

PRISON CONDITIONS IN SOMALIA

A HOLISTIC ASSESSMENT



UNSOM | JULY 2024

***The United Nations Standard Minimum Rules for the
Treatment of Prisoners***
(‘the Nelson Mandela Rules’)

Rule 1

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.



ACKNOWLEDGMENTS

This report would not have been possible without the invaluable support and cooperation of the staff at the Ministry of Justice and Constitutional Affairs (MOJCA), as well as the Custodial Corps both at Federal Government and Federal Member State levels. We extend our sincere gratitude to all those who provided access and shared critical information, thereby enabling the successful completion of this assessment. Thank you for your commitment to improving the corrections system in Somalia.

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ABBREVIATIONS

CPC Criminal Procedure Code

CSD Corrections Services Directorate

FGS Federal Government of Somalia

FMS Federal Member State

ICCPR International Covenant on Civil and Political Rights

ICRC International Committee of the Red Cross

JJCS Joint Justice and Corrections Section

MCP Mogadishu Central Prison

MoJCA Ministry of Justice and Constitutional Affairs

NCC National Consultative Council

ROLSIG Rule of Law and Security Institutions Group

SCC Somali Custodial Corps

UNDP United Nations Development Programme

UNICEF United Nations Children's Fund

UNIDO United Nations Industrial Development Organization

UNODC United Nations Office on Drugs and Crime

UNOPS United Nations Office for Project Services

UN SOM United Nations Assistance Mission in Somalia

1. EXECUTIVE SUMMARY

UN SOM, with offices around the country, has since its inception, worked closely with the Ministries of Justice at Federal and Federal Member State levels, and with the Custodial Corps to strengthen the justice system and enhance the rule of law. This assessment has been prepared in order to provide policy-makers and stakeholders (including the FMS and FGS, civil society, donors and implementing partners) with a better understanding of the Corrections sector in Somalia and to promote it as a priority for statebuilding purposes.

The Somali Custodial Corps, a component of the National Security Architecture as outlined in the Provisional Federal Constitution (2012), is tasked with overseeing prison maintenance, guarding, and protection. However, a Constitutional and legal framework that clarifies the lines of accountability and control within a federal model remains outstanding hence ambiguity in roles and oversight persists.

While Somalia is committed to international human rights treaties such as the ICCPR and the Convention against Torture, inconsistencies in policy application and outdated laws hinder effective enforcement of due process rights and humane treatment standards for detainees. The 1972 Somali Custodial Corps Act mandates the Custodial Corps to manage prison administration, investigation, and inspection. To address these challenges, comprehensive legal and policy reforms are essential, including updating the 1972 Prison Law, harmonizing regional laws with federal standards, and developing anti-torture legislation.



Substandard conditions in Somali prisons, including poor infrastructure, erratic food and water supplies, limited medical facilities, inadequate separation of prisoners by gender and age, and insufficient rehabilitation and reintegration programs. Infrastructure improvements, such as renovating facilities and upgrading sanitation systems, are critical, alongside enhancements to health and medical services and reliable food and water provision. Additionally, comprehensive rehabilitation programs, including educational, vocational, and community education are necessary to prepare prisoners for successful reintegration into society. Finally, from an organizational point of view, a structured recruitment strategy and continuous training curricula for staff is needed, focusing on prison-specific knowledge and skills as well as improved oversight mechanisms, confidential complaint systems, and regular inspections that are vital to ensuring accountability and transparency.

Addressing overcrowding and juvenile justice issues through diversion programs and non-custodial alternatives is crucial to reduce the prison population and promote rehabilitation. Lastly, stakeholder engagement, inclusive discussions, and collaboration with international organizations are essential for capacity building and technical support.

2. INTRODUCTION

The United Nations Assistance Mission in Somalia (UN SOM) is a Special Political Mission established in 2013, and mandated by the Security Council to work with the Federal Government of Somalia (FGS)

and Federal Member States (FMS) to support national reconciliation, provide strategic and policy advice on various aspects of peacebuilding and state-building, to monitor human rights, and help coordinate the efforts of the international community. Security Council Resolution 2102 (2013)¹ tasks the Mission to support provide strategic policy advice on rule of law, assist in coordinating international donor support to the security sector, and provide capacity development to strengthen justice institutions. This support is provided through the Joint Justice and Corrections Section (JJCS) of the Rule of Law & Security Institutions Group (ROLSIG). UNSOM, with offices around the country², has since its inception, worked closely with the Ministries of Justice at Federal and Federal Member State levels, and with the Custodial Corps to strengthen the justice system and enhance the rule of law.

A Constitutional and legal framework that clarifies the lines of accountability and control within a federal model remains outstanding and the finalisation of an agreed 'Corrections Model' has therefore been one of UNSOM's core priorities for government support as well as technical capacity building. Additionally, since 2015, UNSOM has, through a series of joint programmes with other UN entities (UNODC, UNIDO, UN Women, UNDP, UNOPS, and UNICEF) provided support to the Custodial Corps to enhance infrastructure, systems, prison oversight, and staff professionalism.

Well managed prisons are essential to keeping communities safe, reducing the risks of radicalisation among detainees, and ensuring human rights standards are upheld. In recent years, a number of escapes and breakouts of Al-Shabaab militants have underscored the importance of prison management and security. Yet the challenges persist, due to lack of resources as well as structural and institutional challenges. This assessment has been prepared in order to provide policy-makers and stakeholders (including the FMS and FGS, civil society, donors and implementing partners) with a better understanding of the Corrections sector in Somalia and to promote it as a priority for state building purposes.

3. BACKGROUND

Under the Provisional Federal Constitution (2012)³ of Somalia ('PFC') the Somali Custodial Corps is a designated military entity within the National Security Architecture. It is responsible for the maintenance, guarding, and protection of the prisons in Somalia. Additionally, the Custodial Corps is responsible for the administration, investigation, and inspection of the prisons and rehabilitation centres of the Federal Republic of Somalia, and for caring for detainees in custody. It is headed by the Custodial Corps Commissioner General who is appointed by and reports directly to the President.⁴ There is no defined structure of the Custodial Corps. Operationally, prison security and management are the responsibility of Custodial Corps staff, who operate under the authority of the Commissioner General and report to him.

Administratively, the prisons fall under the jurisdiction of the Corrections Services Directorate (CSD) within the MoJCA who are responsible for policy but have little direct control of prison management. This organizational separation between administrative and operational functions within the Somali corrections system creates ambiguity regarding the delineation of roles, responsibilities, and oversight.

¹ <http://unscr.com/en/resolutions/doc/2102>

² UNSOM JJCS has presence in Mogadishu, Kismayo, Baidoa, Beletweyne, Garowe and Hargeisa.

³ [Somalia-Constitution2012.pdf \(umn.edu\)](http://www.umn.edu), Art.126, para. 1(d)

⁴ Custodial Corps Act, 1973, Part 3, Art.6, para. 1

As part of discussions on finalisation of the Constitution under a federated model, this division of responsibilities is currently under discussion. A proposal for a revised National Security Architecture by the National Consultative Council (NCC)⁵ in March 2023, would place the Somali Custodial Corps under and be administered by the MoJCA, with each Federal Member State retaining an independent prison structure. The federal MoJCA would be responsible for the overall administration and coordination between the Federal Government and the Federal Member States leadership on all relevant policy. However, this remains only a proposal that has yet to be fully agreed and adopted.

4. LEGAL FRAMEWORK

Somalia's judicial system embeds fundamental rights and protections for individuals in custody, including personal liberty, prohibition against torture, rights to a fair trial, and the right to legal representation. The Criminal Procedure Code endorses the principle of presumption of innocence – an essential tenet of criminal justice – and recognizes the writ of Habeas Corpus, facilitating the release of those unjustly detained. Furthermore, the legal structure mandates the separation of female detainees from the male prison population, safeguarding the rights of female detainees. Additionally, there is an obligation to provide legal defense to those who are unable to afford it, thereby promoting equitable access to legal representation. Additionally, Somalia is a signatory to major treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture, demonstrating a commitment to adhering to international human rights standards.

Despite the established legal framework, there are significant gaps in the implementation and consistent application of policies, particularly concerning the treatment of female detainees and children who accompany their mothers in prison. This indicates that standard enforcement measures are lacking. The prohibition of torture is not clearly defined, risking vague applications of anti-torture laws. The outdated 1971 Prison Law, currently under review, doesn't fully meet modern prison needs and must be evaluated for alignment with international norms. Differing prison laws across Somali regions, such as in Puntland and "Somaliland," lead to unequal detainee treatment and call for harmonization. While the Attorney General and the judiciary both have a role to play in oversight and accountability, there is little evidence that they are able to perform those functions – exacerbated by the lack of legal aid which might enable detainees to challenge the legality of their detention or their conditions.

4.1. NATIONAL

Article 126 (1d) of the Provisional Constitution of Somalia identifies the Prison Forces, also known as the Custodial Corps, as one of four security services utilized by the Federal Government of Somalia to maintain peace, sovereignty, national security, and the safety of its citizens. Although Article 15(2) of the Provisional Constitution categorically prohibits torture, there is no explicit definition outlined within the Constitution. Consequently, in the absence of specific anti-torture legislation, judicial authorities do not punish acts that could be classified as torture. Nationally, the legal frameworks that govern the operations of the



⁵ National Security Architecture Agreement, National Consultative Council Meeting, Baidoa 15-17 March 2023, p.9-10 (English translated version of the original document on record with UNSOM JJCS)

Custodial Corps include the Provisional Federal Constitution of Somalia, the Criminal Procedure Code (CPC), the 1964 Penal Code, and the 1971 Prison Act. These laws establish due process rights such as the entitlement to bail consideration upon arrest, the right to a fair trial, and access to legal representation. These standards are designed to ensure the lawful and humane treatment of detainees, uphold judicial fairness, and facilitate access to justice.

The Provisional Constitution also articulates several fundamental rights for those awaiting trial (remandees) and convicted prisoners. The articles that directly or indirectly impact pretrial detention include:

- Article 15, which establishes the liberty and security of the person.
- Article 15(1), safeguarding the individual's right to personal liberty and security.
- Article 15(2), prohibiting illegal detention and all forms of violence, inclusive of violence against women, as well as torture, inhumane, or degrading treatment.

Additionally:

- Article 35(5) guarantees the right of arrested individuals to be promptly presented before a court, stipulating a 48-hour period following the arrest.
- Article 35(7) enshrines the right to a fair trial, asserting that anyone accused of a criminal offense is entitled to due process.
- Article 35(8) affirms the accused person's right to be present at their own trial.
- Article 35(9) ensures the right of the accused to contest the evidence levelled against them.

These provisions are designed to protect individuals in custody and ensure they are treated justly and humanely in accordance with the rule of law.

Article 34 of the Provisional Constitution underscores the right to legal defence and representation. Specifically, Article 34(2) affirms everyone's right to a fair and public hearing by an independent and impartial court or tribunal, which should occur within a reasonable timeframe. Article 34(3) upholds the right of individuals to defend themselves in any legal proceedings they are involved in, regardless of the level or stage of the trial, while Article 34(4) mandates that the State must provide free legal defence to those who cannot afford it. This entails that such individuals are entitled to legal counsel during every stage of the legal investigation and have the right not to be interrogated unless their counsel is present.

The Criminal Procedure Code sets out the procedures for criminal proceedings in all Somali courts, except in cases where a different procedure is specifically prescribed by statute or court rule. Key sections relevant to pretrial detention include:

- Article 13(2), which articulates the presumption of innocence until proven guilty.
- Article 15(5), which describes the right to legal representation, including the accused's right to communicate freely with their defence counsel throughout all stages of the proceedings.
- Article 40(1), concerning the issuance of an arrest warrant based on reasonable belief that an offense has been committed by the accused, as well as detailing the circumstances under which bail may be granted.

Articles 60 and 66 of the code enshrine the principle of Habeas Corpus. This provision allows the Supreme Court or the Court of Appeal, within the limits of its jurisdiction, to order the immediate release of any person held in arbitrary detention or in cases not provided for by law.

The 1964 Penal Code includes multiple provisions relevant to detainees, outlining various types of sentences that can be imposed upon conviction of a crime, such as the death penalty, life imprisonment, terms of short- and long-term imprisonment, and fines. Chapter V (18) of the Penal Code specifically governs the execution of penalties. Among other requirements, Article 136, paragraph 5 explicitly mandates the complete separation of female prisoners from the male prison population.

The current Prison Law⁶, enacted in 1972, includes 74 articles addressing the establishment and administration of prisons, detainees' treatment and welfare, disciplinary actions, penal provisions, the release of detainees on conditional permits, prison visits, offenses occurring within prison, and the development of secondary and administrative legislation.

The 1984 Presidential Decree on Prison Regulations supplements the 1972 law by providing additional details on prison life, including detainee rights and the expected conduct of Custodial Corps staff members.



Finally, it should be noted that 'Somaliland' and Puntland have developed their own set of Prison laws. Both of these laws are updated versions that are tailored to the contemporary realities of Puntland and 'Somaliland' prison administration and systems.

4.2. INTERNATIONAL

Internationally, Somalia is a signatory to multiple human rights treaties that bind it to specific standards regarding the treatment of individuals under its jurisdiction. These treaties include the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and key United Nations standards such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Somalia is also committed to adhering to the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), and the United Nations Standard Rules for the Administration of Juvenile Justice (The Beijing Rules). Additionally, under the African Charter on Human and Peoples' Rights, Somalia recognizes every individual's right to have their case heard and guarantees protections against arbitrary arrest and detention.

5. PRISON CONDITIONS

There are currently fourteen (14) operational prisons in Somalia. The conditions within the Somali prisons are considered to be below international standards and are associated with numerous issues. These include inconsistent provision of food and water, leading to malnutrition and a variety of health problems, often exacerbated by limited funding and environmental challenges.

⁶ Law No. 7 of December 1971

Medical facilities within prisons are rare, and detainees have restricted access to external medical care. This not only places a financial burden on detainees and their families but also compromises the detainees' right to healthcare. Furthermore, prison infrastructure is generally in poor condition, with issues such as overcrowding and unsanitary environments violating detainees' rights to adequate housing and living conditions.

Additionally, the lack of comprehensive rehabilitation and educational programs hampers efforts to successfully reintegrate detainees back into society after their sentences, indicating a critical need for significant improvements in both prison management and the condition of the facilities.

5.1. FOOD AND WATER PROVISION

The provision of food and water in most prisons across the country is inconsistent, usually due to the insufficient allocation of funds. The situation is further exacerbated by climate-related events, such as drought and floods, which disrupt local food supply chains. For example, on July 5, 2023, the Office of the Puntland Human Rights Defender inspected Garowe Central Prison and found that the prison was experiencing shortages of food, electricity, and water. The sudden inadequacy in meeting the prisoners' basic needs appears to be due to a financial discrepancy: for several months, the Puntland Custodial Corps reportedly did not receive any funds because the Ministry of Finance had not disbursed the allocated money. Another example is Baidoa prison, which receives a fixed daily budget for food irrespective of the prisoner population. Local suppliers provide the food, and the detainees are served only two meals per day: breakfast and lunch, so the food shortages at Baidoa prison are primarily due to overcrowding and insufficient funding. Additionally, the irregular, poorly accounted for cash disbursement⁷ and a lack of structured procurement processes frequently lead to challenges in maintaining regular and adequate food supplies for detainees. Although the number of malnutrition cases is relatively low in comparison to the total prison population, malnutrition persists as a problem, indicating broader issues with food quality and nutrition.

Access to clean and potable water remains a persistent challenge in many Somali prisons. These facilities often depend on borehole wells that frequently require maintenance. However, such maintenance tends to be neglected due to the associated costs. Resorting to external procurement of water is a more costly alternative that has not been adequately prioritized. For instance, the Commissioner General of the Puntland Custodial Corps has highlighted that the water from the borehole at Garowe Central Prison is not suitable for drinking, and the existing water purification equipment



⁷ Around \$1.50 per detainee/day

falls short of meeting the facility's demands. Despite interventions by the International Committee of the Red Cross (ICRC) and the United Nations Office on Drugs and Crime (UNODC) aimed at bolstering the supply of potable water in the prison, the Custodial Corps continues to face difficulties in providing an adequate amount of drinkable water for the detainees.

5.2. HEALTH SERVICES

Few prisons have access to medical facilities, and those that do have operational medical facilities are often equipped with limited and insufficient medical equipment and supplies and lack on-site medical staff. Although outside medical facilities are accessible to most prisons, the institutions themselves typically lack the necessary means of transporting detainees to these external healthcare providers. For example, Beletweyne and Kismayo prisons are devoid of any health facilities, such as infirmaries or clinics, and also lack the necessary supplies for the emergency treatment of detainees and staff. Additionally, the Custodial Corps is incapable of independently transporting individuals who require hospital care due to the unavailability of a dedicated vehicle. As a consequence, they rely on the police for assistance in transporting prisoners to hospitals.

In instances where outside medical services are utilized, the cost of healthcare is commonly borne by the detainee or their family. If the detainee or family is unable to cover these expenses, only basic services are provided within the prison. Many prisons are not equipped with medical facilities capable of addressing the full spectrum of healthcare needs for their populations. Where such services do exist, they are frequently inadequate. Facilities without any medical services often leave healthcare responsibilities to the prisoners themselves.

Children who reside with their mothers in prison encounter similar healthcare challenges. The onus of their healthcare — including transportation to local hospitals and covering the fees for medical services such as vaccinations and specialist consultations — falls on the mothers' relatives. However, in cases where the family is unable to afford these costs, the prison does not step in to provide the necessary healthcare services for the children.

5.3. INFRASTRUCTURE AND SEPARATION OF PRISONERS

Aside from the recently constructed Mogadishu Prison and Court Complex (MPCC) and Garowe Central Prison, the general consensus is that the prison infrastructure in Somalia is in an extremely poor state. The buildings themselves are antiquated and in dire need of significant renovations, or in many instances, complete reconstruction.

A host of issues plague these facilities, including failing sewage systems and structural decay, with walls made of crumbling bricks, as well as rusted gates, grills, and doors. These deteriorating conditions result in overly strict security measures and compromise hygiene standards. In terms of accommodations, prisoners often face the absence of shower or bathing facilities, and the cells they are housed in are frequently characterized by inadequate ventilation and insufficient lighting. Specific environmental challenges also exacerbate infrastructure problems; for example, the prison in Beletweyne, situated alongside a river, is prone to flooding, while MCP, located near the sea, is subject to accelerated deterioration due to salt exposure. The prisons do not adhere to the guidelines by the Committee for the Prevention of Torture (CPT), which stipulate that each prisoner should be allotted

at least four-square meters of living space in a multiple-occupancy cell, along with access to fully partitioned sanitary facilities.⁸

The decrepit state of prison infrastructure, combined with poor sanitation, deteriorating walls, and corroding gates and doors, as well as the lack of proper showering/washing stations, inadequate ventilation, and insufficient lighting in cells, amounts to inhumane and degrading treatment.

The United Nations Standard Minimum Rules for the Treatment of Prisoners stipulate that different categories of prisoners should be housed in separate institutions or distinct sections within institutions. This separation is based on factors such as sex, age, criminal record, the legal reason for their detention, and the required treatment. Specifically, men and women should be detained in separate institutions whenever possible – also a requirement under national law. In institutions that accommodate both sexes, the section of the premises allocated to women must be completely separate from that of men. Most correctional facilities currently do not ensure complete separation of male and female prisoners - when women are incarcerated, they are typically accommodated in a cell within the male block. The MCP and Garowe Prison are the exceptions, as they are the only facilities with dedicated blocks for housing female prisoners. There is even less separation of juveniles from the adult prisoner population.



5.4. COMPLAINTS MECHANISMS

The United Nations Standard Minimum Rules for the Treatment of Prisoners require that prisoners be able to submit requests or complaints to the prison administration, competent authorities, the judiciary, and non-governmental organizations, without interference from prison management. These submissions ought to be processed swiftly and discreetly. The prison system lacks clear or standardized mechanisms for filing grievances with the exception of Garowe Central Prison, where a complaint system does exist, although it lacks confidentiality. In this system, a detainee must orally submit a complaint through a staff member, who then relays the information to the prison Commander. A similar protocol is followed at MCP for staff complaints, where staff are required to present written complaints to their supervisors who, in turn, notify the prison Commander.

⁸ Rule 11, <https://rm.coe.int/16806cc449>

5.5. VISITATION

While only a few prisons have specified areas for visitation, most facilities permit visits. These interactions play a critical role in the operation of the prisons and the well-being of the detainees, providing both mental and physical support. Visitors often bring food and medication, essential supplies that contribute to the health of their incarcerated family members. Despite infrastructural limitations that do not readily accommodate visitations, it is commendable that the Custodial Corps facilitates such interactions through alternative arrangements.



5.6. EDUCATIONAL PROGRAMMES & VOCATIONAL TRAINING

There is a notable gap in initiatives aimed at equipping detainees with the skills necessary for successful reintegration into society upon the completion of their sentences. Most prisons fail to offer rehabilitation programs or vocational training, which are essential components of the incarceration process focused on rehabilitation and societal reintegration. This deficiency means that the Custodial Corps does not adequately address the underlying causes of criminal behavior, nor does it provide detainees with the necessary tools to live law-abiding lives and positively contribute to creating safer, more just communities. For example, Baidoa Central Prison previously offered a vocational training program directed at rehabilitating high-risk Al-Shabaab prisoners. However, this program was discontinued in 2019 due to lack of funding. The Ministry of Religious Affairs and Endowments is currently conducting weekly behavioural modification classes. In addition, the prison administration has begun to provide educational opportunities, such as adult literacy classes. These classes have seen attendance by a limited number of male detainees.



Reports indicate that both prisons in Banadir region have been offering educational and vocational rehabilitation programs. However, due to insufficient funding, these programs are not actively engaged with any participants as of September 2023.

The only vocational rehabilitation initiatives that are currently operational are located at the Mogadishu Central Prison (MCP). The MCP programs include a sewing and tailoring initiative for female detainees, religious studies for male detainees, and a modest library service from which male detainees can borrow books.

6. RECRUITMENT, STAFFING AND TRAINING

As of June 2023, the Custodial Corps, reporting via the MoJCA to the United Nations, indicate that they have a total of 6,800 registered staff members.⁹ Of these, approximately 2,800 are deployed in

⁹ Excluding 'Somaliland'

Banadir, and the remaining 4,000 are distributed across the Federal Member States. Women constitute approximately 15 per cent of the workforce. Correspondingly, the MoJCA reported that the total prisoner population in Somalia during the same period was 2,799 individuals, suggesting an unusually high staff-to-prisoner ratio (1:2.4). The MoJCA and Custodial Corps are expected to implement a biometrics system (developed by UNOPS) to register all existing and new staff, which should give a more accurate picture of the actual number of Custodial Corps staff members.

The Custodial Corps lacks a cohesive human resource strategy, leading to unclear qualifications and requirements for the recruitment of new personnel. Recruitment processes are largely informal and based on recommendations, with aspirants typically requiring endorsement from a senior uniformed or government.¹⁰ The absence of formal educational prerequisites has contributed to a significant level of illiteracy among staff across all levels of the Custodial Corps, which negatively impacts the professional standards since the policies, rules, laws, and general information are verbally communicated to staff. This underscores the need for a more structured and transparent recruitment process; one that is aligned with the best practices and minimum standards required for corrections personnel.



Regarding the training of Custodial Corps staff members, there is a lack of an institutional standardized framework and no clear strategy for training of new recruits or ongoing training for current staff. There are two functioning training facilities, one in Mogadishu and one in Garowe with the one in Garowe providing accommodation for trainees. Staff members recruited to operate in Banadir or Puntland have access to the training centers and some training is provided. In the other FMS it is uncertain if staff get any training at all since they do not have academies and no budget is allocated for transportation of staff for training. The training centers are not equipped with standardized, prison-specific training curricula, rather it is predominantly focused on military theory, drills, and exercises that does not directly respond to the knowledge that staff members need in order to operate in their role.

7. PRISON INSPECTIONS

The Somali Prison Law¹¹ of 1971 mandates the Office of the Attorney General to exercise supervision over prisons and other penal institutions to ensure the proper care and treatment of prisoners in accordance with the law and to inspect these institutions and, if necessary, interview prison inmates and record observations on the overall prison and inmate conditions. The Prison Law also mandates the Somali Custodial Corps (SCC) to establish an internal oversight unit within the framework of their organizational structure. The United Nations Minimum Rules for the Treatment of Prisoners cast internal forms of inspection as important players in the protection of rights, stating that internal and external forms of inspection should have the same objective – that is, 'to ensure that prisons are

¹⁰ This information was procured through United Nations workshops, involving active participation from Custodial Corps staff members.

¹¹ Somali Prison Law, 1971, on record with UNSOM

managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected'.¹²

In 2022, three separate preannounced inspections took place across the prisons in Mogadishu, Gaalkacyo, Garowe, Bossaso, Qardho, and Baidoa. The initial inspection was jointly conducted by the UNODC and the Office of the Attorney General. The inspection team was composed of six senior prosecutors from both the Federal Government and Federal Member State levels. They worked in close collaboration with a UNODC national consultant who provided essential administrative and logistical support.



As a component of the Joint Corrections Programme, a civilian inspection committee was formed, comprising six volunteer members whose duty is to assess the conditions within the prisons.

Before conducting inspections, all teams received a week of training centred on both national and international standards governing the treatment of prisoners. Additionally, they were trained in utilizing an inspection checklist or tool specifically designed to evaluate prison conditions.

The findings were presented in three separate reports¹³, which noted the following issues:

- Overcrowding: Severe overcrowding in three out of six inspected facilities.
- Pre-trial detention: An increase in the number of remand prisoners awaiting court sentencing was identified. This delay is attributed to a backlog of cases within the judiciary and/or the inability of the Custodial Corps to transport detainees to court. It was noted that a substantial portion of these remand prisoners are minors.
- Health services: Few health workers, ill equipped clinics, no emergency equipment, and essential medication were some of the problems that were outlined in the reports. The assessment revealed widespread mental health concerns among detainees, and facilities lacked specialized staff and resources to address them.
- Diseases: Several transmittable diseases were reported to the inspection groups such as TB, cholera, and diarrhoea.
- Infrastructure: The condition of the prisons is characterized as deteriorating, with the infrastructure showing significant signs of age. This includes cracks in the perimeter walls and the cells, suggesting a pressing need for maintenance and refurbishment.
- Hygiene: The toilet facilities and sewage systems are outdated, and detainees lack access to showers and toiletries.
- Staff and staff training: It was observed that the number of staff members present within the prisons was disproportionately low compared to the detainee population. When questioned, prison management avoided providing the inspection team with the registered number of staff members at the facilities. Concerning staff training, it was noted that many staff members have only undergone local induction training provided by the prison itself rather than receiving the

¹² [The United Nations Standard Minimum Rules for the Treatment of Prisoners \(unodc.org\)](https://www.unodc.org/treaty/standardminimumrules), Rule 83

¹³ Reports on record with UNODC

foundational Custodial Corps training that is typically administered at specialized academies. This raises concerns about the adequacy of the staff's preparation to handle the complexities of prison management and the fair treatment of detainees.

From the observations, interviews, and findings the reports had a row of recommendations to address the issues recognized and for the concerned stakeholders to consider.

- Establishing diversion mechanisms for juvenile detainees by diverting minor cases out of the criminal justice system.
- Improving access to justice to minimize the high rate of pre-trial detainees.
- Promoting and investing in non-custodial alternatives to detention to reduce overcrowding.
- Improving living conditions at the prisons through changes in hygiene, living areas, privacy, education, and contact with family members.
- Development of parole mechanisms to enable the early release of prisoners.
- Providing psychosocial support to the prisoners to address mental health issues.
- Recruit specialized health workers to meet the health needs of the prisoners.
- Promote continuous capacity building of staff especially in code of conduct, criminal justice, corruption, dynamic security, and coping with stress.

In 2023, no inspections were conducted. The lack of systematic oversight at places of detention by national and international monitors is noted and there seem to be no plans to implement a sustainable oversight system.

8. CONCLUSIONS & RECOMMENDATIONS

Based on the analysis of the current state of the Somali prison system, several key recommendations can be made to address the identified issues and improve compliance with international standards:

1) Legal and Policy Reforms

- **Update Prison Law:** Revise the 1972 Prison Law to reflect contemporary needs and international standards, incorporating provisions for humane treatment, rehabilitation, and reintegration.
- **Harmonize Legal Frameworks:** Align regional prison laws with the federal framework to ensure uniformity in the treatment of detainees across all regions.
- **Anti-Torture Legislation:** Develop and implement specific anti-torture legislation to provide clear definitions and enforceable penalties for acts of torture.
- **Define a clear structure:** Establish organizational framework with clear delineation of roles, responsibilities and oversight.

2) Infrastructure and Facility Improvements

- **Renovate facilities:** Invest in the refurbishment of existing prison infrastructure to improve living conditions.
- **Sanitation and Hygiene:** Upgrade sanitation systems to ensure access to clean toilets, showers, and adequate ventilation. Regular maintenance of borehole wells and water purification systems is crucial.
- **Separate Housing:** Ensure complete separation of male and female prisoners and juveniles from adults, in line with international standards.

3) Health and Medical Services

- **Medical Facilities and Equipment:** Establish well-equipped medical facilities in all prisons and ensure adequate supplies of essential medicines and emergency equipment.
- **Mental Health Services:** Recruit specialized mental health professionals and provide training for staff to address the mental health needs of prisoners.
- **Healthcare Access:** Facilitate access to external medical care for prisoners, including transportation and financial support for those who cannot afford it.

4) Food and Water Provision

- **Reliable Food Supply:** Ensure consistent funding and structured procurement processes to maintain a regular and adequate supply of nutritious food for prisoners.
- **Access to Clean Water:** Prioritize the provision of clean, potable water by maintaining borehole wells and exploring cost-effective external water procurement options.

5) Rehabilitation and Reintegration Programs

- **Educational and Vocational Training:** Implement comprehensive rehabilitation programs, including vocational training and educational opportunities, to prepare prisoners for successful reintegration into society.
- **Behavioral Modification Programs:** Reintroduce and expand programs like vocational training for high-risk prisoners to address the underlying causes of criminal behavior.

6) Recruitment, Staffing, and Training

- **Structured Recruitment:** Develop a cohesive human resource strategy with clear qualifications and requirements for recruitment, ensuring transparency and merit-based selection.
- **Continuous Training:** Develop a training strategy and establish standardized training curricula focusing on prison-specific knowledge and skills, and provide ongoing training for current staff on human rights, prisoner treatment, and professional conduct.
- **Staffing Assessment:** Evaluate the staffing needs of each prison facility to ensure smooth and efficient operations. The assessment should consider the specific requirements of each facility, including the number of staff needed, their roles, and the necessary qualifications to meet operational demands effectively.

7) Oversight and Complaint Mechanisms

- **Establish Complaint Systems:** Implement confidential and accessible complaint mechanisms for prisoners to report grievances without fear of retaliation.
- **Regular Inspections:** Conduct regular, unannounced inspections by both internal and external bodies to monitor conditions and compliance with laws and standards.
- **Independent Oversight:** Create an independent civilian oversight committee to ensure transparency and accountability in prison management.

8) Juvenile Justice and Non-Custodial Measures

- **Diversion Programs:** Develop and promote diversion mechanisms for juveniles to keep minor cases out of the criminal justice system.

- **Non-Custodial Alternatives:** Invest in and implement non-custodial alternatives, such as community service and probation, to reduce overcrowding and support rehabilitation.

9) Stakeholder Engagement and International Support

- **Inclusive Discussions:** Ensure an inclusive approach to stakeholder discussions, involving all relevant parties in the decision-making process.
- **Capacity Building:** Continue collaboration with international organizations for capacity building, training, and technical advisory roles to support ongoing reforms.

