

IN THE SUPREME COURT OF SEYCHELLES

REPUBLIC

VS

**MOHAMED AWEYS SAYID
INE MIRE MUSE
ALI MOHAMED ALI
ABDI ALI SAID
BASHIR HASSAN ALI
ABDI KADIR HASHI AWALE
DAHIR ABDULLAH WARSAME
ABDI HANLIL HASSAN
SALAD MOHAMED DIRIYE**

Criminal Side No.:19 OF 2010

Mr. J. Lloyd for the Republic

Mrs. A. Amesbury for all Accused

All Accused present

JUDGMENT

DODIN J.

- [1] The nine accused stand charged with 3 counts of committing acts piracy on the high seas contrary to section 65 of the Penal Code as amended by Act 2 of 2010 read with section 23 of the Penal Code and punishable under Section 65 of the Penal Code.

- [2] The particulars of the 1st count are that the accused, Mohamed Aweys Sayid, Ine Mire Muse, Ali Mohamed Ali, Abdi Ali Said, Bashir Hassan Ali, Abdi Kadir Hashi Awale, Dahir Abdullah Warsame, Abdi Hahlil Hassan and Salad Mohamed Diriye, on the 27th day of March, 2010, acting with common intention on the high seas committed an act of piracy by committing an illegal act of violence or detention or an act of depredation for private ends against persons on board another ship by unlawfully taking control of the ship whilst armed with firearms.
- [3] The particulars of the second count is that the accused, Mohamed Aweys Sayid, Ine Mire Muse, Ali Mohamed Ali, Abdi Ali Said, Bashir Hassan Ali, Abdi Kadir Hashi Awale, Dahir Abdullah Warsame, Abdi Hahlil Hassan and Salad Mohamed Diriye, on the 26th day of March, 2010, acting with common intention in the Seychelles Exclusive Economic Zone, committed an act of piracy by committing an illegal act of violence or detention or an act of depredation for private ends against persons on board another ship namely the Galate, by unlawfully taking control of the ship whilst armed with firearms.
- [4] The particulars of the 3rd count is that the accused, Mohamed Aweys Sayid, Ine Mire Muse, Ali Mohamed Ali, Abdi Ali Said, Bashir Hassan Ali, Abdi Kadir Hashi Awale, Dahir Abdullah Warsame, Abdi Hahlil Hassan and Salad Mohamed Diriye, on the 29th March, 2010, acting with common intention on the high seas committed an act of piracy by committing an illegal act of violence for private ends against persons on board another ship namely the Topaz, by unlawfully discharging firearms directed at the Topaz.
- [5] The prosecution called 12 Witnesses. The first 6 were the crew of the vessel Galate who testified as follows.

- [6] On the 26th of March, 2010, the vessel Galate was fishing for sea cucumber on the Lazino Bank about 98 nautical miles from Mahe. The crew members were Rolland Emmanuel Lablache, the captain and 2nd prosecution witness, Richard Ryan Bossy, the 1st prosecution witness, Joel Julienne, the 3rd Prosecution witness, Francis Gervais Leon, the 4th prosecution witness, Emmanuel Harry Victorin, the 5th prosecution witness and Antoine Basset, the 6th prosecution witness. At about 6:30 to 6:35 am whilst the crew was getting breakfast ready Richard Ryan Bossy heard the sound of outboard engine. He saw a fiberglass with armed persons on board. They were all males, armed with AK47 rifles and were approaching the Galate. He ran to the cabin and shouted to his fellow crewmembers that pirates were coming. He identified the 1st accused, Mohamed Aweys Sayid, the 2nd accused Ine Mire Muse and the 8th Accused Abdi Hahlil Hassan as three of the men in that boat, “the skiff”. The accused’ boat approached the side of the Galate where there was a ladder and 4 men climbed on board the Galate.
- [7] Upon being told by Richard Bossy that pirates were approaching Gervais Leon lifted a couchette and pressed the distressed button (GMS) – which was located underneath. When the button was pressed it sent signals registering their position from Mahe to the Coast Guard and SFA.
- [8] The armed men did not ask for permission to come on board the Galate. They had guns and pointed the guns at the crew and one shouted “out everybody”. One man remained in the skiff and went away. The crew members were told to come out of the cabin and made to kneel down. One of the 4 men spoke English. The 4 armed men then proceeded to search the cabin and took their watches, mobile phones, some food and some clothes.

[9] The skiff later came back with another 5 men. They took some food and asked for cigarettes whilst accused No. 3, now identified as Ali Mohamed Ali, wanted to know the amount of fuel on board. He then directed the captain to take the Galate to another bigger boat. Arriving near the bigger boat one of the men got into the skiff and loaded an engine and food onto the skiff which was then taken to the Galate. All the 5 crew members of the Galate identified the photographs of the skiff and the outboard engine. They testified that then all the men came on board the Galate where the 3rd Accused told the captain of the Galate to go in a given direction using a handheld GPS. The boat from which the Accused had offloaded the engine and food was allowed to go. The men on the top deck had guns and the crew members of Galate followed the orders given by the men from 26th to 27th of March, 2010.

[10] The next day in the afternoon fuel ran out and the Galate drifted all night until next morning. On that morning 5 men got into the skiff with their weapons and chased after a passing ship which accelerated away and they returned to the Galate, tied the skiff to Galate and they continued drifting. In the afternoon another boat came in their direction and 4 men got in the skiff and successfully attacked that ship which was later identified as the Al-Ahmadi, an Iranian vessel. The Galate was tied to the Iranian vessel which the witnesses identified in the photographs. The men then used a pump to transfer fuel from that vessel into Galate's tank.

[11] The crew of the Galate testified that when they asked to go back to Seychelles they were told "no Seychelles, Somali". The crew was later that day transferred with their beddings and food to the Iranian vessel and the Galate was tied up and towed. The Iranian crew members were being held at gunpoint at the rear of the vessel except for those manning the vessel.

When the rope broke, captain Lablache was forced to jump into the water to go back to the Galate with two of the accused.

[12] The next day they saw a military ship coming towards them. The accused told them to sit on the deck. The witness testified that they recognized the patrol boat Topaz and as the Topaz came closer the accused became more aggressive and held their weapons at the ready. One was holding a rocket propelled grenade (RPG) and another was holding a grenade launcher. The others held AK 47 rifles. The Topaz called on loudhailers asking the accused to contact them on Chanel 16, but they refused. The 1st witness testified that he saw the 5th accused Bashir Hassan Ali, pointing a gun at him whilst the 3rd accused, Ali Mohamed Ali was the one who was insisting on no contact and asked the crew of the Galate to tell Topaz to go away.

[13] The crew members of the Galate were made to stand with their hands above their heads and face Topaz whilst some of the accused pointed their guns at them. Topaz came very close to the Iranian boat and they were told in Creole that if the pirates fired at Topaz, Topaz will fire back. Topaz also went around the Iranian boat and the crew of the Topaz was waving a white board with some letters and numbers on it.

[14] The 2nd prosecution witness who was the captain of vessel Galate, Rolland Lablache, further testified that when he was on the Galate, the 1st accused Mohamed Aweys Sayid and the 8th accused, Abdi Hahlil Hassan, were also on the Galate and directed him to keep moving the Galate away from Topaz by moving to the opposite side of the Iranian vessel whenever Topaz approached. He had to follow the two accused's instructions until the Galate crashed into the Iranian vessel when they all went onto the Iranian vessel.

- [15] The Vessel's engine then stopped functioning for a while and the 3rd accused was next to the captain in the cabin. When the engine re-started and the boat started sailing away again, Topaz came close in front of the boat then fired in front of the boat but it did not stop. At that time the accused started to hit them with their guns telling them to stay in the same position. Topaz went round again and fired again. The accused told the crew to sit up straight whilst they lied flat down. The 1st prosecution witness testified that he heard the sound of guns being fired but he could not see who was firing and where. The 3rd prosecution Witness testified that from where he was he could see accused No.9, Salad Mohamed Diriye, firing an AK47 and accused No.8, Abdi Hahlil Hassan fired an RPG but its trajectory was short and it fell in the sea close to the boat they were on.
- [16] The witnesses testified that the Iranian vessel then caught fire and immediately all the accused stood up and started throwing their weapons into the water. The witnesses ran and jumped into the water grabbing some buoys to keep them afloat. The accused also jumped into the water as well as the crew of the Iranian vessel. They were all rescued and brought onto the Topaz.
- [17] They identified the 9 accused to the crew of the Topaz whilst the accused were still in the water and on board the accused were kept separate from the remainder of the Seychellois and Iranian crew members. They identified the 9 accused persons in court as the same 9 armed persons who attacked the Galate.
- [18] On the 1st April 2010 they again identified the 9 accused persons as the same 9 armed persons who attacked the Galate and identified the 3rd Accused as the leader.

[19] In cross examination all the witnesses maintained their testimony. They all admitted that the accused did not shoot at the Galate and that the crew of the Galate were free on board the ship to cook and attend to their personal needs but maintained that they were not free to return to Seychelles. They were also not allowed to go on the upper deck where the accused kept their weapons.

[20] The witnesses further maintained that although they did not see the taking of the Iranian vessel, they saw shell casings on the deck and the Iranian crew were being held at the back of the boat and were not allowed any interaction with the Galate crew.

[21] Captain Simon Laurencine, the commanding officer of the Topaz, testified that they were on patrol east of Mahe when they were given information that the Galate may have been attacked. The Topaz started monitoring the movement of the Galate with its vessel monitoring system and proceeded to the Galate's location. The Galate was sighted approximately 300 nautical miles from Mahe. The witness identified the Galate and the Iranian vessel and the skiff from the photographs. The witness testified that they were under instructions to stop the Seychellois crew from being taken to Somali. From about 0650 am they started maneuvering around the Galate and the Iranian vessel and calling the ships on radio and loudhailer but to no avail. They raised a white board with international radio frequency written on it upon approaching the Iranian vessel and ensured that the Iranian vessel was kept downwind from the Topaz so that the communications by loudhailer would be carried to the Iranian vessel and the Galate but it was clear that the vessels were taking evasive action. He then ordered the Topaz to be placed in front of the Iranian vessel and when that vessel attempted to move around the Topaz, he ordered the firing of warning shots into the water in front of

the Iranian vessel. It was then around 1425 p.m. He then gave warning that they were about to open fire on the Iranian vessel. At this stage Rolland Lablache called on the radio and said they were ok and that the Somalis wanted to talk. He told the Somali who spoke on the radio to release the Seychellois but the person said no and that he would rather kill them. That person also told him that he wanted all the Somalis in Seychelles to be released and then turned off the radio. They started firing into the engine compartment of the Iranian vessel and it soon caught fire. All the persons on board jumped into the water and were rescued. The Somalis were identified and handed over to the police upon arrival on Mahe.

[22] The witness testified that the Topaz maintained a safe distance from the Iranian vessel, beyond the effective range of AK 47 or RPG and was also upwind from it. Hence he was not in a position to see or hear if there were any weapons being discharged towards the Topaz.

[23] Lyndon Lablache, the executive officer of the Topaz corroborated the evidence of Captain Laurencine maintaining that the Topaz conducted a series of maneuvers for about 9 hours to try and stop the Iranian vessel but to no avail. He also identified the skiff and ladders from the photographs as those recovered from the scene. He testified that no fishing equipment was recovered from the skiff or from any of the accused.

[24] Roy Gonthier, the gunner on the Topaz, also testified that he took some photographs showing the scene prior to, during and after the engagement which were admitted as exhibits. He testified that he conducted the firing of a 12mm caliber gun to disable the Iranian vessel which caught fire and sank. There were no casualties.

- [25] WPC Samia Etienne testified that she witnessed the taking of the statements of the 4th, 7th, 8th and 9th accused whilst Sergeant Veronique Parcou testified that she witnessed the statements of the 1st, 2nd, 3rd, 5th and 6th accused. All the statements were admitted as exhibits and read in open court.
- [26] The 1st accused, Mohamed Aweys Sayid, stated that he was 16 years old from Mogadishu. The 2nd accused, Ine Mire Muse, stated that he was 15 years old from Garoowe. The 3rd accused, Ali Mohamed Ali, stated that he was 24 years old from Qoryoole. The 4th accused, Abdi Ali Said, stated that he was 22 years old from Adado. The 5th accused, Bashir Hassan Ali, stated that he was 15 years old from Gaalcaio. The 6th Accused, Abdi Kadir Hashi Awale, stated that he was 14 years old from Gaalcaio. The 7th accused, Dahir Abdullah Warsame, stated that he was 16 years old from Qarydaro village Gaalcaio. The 8th accused, Abdi Tahlil Hassan, stated that he was 13 years old from Adado and the 9th accused, Salad Mohamed Diriye, stated that he was 16 years old from Gaalcaio.
- [27] In their statements all of the accused gave almost exactly the same account of their sea venture except when accounting for the loss of their boat Volvo when their accounts differed considerably. They are all Somalis but are not related. They maintained they were fishermen who left a Somali fishing beach called Labad in a vessel called Volvo and a smaller vessel called Leyla Alaabi, whose owner was a Somali man by the name of Bashir Abdi Adde who provided the fuel and other supplies for the trip on the 5th March, 2010. The 3rd Accused Ali Mohamed Ali was the leader. All the accused stated that after 3 days at sea they lost their fishing boat Volvo with all their provisions and fishing equipments. The 1st, 8th and 9th accused stated that they lost the mother ship Volvo after a storm. The 3rd and 6th accused stated they lost the vessel Volvo

after it developed some technical problems and sank. The remaining accused did not state any reason why the vessel Volvo was lost. All the accused stated that they drifted for 3 days until they sought help from a passing Indian vessel which took them to where the Galate was. They sought help from the Galate to get back to Somalia. They admitted that they took some food but maintained that it was because they were hungry. They all stated that when the Galate ran out of fuel, they sought further help from a passing Iranian vessel, the Al-Ahmadi to get fuel for the Galate. They all denied that they were armed with any weapons and that they fired at the Topaz. They all denied knowledge of any Somali being held in Seychelles and denied that they were pirates.

[28] At the close of the prosecution's case, the 3rd accused, Ali Mohamed Ali and the 2nd accused Ine Mire Muse chose to give unsworn statements from the dock. Both accused stated that after they left the fishing beach called Labad for a fishing trip, their mother boat named Volvo was sunk in a storm and that drifted for 3 days in their small boat until they were rescued by a passing Indian ship. After 10 days on the Indian ship it developed engine problems and they were showed the Galate and told that it was a Somali boat that would take them to Somalia. They stated that they were shocked when they learned that it was a Seychelles vessel but that the crew of the vessel agreed to take them to Somalia. They ran out of fuel and drifted for 24 hours before they boarded an Iranian vessel which agreed to supply fuel to the Galate. They stated that the next day they saw a Seychelles military vessel and that they did not understand what the persons on the vessel was telling them but that the military vessel started to fire in the engine compartment of the Iranian vessel which caught fire and sank. They all jumped overboard and were rescued by the military vessel. They both denied that they were pirates or that they

had any firearms with them. They both confirmed the contents of their statements and requested help to be repatriated to Somalia.

[29] The remaining accused chose to remain silent. The right to remain silent is a constitutional right accorded to every accused person and which can be exercised without any inference being drawn from the exercise of that right. The accused right to remain silent cannot be interpreted in any adverse way against them.

[30] Section 23 of the Penal Code state as follows:

“When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.”

[31] Section 65 of the Penal Code as amended by Act 2 of 2010 makes the following provisions:

65(1) *“ Any person who commits any act of piracy within Seychelles or elsewhere is guilty of an offence and liable to imprisonment for 30 years and a fine of R1 million.”*

[32] Section 65(4) gives the following definition of piracy:

65(4) *“For the purposes of this section “piracy” includes-*

(a) Any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or aircraft and directed-

(i) *on the high seas, against another ship or aircraft, or against persons or property on board such a ship or aircraft;*

(ii) *against a ship or an aircraft or a person or property in a place, outside the jurisdiction of any State;*

(b) *Any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it pirate ship or a pirate aircraft; or*

(c) *Any act described in paragraph (a) or (b) which, except for the fact that it was committed within a maritime zone of Seychelles, would have been an act of piracy under either of those paragraphs.”*

[33] Section 65(5) further states as follows:

5. *“A ship or aircraft shall be considered a pirate ship or pirate aircraft if-*

(a) *It had been used to commit any of the acts referred to in subsection (4) and remains under the control of the persons who committed those acts; or*

(b) *It is intended by the person in dominant control of it to be used for the purpose of committing any of the acts referred to in subsection (4)."*

[34] The amended section 65 of the Penal Code was assented to and became the applicable law in force from the 17th March 2010.

[35] The burden of proof rests on the prosecution to prove beyond reasonable doubt that all the 9 accused persons agreed to act together and indeed acted to prosecute the commission of the three counts charged. After analyzing the evidence of the prosecution it is clear that all the accused persons were acting together as a team. In fact none of the accused at any time raised suggestion that they were not involved in the sea-going venture voluntarily under the leadership of the 3rd Accused although they all maintained that they were only going fishing as they were all fishermen.

[36] The prosecution must also prove beyond reasonable doubt that the Accused persons committed an illegal act of violence or detention or depredation against the Iranian vessel and the Galate for private ends as well as unlawfully discharging firearms in the direction of the Topaz.

[37] Maritime piracy, according to the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, which has now been adopted as the amendments to section 65 of the Penal Code, consists of any criminal act of violence, detention or depredation committed for private ends by the crew or the passengers of a private ship that is directed on the high seas against another ship or against persons or property on board a ship. Piracy can also be committed against a ship, aircraft, persons, or property in a place outside the jurisdiction of any state. In fact piracy has been one of the first examples of

universal jurisdiction. The crime of piracy is considered a breach of *jus cogens*, (compelling law), a conventional peremptory international norm that states must uphold. Those committing thefts on the high seas, inhibiting trade, and endangering maritime communication are considered by sovereign states to be *hostis humani generis* (enemies of humanity).

[38] Considering the evidence of the prosecution witnesses, particularly the testimonies of the crew of the Galate, as rehearsed above, I find that the evidence adduced by the prosecution were consistent and not at all shaken by cross-examination. The witnesses' testimonies that the accused were armed are also well supported by the photographs admitted as exhibits which showed one of the accused, identified by witness Emmanuel Harry Victorin as the 8th accused, Abdi Hahlil Hassan shouldering an RPG. Other accused are clearly seen in the photographs pointing AK 47 assault rifles in the direction of the crew of the Galate who were standing on the deck of the Iranian vessel with their hands raised above their heads.

[39] Although no crew member of the Iranian vessel gave evidence in the case, the crew of the Galate who testified gave compelling testimonies of the events leading to the accused persons boarding and taking control of the Iranian vessel. The crew of the Galate were themselves transferred to the Iranian vessel testified that the crew of the Iranian vessel were kept at the back of the vessel under armed guard and were not allowed to move around on the vessel. The 3rd accused was seen in the wheelhouse of the Iranian vessel whilst Topaz was trying to stop it and he was identified as the person who was giving orders and refusing to allow any contact with the Topaz until the firing started.

[40] The contention of the accused that they only sought help from the Iranian vessel to refuel the Galate is clearly inconsistent with their refusal to communicate with the Topaz or to stop even when warning shots were fired across the bow of the Iranian vessel. Learned Counsel for the accused also maintained that the accused always ensured that the Galate was well shielded by the Iranian vessel and portrayed this as the accused attempting to protect the Galate. This may be so but the reason for protecting the Galate did not appear consistent with the aim of returning the crew and the Galate to Seychelles as the Iranian vessel and the Galate were being taken further towards Somalia despite all the attempts of the Topaz to stop them. I am therefore satisfied that the prosecution has proved beyond reasonable doubt that the Iranian vessel was under the control of the accused who were armed and that the crew of the Iranian vessel were not free to continue their route. The offence of committing an act of piracy against the Iranian vessel has thus been proved beyond reasonable doubt.

[41] The evidence of the crew of the Galate is also uncontroverted with regards to the manner in which the accused boarded the Galate and imposed their control on the crew. The evidence clearly shows that the Galate did not have sufficient fuel to reach Somalia and in fact ran out of fuel after travelling for about 200 nautical miles. This supports the contention of the prosecution and the evidence of the crew of the Galate that they were forced to travel towards Somalia against their will and that the crew of the Galate did not invite the accused persons on board the Galate nor agreed to convey them to Somalia as the defence contended. Secondly it not contested that the crew of the Galate alerted the SFA and Coastguard by activating the distress signal when the accused boarded their vessel.

[42] The contention of the accused that they were unarmed fishermen out on a fishing trip is not supported by any evidence adduced. The only item that can be considered as suitable for fishing activities was the skiff in which they approached the Galate and the Iranian vessel. There were no evidence of fish, fishing gears, bait or anything else associated with fishing activities. On the other hand they had two ladders suitable for climbing onto bigger ships, outboard engines and firearms. This leaves no doubt that the real intention of the accused persons from their departure from Somalia, was not to catch fish but to reach and board other vessels with the use of force as necessary. I therefore find that the prosecution has proved beyond reasonable doubt that all the accused planned together and acted together with common intention to commit acts of violence, detention and depredation against other vessels and their crews at sea and that on the 26th day of March 2010, the accused acting with common intention forcibly boarded, took control and detained the crew and the vessel Galate about 98 nautical miles from Mahe and forced the crew to take the accused towards Somalia until they ran out of fuel and were later intercepted by the vessel Topaz about 300 nautical miles from Mahe.

[43] Learned Counsel for the accused submitted that as regards the Coastguard vessel, Topaz, it cannot be said that the accused committed an act of piracy in that it was the Topaz that fired on the Iranian vessel and not the accused who fired on the Topaz. Learned counsel further argued that even if it is found that the accused were armed and fired towards the Topaz, they only did so in response to being attacked by the Topaz. Learned counsel also argued that the crew of the Topaz did not adduce any evidence that they were being fired at and that in any event they were at a distance that the weapons

allegedly carried by the accused were out of range and could not have caused any harm to the Topaz.

[44] Having analyzed the evidence and having already found that the accused were armed when they were approached and intercepted by the vessel Topaz it now remains to be determined whether the accused actually discharged their weapons towards the Topaz as per the particulars of the 3rd count. The evidence of the crew of the Topaz clearly indicates that the Topaz maintained a safe distance from the Iranian boat and remained upwind from the Iranian vessel. Although witnesses observed that the accused were armed and produced photographs in support, they could not tell whether any of the weapons the accused had were discharged in the direction of the Topaz.

[45] Prosecution witness Richard Ryan Bossy testified that he heard the sound of guns being fired from the Iranian vessel but he could not see who was firing and from where. The 3rd prosecution Witness Joel Julienne, testified that from where he was he could see accused No.9, Salad Mohamed Diriye, firing an AK47 and accused No.8, Abdi Hahlil Hassan firing an RPG which fell in the sea close to the Iranian vessel. Their evidence were not contradicted in any way by the evidence of the crew of the Topaz as the crew of the Topaz maintained that they were not in a position to hear the sound of weapons being fired from the Iranian vessel and that in any event they were out of range of AK 47 and RPG and hence would be unaware if the same were discharged in the direction of the Topaz.

[46] I believe the evidence of witnesses Bossy and Julienne that at least two of the accused discharged their weapons, albeit ineffectively, in the direction of the Topaz.

[47] On the issue of whether the accused fired first or in response to being intercepted even giving the benefit of the doubt to the

accused, I find that it is immaterial in the commission of the offence charged. As per the definition under section 65(4) the act of discharging their weapons towards Topaz is still an illegal act of violence as the accused having already proved themselves to be hostis humani generis, had no legal right or lawful authority to invoke self-defence or retaliation when being apprehended. Furthermore a successful act of violence is not a prerequisite proof that the offence as charged has been committed.

[48] Secondly as the accused were acting with common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of that purpose at least two of the accused committed the act of violence by discharging their weapons towards the vessel Topaz, each of the accused is deemed to have committed the offence under section 23 of the Penal Code.

[49] As a consequence of the above findings, I therefore find the accused Mohamed Aweys Sayid, Ine Mire Muse, Ali Mohamed Ali, Abdi Ali Said, Bashir Hassan Ali, Abdi Kadir Hashi Awale, Dahir Abdullah Warsame, Abdi Hahlil Hassan and Salad Mohamed Diriye, guilty of the 1st count of piracy by having committed an illegal act of violence, detention and an act of depredation for private ends against persons on board another ship namely an Iranian vessel, by unlawfully taking control of the ship whilst armed with firearms.

[50] On the second count I find the accused, Mohamed Aweys Sayid, Ine Mire Muse, Ali Mohamed Ali, Abdi Ali Said, Bashir Hassan Ali, Abdi Kadir Hashi Awale, Dahir Abdullah Warsame, Abdi Hahlil Hassan and Salad Mohamed Diriye, guilty of the offence of piracy by having committed an illegal act of violence, detention and an act of depredation for private ends against persons on board another ship namely the Galate, by

unlawfully taking control of the ship whilst armed with firearms.

[51] On the 3rd count I find the accused, Mohamed Aweys Sayid, Ine Mire Muse, Ali Mohamed Ali, Abdi Ali Said, Bashir Hassan Ali, Abdi Kadir Hashi Awale, Dahir Abdullah Warsame, Abdi Hahlil Hassan and Salad Mohamed Diriye, guilty of the offence of piracy by committing an illegal act of violence for private ends against persons on board another ship namely the Topaz, by unlawfully discharging firearms directed at the Topaz.

[52] I convict all the accused on all three counts as charged accordingly.

C. G DODIN

JUDGE

Dated the 15th of December, 2010