scope of Dutch legislation?



Competences

- KLM denies again to have the Somalians aboard
- Ministry of Defence sends a military plane (Orion) which is territory of the Netherlands: on what basis?
- What about the prolongation of the detention during the flight?
- Who is competent?



Competences 2

- No treaty basis for extradition nor for transit:
 - what are the consequences?
- What is the jurisdictional basis for Dutch Penal Enforcement Power
- What if there is none?
- What about requests for asylum in the Netherlands?
- What about expulsion to Somalia given the fact that the pirates did not have any ID-document?
- What about re-extradition to the Ukraïn?