

ORGANIZATION FOR PRISONERS' RIGHTS

No Prisoner Should Be Without Rights

SITUATIONAL REPORT (SITREP)

ON THE STATE OF HUMAN RIGHTS VIOLATIONS IN MOGADISHU PRISONS

August 2022

Mogadishu, Banadir Region, Somalia

Acknowledgements

This report is based on data collected by the Organization for Prisoners' Rights (OPR) in Mogadishu; with the support of Ministry Of Justice and Constitutional Affairs of the Federal Republic of Somalia; Somali Custodial Corps and Somali Rights Organization.

The report was written by Organization for Prisoners' Rights (OPR), with input from Ismail Mohamud Abukar, Head, Co-Founder and Researcher; Ahmed Mohamud Hussein Board Member and Researcher; Abdirashid Hassan Abdi, editor and designer and; Osman Mohiadin Moallim (Shatah), Dr Teko Patrick Samson, Jibril I.M Handuleh. Amoud University and Fathiya Mohamed Abdullahi, Reviewers.

Acronyms

AS	Al-Shabaab
CAT	Convention against Torture
CT	Computed Tomography
FGS	Federal Government of Somalia
GMCP	Global Maritime Crime Programme
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IPC	Infection Prevention and Control
JCP	Somalia Joint Corrections Services Support Programme
MPCC	Mogadishu Prison Court Complex
MRI	Magnetic Resonance Imaging
NISA	National Intelligence and Security Agency
OPR	Organization for Prisoners' Rights
SOB	Sexual Offences Bill
STD	Sexually Transmitted Diseases
TB	Tuberculosis
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNIDO	United Nations Industrial Development Organization
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
UNPOS	United Nations Political Office for Somalia
UNSOM	United Nations Assistance Mission in Somalia
VOA	Voice of America
WHO	World Health Organization

Contents

Methodology & Research Limitations

Executive Summary

The Situation to Date

Summary of Overall Situation to Date

Actions to Date

Issues Arising

Recommendations & Path Forward

Conclusion

References

Methodology & Research Limitations

Research Methodology

This Situational Report (SITREP) was conducted by the Organization for Prisoners' Rights (OPR) in collaboration with the Ministry of Justice and Constitutional Affairs of the Federal Republic of Somalia and the Somali Custodial Corps. The research employed the following data collection methods:

- Direct site inspections and facility assessments of detention facilities
- Structured interviews and surveys with prison administrators and Custodial Corps officials
- Review of government records and prisoner population data
- Analysis of international monitoring reports and documentation
- Compilation of secondary research from UN agencies, international NGOs, and government sources

Research Limitations

This report has the following important limitations that should be noted when interpreting findings:

Geographic Scope: For reasons of security and inaccessibility to most areas not under the influence of the Federal Government of Somalia (FGS), OPR was able to conduct in-person visits only to Mogadishu Central Prison. Data on prisons in Puntland, Somaliland, and areas under Al-Shabaab control is derived from secondary sources and international reports rather than primary field research.

Incomplete National Data: The total number of prisoners and detainees throughout Somalia, including in Al-Shabaab-controlled regions, remains unknown. Estimates suggest approximately 120,000 detainees in areas outside federal control, but verification is impossible at this time.

Limited Access to Vulnerable Populations: OPR was unable to conduct private interviews with prisoners due to security and institutional constraints. Prisoner accounts presented here are from secondary sources and documented testimonies.

Data Inconsistencies: Government agencies provided varying figures on prisoner populations. The data presented reflects the most recent official counts from the Ministry of Justice and Constitutional Affairs and the Somali Custodial Corps as of August 2022.

Ongoing Conflict: Somalia's continued state of relative insecurity means that conditions documented in this report are subject to rapid change. Assessments from 2012–2014 remain relevant to current conditions, but updated independent monitoring is urgently needed.

Executive Summary

As of 2016, Somalia became a Federal State with Six (6) Federal Member States including; Galmudug, Hirshabelle, Jubaland, Puntland, South West State, and the self-declared Republic of Somaliland. When talking about the prisons in Somalia the discussions focus on the Prison facilities in the 6 Federal Member States and also the Prisons in the Benadir Region (Mogadishu).

The overall purpose of this situational assessment and report is to review the state of human rights violations in Mogadishu prisons, the situation of prisons and community-based alternatives to prisons, as well as the conditions of imprisonment for sentenced prisoners and prisoners awaiting the adjudication of their cases.

According to Home Office (2015) conditions in most prisons in Somalia, Somaliland, and Puntland, including those administered by Al-Shabaab, are harsh with reports of poor levels of sanitation, overcrowding, and disease; inadequate medical facilities; extensive use of lengthy pre-trial detention and the use of torture and other forms of ill-treatment.

The Federal Republic of Somalia is determined to protect and promote human rights and human dignity. This determination encompasses the genuine desire to prevent and combat all forms of torture. Also, Somalia reaffirms its commitment to the international human rights mechanisms and instruments prohibiting torture of which the Convention against Torture (CAT) is the principal convention. Other specific provisions against torture include Article 5 of the Universal Declaration of Human Rights (UDHR) and Article 7 of the International Covenant on Civil and Political Rights (ICCPR) which proscribe torture or subjecting any person to cruel, inhuman, or degrading treatment.

In spite of all efforts, however, there are still several arising issues including but not limited to: unchecked outbursts of prison violence; there have been cases where prisoners lose their lives as a result of violence within the prison wall; the most common cause of death in the prisons are disease; there is inadequate supervision by guards, easy access to weapons, lack of separation of different categories of prisoners, and fierce competition for basic necessities which encourage inmate-on-inmate abuse in many penal facilities; corruption, physical abuse by guards is a chronic problem; women prisoners are particularly vulnerable to custodial sexual abuse; overcrowding prevalent in almost every prison in Somalia; there are old, antiquated, and physically decaying prison facilities. Thus, conditions in many prisons are, in short, so deficient as to constitute cruel, inhuman, or degrading treatment, violating article 7 of the International Covenant on Civil and Political Rights.

Key Findings at a Glance

Metric	Finding
Total Prisoners in Mogadishu	1,540 convicted + 1,134 on remand = 2,674 total
Design vs. Actual Capacity	Central Prison holds 10x its designed capacity
Female Prisoners	17 convicted + 12 on remand = 29 total (housed with males)
Juvenile Prisoners	41 convicted + 21 on remand = 62 total
Guard-to-Prisoner Ratio	1 guard per 150 prisoners (critically inadequate)
National Prison Population	Estimated 3,700+ (plus unknown thousands in Al-Shabaab areas)
Prison Facility Age	Central Prison built during colonialism (100+ years old)

The Situation to Date

Introduction

As of 2016, Somalia became a federal state with Six (6) Federal Member States including; Galmudug, Hirshabelle, Jubaland, Puntland, South West State and the self-declared Republic of Somaliland. When talking about the prisons in Somalia the discussions focus on the Prison facilities in the 6 Federal Member States and also the Prisons in the Benadir Region (Mogadishu). The head of Prisons administration is the Chief of the Custodial Corps.

As of today there is not a current research done on the prison situation in Somalia. But most current survey shows that Somalia Prison population total (including pre-trial detainees / remand prisoners) is estimated at least 3,700 and perhaps many more. There are an estimated 1,503 in the Central Prison in Mogadishu (Ministry of Justice and Constitutional Affairs and Constitutional Affairs and Judiciary Affairs of the Federal Republic of Somalia); in 2011 approximately 2,000 were held in Somaliland and 500 in one of the prisons of Puntland. In addition, "observers estimated that thousands were incarcerated" by Al-Shabaab in the regions under its control (U.S. State Department human rights report).

The Number of establishments / institution are estimated to include prisons located in Hargeisa, Somaliland, in Hargeisa, Bosasso, Galkayo, Garowe, Kismayo, Dhuusamareeb, Baidoa, Jowhar, Beledweyn and in the Somali Capital Mogadishu.

Purpose

Overall purpose of this situational assessment and report is to review the state of human rights violations in the Somali prisons, the situation of prisons and community based alternatives to prisons, as well as the conditions of imprisonment for sentenced prisoners and prisoners awaiting the adjudication of their cases. For reasons of security and inaccessibility to most of the areas which are not under the influence of the Federal Government of Somalia (FGS) at the time of the completion of the report, the members of the Organization for Prisoners Rights (OPR) could only visit the Central Prison in Mogadishu.

Summary of Overall Situation to Date

According to Home Office (2015) Conditions in most prisons in Somalia, Somaliland and Puntland, including those administered by Al-Shabaab, are harsh with reports of poor levels of sanitation, overcrowding and disease; inadequate medical facilities; extensive use of lengthy pre-trial detention and the use of torture and other forms of ill-treatment. Same report adds that however with support from the United Nations Office on Drugs and Crime (UNODC), new prison facilities have been opened in Somaliland and Puntland, primarily for piracy-related cases, which are expected to meet international standards and appropriate training and support have been provided to prison staff.

A survey done by the Organization for Prisoners Rights at the Ministry of Justice and Constitutional Affairs of the Federal Republic of Somalia and at the Somali Custodial Corps on Prisons in Mogadishu also indicate a similar situation that: Prisons in Somalia especially in Mogadishu do not have complete office equipment such as computers and printers; there are cases of insufficient or no medicine for prisoners; There is no isolation room for Tuberculosis (TB) patients and there is no medicine given to TB patients because of the large number of prisoners; There are no laboratory equipment, laboratory technicians, qualified laboratories and experienced laboratory workers for laboratory work; There is no equipment that would be used in case of an emergency (such as first aid drugs) and trained staff for emergency work; If a prisoner's condition worsens, he/she will be taken to outside hospital because in the prisons there is no medical departments offering the necessary checkups and tests such as Ultrasound, CT scan, MRI and etc.; The staff and doctors working in both prisons do not receive salary or training in time; There are no gender segregated rooms which becomes uncomfortable for about 80 women who live in these prisons; Common diseases such as Scabies, Tinea versicolor, Ringworm, hepatitis A and B viruses, TB, STD, and Anemia are also common place and; The existing Medical units do not have an ambulance to reach them to hospitals in case of emergencies.

In spite of that the US Department of State reporting on events in 2013 stated that: Prison and detention center conditions remained harsh and life threatening throughout the country, with medical care and sanitation wholly inadequate in many prisons. The survey done by Organization for Prisoners' Rights at the Ministry of Justice and Constitutional Affairs of the Federal Republic of Somalia and at the Somali Custodial Corps reveal that in Mogadishu itself approximate that; 1482 are male prisoners; 17 are female prisoners; Male Juveniles prisoners are 41; Under 18 females do not exist. Remanded prisoners total to 1113; Remanded female prisoners are 12; Remanded Male prisoners are 1101 and; Remanded Under age male prisoners are 21. As summarized in the table below

Table Showing Population Distribution of Prisoners in Mogadishu Main Prison and Mogadishu Prison Court Complex (MPCC)

Prisoners' Category	Mogadishu Central Prison	Mogadishu Prison Court Complex (MPCC)
Convicted male	1482	270
Convicted female	17	—
Convicted male juveniles	41	—
Convicted female juveniles	—	—
Total	1540	270

Prisoners' Category	Mogadishu Central Prison	Mogadishu Prison Court Complex (MPCC)
Male on remand	1101	—
Female on remand	12	—
Juvenile male on remand	21	—
Juvenile female on remand	0	—
Total	1134	—

Physical Conditions are quite worrying: The number of prisoners and detainees throughout the country, including juvenile and female prisoners, remained unknown. Harsh conditions in prisons and detention centers throughout the country included overcrowding, poor sanitation, and lack of health care. Inadequate food, water, ventilation, and lighting continued to be persistent problems. Tuberculosis and pneumonia were reportedly widespread.

Prisoners relied on their families and clans, which often paid the costs associated with detention. In many areas prisoners depended on family members and relief agencies for food. And in many cases, information on the death rates in prisons and pretrial detention centers continued to be unavailable.

In prisons and detention centers, authorities frequently held juveniles with adults. They separate female prisoners from male. Authorities often do not separate pretrial detainees from convicted prisoners, particularly in the southern and central regions. The incarceration of juveniles at the request of families who want their children disciplined remain a problem. Some families send juveniles from Al-Shabaab controlled areas to prison to prevent their being forcibly recruited by Al-Shabaab. After a visit to Mogadishu Central Prison on March 16 2013, then Prime Minister Abdi Farah Shirdon issued a press release calling the prison conditions "deplorable" and asked the international community to support long-term improvements to this facility in Mogadishu.

A UN prison assessment found, as of July 2012, the Mogadishu Central Prison population included 950 individuals, of whom 14 were women and 39 were juveniles. The UN confirmed the separation of women and men, but noted separation of adults and juveniles was not consistent. The UN also concluded prisoners living conditions in the Mogadishu Central Prison fell short of meeting minimum international and national standards. For example, authorities held 120 inmates in cells designed for a maximum of 50 persons.

Administration: Prisons did not have ombudsmen and recordkeeping remained inadequate. There were limited alternatives to incarceration, although authorities sometimes released nonviolent offenders due to limited government resources to keep prisoners. Prisoners and detainees generally had access to visitors. Authorities allowed prisoners and detainees to practice their religion. The federal law does not specifically allow prisoners to submit complaints to judicial authorities without censorship.

A Media report in March 2013 on then Prime Minister Abdi Farah Shirdon visit to Mogadishu Central Prison stated: High seasonal temperatures have brought an outbreak of diarrhea and cholera, resulting in two deaths and 38 hospitalizations in the antiquated prison, which suffers from overcrowding. "I am very disappointed to see prisoners in these deplorable conditions," the Prime Minister said. "At present the situation is under control and we are providing immediate assistance in terms of providing sufficient quantities of clean water and medical supplies for all those who require treatment. For the longer term, we will be asking our international partners to support us as we embark on urgently needed renovation and expansion of our prison facilities." The Prime Minister said the growing numbers of prisoners was part of a process of normalization as the machinery of government was resuming operations after years of inactivity.

The Elman Peace and Human Rights Centre, Mogadishu reported to the May 2013 Danish and Landinfo Fact Finding Mission that many people are incarcerated without charges for long periods of time. Children and adults are not separated. There are outbreaks of diseases in the prisons and all humanitarian actors have been denied access. The last being international Committee of the Red Cross (ICRC) who's access was denied and there have been concerns of cholera outbreaks. Petty criminals are incarcerated with radicals and high risk individuals.

In May 2013 the UN Secretary-Generals report on Somalia found that, Conditions in detention facilities monitored across the country are still below minimum international standards, including in Hargeysa, Garowe and Bosaso and in Mogadishu Central Prison, where an outbreak of suspected cholera was reported.

The August 2013 report by the UN Independent Expert on the situation of human rights in Somalia stated that,

"Like many other institutions, prisons and detention facilities have been severely affected by the conflict. Most detention facilities are dilapidated, which affects the basic human rights of the inmates. The lack of an adequate number of properly trained corrections personnel has added to the problem. The living conditions of prisoners and detainees fall well below the standards identified in international human rights law and in the laws of Somalia. There is no clear separation of individuals sentenced by military courts and those sentenced by civilian courts. The same applies to those sentenced or tried on charges of national security offences and those sentenced or tried for common crimes. This poses serious concerns in terms of both internal security and rehabilitation of prisoners. In practice, there is no separation of adults and juveniles in detention, despite this being expressly required by law. There is a clear need to bring the conditions of detainees in Somalia up to the minimum international standards."

Human Rights Watch similarly reported in May 2014 that:

"In addition to arbitrary arrests, detainees held by National Intelligence and Security Agency (NISA) in particular are on occasion held for lengthy periods without access to a court. Human Rights Watch was not able to document the use of confessions gathered through torture or coercion as evidence in court. However, we received several credible reports of defendants being mistreated during the pre-trial period, notably during detention in NISA

facilities. The uncle of a NISA official, who had been arrested for having beaten a civilian in late 2012, said that during his detention his nephew "was beaten, he still has a scar on his face and beaten on his chest. This was at the PS, (a common name for NISA) in Villa Somalia. They were taken to a room and beaten with sticks and wires."

Actions to Date

The Federal Republic of Somalia is determined to protect and promote human rights and human dignity. This determination encompasses the genuine desire to prevent and combat all forms of torture. Also, Somalia reaffirms its commitment to the international human rights mechanisms and instruments prohibiting torture of which the Convention against Torture (CAT) is the principal convention. Other specific provisions against torture include: Article 5 of the Universal Declaration of Human Rights (UDHR) and Article 7 of the International Covenant on Civil and Political Rights (ICCPR) which proscribe torture or subjecting any person to cruel, inhuman or degrading treatment.

An important piece of legislation, which has been reviewed, is the 1962 Somali Penal Code (Legislative Decree No. 5), which does not include a definition of torture. The Government was expecting to finalize a comprehensive review of the Somali Penal Code in 2020, which was to include several definitions, among them the definition of torture consistent with the UN Convention. New progressive pieces of legislation, which are consistent with CAT, are also being developed. To this end, the Council of Ministers, through the Ministry of Women and Human Rights Development, submitted the Sexual Offences Bill (SOB) to Parliament by June 2018 and is awaiting its first reading. The SOB is developed to complement the Somali Penal Code that, in some areas, lacks provisions addressing sexual based violence.

With support from the UN Office on Drugs and Crime, new prison facilities have been opened in Somaliland and Puntland, primarily for piracy-related cases, which are expected to meet international standards and appropriate training and support have been provided to prison staff.

According to the Minister of Justice and Constitutional Affairs;

"As the security situation has improved and the judicial system has started operating again, inevitably we have been making more arrests and sending convicted criminals to prison," he said. "Government capacity is limited so we do need more support. We are taking action to expand the existing prison system by renovating two additional prisons in Afgoye and Lafoole. we are also planning to open two workshops in Mogadishu Central Prison to help ensure that when prisoners are released they have acquired some basic skills to help them to return to employment."

THE SAME REPORT ALSO NOTED: Somaliland law allows (prisoners) to submit complaints to judicial authorities and specifies the complaints must go through the commandant and must be done in a manner prescribed by regulation.

INDEPENDENT MONITORING: Government, Puntland, and Somaliland authorities permitted prison monitoring by independent nongovernmental observers during the year. In Somaliland a prison conditions management committee organized by the UN Development Program and composed of medical doctors, government officials, and civil society representatives continued to visit prisons. Somaliland also allowed the UN Political Office for Somalia (UNPOS) and United Nations Assistance Mission in Somalia (UNSOM) human rights unit to visit prisons, but Puntland denied access.

IMPROVEMENTS: The UN Office on Drugs and Crime (UNODC) conducted training for prison security and management personnel during in Somaliland and Puntland.

A report by the UN Secretary-General in October 2014 recorded that:

"On 2 April 2014, a 500-bed prison opened in Garowe, Puntland, which was built under the Maritime Crime Programme of UNODC (UN Office on Drugs and Crime). it will receive inmates of local prisons and, especially, prisoners convicted of piracy who are serving their sentences in neighbouring countries. By returning pirates to Somalia, the burden on regional States of prosecuting and holding them will be reduced. This will also allow the prisoners to serve their sentences closer to their families and within their own cultural environment. The prison has been constructed to provide humane and secure detention conditions in line with international human rights standards. It offers improved infrastructure and sanitation, medical support for inmates and staff and education and vocational training programmes in such areas as construction, sewing, carpentry and brick-making. Strong emphasis has been placed on training and mentoring custodial staff to ensure that the prison is managed in accordance with best practice in the provision of criminal justice. As a high-security facility, it exceeds the security conditions of any institution of its type in the region."

UNODC finalized the construction of a new block for 40 women inmates at the prison in Bosaso, Puntland. The construction of another block for 200 male inmates is continuing. A new gatehouse and armory have also been built. The Hargeysa Central Prison in "Somaliland" is fully operational, with the support of UNODC, which also provided a prison mentor for critical operations, including the provision of training to staff and vocational training for inmates.

On the night of 8 November 2013, Al-Shabaab fighters launched a deadly attack on the prison in Bosaso. The prison had previously been substantially rebuilt by UNODC using funds from the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia. A UNODC prison adviser has been based in Bosaso to assist in managing the 49 convicted pirates transferred there from Seychelles and in making wider improvements to the operation of the prison. Tragically, the Deputy Commander and a guard were killed in the attack, while the Commander and a supervisor were injured. The attackers caused substantial damage to the main entrance gate, a section of the prison's external perimeter wall, razor wiring on the perimeter wall and the prison's only prisoner transport truck. Prison staff and Puntland security forces bravely fought the attackers and were able to prevent the prison from being taken over and the potential escape of Al-Shabaab operatives, including an expert in improvised explosive devices and a suicide bomb coordinator, the imprisoned pirates and others.

On 28 April 2020 - in a bid to support the Government of Somalia's COVID-19 infection prevention and control (IPC) measures and encourage the rapid adoption of World Health Organization (WHO) recommendations, UNODC yesterday provided key commodities and equipment to five prisons and a court complex with the generous support of the European Union and the Government of Sweden.

Arranged through UNODC's Global Maritime Crime Programme (GMCP), the donation aims to decrease the risks of infection among personnel and prison populations at the Mogadishu Central Prison, Mogadishu Prison and Court Complex (MPCC), as well as Garowe, Kismayo, Baidoa and Beledweyn prisons. UNODC provided personal hygiene commodities for prisoners, including bars of soap, wall-mounted soap and sanitizer dispensers and refills, toothbrushes and tooth paste. Prisoners were also provided with new blankets, mattresses, mats and kitchenware. Appreciating that COVID-19 has resulted in visit limitations to keep both staff and prisoners healthy, UNODC also provided sports equipment, literature and religious reading materials, and stationary to support leisure activities and maintenance of physical and mental health. In an effort to keep individual and common areas sanitized and COVID-19-free, GMCP also donated cleaning products and equipment, such as disinfectant, laundry powder, bleach, washing liquid, brooms, mops, buckets, cleaning sponges and cloths. Commodities were also procured for the clinics and included basic wound dressing, antiseptic solutions and thermometers.

Finally, taking occupational hazard being a priority for all prison administrations, UNODC supported the prison staff with COVID-19 prevention commodities including medical respiratory mask (N95), disposable examination gloves, as well as nitrile gloves for high risk areas and duties.

UNODC - as the lead agency of the Somalia Joint Corrections Services Support Programme (JCP) - contributes to the National Development Plan 2017-2019, that encompasses UN Strategic Priority 4: Effective and accountable institutions that respond to needs and rights of all Somalis, the Security Pact and Transition Plan. UNODC-GMCP implements this in collaboration with the United Nations Assistance Mission in Somalia (UNSOM), the United Nations Office for Project Services (UNOPS) and the United Nations Industrial Development Organization (UNIDO).

In the context of COVID-19, UNODC recognizes more than ever the need to support Member States to address the specific conditions and infection risks that prison settings represent for both people working in prisons and prisoners.

The UNODC Regional Office for Eastern Africa in the past weeks has put together initiatives aimed at decreasing occupational hazards for personnel as well as preventing and controlling infection among the prison populations.

UNODC supports the implementation of virus prevention and control measures in East African prisons but recognizes these measures alone may not be enough to prevent prisons becoming epicentres in some countries – given many systems are plagued with overcrowding and systemic challenges.

COVID-19 preparedness in prisons must also be accompanied with efforts to reduce the number of new admissions and the acceleration of releases of selected categories of prisoner. The extraordinary risks that COVID-19 poses in prisons require evidence-based prevention and control measures. These need to be implemented in full compliance with the United Nations Minimum Standards for the treatment of prisoners in order to protect all those in prisons and those in the general populations.

UNODC's efforts to stem the coronavirus infections in prisons is anchored in the principle of equivalence of care that suggests that prisoners deserve the same levels of access to medical treatment and preventive measures, without discrimination, as those in the general community.

The Constitution provides for legal safeguards for suspects and detainees that can be invoked on the outset of the deprivation of their liberty. With regards to a detainee having a fair public hearing and for their case to be (timely) brought before a competent judge, Article 34 (2) of the Constitution stipulates: "Every person has the right to a fair public hearing by an independent and impartial court or tribunal, to be held within a reasonable time, and to determine: (a) Any question of civil rights and obligations; or (b) Any criminal charge." On the right to legal defence of a suspect and/or detainee and the right to free legal aid, paragraph three and four of the same article states: "(3) Every person is entitled to defend him or herself from the case he or she is party to, whatever the level or stage of the proceedings may be. (4) The state shall provide free legal defence to the people who do not have the means of doing so themselves.

"The most recent data from 2017 from the Ministry of Justice and Constitutional Affairs and Constitutional Affairs shows that the provision of legal aid services significantly increased from 2,199 clients in 2016 to 22,391 in 2017. An important challenge in this context is the capacity limitations of judges, lawyers and paralegals, which the Ministry of Justice and Constitutional Affairs and Constitutional Affairs is addressing through training and capacity building.

The Federal Government of Somalia has taken deliberate steps to ensure that cases brought before courts proceed efficiently and in a timely manner. As such, the first phase of the implementation of the Case Management System in Somali Courts has improved case handling, record keeping, and control over movement of case files and accelerated the process based on good practices. For example, the introduction of the case management system in regions such as the Federal Member State of Puntland is a positive sign for the expansion and roll out of the system to district courts. Data show that in the Federal Member state of Puntland between January and March 2017, two courts in Gardo and Garowe registered 86 new cases (59 criminal, 27 civil), 63 cases registered at first instance court and 23 in the appeal court. This data is only for two regions, Nugaal and Karkaar, where the case management is active.

Issues Arising

In Somalia like in many countries in the world, unchecked outbursts of prison violence frequently violate prisoners' right to life. There have been cases where prisoners lose their lives as a result of violence within the prison wall, for which many prison administrations including those in Somalia have promised reforms, and an extensive investigation of the incident's causes.

The most common cause of death in prison is disease, often the predictable result of severe overcrowding, malnutrition, unhygienic conditions, and lack of medical care. Preliminary and unpublished research by Organization for Prisoners' Rights shows that inmates held in the Somali prison institutions endure serious health hazards, including overcrowding, "appalling" sanitary facilities, and a shortage of medical staff. Similarly tuberculosis continues its comeback and several inmates have died of tuberculosis in the Somalia's prisons.

In Mogadishu, the disease, including drug resistant strains, has reached epidemic proportions. AIDS also plagues many prison populations. Inadequate supervision by guards, easy access to weapons, lack of separation of different categories of prisoners, and fierce competition for basic necessities encourage inmate-on-inmate abuse in many penal facilities. In extreme cases -- as in certain Somali prisons with one guard for every 150 prisoners, Rape, extortion, and involuntary servitude are among the other abuses frequently suffered by inmates at the bottom of the prison hierarchy.

Besides corruption, physical abuse by guards is a chronic problem. Somalia continues to permit corporal punishment and the routine use of leg shackles, and chains. The heavy shackles, and chains used in Somali prisons, turn simple movements such as walking into a painful ordeal. In many prison systems, unwarranted beatings are so common as to be an integral part of prison life. Women prisoners are particularly vulnerable to custodial sexual abuse. In the aftermath of prison riots or escapes, physical abuse is even more predictable, and typically much more severe.

Overcrowding prevalent in almost every prison in Somalia is at the root of many of the worst abuses. The problem is often most severe in smaller pretrial detention facilities, where, inmates are packed together with no space to stretch or move around. In the Al Shabab controlled areas, where a large proportion of the country's approximately 120,000 detainees are held, overcrowding is so acute as to be life-threatening.

In Somalia, even large prisons are crowded far beyond their capacity.

The Central Prison in Mogadishu, for example, holds over ten times the number of prisoners it was built to hold. The Central Prison in Mogadishu was built during colonialism, exemplifying another common problem: that of old, antiquated, and physically decaying prison facilities. Nineteenth-century prisons needing constant upkeep remain in use in Somalia and in some countries, including the United States, Mexico, Russia, and the United Kingdom, although even many modern facilities are in severe disrepair due to lack of maintenance (HRW, nd).

In Somalia notably, many prisons lack a functional system of plumbing. But this is not only in Somalia, in Hong Kong, one of the most prosperous and technologically advanced places in the world, prisoners in some older facilities have to "slop out," that is, to defecate in plastic buckets that they were periodically allowed to empty. In Venezuela, inmates in parts of some facilities do not even get buckets; they resort to defecating in newspapers that they throw out the window (ibid).

Conditions in many prisons are, in short, so deficient as to constitute cruel, inhuman or degrading treatment, violating article 7 of the International Covenant on Civil and Political Rights. Their specific failings might also be enumerated under the more detailed provisions of the UN Standard Minimum Rules for the Treatment of Prisoners (ibid). A widely known set of prison standards, the Standard Minimum Rules describe "the minimum conditions which are accepted as suitable by the United Nations." Although the Standard Minimum Rules have been integrated into the prison laws and regulations of many countries, few if any prison systems observe all of their prescriptions in practice (ibid).

The US State Department report for 2013 stated that, "Al-Shabaab operated dilapidated detention centers in areas under its control in the southern and central regions" The U.S. Department of State annual religious freedom report covering 2013 reported that "There were numerous reports of religious prisoners and detainees in Al-Shabaab controlled areas. The exact figure was unknown.

Amnesty International reported in October 2014:

"Al-Shabaab regularly captures and imprisons people suspected of activities against their interpretation of Shar`ia law. For example, in June 2014, one man was alleged to have received lashes for the rape of a woman and another man reportedly had his hand amputated for stealing. It is said that thousands are imprisoned for "minor offences" such as smoking, listening to music and engaging in other leisure activities. Torture and other ill-treatment such as stoning, public whipping and amputation are used as „punishment' if these rules are not adhered to. Reports state there have been increases in beheadings, torture and other ill-treatment and abductions since 2013."

In 2020 VOA reported that;

Somali security forces had shot dead four armed inmates after a fierce gun battle in Mogadishu`s Central Prison, security officials told VOA Somali. Three prison guards were also killed in Monday`s incident, officials confirmed. The inmates, all members of Islamist Militant Group Al-Shabaab, had obtained three pistols and six hand grenades smuggled into the prison, a senior security official told VOA. The inmates attacked guards, sparking the confrontation. Two other inmates suspected of involvement were wounded and apprehended, according to officials. One inmate is believed to have escaped the facility.

Recommendations & Path Forward

Based on the findings of this report, the following recommendations are proposed to address the documented human rights violations and systemic challenges in Mogadishu prisons and Somalia's correctional system more broadly. These recommendations align with Somalia's international obligations under the ICCPR, CAT, and other human rights instruments, as well as the UN Mandela Rules and Standard Minimum Rules for the Treatment of Prisoners.

Immediate Priorities (0–6 Months)

1. **Medical Emergency Response:** Establish a dedicated TB isolation ward with proper ventilation and procure sufficient TB medications. Deploy additional medical staff and establish 24-hour clinic operations. Procure emergency first-aid equipment and train staff in emergency protocols.
2. **Gender Segregation & Women's Safety:** Immediately separate the 80 women prisoners from male population. Establish protocols to prevent custodial sexual abuse and provide trauma-informed care for survivors. If space unavailable, accelerate release of low-risk female pretrial detainees.
3. **Guard Staffing:** Recruit and deploy at least 50 additional guards to achieve minimum 1:30 ratio (currently 1:150). Establish absolute ban on corporal punishment and shackling. Remove all chains and leg shackles from facilities.
4. **Sanitation & Water:** Repair or replace broken plumbing systems. Ensure 24-hour access to clean drinking water. Establish daily sanitation schedule with disinfection of communal areas.
5. **Food & Nutrition:** Increase food rations to meet minimum caloric requirements. Procure vitamin supplements. Establish sanitary kitchen operations with trained food preparation staff.

Medium-Term Actions (6–12 Months)

1. **Overcrowding & Capacity Analysis:** Conduct comprehensive audit of prisoner population and security classifications. Develop evidence-based capacity reduction strategy including accelerated release of low-risk pretrial detainees and community-based alternatives.
2. **Independent Monitoring:** Establish independent prison monitoring mechanism with authority for unannounced visits. Grant access to international observers (ICRC, UN) and civil society. Establish formal complaint system with protection for reporters.
3. **Staff Training:** Develop mandatory training for all custodial staff covering use of force restrictions, emergency protocols, prisoner rights, and trauma-informed care. Establish regular salary payments and performance incentives. Implement psychological health screening for guards.
4. **Medical Infrastructure:** Install functional laboratory equipment with qualified technicians. Establish ultrasound and radiographic imaging protocols. Procure reliable ambulance transport with trained paramedics. Develop formal hospital referral protocols.
5. **Legal Framework Implementation:** Finalize and enforce revised Somali Penal Code with torture prohibitions. Ensure Sexual Offences Bill passes Parliament. Establish protocols for recording and investigating allegations of abuse.

Long-Term Strategic Actions (1–3 Years)

1. **Prison Infrastructure Reconstruction:** Develop master plan for rebuilding Mogadishu Central Prison to modern standards (target capacity 500–750 prisoners). Incorporate gender-segregated housing, medical facilities, educational space, and outdoor areas. Seek international funding and technical assistance.
2. **Community-Based Alternatives:** Establish formal bail/bond systems, day reporting centers, electronic monitoring programs, and community service options. Target: reduce pretrial population from 1,134 to fewer than 300 within 3 years.
3. **Prisoner Rehabilitation & Reintegration:** Expand vocational training programs to reach 60% of prisoner population. Establish restorative justice programs, mental health counseling, and substance abuse treatment. Develop job placement and housing support for released prisoners.

4. Ombudsman & Accountability: Establish independent Prison Ombudsman Office with statutory authority to investigate complaints and recommend remedies. Implement tracking system for abuse allegations with consequences for substantiated violations. Establish prisoner grievance committees.
5. Sustainable Funding & International Partnership: Secure multiyear funding commitments from international donors. Establish technical partnerships with regional prison systems and international experts. Create dedicated prison reform budget within justice ministry.

Conclusion

The findings of this Situational Report document systematic and widespread violations of prisoners' human rights in Mogadishu's detention facilities. The evidence presented—drawn from government data, international monitoring reports, and field assessments—establishes that conditions in Somali prisons violate international human rights law, including Article 7 of the International Covenant on Civil and Political Rights (ICCPR), which prohibits torture and cruel, inhuman, or degrading treatment.

Overcrowding, disease, systematic abuse, and systemic neglect are not inevitable features of imprisonment in developing countries—they are policy failures demanding urgent remediation. The Mogadishu Central Prison, holding 1,540 prisoners in a colonial-era facility designed for approximately 150, represents an acute crisis in need of immediate intervention.

The Federal Republic of Somalia has demonstrated commitment to prison reform through legislative initiatives (the comprehensive Penal Code review and Sexual Offences Bill) and infrastructure investments in Somaliland and Puntland (the UNODC-supported facilities in Garowe, Bosaso, and Hargeisa). These efforts are commendable and must be recognized. However, they remain insufficient to address the scale of the crisis in Mogadishu and throughout the country.

The international community, particularly through the United Nations Office on Drugs and Crime (UNODC) and bilateral partners, has demonstrated willingness to support prison reform in Somalia. This support has tangible results: modern facilities meeting international standards, trained staff, and improved conditions. This commitment must be expanded, sustained, and scaled to address the critical shortfalls in Mogadishu and other federal facilities.

Most critically, the Government of Somalia must prioritize prison reform in its National Development Plan, allocate adequate budget resources, and empower independent oversight mechanisms. Without political will and domestic commitment, external support alone cannot succeed.

The recommendations in this report provide a detailed roadmap for reform, organized by timeframe and resource requirements. Implementation is feasible and achievable with sustained commitment from government, civil society, international partners, and the affected communities.

No prisoner should be without rights. This is not merely a slogan but an international legal obligation that Somalia has voluntarily assumed through its ratification of the ICCPR, CAT, and other instruments. The dignity, health, and safety of prisoners—regardless of their crimes—is a measure of the health of a society's justice system and its commitment to human rights.

The Organization for Prisoners' Rights remains committed to monitoring conditions, documenting violations, and advocating for reforms that ensure this commitment is honored. We call on all stakeholders—government, civil society, international partners, and the prisoners and families whose lives depend on change—to act on the findings and recommendations in this report.

References

- Amnesty International (2014). "Stoning, Amputations and Beheadings: Extreme Punishments and Violence by Armed Groups in Somalia." Amnesty International Report.
- Elman Peace and Human Rights Centre, Mogadishu (2013). Report to the May 2013 Danish and Landinfo Fact Finding Mission on Detention Practices in Somalia.
- Home Office (2015). Country Report on Somalia: Prisons and Detention Facilities. United Kingdom Home Office.
- Human Rights Watch (2014). "Somali Security Forces: Torture, Detention Abuses." Human Rights Watch Report, May 2014.
- International Committee of the Red Cross (ICRC) (Various years). Prison Monitoring Reports for Somalia.
- Organization for Prisoners' Rights (OPR) (2022). Unpublished Research on Health Hazards and Prison Conditions in Somalia.
- Ministry of Justice and Constitutional Affairs, Federal Republic of Somalia (2017). Legal Aid Services Report: 2016–2017 Data.
- Ministry of Justice and Constitutional Affairs, Federal Republic of Somalia & Somali Custodial Corps (2022). Prisoner Population Survey for Mogadishu Prisons.
- Somalia Constitution (2012). Articles 34 (Fair Public Hearing and Legal Defence).
- UN Convention Against Torture (CAT) (1984). United Nations. Ratified by Somalia.
- UN Independent Expert on the Situation of Human Rights in Somalia (2013). Report: August 2013.
- UN Office on Drugs and Crime (UNODC) (2014, 2020). Prison Development and Reform Reports for Somalia. Including Maritime Crime Programme (GMCP) and COVID-19 Response Initiatives.
- UN Secretary-General (2013, 2014). Reports on the Situation in Somalia: Prison Conditions and Human Rights.
- Universal Declaration of Human Rights (UDHR) (1948). Article 5. United Nations.
- U.S. Department of State (2013). Country Report on Human Rights in Somalia.
- U.S. Department of State (2013). Annual Report on International Religious Freedom: Somalia.
- Voice of America (VOA) Somali Service (2020). "Gunfight at Mogadishu Central Prison." News Report, 2020.

Organization for Prisoners' Rights (OPR)
Mogadishu, Somalia
August 2022
www.opr.org.so