

Assessment of the Rights of Pirate Accusers on the Basis of “International Humanitarian Law”

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Abstract

The purpose of the present study is to examine whether or not the status of perpetrators of piracy is consistent with international humanitarian law and is covered by the Fourteenth Geneva Conventions of 1949. Pirates have become a major international shipping challenge in the international seas and waterways in the last decade. It seems that pirates never fall within the scope of these conventions and “humanitarian law”; in addition to historically assessing the status of offenders outside the law of war, there are also significant doubts. There is talk of “armed conflict” as the country's naval battle with pirates. In spite of this, the Third Geneva Convention can have some implications for the arrests of pirates. Arrested persons suspected of piracy may, in the event of compliance with this Convention, claim to be protected and demanded to be treated as prisoners of war. This is, of course, until such time as a competent court declares it inaccurate, and secondly, it merely affects how he was treated during his detention, but will not prevent his trial on charges of piracy under domestic law.

Keywords: Piracy; Humanitarian Law; Armed Conflict; Arrest; Trial.

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