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Private Guards Kill Somali Pirate For First Time

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NAIROBI, Kenya — In the first killing of its kind, private security contractors shot dead a Somali pirate in a clash that left two skiffs riddled with bullet holes, officials said Wednesday.

The killing raises questions over who has jurisdiction over a growing army of armed guards on merchant ships flying flags from many nations.

There's currently no regulation of private security on board ships, no guidelines about who is responsible in case of an attack, and no industrywide standards, said piracy expert Roger Middleton from the British think tank Chatham House.

"There's no guarantee of the quality of individuals you are going to get," said Middleton. "If you're a shipping company, that could be legally concerning. It's also concerning to everyone if you have individuals with guns and not much oversight out on the seas."

The exact circumstances of Tuesday's shooting are unclear, but the European Union Naval Force said guards were on board the Panama-flagged MV Almezaan when a pirate group approached it twice. On the second approach, there was a shoot-out between the guards and the pirates.

An EU Naval Force frigate was dispatched to the scene and launched a helicopter that located the pirates. Seven pirates were found, including one who died from small-caliber gunshot wounds, indicating he had been shot by the detachment onboard the Almezaan, and not by the helicopter gunship, said Cmdr. John Harbour, the EU Naval Force spokesman.

The pirates had two small skiffs and a larger ship – a whaler – believed to be a mothership for food and fuel.

"Once the skiffs and the whaler had been intercepted it was discovered that one of them contained a dead body that had sustained several small-caliber bullet impacts.

Numerous bullet impacts were also visible on the skiffs and bullet casings as well as arms and munition of different caliber were found aboard," said a statement from the Spanish Ministry of Defense.

Spanish forces aboard the warship Navarra arrested the six remaining pirates, took custody of the pirate's body and sunk the larger boat, the ministry said. Spain planned to give the body to the Somali government and transfer the suspects to Kenya or the Seychelles for prosecution if the cargo ship's crew identified the detainees as their attackers.

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Legal experts said there is no consensus on who is responsible for investigating the incident, and there are several possibilities: Panama, whose flag the Almezhan flies; the United Arab Emirates, where the ship's owners are based; or the nation which the security contractors come from, which has not yet been made public.

"This will be scrutinized very closely," said Arvinder Sambei, a legal consultant for the U.N.'s anti-piracy program. "There's always been concern about these (private security) companies. Who are they responsible to? ... The bottom line is somebody has been killed and someone has to give an accounting of that."

So far, laws governing private security contractors have generally reacted to specific abuses rather than attempting to prevent such abuses, said Patrick Cullen, an international relations lecturer at the Barcelona-based International Politics Institute and the co-author of an upcoming book on private maritime security companies.

"Regulating maritime security companies is a very gray area," he said.

Violent confrontations between ships and pirates are on the rise. Crews are becoming adept at repelling attacks by pirates and many more ship owners are using private security guards. Pirates are becoming more aggressive in response, shooting firearms and firing rocket-propelled grenades at ships to try to intimidate captains into stopping.

Also on Wednesday, the head of the Navy and Coastal Armed Defense in Yemen said it had foiled a piracy attempt by Somalis against a Yemeni oil tanker that was carrying large amounts of oil to the port in Aden.

The navy exchanged fire with Somali pirates who had encircled the tanker in four boats, before the pirates fled, General Ruwais Ali Majoor said. The navy is still searching for them, he said.

The International Maritime Bureau says 39 ships were fired off Somalia and in the Gulf of Aden in 2008, but that number increased to 114 ships by 2009. Earlier this month there were four separate shoot-outs in a single day between pirates, security guards and military personnel aboard commercial vessels.

Several organizations, including the International Maritime Bureau, have expressed fears that the use of armed security contractors could encourage pirates to be more violent in their approach.

In Somali waters, it is often difficult to distinguish between pirates and fishermen until

the boats are very close. Maritime experts have expressed fears that jittery security guards could accidentally open fire on ordinary Somalis.

Pirate attacks have not declined despite patrols by dozens of warships off the Somali coast. The amount of ocean to patrol is too vast to protect every ship and pirates have responded to the increased naval presence by moving attacks farther out to sea.

Experts say piracy is just one symptom of the general collapse of law and order in the failed state of Somalia, which has not had a functioning government in 19 years. They say attacks on shipping will continue as long as there is no central government capable of taking on the well-armed and well-paid pirate gangs.

Associated Press Writer Harold Heckle in Madrid and Ahmed el-Haj in Yemen contributed to this report.

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