



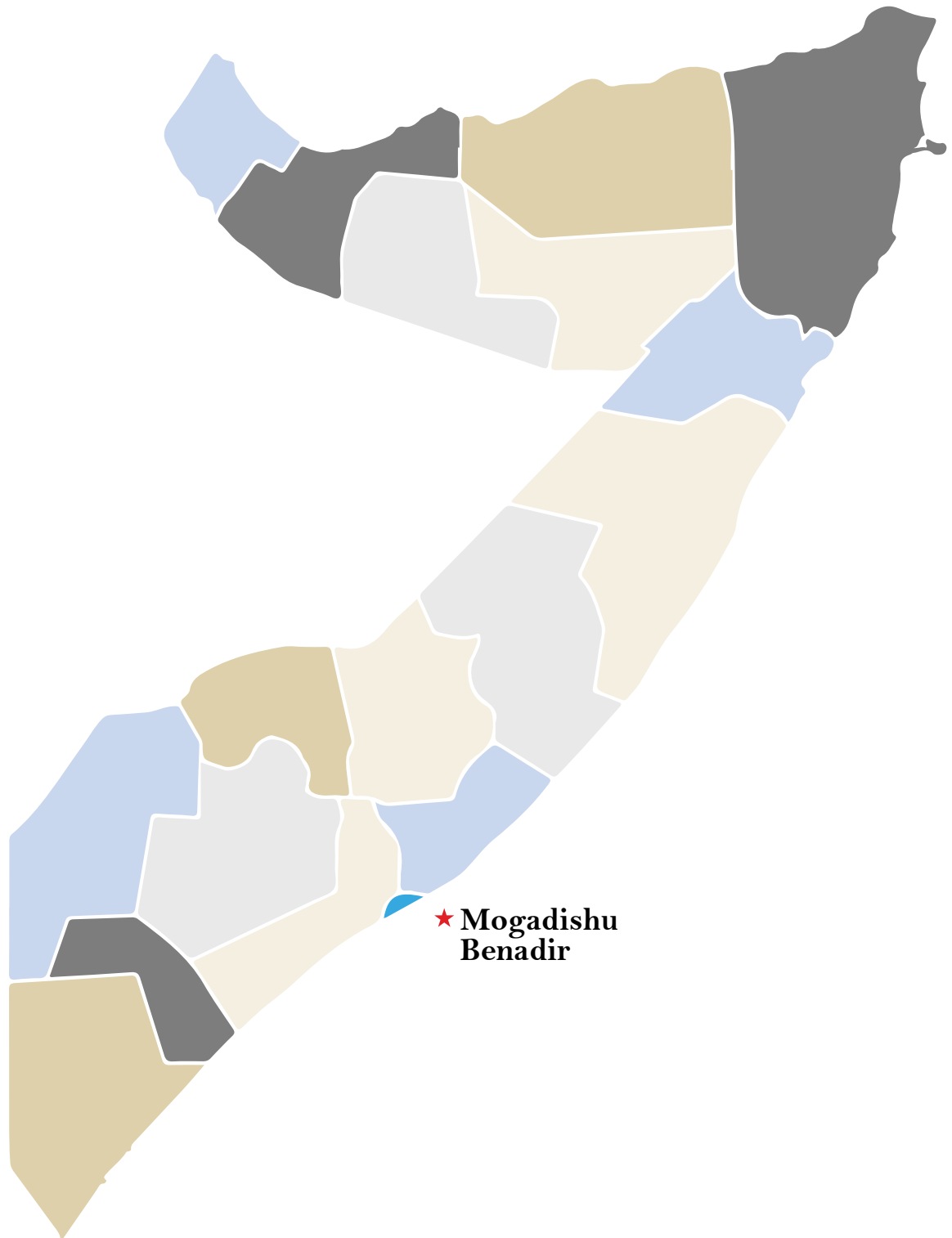
**ORGANIZATION FOR  
PRISONERS' RIGHTS**

**ANNUAL ASSESSMENT  
REPORT ON HUMAN  
RIGHTS VIOLATIONS IN  
MOGADISHU PRISONS AND  
DETENTION FACILITIES**

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**December, 2024**

ANNUAL  
REPORT  
2024



★ Mogadishu  
Benadir

## **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.



## ACRONYMS

|        |                                                      |
|--------|------------------------------------------------------|
| CAT    | Convention against Torture                           |
| AS     | Al-Shabaab                                           |
| CT     | Computed Tomography                                  |
| FGS    | Federal Government of Somalia                        |
| OPR    | Organization for Prisoners' Rights                   |
| ICCPR  | International Covenant on Civil and Political Rights |
| ICRC   | International Committee of the Red Cross             |
| MCP    | Mogadishu Central Prison                             |
| MPCC   | Mogadishu Prison and Court Complex                   |
| MRI    | Magnetic Resonance Imaging                           |
| NISA   | Somali National Intelligence and Security Agency     |
| ATMIS  | African Union Transition Mission in Somalia          |
| SOB    | Sexual Offences Bill                                 |
| STDs   | Sexually Transmitted Infections                      |
| TB     | Tuberculosis                                         |
| UDHR   | Universal Declaration of Human Rights                |
| UN     | United Nations                                       |
| CID    | Criminal Investigation Directorate                   |
| IDPs   | Internally Displaced Persons                         |
| SC     | Solitary Confinement                                 |
| MRG    | Minority Rights Group International                  |
| NGOs   | Non-Governmental Organizations                       |
| ISIL   | Islamic State of Iraq and the Levant                 |
| CRC    | UN Committee on the Rights of the Child              |
| SOYDEN | Somali Youth Development Network                     |
| WOCOS  | Women and Child Support Organization                 |
| GFP    | UN Global Focal Point Arrangement on Rule of Law     |
| CAS    | Comprehensive Approach to Security                   |
| UNDP   | United Nations Development Programme                 |
| UNOPS  | United Nations Office for Project Services           |
| SNA    | Somali National Army                                 |
| SPF    | Somali Police Force                                  |
| UNODC  | United Nations Office on Drugs and Crime             |
| SONSA  | Somalia Non-State Actors                             |
| GBV    | Gender-based violence                                |
| CPC    | Criminal Procedure Code                              |

## ACKNOWLEDGMENTS

This report is based on extensive data collection undertaken by the Organization for Prisoners' Rights (OPR) across multiple prisons and detention centers situated in Mogadishu, Somalia. The data-gathering initiative was executed in collaboration with several key stakeholders, including the Ministry of Justice and Constitutional Affairs of the Federal Government of Somalia, the Somali Custodial Corps, and the Somali Rights Organization.

The authorship of this report is attributed to the dedicated OPR team, with significant contributions from Ismail Mohamud Abukar, who serves as the head and Chairperson of OPR. Abukar is not only a co-founder of the organization but also a seasoned researcher and investigator with a wealth of experience in prisoners' rights advocacy.

Additionally, Abukar Hassan Ahmed, co-founder and esteemed board member of OPR, played a vital role in the report's development. He has a notable background as he previously held the position of Human Rights Adviser to the former President of the Federal Government of Somalia, lending his expertise to the issues surrounding human rights in the country.

Moreover, Ahmed Mohamud Hussein, a fellow board member, contributed his abilities as a researcher, helping to ensure the report's findings are grounded in solid data and analysis. The design aspect of the report was meticulously overseen by Abdirashid Hassan Abdi, the Director of Graphic Design.

The report also benefited from the contributions of several esteemed reviewers, including Osman Mohiadin Shatah, the Director of Somalia Non-State Actors, whose insights helped to enrich the contextual understanding of the issues discussed. Dr. Teko Patrick Samson, Head of the Research Department at Makerere University, provided academic rigor and perspective to the report, while Fathiya Mohamed Abdullahi, a Community Engagement Specialist at the Benadir Regional Administration (BRA), offered pertinent feedback focused on community perspectives.

Together, these individuals and organizations played an essential role in bringing this report to fruition, underscoring a collaborative effort dedicated to enhancing the rights and conditions of prisoners in Somalia.

Please get in touch with us if you need further details about this yearly prison report.

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## EXECUTIVE SUMMARY

Somalia is a nation divided and governed by clans, with human rights issues. Violations like torture, gender-based violence, and the maltreatment of inmates and detainees remain unpunished. The Somali security forces, comprising the National Intelligence and Security Agency (NISA), Somali National Army (SNA), Somali Police Force (SPF), and Somali Custodial Corps, routinely employ torture against suspects. Although Somalia ratified the Convention against Torture in 1990, it has failed to execute any of its recommendations due to the government's reluctance. The Constitution of Somalia forbids all manifestations of violence, torture, or cruel treatment. Regrettably, the Somali Penal Code lacks both a description of torture and provisions for its criminalization.

In 2016, Somalia went through a significant transformation as it shifted into a Federal State consisting of six Federal Member States: Galmudug, Hirshabelle, Jubaland, Puntland, Southwest State, and the self-proclaimed Republic of Somaliland. When addressing the subject of prisons and detention centers in Somalia, the primary focus is on the prison facilities within these six Federal Member States, as well as the prisons and detention facilities located in the Benadir Region (Mogadishu).

This annual report aims to offer a thorough summary of the human rights abuses taking place in prisons and detention facilities in Mogadishu. It also seeks to bring attention to the condition of prisons and investigate alternative community-based options for incarceration. Moreover, the report strives to evaluate the living conditions of both detainees and individuals who are awaiting trial or have been sentenced.

Somalia is firmly committed to protecting and upholding human rights and human dignity, including a genuine dedication to preventing and fighting all types of torture. Somalia also reaffirms its backing for international human rights mechanisms and tools that forbid torture, with the Convention against Torture (CAT) being the main treaty. Further measures against torture are outlined in Article 5 of the Universal Declaration of Human Rights (UDHR) and Article 7 of the International Covenant on Civil and Political Rights (ICCPR), which prohibit torture and the infliction of cruel, inhuman, or degrading treatment on any person.

Despite considerable attempts, numerous persistent problems continue in Mogadishu jails, including rampant violence, leading to fatalities among detainees. Illnesses are the primary cause of mortality in correctional facilities, whereas inadequate oversight facilitates access to weapons, the absence of segregation among various prisoner classifications, and competition for essential resources exacerbate inmate-on-inmate violence. Corruption and physical abuse by guards are enduring issues, particularly affecting female inmates who are susceptible to sexual exploitation. Nearly all prisons in Somalia experience overcrowding, and the buildings are antiquated and physically decaying.

## INTRODUCTION

The Annual Report of the Organization for Prisoners' Rights (OPR) provides an in-depth overview of the organization's significant accomplishments and the impact of its initiatives throughout 2024. Since its establishment in 2016, the Federal Government of Somalia (FGS) has created six Federal Member States along with the Benadir Region, which plays a crucial role in the country's governance and administration. The responsibility for managing prisons falls under the jurisdiction of the Commander of the Custodial Corps, a position critical to upholding the standards of justice and rehabilitation for inmates.

In recent years, particularly following the FGS's intensified anti-Al-Shabaab campaign, there has been a staggering increase in the prison population. This surge presents complex challenges, as Somali prisons and justice institutions face ongoing difficulties in effectively administering justice and maintaining law and order. Despite the efforts and targeted support from the international community, the institutions responsible for justice are still struggling to provide equitable access to justice services for both prisoners and detainees. This ongoing situation underscores the urgent need for comprehensive reforms in the court system and prosecution services to ensure that justice is not only done but also perceived to be done.

To address these pressing challenges, OPR conducts regular visits to detention facilities located in Mogadishu. During these visits, the organization emphasizes the critical importance of combating discrimination and advocating for humane conditions for all detainees. By spotlighting issues such as overcrowding, inadequate medical care, and lack of legal representation, OPR strives to

ensure that the dignity of individuals in custody is preserved and respected.

Since 2021, OPR has taken proactive steps to collaborate with various stakeholders, including humanitarian organizations, prison authorities, and civil society groups. This cooperative approach aims to create a framework for ensuring dignity and respect within detention facilities. Through these partnerships, OPR works to implement best practices, provide training for prison staff, and develop programs that promote rehabilitation and reintegration for those incarcerated. The goal is to foster an environment where human rights are upheld, and the rehabilitation of prisoners is prioritized, contributing to a more just and equitable society.

## LEGAL FRAMEWORK

Somalia's judicial system is designed to protect the rights of individuals in custody, including personal liberty, a strict prohibition against torture, the right to a fair trial, and access to legal representation. The presumption of innocence is a fundamental principle guiding criminal proceedings, and the writ of Habeas Corpus allows unjustly detained individuals to seek release.

However, significant issues arise in the implementation of these policies, particularly concerning the treatment of female detainees and children accompanying their mothers in prison. The anti-torture laws, while enacted, lack clear definitions, leading to inconsistent enforcement. The outdated 1971 Prison Law does not address the needs of modern correctional facilities and requires reevaluation to meet international standards.

While the Attorney General and the judiciary are tasked with oversight, evidence of their effectiveness is limited. A lack of legal aid further

hampers detainees' ability to challenge their detention or treatment. As a result, the promise of justice is often overshadowed by unequal protections and unfulfilled rights.

## National Context

Article 126 of the Provisional Constitution of Somalia identifies the Prison Forces, or Custodial Corps, as one of four security services tasked with maintaining peace, sovereignty, national security, and citizen safety. While Article 15(2) prohibits torture, it lacks a clear definition, leading to a lack of accountability for acts that may be classified as torture due to the absence of specific anti-torture legislation.

The legal frameworks for the Custodial Corps include the Provisional Federal Constitution, the Criminal Procedure Code (CPC), the 1964 Penal Code, and the 1971 Prison Act. These laws establish rights such as bail consideration upon arrest, the right to a fair trial, and legal representation, aimed at ensuring humane treatment of detainees and access to justice.

Key constitutional articles affecting pretrial detention include:

- Article 15: Establishes personal liberty and security.
- Article 35(5): Guarantees timely court appearance (within 48 hours of arrest).
- Article 35(7): Affirms the right to a fair trial.
- Article 34: Ensures the right to legal defense, including provision for free legal representation for those who cannot afford it.

The Criminal Procedure Code details procedures for criminal proceedings, including:

- Article 13(2): Presumption of innocence.

- Article 15(5): Right to legal representation.
- Article 40(1): Conditions for arrest warrants and bail.

Habeas Corpus principles in Articles 60 and 66 allow for the release of individuals held in arbitrary detention.

The 1964 Penal Code outlines various penalties, while the 1972 Prison Law addresses prison management and detainee welfare. The 1984 Presidential Decree on Prison Regulations further clarifies detainee rights and the conduct expected from Custodial Corps staff.

## International Context

Somalia is a signatory to several key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture. It follows United Nations standards such as the Body of Principles for the Protection of All Persons under Detention.

Somalia is committed to:

- The Nelson Mandela Rules for the Treatment of Prisoners
- The Bangkok Rules for Women Prisoners and Non-custodial Measures
- The Tokyo Rules for Non-custodial Measures
- The Beijing Rules for Juvenile Justice

Additionally, under the African Charter on Human and Peoples' Rights, Somalia guarantees individuals the right to have their cases heard and protection against arbitrary arrest and detention.

## PRISONS AND DETENTION FACILITIES CONDITIONS

### Prisoners and Detainees Demographics in Somalia

In Somalia's prison and detention facilities, the demographics predominantly consist of adult males, with a notably smaller number of female inmates. Additionally, there are minors and individuals with disabilities present in these facilities.

Since the return of President Hassan Sheikh Mohamud to power in May 2022, a significant focus has been placed on combating Al-Shabaab (AS), which was a central theme of his campaign. The anti-AS initiative is being driven by the Federal Government, local militias (such as the Ma'awisleey), the African Union Transition Mission in Somalia (ATMIS), as well as support from Turkish and US forces. This campaign has resulted in the apprehension of numerous suspected extremists, including individuals under the age of 18, particularly from the Bay and Bakool regions. Many of these individuals are now housed in prisons located in Mogadishu, Baladwene, Bulo-Burte, and Jowhar, where they are facing challenging conditions, especially the injured who lack sufficient medical care.

Recent reports indicate that individuals opposing government policies, along with high-ranking members of Al-Shabaab, may have been detained

in undisclosed locations. The Somali government has not commented on or clarified these allegations, leading to increased concerns about the transparency and legality of the detentions.

A recent survey conducted by the Organization for Prisoners' Rights (OPR) across various facilities—namely Mogadishu Central Prison (MCP), Godka Jilacow Prison, and the Mogadishu Prison and Court Complex (MPCC)—has documented approximately 2,097 male inmates and 37 female inmates. Among these figures, there are 153 male juvenile prisoners, with no reported female juvenile inmates. In terms of remand prisoners, the total includes 1,105 individuals, comprising 29 females and 987 males; of these, 89 male remanded prisoners are under 18 years of age. The survey further highlighted that 102 inmates in MCP have completed their mandated sentences but remain incarcerated, a claim that OPR could not independently verify.

In Godka Jilacow Prison, the OPR's survey has identified 113 political prisoners and detainees, along with 198 individuals linked to Al-Shabaab; however, these numbers also remain unverified. Additionally, the survey found 298 detainees (including males, females, and minors) being held at the 18 District Police stations in Mogadishu. Additionally, the Criminal Investigation Directorate (CID) headquarters in Mogadishu houses 83 detainees, which includes 21 females. The findings are summarized in the table below.

## Table

The following table provides a comprehensive overview of the population and distribution of prisoners within the various prisons and detention facilities located in Mogadishu. It outlines the number of inmates housed in each facility.

### Convicted Prisoners (Mogadishu Prisons)

| Mogadishu Central Prison (MCP) |              | Mogadishu Prison and Court Complex (MPCC) |            |
|--------------------------------|--------------|-------------------------------------------|------------|
| Male                           | 2,097        | Male                                      | 309        |
| Female                         | 37           | Female                                    | 0          |
| Male Juvenile                  | 153          | Male Juvenile                             | 0          |
| Female Juvenile                | 0            | Female Juvenile                           | 0          |
| <b>Total</b>                   | <b>2,287</b> | <b>Total</b>                              | <b>309</b> |

### Remand Prisoners (Mogadishu Prisons)

| Mogadishu Central Prison (MCP) |              | Mogadishu Prison and Court Complex (MPCC) |          |
|--------------------------------|--------------|-------------------------------------------|----------|
| Male                           | 987          | Male                                      | 0        |
| Female                         | 29           | Female                                    | 0        |
| Male Juvenile                  | 89           | Male Juvenile                             | 0        |
| Female Juvenile                | 0            | Female Juvenile                           | 0        |
| <b>Total</b>                   | <b>1,105</b> | <b>Total</b>                              | <b>0</b> |

### Other Detention Sites in Mogadishu

| Godka Jilacow Prison        |            | Criminal Investigation Directorate (CID) |           | 18 District Police stations |            |
|-----------------------------|------------|------------------------------------------|-----------|-----------------------------|------------|
| Male (Political Prisoners)  | 113        | Male                                     | 60        | Male                        | 176        |
| Male (Linked to Al-Shabaab) | 198        | Female                                   | 21        | Female                      | 39         |
| Female                      | N/A        | Male Juvenile                            | 2         | Male Juvenile               | 83         |
| Male Juvenile               | N/A        | Female Juvenile                          | 0         | Female Juvenile             | 0          |
| Female Juvenile             | N/A        | <b>Total</b>                             | <b>83</b> | <b>Total</b>                | <b>298</b> |
| <b>Total</b>                | <b>311</b> |                                          |           |                             |            |

## Administration and Recordkeeping

In Somalia, the administration and recordkeeping in prisons and detention facilities face significant challenges. Notably, these institutions lack ombudsmen, which affects oversight and accountability. Additionally, the existing recordkeeping practices are inadequate, primarily due to the absence of comprehensive policy frameworks for managing manual records. This gap is identified as a significant barrier to the development of effective digital records management. A registrar officer at Mogadishu Central Prison has noted significant challenges regarding the management of records, particularly in relation to electronic records (e-records) and electronic archives. There is currently no legislation in place addressing these aspects of records management.

*“The officer highlighted that many difficulties arise from outdated methods, such as the reliance on traditional recordkeeping books. Furthermore, issues are compounded by inadequately trained staff and ineffective policy formulation and implementation. The challenges associated with managing manual records include outdated systems, increased chances of data loss, threats to the reliability and authenticity of records, and compromised security and privacy. These factors not only lead to higher operational costs but also result in dispersed information and an increased demand for IT specialists to address the gaps in electronic record management.”*

Prison administrators have raised significant concerns regarding the frequent misplacement and loss of important records, as well as the slow retrieval of necessary documents from storage. The efficiency of information gathering and distribution within jail offices is notably impaired by the lack of computers and printers.

In Mogadishu and across Somalia, many individuals tasked with maintaining records and archives do not possess formal training in records management. Typically, these personnel are selected based on clan affiliations rather than educational qualifications. As a result, they often ascend to the position of records manager through promotion or seniority without any formal education in archives and records management. Research conducted by OPR indicates that none of the employees within registry departments have received specialized training in this critical area.

## Prisons and Detention Facilities Infrastructure

Somalia is currently facing significant challenges regarding its prison infrastructure, particularly with many facilities dating back to colonial times. A notable example is the Central Prison in Mogadishu, which operates well beyond its intended capacity, housing more than ten times the number of inmates for which it was designed. This facility, along with many others established in the 19th century, is characterized by outdated and deteriorating structures that require extensive maintenance.

The majority of correctional facilities in Somalia are in urgent need of renovation or reconstruction. For instance, aside from the Police Headquarters, all detention facilities in Kismayo are in a state of disrepair. The Central Jail in Mogadishu is particularly in need of upkeep due to extensive damage, while Baidoa's main jail is not only old but also suffers from poor ventilation and excessive heat within the cells.

Moreover, a critical concern is the lack of dedicated facilities for female detainees and prisoners, highlighting an additional area that requires attention and improvement within the

correctional system. Overall, comprehensive reforms are essential to address these infrastructural challenges in Somalia's prison system.

### **Family and Information Availability in Somali Prisons**

Access to family members and information is a significant challenge that affects prisoners' access to justice in Somalia. Many young boys from regions such as Bay, Bakool, and Lower Shabelle find themselves incarcerated far from their families, limiting opportunities for visits and communication. While the majority of prisoners and detainees are able to connect with family and are informed about the reasons behind their detention, others, particularly those arrested in southwest Somalia and held in Mogadishu, often do not receive any visits from family.

Historically, prisoners were allowed family visits twice a week, on Sundays and Wednesdays. However, this practice has been suspended for over a year. In instances where inmates do manage to receive visits, strict regulations are in place: visitors are prohibited from bringing food or essential supplies, and a fee of \$20 is charged for each visit.

An interview with a prison staff member confirmed these restrictions. He noted that he runs a restaurant within the prison, further indicating that families are barred from bringing food for inmates. Additionally, visitors must wait in line for the opportunity to see the inmates, with visiting hours stretching from 7 am to 3 pm. Interactions between inmates and their visitors occur behind a barrier, and the imposed fee for visits adds another layer of financial burden on families.

The situation is further compounded by the inmates' need to pay \$5 for just 10 minutes of

outdoor access to fresh air and sunlight, highlighting the additional challenges faced by those incarcerated.

### **Overcrowding in Prisons and Correctional Facilities**

Somalia faces a critical issue of overcrowding in its prisons and detention facilities. A notable example is the central prison in Mogadishu, which was designed to house between 400 and 500 prisoners. However, over the past four years, the number of detainees has consistently exceeded this capacity, with averages reaching 1,993, more than three times the intended limit. This situation has been intensified by the return of Internally Displaced Persons (IDPs) to various cities and the government's ongoing anti-Al-Shabaab (AS) campaign under the leadership of Hassan Sheikh.

In particular, urban prisons and detention centers in southern and central Somalia are frequently overcrowded, especially following extensive security operations. Reports indicate that the conditions within these facilities are often severe and potentially life-threatening. Overcrowding leads to numerous human rights abuses across nearly all prisons in the country. This issue is notably severe in smaller detention centers where pretrial detainees are crammed into confined spaces with insufficient room to move. Additionally, prisons managed by Al-Shabaab also experience significant overcrowding, housing a substantial number of inmates within constrained environments.

### **Health, Hygiene, and Nutrition in the Prisons and Detention Facilities**

The healthcare system in prisons and detention facilities, particularly in Kismayo, Baidoa, and Mogadishu, is facing significant challenges and is largely inadequate to meet the needs of inmates. Many detainees struggle to access necessary

medications and medical attention, resulting in poor health outcomes. A critical issue in these facilities is the limited number of qualified medical personnel, compounded by a lack of medical supplies and equipment available to the existing nursing staff.

Reports indicate that inmates in Mogadishu's detention facilities are especially disadvantaged, as they often do not receive any medical care. The overcrowding problem further exacerbates health concerns; for instance, there is no isolation area for tuberculosis (TB) patients, leading to untreated cases and increased transmission risks. Additionally, outbreaks of communicable diseases such as cholera and diarrhea have occurred, likely linked to seasonal high temperatures, which have resulted in hospitalizations and fatalities.

The lack of essential laboratory resources—such as trained technicians and diagnostic equipment—hinders proper healthcare delivery. Facilities do not have first aid supplies or qualified personnel for emergencies, and the shortage of emergency equipment remains a pressing concern. Often, necessary medical examinations, including ultrasounds, CT scans, and MRIs, are unavailable, leading to a reliance on external hospitals when a prisoner's health deteriorates.

Moreover, concerns have been raised regarding the timely payment and training of medical professionals working in Mogadishu prisons. The absence of an ambulance poses additional challenges in transporting patients during emergencies. Common health issues reported among inmates include scabies, ringworm, hepatitis A and B, *H. pylori* infections, tuberculosis, STIs, pneumonia, and anemia.

A prison officer has reported that a variety of diseases, including drug-resistant strains, are

becoming more widespread within the facilities. Additionally, many individuals in these environments are affected by AIDS, further complicating the already dire health situation in prisons and detention centers.

In a conversation with a doctor from De Martino General Hospital stated that;

*"Mogadishu Prisons lack Medical ombudsmen and proper Medical recordkeeping for prisoners. The high seasonal temperatures have led to an increase in cases of diarrhea and cholera, resulting in multiple deaths and 38 hospitalizations. He also mentioned that the inmates are exposed to serious health risks due to the extremely poor sanitary facilities, and a shortage of medical personnel. The doctor additionally mentioned that tuberculosis is resurging, and there have been instances of inmates dying from tuberculosis".*

In prisons and detention facilities, hygiene poses a significant issue, with 80 per cent of facilities being judged unacceptable due to inadequate hygiene, mainly caused by a lack of or poor condition of toilets. The majority of institutions fail to provide inmates with appropriate bedding, with over 60 per cent of inspected prison facilities lacking sleeping amenities. The presence of shared sanitary facilities, insufficient hygiene measures, poor ventilation, and restricted access to communal areas are all physical and administrative factors that can facilitate the transmission of diseases. These conditions provide an optimal environment for infectious diseases to propagate if a prisoner or prison staff member becomes ill.

An inmate in MCP stated;

*"I participated in a hygiene seminar related to the coronavirus outbreak. We were taught how to wash our hands. But most of the time me and all inmates do not receive soap and other anti-*

*bacteria products from the government and prison authorities, and my brothers are inside, I'll show them how to wash their hands and bath".*

Access to nutritious and healthy food in Somalia's prisons and detention facilities has long been a significant concern. These facilities consistently face challenges in providing adequate nutrition, particularly for vulnerable populations within the prison system. The compounded effects of increasingly frequent climate-related extreme temperatures, the global COVID-19 pandemic, and ongoing conflict have contributed to alarmingly high rates of acute malnutrition and severe micronutrient deficiencies among prisoners in Somalia.

Historically, humanitarian efforts in addressing malnutrition within these settings have primarily focused on the treatment of existing cases rather than prevention or systemic change. Insights gathered during recent visits to detention facilities in Mogadishu, Baidoa, and Kismayo revealed alarming conditions. Interviews with nursing staff indicated that inmates receive insufficient food, both in terms of quantity and variety. As a result, many prisoners suffer from conditions like anemia and vitamin A deficiency, rendering them more susceptible to infectious diseases and at increased risk of developing severe acute malnutrition, characterized by dangerously low weight and significant muscle wasting.

While further research is necessary to assess the nutritional value of the food provided in these facilities, qualitative data collected has indicated that inmate diets are often unbalanced and of poor nutritional quality. Addressing these deficiencies is crucial for the health and well-being of individuals in the correctional system in Somalia.

## **Access to Water and Food in Prisons and Correctional Facilities**

The Organization for Prisoners' Rights (OPR) advocates for improvements in access to clean water for individuals in detention. The OPR asserts that detainees should receive an adequate supply of water and food that meets both quality and quantity standards necessary for maintaining good health.

However, inspections conducted by the OPR in prisons and detention facilities located in Mogadishu, Kismayo, and Baidoa have revealed significant issues regarding access to clean drinking water. Reports indicate that the government supplies food only to prisoners held in Criminal Investigation Department (CID) sites, while detainees in police stations in Mogadishu do not receive any government-provided meals. In some cases, families of prisoners have taken it upon themselves to bring food for their incarcerated relatives.

Additionally, although food is provided within the prison system, it is often described as unpalatable. As a result, inmates frequently resort to purchasing food from external restaurants, highlighting the ongoing challenges related to nutrition and food quality within these facilities.

An inmate revealed to OPR that;

*Prisoners are compelled to purchase food at inflated prices from restaurants located within the prison. These establishments are reportedly owned by certain high-ranking prison officials. For instance, a small serving of rice without any accompanying soup typically costs around US\$ 1.*

The Organization for Prisoners' Rights has recently reported concerning practices regarding prisoners who refuse to purchase food from the prison

restaurant. In such cases, these inmates may face punishment through Solitary Confinement (SC). Reports indicate that while in solitary confinement, inmates can be forced to endure a range of severe conditions, including being undressed, going without food or water for up to five days, and being made to sleep in rooms contaminated with oil drained from vehicles as a form of punishment.

Additionally, inmates in solitary confinement receive limited access to sunlight, with only a few minutes allowed outside. They may also be subjected to physical beatings before being returned to their holding cells, often in a state where they struggle to walk. These circumstances raise significant concerns about the treatment of prisoners and the potential violation of their rights.

Reports from inmates reveal a dire situation within the facility. An inmate recounted,

*"Initially, we were required to purchase our own food, but currently, we are also forced to buy drinking water due to a reported malfunction of the generator responsible for pumping water."*

Another inmate highlighted the recent demands from prison authorities, stating,

*"We were instructed to pay monthly water charges. When we explained that we have no money and reminded them that we are the government's responsibility, our concerns were dismissed."*

*In a conversation with one inmate, he articulated a plea directed at the Federal Government of Somalia (FGS), emphasizing the pressing need for improvements at the prison. The facility is managed by Mohamed Qaliif, who is serving a 25-year sentence, alongside Dahir Abbulle Rage (Baasuuke), the Prison Commander. The inmate urged the FGS to fulfill its obligation to care for inmates, pointing out*

*the severe shortages of food and water forcing prisoners to take responsibility for their essential needs.*

*Despite receiving donations from various sources, he claimed that prison officials confiscated these items shortly after they were delivered. He specifically mentioned that the International Committee of the Red Cross (ICRC) had recently sent boxes containing dates and powdered milk intended for each prisoner; however, they were told that they would need to pay to access these supplies, which they never actually received.*

## **Challenges Faced by Minorities in Somalia's Prisons and Detention Facilities**

Prisoners from minority groups in Somalia face significant challenges and concerning treatment within the country's correctional facilities. A study conducted by the OPR highlights that individuals from minority backgrounds experience serious human rights violations, including sexual assault and extrajudicial killings, both inside the prisons and in broader society.

The formal justice system in Somalia is often perceived as fragile and dysfunctional, lacking the necessary national policies and legal frameworks to protect and uphold the rights of minorities within prisons. There is an absence of clear support mechanisms aimed at enhancing the security and well-being of these populations. Moreover, federal law does not adequately permit prisoners to file complaints to judicial authorities without facing censorship.

The judicial environment is prone to corruption and is heavily influenced by clan-based politics. This interference often leads to illegal detentions of individuals from minority communities. Many minorities are unjustly held or convicted,

frequently without proper access to legal processes, representation, or relevant information.

While speaking with an inmate currently detained at the CID, he recounted his arrest experience;

*He said initially, I was unaware of the reasons for my detention. Upon inquiring with a police officer, I was told that I was involved in a hit-and-run incident while driving an auto rickshaw. However, he clarified that he neither owns nor operates an auto rickshaw. The inmate expressed a concern that these situations frequently happen to the minority community, where individuals like him are detained. At the same time, the actual perpetrators often evade justice, typically due to belonging to majority clans.*

Limited resources and information further impede the ability of minorities to seek justice. Additionally, the lack of support from traditional clan structures exacerbates their marginalization, affecting their political participation, employment opportunities, and access to justice. Many members of these communities are also displaced, with a considerable number living in internally displaced person (IDP) settlements across Mogadishu, Puntland, and Somaliland, where they continue to experience poverty, discrimination, and exclusion.

A member of a minority group who is currently incarcerated in MCP reported to OPR regarding his experience. He stated that;

*He was responsible for the construction of the Yakshid District Administration building. After completing the project, he allegedly did not receive payment for his work. When he sought compensation, he was subsequently arrested. Furthermore, he indicated that when he asked the prison authorities to facilitate his access to the court to seek justice, he was*

*informed that he did not have the right to engage with the legal system.*

## **Deaths in Prisons and Detention Facilities in Somalia**

Somalia's prisons and detention facilities are among the most overcrowded globally and face significant challenges due to inadequate funding. Accurate nationwide data on mortality rates within these institutions is often difficult to obtain. However, interviews conducted by the Organization for Prisoners' Rights (OPR) with former inmates highlight critical health issues contributing to these deaths. The primary causes include contagious diseases such as tuberculosis and cholera, along with insufficient food supplies and violent confrontations between inmates and correctional officers. Since the beginning of 2019, OPR has confirmed a total of 137 deaths in prisons and detention facilities located in Mogadishu.

Between 2020 and 2024, there have been numerous violent escape attempts from prisons orchestrated by members of Al-Shabaab. These incidents have led to tragic fatalities, with reports indicating that at least 76 inmates have lost their lives during confrontations between Al-Shabaab detainees and correctional officers.

## **Non-separation of Adult and Juvenile Prisoners**

In Somalia, prisons and detention facilities frequently do not separate adult and juvenile prisoners. This lack of segregation also extends to the distinction between pretrial detainees and convicted inmates. A significant issue arises when families seek disciplinary measures for their children, leading to the incarceration of juveniles. In some cases, families from regions controlled by Al-Shabaab (AS) may choose to send their children to detention facilities in Mogadishu to protect them from forced recruitment by militants.

Prison authorities in Somalia encounter difficulties in effectively categorizing inmates based on the nature of their offenses. This results in situations where juvenile offenders and those charged with minor offenses are housed alongside adult prisoners, including individuals suspected of terrorism. This practice raises concerns regarding the safety and rehabilitation of the juvenile population within these facilities.

A report from an inmate at MCP prison highlighted significant issues regarding the management of inmate classification and safety.

*The inmate indicated a troubling lack of separation between individuals associated with serious offenses and those convicted of lesser crimes, a situation exacerbated by recent intensified security measures and anti-extremism efforts by the government.*

Furthermore, the inmate pointed out that:

*Individuals who have committed severe crimes, such as parricide, are being housed alongside juvenile prisoners. This practice has resulted in a high-risk environment, increasing the vulnerability of younger inmates to potential harm or abuse from these dangerous offenders.*

Another inmate recounted an interaction with prison guards regarding the placement of an older inmate in their cell. When the guards were questioned about this decision, they responded,

*"This place doesn't belong to you, and you have no authority here. You are a prisoner, just like them."*

## **Gender-Based Violence within the Prisons and Detention Centers**

Female inmates, along with those held in detention centers, including women, adolescents, girls, and children, account for a staggering 95

percent of the survivors who reported incidents of gender-based violence (GBV) from 2020 to 2024. Of these female prisoners and detainees, approximately 75 percent originate from displaced communities, highlighting the vulnerability of this demographic within the justice system.

Gender-based violence remains a pervasive issue across all prisons in Somalia, including facilities controlled by the militant group Al-Shabaab. According to data gathered by the Organization for Prisoners' Rights (OPR) in 2024, 45 percent of reported GBV incidents occurred specifically in detention facilities. The remaining incidents took place in prisons and other undisclosed locations utilized by the Somali government, particularly by the National Intelligence and Security Agency (NISA), for the detention of individuals, often without transparency or oversight.

The forms of gender-based violence (GBV) documented in 2024 are not only horrifying but also encompass a wide range of violations. Victims have bravely come forward to share their experiences, which include brutal acts such as rape, gang rape, and various forms of sexual assault. In many cases, these incidents involved extreme physical assaults that left both physical and psychological scars.

Furthermore, women who have been detained in Al-Shabaab-controlled prisons report facing the traumatic experience of forced marriage. In these oppressive environments, many have also experienced the denial of essential resources such as food, medical care, and sanitation. Moreover, psychological and emotional abuse has emerged as a significant concern, with victims describing manipulation, threats, and degradation that impact their mental well-being.

Al-Shabaab has been known to commit acts of gender-based violence, which include forced marriages, and imposes punishments based on its interpretation of Islamic law. Individuals detained by the group often face harsh conditions for relatively minor offenses. These offenses can include actions such as smoking, possessing illicit content on their mobile phones, listening to music, watching or participating in soccer, wearing a brassiere, or failing to wear a hijab.

Notably, the OPR's findings for 2024 revealed an increase in incidents of sexual violence involving children. Many of these minors were captured amid the government's ongoing anti-Al-Shabaab campaign. This alarming trend calls for urgent attention and action to address the safety and rights of all individuals affected by GBV, particularly those in detention.

### **Gender Sensitivity and Segregation of Male and Female Inmates**

Rule 11 (a) of the Nelson Mandela Rules emphasizes the need for distinct institutional facilities for male and female inmates, asserting that in any facility accommodating both genders, the space designated for women must remain completely separate from that allocated to men.

Observations of various jails and detention centers reveal that while cells for male and female detainees are generally separated, there are significant shortcomings regarding the provision of adequate facilities for female prisoners. In Somalia, for instance, although the majority of the prison population consists of adult males, female prisoners often face challenges such as the absence of separate restrooms and private areas.

Moreover, due to issues of overcrowding, women may be denied access to their designated areas or separate cells, leading to situations where they are

compelled to use temporary spaces, including staff restrooms. There have also been reports of shared restroom facilities between male and female inmates, further highlighting the need for improved gender-sensitive practices within correctional institutions.

### **HUMAN RIGHTS IN SOMALIA PRISONS AND DETENTION FACILITIES**

The 2024 report on human rights practices in Somalia by OPR outlines several critical issues regarding the treatment of individuals in prisons and detention facilities. The report indicates that security forces have been implicated in unlawful or arbitrary killings, which include extrajudicial executions. It also highlights serious cases of torture and cruel, inhuman, or degrading treatment of detainees.

Additionally, the report raises alarms about the presence of political prisoners and detainees, concerns surrounding politically motivated disappearances, and significant restrictions placed on free expression, particularly regarding the press and internet usage. It discusses how criminal libel laws have led to unjustified arrests and prosecutions of journalists and mass media.

The report highlights significant shortcomings in the investigations and accountability related to violence against women. It places particular emphasis on the alarming prevalence of sexual violence occurring within prisons and detention centers.

### **Religious Freedom in Somalia's Prisons and Detention Centers**

In Somalia, the issue of religious freedom within prisons and detention centers has become a significant concern, particularly in the context of the ongoing Somali Civil War. The Organization

for Peace and Reconciliation (OPR) is actively engaged in promoting religious freedom for inmates in these facilities.

Religious freedom in Somalia encompasses the right of individuals to practice their religious beliefs without hindrance. However, this right is heavily influenced by government policies, actions of non-state actors, and prevailing societal attitudes toward various religious groups. The enforcement of laws related to religion varies widely among the region's autonomous governments, resulting in inconsistencies in the treatment of religious practices.

Reports indicate that prisoners in Somalia's correctional facilities are rarely permitted to engage in religious activities such as praying, reading the Quran, or participating in communal prayers (Jamee'a). In conversations with inmates, it has been highlighted that those who attempt to pray or read the Quran face punitive measures. One inmate expressed,

*"We are not allowed to learn the Holy Quran; if someone insists on praying, they are punished. If two prisoners wish to pray together, they also receive punishment."*

This situation underscores the challenges faced by individuals seeking to practice their faith within the prison system in Somalia, as efforts to uphold religious freedom are met with significant obstacles.

### **Political Prisoners and Detainees**

In various regions, including under the Federal Government of Somalia (FGS), there is a prevalent concern regarding the detention of journalists and critics of the government, particularly among notable political opposition figures. The exact number of political prisoners remains undisclosed

by the FGS and regional authorities, making it difficult to assess the full extent of the issue. Access to detention facilities, such as Godka Jilocow Prison and the Criminal Investigation Department (CID) headquarters, is often restricted for human rights organizations.

Amid a competitive environment for federal elections, Abdi Ali Rage, a former advisor to President Farmaajo, announced his intention to run for a seat in the lower house representing Jubaland Federal State. However, he was subsequently arrested in Kismayo by local authorities under undisclosed charges. In his statements, Rage expressed concerns about the threats he faced regarding deportation due to his political ties.

In Somaliland, the situation is similarly concerning, as authorities continue to detain citizens working for the FGS in Mogadishu, sometimes for extended periods. Somaliland officials who hold positions within the federal government face significant risks, as they are prohibited by Somaliland authorities from representing their region in the federal government, with such actions deemed treasonous and subject to legal repercussions under Somaliland law.

### **Al-Shabaab Controlled Prisons and Courts**

Al-Shabaab (AS) has established a network of unauthorized courts across the country that address various conflicts. These courts often operate outside the boundaries of the law, leading to unlawful imprisonment and, in some cases, the issuance of death sentences to civilians without due process. Individuals may face prosecution without the opportunity for legal representation, and the absence of a fair trial is a common concern.

The judicial processes employed by AS also extend to government officials, law enforcement personnel, and ordinary citizens, resulting in arbitrary arrests and unlawful detentions. Conditions within the facilities controlled by AS are typically inadequate, failing to meet basic human rights standards. Individuals subjected to AS's punitive measures often experience unfair sentencing and disproportionate punishments.

Furthermore, the detention centers managed by AS suffer from overcrowding and lack fundamental amenities, including heating, adequate lighting, proper sleeping arrangements, and sufficient food. Recreational activities and contact with the outside world are severely limited, compromising the dignity and wellbeing of those incarcerated.

## JUSTICE AND THE RULE OF LAW

**Access to Court and Substantive Due Process:** Many individuals remain in detention for extended periods without formal charges or proper due process. There are reports of detainees being held for long durations without the opportunity to access a court or receive substantive legal protection. The National Intelligence and Security Agency (NISA) has been noted for frequently detaining individuals for prolonged periods without adhering to due process guidelines.

While the law does recognize individuals' rights to challenge the legality of their arrest or detention in court, this right tends to be effectively accessible only to politicians, prominent clan members, and certain businesspersons, leaving many others without recourse.

**Confessions Obtained through Torture and Coercion:** The Office for the Promotion of Rights (OPR) has not been able to confirm the use of confessions obtained through torture or coercion

as admissible evidence in court. Nevertheless, OPR has received credible accounts of defendants experiencing mistreatment during the pre-trial phase, particularly while in detention at NISA and Criminal Investigations Department (CID) facilities.

For instance, OPR interviewed a detainee who had been released from Godka Jilocow Prison. He described being detained by NISA officers after being accused of assaulting an officer.

*He recounted being beaten and suffering a scar on his face as a result. According to his account, after being taken to a separate room, officers struck him with sticks and wires while demanding a confession.*

**Arbitrary Arrest and Detention:** The provisional federal constitution explicitly prohibits illegal detention; however, there are widespread reports of arbitrary arrests and detentions carried out by government security forces, allied militias, and regional authorities. Many individuals are detained without proper justification, particularly those accused of terrorism or those showing support for Al-Shabaab (AS) or opposing the government. Allegations of affiliation with AS are frequently used by authorities as a basis for these arbitrary arrests. Journalists are particularly vulnerable, often facing unjust detention by government and other authorities. For instance, the case of Radio Higsí journalist Mohamed Abdiwahab Nur, also known as "Abuja," highlights the risks faced by media personnel, as he has disappeared amid a backdrop of arbitrary detentions of other journalists, who are often charged without clear evidence and denied access to legal representation and family visits. Notably, between October 16 and 21, 2022, NISA detained Radio Kulmiye journalist Abdullahi Kulmiye Addow after he conducted an interview with a businessman whose comments were critical of the government

and sympathetic to AS, compelling the media outlet to suppress parts of the interview for his release.

#### **Arrest Procedures and Treatment of Detainees:**

According to the provisional federal constitution, individuals who are arrested should be brought before judicial authorities within 48 hours. The law mandates that arrests be conducted based on warrants grounded in sufficient evidence and issued by authorized officials. Additionally, it lays out the requirement for arrestees to be promptly informed of the charges against them and to have access to legal counsel and family members. Despite these legal protections, compliance with these safeguards is notably inconsistent.

The Federal Government has been known to execute arrests without warrants, particularly in cases involving high-profile prisoners linked to AS, who may be held in undisclosed locations prior to formal charges being laid. While the law allows for bail, many citizens remain unaware of this right or are denied access to bail, and authorities often disregard this provision. Furthermore, there appears to be a lack of adequate training among judicial personnel regarding criminal procedures, which can hinder fair treatment. In some instances, influential figures such as security personnel, judicial officers, politicians, and clan elders exert pressure to secure the release of preferred detainees.

**Denial of Fair Public Trial in Somalia:** Article 107 of the Provisional Constitution of the Federal Republic of Somalia establishes that judicial proceedings are generally open to the public. However, courts have the discretion to hold hearings in private under certain special circumstances. These circumstances may include issues related to national security, juvenile cases, incidents of rape, matters involving ethics, or the

protection of witnesses. Importantly, it is mandated that all parties involved in a proceeding must have the opportunity to present their case before a judicial decision is made.

While the law envisions an independent judiciary, there are significant challenges in the enforcement of judicial independence and impartiality by the government. The civilian judicial system is marked by dysfunction and is unevenly developed, particularly in rural areas. Many local courts rely heavily on the authority of dominant local clans and their associated factions. Furthermore, the judiciary operates within a framework that combines traditional and customary law, sharia (Islamic law), and formal law, but these elements are not well integrated.

The judiciary in Somalia faces various issues, including influence from corruption and clan-based politics. There are frequent instances where authorities do not respect court orders or are unable to enforce them, leading to a lack of accountability that can result in judicial abuse of power. Civilian judges often operate without adequate security, which impedes their ability to perform their duties effectively.

Despite the existence of functional courts, there is a critical shortage of trained judges and limited access to legal documentation, which hampers the establishment of judicial precedents. Allegations of corruption are widespread within the judiciary. Moreover, the judicial process is often subject to interference, with government officials frequently intervening to influence legal cases, especially those involving journalists. International NGOs have reported instances where local officials have meddled in legal matters, using public order laws to detain and incarcerate individuals without trial.

**Trial Procedures and Legal Rights in Somalia:** In Somalia, the legal framework guarantees the right to a fair and public trial. However, in practice, this right is frequently undermined due to the absence of an independent judiciary. The law stipulates that individuals are presumed innocent until proven guilty and have the right to be promptly and thoroughly informed of the charges against them in a language they comprehend. Nevertheless, it remains ambiguous whether this right to translation extends through all stages of appeal.

Detainees are entitled to appear before a competent court within 48 hours of their arrest, to communicate with an attorney of their choice (or to have one provided at public expense if they lack the means), and to avoid self-incrimination. Unfortunately, enforcement of these rights is largely ineffective, as clan politics and corruption often hinder access to a fair trial. Additionally, key rights related to trial procedures—such as the ability to confront witnesses, the right to appeal court decisions, the provision of adequate time and resources for preparing a defense, and the right to present evidence and witnesses—are not adequately addressed by the law.

**Pre-Trial Process and Detention Issues:** Pre-trial detention in Somalia is often prolonged, with no available estimates on the average duration or the percentage of the prison population that is held in pre-trial detention. Delays in trial proceedings are attributed to a high number of detainees, insufficient judges and court personnel, and general judicial inefficiency.

The Human Rights Committee of the Federal Parliament of Somalia has raised significant concerns regarding the treatment of prisoners in the Main Correctional Prison (MCP). Reports have indicated that many inmates face years of

incarceration without trial, some have been wrongly detained post-bail, others who have completed their sentences remain imprisoned, and a number of individuals have spent three years or more in prison for minor offenses, sometimes as low as \$10.

To address these injustices, the committee has urged the parliament to take action, including the immediate release of affected prisoners. They have also highlighted the existence of corruption contributing to these issues and suggested that individuals involved should be held accountable.

General Mahad Abdirahman, the Chief of the Somali Custodial Corps, recently highlighted significant issues within the prison system, specifically the Major Correctional Facility (MCP). He emphasized the urgent need for prisoners to have access to justice as a crucial first step in addressing these challenges.

*During his comments, he pointed out the troubling case of an individual who has been in detention for ten years without a trial, raising serious concerns about the fairness of the justice system. General Abdirahman stated, “Where is the justice? There is no justice.”*

*To improve the situation, he urged all stakeholders to prioritize the needs of prisoners. He recommended that stakeholders visit the prison facilities to gain a direct understanding of the conditions faced by inmates, which could lead to the implementation of necessary reforms to address these pressing issues.*

**Military Courts Indict Civilians:** In many regions, functional civilian courts operate; however, they face significant challenges, including a shortage of trained judges, limited legal documentation for establishing judicial precedents, and widespread allegations of corruption.

Defendants in military courts often lack legal representation and the right to appeal their convictions. In some instances, authorities carry out death sentences shortly after court verdicts are issued. There are claims from government officials that a state of emergency decree from 2011 grants military courts jurisdiction over crimes, even those involving civilians. This decree, originally intended to last three months, has not been definitively confirmed as still in effect through government policy, statements, or actions.

Additionally, the government frequently fails to promptly and thoroughly inform defendants about the charges against them and does not always provide access to evidence held by the government. The conditions for defense preparation fall short, as defendants do not have dedicated facilities or sufficient time to prepare their case. They are also barred from questioning witnesses or presenting their own evidence, and there is no option to appeal the verdicts rendered by these courts. Moreover, AS-controlled areas lack a functioning formal judicial system.

There is a notable absence of clear protocols for transferring civilian cases to civilian courts from military courts. Cases that involve security personnel or those accused of terrorism-related offenses are typically processed by military courts, while civilian courts handle only a limited number of cases.

## **SOMALI POLICE FORCE (SPF) AND OTHER SOMALI AUTHORITIES**

### **SECURITY OPERATIONS AND APPREHENSIONS**

The Somali Police Force (SPF) and various Somali authorities handle arrests and detentions in multiple facilities. In addition to Somali prisons, individuals apprehended by the police and the National Intelligence and Security Agency (NISA)

are also held in police stations, as well as locations such as Godka Jilcow and the Criminal Investigation Department (CID). There are also instances where detainees are kept in undisclosed private residences.

### **Somali Police Force (SPF)**

In 2024, the Somali Police Force (SPF) conducted security sweeps resulting in the apprehension of 149 individuals. This marked an increase from the previous year, 2023, when the SPF arrested 89 people. Among those arrests in 2024, 43 individuals were suspected members of Al-Shabaab (AS), 21 were journalists, and 85 were alleged members of youth gangs known as Ciyaal Weero.

In 2022, the Somali Police Force (SPF) conducted operations leading to the arrest of 51 individuals. Among those detained were 14 individuals suspected of association with extremist groups, 17 journalists, and 20 alleged members of youth gangs known as Ciyaal Weero.

Looking back at 2021, the SPF detained 66 individuals, predominantly in Mogadishu, with 19 being AS suspects and 47 affiliated with youth gangs. In 2020, the operations led to the detention of 101 individuals, with 39 of them identified as AS suspects. In 2019, the SPF apprehended 89 individuals, most of whom were believed to be AS members, with 49 of them eventually released without facing charges.

Throughout these years, the SPF has also targeted youth gangs, detaining over 139 boys suspected of involvement in these groups, thereby significantly affecting their liberty.

## **Somali National Intelligence and Security Agency (NISA)**

In 2024, the Somali National Intelligence and Security Agency (NISA) undertook a series of significant security operations aimed at combating Al-Shabaab (AS) and various criminal groups. Throughout the year, NISA conducted 24 incidents resulting in the detention of 67 young men suspected of involvement with AS and youth gangs.

However, the Organization for Prisoners' Rights (OPR) previously highlighted concerns regarding NISA's practices. In particular, there were allegations of the unjust apprehension and imprisonment of 17 individuals last year, including 8 journalists and 9 suspected AS members.

Furthermore, reports indicate that NISA has been involved in unlawful detentions and, in some cases, kidnappings. Families have communicated with the OPR expressing their distress over the disappearance of their sons and daughters, who were allegedly detained by NISA, leaving their whereabouts unknown.

### **Children in the SPF, NISA, and AS Custody**

In Somalia, the prolonged armed conflict lasting over 32 years has seen various parties, including Al-Shabaab (AS), enlist children for multiple roles, such as fighters, carriers, providers of intelligence, or for duties at checkpoints. Reports indicate that AS has recruited numerous children, some as young as nine, to participate in combat activities over the past decade.

The challenges faced by children under AS control do not end when they enter custody under the Federal Government of Somalia (FGS). Whether these children surrender, are captured, or become victims of mass arrests, they often face a legal

system that inadequately addresses their status. Instead of being recognized as victims of conflict, children accused of ties with AS are frequently treated as adult criminals, utilizing an outdated legal framework and citing legitimate security concerns as justification for this treatment.

Since 2015, numerous boys suspected of involvement with AS have been detained. Many are apprehended during military confrontations, while others are captured in security operations across urban areas, particularly in the capital, Mogadishu. Following their arrest by military, police, or intelligence agents, these children are typically transferred to the custody of the National Intelligence and Security Agency (NISA) in Mogadishu. Within this facility, they often face detention without communication with family members and lack legal representation, which raises significant concerns regarding their safety and well-being. Holding minors alongside adult detainees further exacerbates these issues, violating Somalia's international commitments to protect children's rights.

The Somali justice system relies heavily on coerced confessions, even involving minors. Reports reveal that young detainees in intelligence facilities may be forced to provide written or recorded confessions under duress, which can include threats or even physical abuse akin to torture. The government's treatment of children accused of involvement with AS is inconsistent, with various factors like economic status, clan affiliation, and media scrutiny influencing outcomes.

Government officials have previously acknowledged the detention of boys identified as high-risk. However, many detainees are eventually released without charges, often due to interventions by relatives who may bribe officials. Some children may be sent to rehabilitation and

reintegration centers operated by NGOs, while others face trial in military courts on charges associated with AS membership, murder, or other conflict-related offenses.

### **Military Court Prosecutions of Children**

International human rights law places the responsibility on governments to recognize and address the unique needs of children involved in armed conflict, including those engaged in terrorism-related activities. It emphasizes the importance of supporting their physical and psychological recovery and facilitating their reintegration into society. Although children associated with armed groups may face prosecution for serious offenses, alternative methods should be prioritized, ensuring that legal proceedings adhere to international standards for juvenile justice and prioritize the child's best interests.

Sentencing should focus on rehabilitation and reintegration rather than punishment. The UN Committee on the Rights of the Child (CRC), which interprets the Convention on the Rights of the Child ratified by Somalia in 2015, advises against the prosecution of children within military justice systems.

In Somalia, while prosecuting and imprisoning children for minor security offenses is not widespread, there are instances where children are tried in military courts for crimes related to the militant group Al-Shabaab (AS) and are often treated as adults. Military courts show inconsistency in handling these cases and frequently overlook essential due process rights, including the child's right to a defense and the prohibition against coerced evidence. Since 2012, nearly all children sentenced by the military court in Mogadishu have faced charges linked to AS

membership or allegations of providing support to the group.

Children detained on security-related charges within the criminal justice system face a lack of independent oversight. Advocates for child protection and prisoners' rights in Somalia have limited access to intelligence facilities, prisons, and military courts, making it difficult to ascertain the number of children held for AS-related offenses across the country. Moreover, there is no organized system for record-keeping regarding these cases.

The existing legal framework for managing cases involving children accused of AS-related crimes is often inadequate and can violate Somalia's international commitments. Proposed legislation, such as a draft anti-terrorism law, risks oversimplifying the detention and prosecution of children for AS-related offenses without implementing crucial juvenile justice protections and ensuring consistent access to rehabilitation and reintegration services.

While Somali authorities tackle significant security threats, their current practices not only undermine the best interests of children but may also hinder the efforts against AS, potentially increasing public fear and distrust in security forces. A poignant example is a statement from a 16-year-old boy who was detained by the National Intelligence and Security Agency (NISA) for two and a half months during a security sweep in Mogadishu:

*"You can either get caught up in a bomb attack or a mass sweep by NISA. We always get stopped and questioned. Either way, we face problems. It's like we're constantly in a prison."*

Furthermore, AS continues to illegally detain, kidnap, and forcibly recruit children in its ongoing

conflict against the Federal Government of Somalia (FGS).

## **ACHIEVED OUTCOMES IN RELATION TO STRATEGIC OBJECTIVES OF OPR**

### **Working in collaboration with corrections authorities and stakeholders**

OPR has successfully fostered collaborative relationships with various stakeholders in Somalia, including Somalia Non-State Actors (SONSA) such as the Somali Youth Development Network (SOYDEN) and the Women and Child Support Organization (WOCOSO), as well as the Human Rights Committee. These partnerships are designed to support the Federal Government of Somalia (FGS) and prison authorities by delivering strategic policy advice that aligns with the UN Global Focal Point Arrangement on Rule of Law (GFP) and the Comprehensive Approach to Security (CAS). The primary goal of these initiatives is to develop effective and accountable rule of law institutions within the country.

By bringing together personnel from various UN entities, including UNDP, UNOPS, and UNODC, OPR is able to implement collaborative justice and corrections programs. This strategic guidance, coupled with operational support from various UN agencies, funds, and programs, has established an efficient framework for providing assistance and reinforcing the rule of law in Somalia.

### **Human Rights Awareness Seminars, Education, and Counseling for Inmates and Prison Staff in Somalia**

Since 2022, a total of 393 employees from the custodial corps in Somalia, comprising 262 men and 131 women, have undergone training in important areas related to prison management. This training includes critical subjects such as the

Bangkok Rules, which focus on the treatment of female prisoners, and the United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly known as the Nelson Mandela Rules. Additionally, participants have received instruction in incident management, rehabilitation and human rights, typical prison duties, as well as both advanced and basic medical training. However, challenges persist, as inadequately trained guards have been reported to struggle with maintaining the safety of inmates. It is worth noting that comprehensive information regarding the overall capacity of the custodial corps remains unavailable within the current time constraints and from the consulted sources.

The Organization for Prisoners' Rights (OPR) is dedicated to enhancing capacity across various fields and specialties. To tackle the challenges faced by prisoners in Somalia's correctional facilities, OPR employs diverse strategies, including awareness programs, education, therapy, and dialogues. The organization acknowledges that developing programs aimed at helping prisoners understand the underlying causes of their violent behaviors is a complex task.

Addressing these challenges involves assisting individuals in setting objectives and identifying practical solutions. This can be achieved through various means, including religious and educational interventions, as well as fostering critical thinking skills. Psychological therapies designed to encourage the socialization of former offenders, along with social worker interventions, can provide a clearer vision for a better future. Vocational training is also crucial in equipping inmates with necessary skills to secure employment post-release. Activities such as sports and exercise promote teamwork, trust, and self-fulfillment without resorting to violence, while art

therapy, including theater, offers a valuable outlet for emotional expression.

In light of these objectives, OPR is currently formulating an action plan to expand these initiatives, beginning with the initiatives of the MCP.

### **Meeting the Needs of Convicts under Prison Laws and Regulations**

The Federal Government of Somalia is dedicated to upholding human rights and preserving the dignity of all individuals. This commitment includes a strong resolve to eliminate and prevent all forms of torture, aligning with international human rights standards. Somalia adheres to various fundamental prohibitions against torture, such as those outlined in the Convention Against Torture (CAT), Article 5 of the Universal Declaration of Human Rights (UDHR), and Article 7 of the International Covenant on Civil and Political Rights (ICCPR).

A key legislation under review is the 1962 Somali Penal Code (Legislative Decree No. 5), which currently does not define torture. The government planned to complete a thorough revision of the Penal Code in 2020, which aims to incorporate definitions including that of torture, in line with the UN Convention. Furthermore, new legislative measures compatible with CAT are being drafted. Notably, the Council of Ministers, through the Ministry of Women and Human Rights Development, presented the Sexual Offences Bill (SOB) to Parliament in June 2018, which is presently awaiting its first reading. This bill seeks to address gaps in the Somali Penal Code regarding sexual violence.

In terms of prison infrastructure, new correctional facilities have been established in Somaliland and Puntland, supported by funding from the UN

Office on Drugs and Crime, particularly to address piracy-related cases. These facilities are designed to meet international standards, with jail staff receiving necessary training and support.

Additionally, the Organization for Prisoners' Rights (OPR) has been actively engaged in addressing the specific needs of detainees, their families, and detention facility authorities. This includes comprehensive data collection to enhance awareness of inmate needs. For instance, during the COVID-19 pandemic, OPR staff facilitated the delivery of face masks and sanitizers to inmates in Mogadishu, highlighting the continued efforts to support prisoner health and welfare.

### **Support for Legal, Emotional, and Social Well-Being**

Individuals who have been incarcerated often face significant challenges upon reentry into society. Correctional institutions typically do not provide adequate support for ex-offenders, particularly those with mental health issues. After release, many individuals do not receive necessary counseling or psychotherapy, and they are often discharged without access to prescription medications or outpatient care. As a result, those dealing with psychosocial challenges may find themselves isolated at home.

Families and relatives frequently serve as the primary support system for individuals with psychosocial disabilities. However, they often encounter difficulties in providing effective assistance due to the absence of community support resources, such as outpatient medical services and informed consent-based counseling. Moreover, family members may lack essential knowledge about mental health conditions, which can lead to misunderstandings regarding suitable treatment options. They also face societal stigma,

which complicates their ability to support their loved ones.

In search of relief, some individuals may turn to traditional Islamic healers or seek over-the-counter medications from unregulated and unlicensed pharmacies, which poses additional risks. Addressing these gaps in support and improving access to appropriate care is crucial for the well-being of ex-offenders and their families.

### **A Fair and Open Approach to Addressing the Diverse Aftercare Needs of Convicts**

The Organization for Prisoners' Rights (OPR) is actively engaged in enhancing the standards of living and well-being of inmates within Somalia's correctional institutions. Their primary focus is on protecting the rights of all individuals, irrespective of their diverse backgrounds. A significant aspect of OPR's work is ensuring that those detained are treated with compassion and dignity throughout their incarceration. Crucially, inmates' families are afforded opportunities to maintain communication, visit, and stay informed about the detainees' status.

Since 2021, OPR, in collaboration with various stakeholders, has undertaken visits to individuals in places of detention across Somalia. These visits encompass a range of facilities, including prisons, police stations, and the National Intelligence and Security Agency (NISA) detention centers, as well as Criminal Investigation Department (CID) headquarters. The objective of these visits is to ensure that all detainees receive humane and dignified treatment.

Furthermore, OPR recognizes and aims to address the unique needs of detainees, their families, and the authorities managing detention facilities. The organization understands that detention presents distinctive challenges for all involved parties and is

committed to advocating for an unbiased, fair, and open process. By producing reports, articles, and raising public awareness through data collection and dissemination, OPR strives to promote transparency and equitable treatment within the correctional system.

### **DISCUSSIONS**

According to the U.S. Department of State's assessment of events in 2023, the conditions in prisons and detention facilities across the country are alarmingly poor and often life-threatening. Many correctional facilities suffer from inadequate medical treatment and sanitation, which are critically insufficient. Unfortunately, the exact number of incarcerated individuals, including women and children, remains unknown.

Key issues affecting these facilities include overcrowding, insufficient sanitation, and a lack of access to healthcare. Problems related to hydration, nutrition, illumination, and ventilation have also been reported. Diseases such as pneumonia and tuberculosis are prevalent among the prison population, exacerbating the already dire situation. Prisoners often rely on their families to cover confinement fees imposed by authorities, further highlighting the systemic issues present in the detention system.

There is a significant lack of data regarding mortality rates in jails and pre-trial detention facilities. Disturbingly, authorities frequently house adults and children together in the same cells, and there is a repeated failure to separate pre-trial detainees from convicted individuals. The ongoing practice of detaining children—sometimes at the request of parents seeking to discipline them—raises serious concerns. Additionally, some families have opted to send their teenagers from areas controlled by armed groups to jail as a means to

protect them from being coerced into joining such organizations.

The United Nations has condemned the inconsistent separation of adults and children within the prison system. It has highlighted that living conditions for convicts at certain facilities, such as the MCP, do not meet essential international and governmental standards. An example of this is the detention of 120 convicts in facilities designed to hold only 50. The overall management of these facilities is inadequate, characterized by poor documentation and a lack of oversight, with no ombudsmen present to address grievances. Furthermore, despite occasional releases of nonviolent offenders, there are very few alternatives to detention, primarily due to insufficient government resources available to manage the incarcerated population effectively.

## RECOMMENDATIONS

### Overcrowding

Prison and Detention Authorities should;

- Addressing and resolving prison congestion should be increased by creating and implementing long-term and efficient strategies to reduce the jail population.
- Create non-custodial measures within the legal system following the UN Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) to enhance the use of alternatives to jail sentences and detention. These acts may consist of;
  - Mandatory rehabilitation for those convicted of certain drug-related offences, such as drug use or drug consumption.
  - For first-time offenders, it is advised to impose fines rather than prison sentences.

And minor violations should result in penalties or community service.

- Address the issue of avoiding pre-trial or remand incarceration for persons charged with specified crimes.
- Using home detention with electronic monitoring techniques can lessen the risk of evading punishment.
- Consider early release techniques such as parole and conditional release.
  - Minimize pre-trial or remand detention and ensure bail bonds are reasonable and proportionate for the offence.
  - Ensure that elderly inmates are given preference when receiving alternatives to incarceration.

### Accommodation and Space

The Government must;

- Provide proper ventilation, heating, and cooling systems for cells.
- Prison institutions should provide ample space, clean cells, and climate-appropriate bedding for prisoners.

### Punishment, Cruel, Inhumane, or Degrading Treatment

Prison Authorities must;

- Ensure that no discrimination exists and that all inmates are treated with dignity and kindness.
- Ensure that no disciplinary action or other punishment for violating prison rules and codes of conduct constitutes torture or any

other form of cruel, inhumane, or degrading treatment or punishment.

- Ensure that solitary confinement is only used as a last resort in extreme circumstances, for the shortest time, and following an independent examination.
- Conduct thorough, unbiased, and independent investigations into all claims of torture and maltreatment, ensuring that perpetrators are punished following existing laws, rules and regulations, and provide victims with the remedies and compensation to which they are entitled.

## **Food, Water and Sanitation**

Authorities should;

- Ensure that access to clean drinking water from a tap or container is constant and available throughout the day and night.
- Make sure there is always enough water available for personal hygiene, and make sure there is a sufficient flow of water going into showers and toilets throughout the day and night.
- Ensure that inmates always have unlimited access to restrooms with the highest level of privacy.
- Make showers more widely available, and allow enough time for each prisoner to take a shower.
- Ensure that the tools and supplies given to convicts who are given cleaning assignments are sufficient and appropriate.
- Boost the overall nutritional value and quality of the food provided to inmates.

- Ensure that all convicts receive food that meets their dietary, spiritual, and cultural requirements.
- Guarantee the quantity, quality, preparation, and serving of food, and that the facility's sanitation meets international standards.
- Ensure that convicts have hygienic eating utensils that are comparable to those that are used outside of jail.
- Ensure that female inmates are given the supplies they require to suit their unique hygienic requirements, including a sufficient supply of gratis sanitary pads.

## **Healthcare and other Health-related Services**

Authorities must;

- Undertake routine inspections with the assistance of medical specialists or qualified public health officials to investigate and address issues that may affect inmates' health.
- Ensure that prisoners who require specialized treatment are transferred to facilities or hospitals outside of jails and that they have immediate access to medical care in emergencies.
- Efforts should be made to identify and meet the health needs of certain populations, such as women, seniors, juveniles, and individuals with disabilities who are incarcerated.
- Ensure that offenders receive adequate psychological and mental care.

## Outside World, Recreation Opportunities and Complaints

- The government must make sure that convicts can properly connect with their loved ones, friends, and attorneys regularly through visits, letters, and phone calls.
- Watch out for any unreasonable or illegal intrusions on the privacy of the prisoner during both in-person and virtual visits from their loved ones.
- Ensure that all conversations between detainees and their attorneys are private and discreet.
- Ensure that inmates have consistent access to daily newspapers, magazines, books, and other forms of entertainment, education, and culture.
- Ensure that there are no limitations placed on the kinds of books and other publications that are available for convicts to read and/or consult.
- Ensure that convicts have access to enough leisure and cultural opportunities.
- Ensure that complaints can be made anonymously by convicts and that all complaints are looked into, fully investigated, and effectively addressed.
- Watch out for any actions of retaliation against prisoners by staff members or other inmates in response to grievances they have made.
- Disseminate regular and thorough statistical data on the number of abuse-related complaints lodged against prison officials, the number of investigations completed,

and the disciplinary or other actions taken against offenders.

## Recommendations to the International Community

The international community should;

- Demand that the FGS develop and put into action sustainable and efficient methods to lower the jail population to boost efforts to address and resolve the issue of overcrowding in prisons.
- Demand that the FGS make improvements to prison conditions that are consistent with the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, in particular with regard to the amount of space allotted per prisoner, sanitation facilities, and the accessibility of adequate healthcare.
- Call on the FGS to uphold agreements, such as allowing an Ombudsman complete access to all jails.
- Offer the required technical assistance to ensure that Somalia's prison conditions adhere to the nation's commitments under international human rights law; and relevant international standards.



# **ANNUAL ASSESSMENT REPORT ON HUMAN RIGHTS VIOLATIONS IN MOGADISHU PRISONS AND DETENTION FACILITIES**

**December, 2024**

