

Questions for Case Study 1: Prosecuting Somali Pirates

1. Which of the UN's 7 options is the best policy for addressing piracy? Is there a better option for prosecuting piracy? If so, what courts (national or international) should have jurisdiction over acts of piracy and why?
2. Does piracy violate the customary "law of nations"? Why or why not?
3. If the accused petitions the ICJ to contest US, UK, or Seychellois jurisdiction over piracy crimes, do you believe the ICJ would allow US, UK, or Seychellois jurisdiction to stand?
 - a. If so, what ties the pirating events to the US, UK, or the Seychelles? In light of the fact that piracy is not specifically criminalized in US/UK legislation, how could you demonstrate that pirate prosecutions are appropriate – under US/UK law – for US/UK courts?
 - b. If not, is your opposition based primarily on a reading of US statutes, or is it more generally your position that domestic courts should not handle this type of dispute?
 - c. How would you solve other practical concerns (e.g., imprisonment) related to switching the venue for piracy trials?
4. Are these approaches unique to the situation in Somalia, or should piracy be addressed in the same way across the world?
5. The UN report notes that the group discussed amending the International Criminal Court's Rome Statute to allow for piracy prosecutions. Why do you think the Court's members decided to not even discuss that possibility? What would be required for the members to change their stance on this matter?

Assigned Readings

1. C.J. Chivers, "Somali Suspects in Hijacking of Iranian Ship Face Piracy Trial in Seychelles," *New York Times*, March 6, 2012. <http://www.nytimes.com/2012/03/07/world/africa/somalis-on-iranian-ship-face-piracy-charges-in-seychelles.html>
2. Milena Sterio, "A Report on the Possibility of Future Somali Piracy Prosecutions in Mauritius," *EJIL: Talk!*, December 26, 2012. <https://www.ejiltalk.org/a-report-on-the-possibility-of-future-somali-piracy-prosecutions-in-mauritius/>
3. Summary of "Report of the Secretary-General on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia," 26 July 2010, S/2010/394 (ONLY THE SUMMARY, pp. 1-5, IS REQUIRED READING), <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=S/2010/394&Lang=E>
4. John Schwartz, "Somalis No Longer Face Federal Piracy Charges," *New York Times*, August 17, 2010. <http://www.nytimes.com/2010/08/18/us/18pirates.html>
5. Joseph Goldstein, "Makin' 'em Walk the Plank," *ABA Journal*, July 2009. http://www.abajournal.com/magazine/article/makin_em_walk_the_plank/
6. Douglas Guilfoyle, "Piracy off Somalia: a sketch of the legal framework," *EJIL: Talk!*, April 20, 2009. <http://www.ejiltalk.org/piracy-off-somalia-a-sketch-of-the-legal-framework/>
7. Associated Press, "No Somali pirate hijacking in nearly a year, says UN," May 3, 2013. <http://www.theguardian.com/world/2013/may/03/somali-pirate-hijacking>
8. FYI (not required, but provides more detail on pirates' motivation): Ursula Daxecker and Brandon Prins, "Insurgents of the Sea: Institutional and Economic Opportunities for Maritime Piracy," *Journal of Conflict Resolution* (2013) 57: 940-965. <http://jcr.sagepub.com/content/57/6/940>