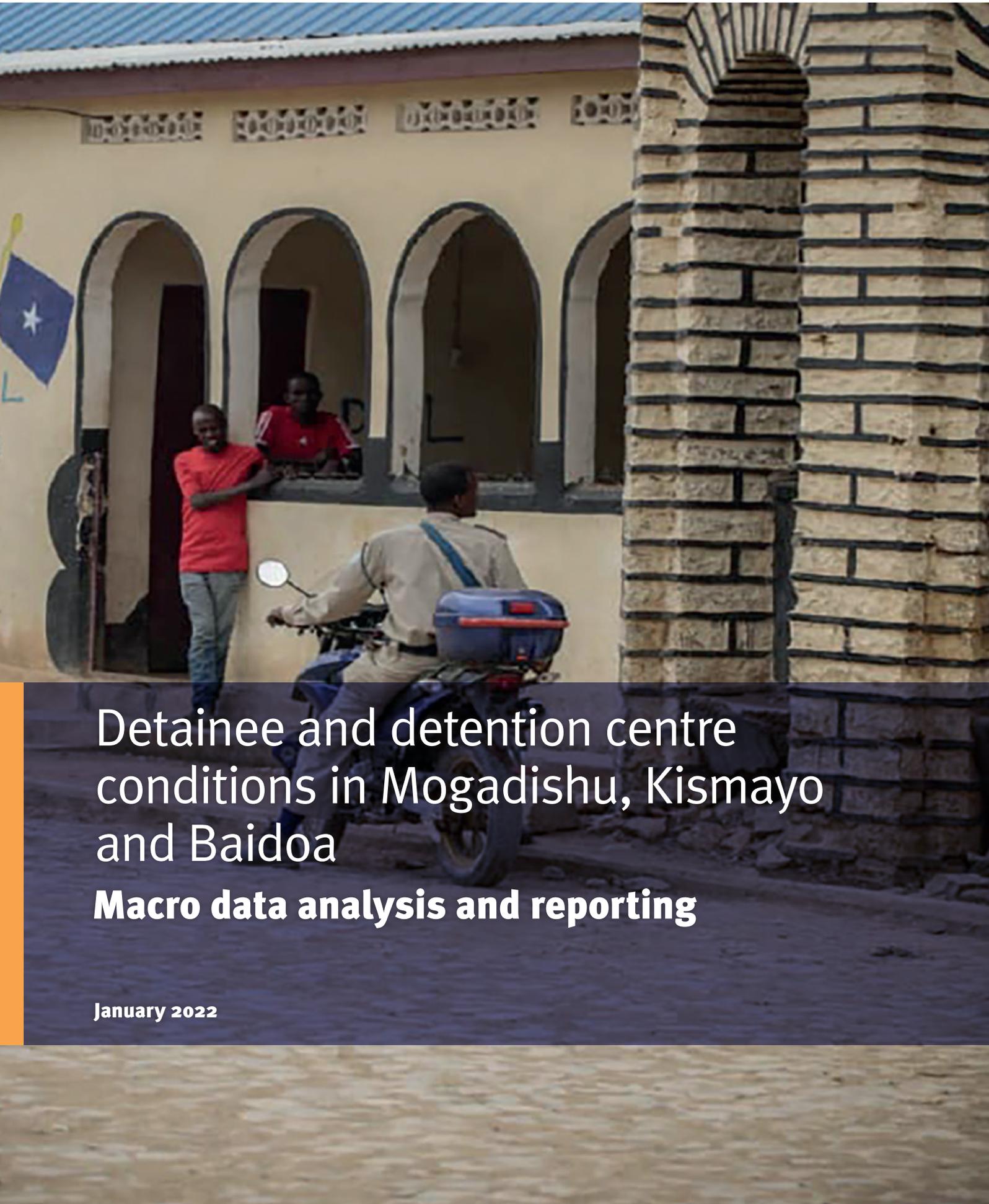


**SAFERWORLD**

PREVENTING VIOLENT CONFLICT. BUILDING SAFER LIVES



# Detainee and detention centre conditions in Mogadishu, Kismayo and Baidoa

## Macro data analysis and reporting

January 2022



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reporting

## Acknowledgements

This report is based on data collected by the Police Advisory Committees (PACs) in Mogadishu, Baidoa and Kismayo, with the support of Saferworld's Somalia team, Somali Women Development Centre, Somali Women Solidarity Organization and Isha Human Rights Organization.

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## Acronyms

<b>AMISOM</b>	African Union Mission in Somalia
<b>AS</b>	Al-Shabaab
<b>CAF</b>	Community action forum
<b>CBP</b>	Community-based policing
<b>CID</b>	Criminal Investigation Department
<b>FGS</b>	Federal Government of Somalia
<b>GBV</b>	Gender-based violence
<b>GCC</b>	Galayr Consultancy
<b>ICRC</b>	International Committee of the Red Cross/ Crescent
<b>IDP</b>	Internally displaced person
<b>IHRO</b>	Isha Human Rights Organisation
<b>MoH</b>	Ministry of Health
<b>Moj</b>	Ministry of Justice
<b>MHM</b>	Menstrual hygiene management
<b>NISA</b>	National Intelligence and Security Agency
<b>OB</b>	Occurrence book
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>PAC</b>	Police Advisory Committee
<b>SWDC</b>	Somali Women Development Centre
<b>SWSO</b>	Somali Women Solidarity Organization
<b>TFG</b>	Transitional Federal Government
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	UN Office of Drugs and Crime
<b>WHO</b>	World Health Organization

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# Executive summary

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## Introduction and project background

**Saferworld, in partnership with the Somali Women Development Centre in Mogadishu, the Somali Women Solidarity Organization in Kismayo and Isha Human Rights Organization in Baidoa, is implementing the ‘Restoring Stable Communities in Somalia’ programme. Part of this work involves supporting Police Advisory Committees (PACs) to conduct regular monitoring of conditions at detention centres. Saferworld, with input from the PACs and its partners, has developed a standardised checklist to guide PACs in their collection of information during monitoring visits to police stations. After these visits, the PACs provide data from their checklists to project staff to be documented and filed. Over the last three years, the PACs have visited and monitored 39 detention centres across Mogadishu, Kismayo and Baidoa, including prisons, police stations, sub-police stations and Criminal Investigation Department (CID) sites. The data used in this analysis was collected during these bimonthly PAC visits.**

The data spans various criteria on police responsibilities in Somalia. These include detention conditions within police stations, registering and treatment of detainees, following-up of cases, infrastructure and equipment conditions, and compliance with policing regulations. The data collected was predominantly quantitative with some qualitative information, the analysis of which is the focus of this report. An independent consultant conducted a data analysis of all the PAC visits, highlighting the conditions of the detainees and facilities and generating recommendations for improvement.

## Methodology

Following data cleaning, the consulting team developed digital data entry forms to transfer data from hard copies to digital data sets. Descriptive and inferential statistics were then produced using STATA and data visualisations were developed to show results and trends. PAC-collected primary data was complemented by a desk review of project documents.

## Key findings

The PAC data shows a paucity of acceptable detainee conditions, with multiple areas in need of improvement. PACs conducted 1,026 successful visits over the past three years, which are the basis for this data.

### Detainee demographics

The PAC data included information on conditions for 32,474 detainees observed throughout the project period. This figure does not represent the total number of detainees in the project locations, but rather the number of detainees observed. The vast majority were adult men, with only 833 women detainees included in the data. The data includes 95 detainees under 18 years of age and 133 people with disabilities.

### Infrastructure conditions and gender considerations

Most prisons in the three locations need rehabilitation or reconstruction. Some buildings were built during the colonial era. In Kismayo, the data suggests that all existing detention centres except the Police Headquarters are in poor condition. The central prison is badly damaged and requires maintenance. In Baidoa, PAC data shows that the central prison is very old and the cells are small, hot and poorly ventilated. In all locations, there was no separate institution for women prisoners and detainees. In many cases, due to overcrowding, women were not provided with separate cells or designated spaces, and were confined to makeshift spaces that included resting lounges for soldiers. In 28 per cent of total observations, men and women detainees used shared toilet facilities with no specific latrines for women.

### Access to families and information

Most prisoners and detainees had access to family members and knew the reasons for their detention. Separating inmates based on their criminal cases was often a challenge. The PACs support vulnerable detainees with paralegal and medical attention. From December 2018 to December 2019, PACs assisted more than 8,087 detainees in the three regions. Since May 2020, the number of detainees assisted by PACs has been reduced due to police measures to minimise the spread of COVID-19.

### Overcrowding

Prison cells are overcrowded beyond their maximum accommodation capacity, which needs to be considered in the context of poor infrastructure. For instance, Mogadishu's central prison was intended

to hold around 400 to 500 inmates, but the average detainee count over the past three years was more than twice that, at 1,193. This has consequences for public health. Overcrowding has also been made worse with the return of large numbers of internally displaced persons (IDPs) to different cities in the country.

### Hygiene conditions

Hygiene is one of the most pressing concerns in the detention centres. In 24 per cent of the observed cells, hygiene was judged unacceptable, often due to a shortage or poor conditions of toilets. Most facilities did not provide detainees with bedding. Approximately 60 per cent of observed detention centres had no bedding amenities and, even in detention centres where bedding was available, it was often judged insufficient.

### Access to water and food

Eighty-eight per cent of the observed detention centres had potable water, while 12 per cent of the facilities in the three cities had unclean drinking water. Detainees in Kismayo had no clean water, but this was also a problem faced by the wider community. Food was available in 91 per cent of the observed facilities. Qualitative data shows that the government did not allocate food for detainees in police stations, only for prisons and CID sites. Detainees in police stations shared food with local police officers. Sometimes detainees' families brought food for them. More than half (60 per cent) of detainees received food three times per day. The quality of the food delivered to detention centres requires further study as qualitative data indicated that prisoners consume an unbalanced diet and that the nutritional quality of the food is poor.

### Access to health care

Detainees were allowed to continue their medications, but health services were generally inadequate and unresponsive to their needs. Thirty-eight per cent of observations indicated that detainees were not able to access medications or medical care. The PAC data suggests that Kismayo had particularly poor health conditions for detainees, with very little access to medication and no specific health posts operating in Kismayo's detention centres. The process of seeking medical care for detainees was very long and it took significant time to receive medical attention. Detainees faced bottlenecks in attaining healthcare and requested functioning health posts in the detention centres. In Baidoa, PACs reported few skilled health professionals in the main prison. The one qualified nurse in the prison facility had no medical supplies or equipment. In addition, there

was no screening of detainees referred from police stations. The data also raised concerns regarding detainees' exposure to extreme heat and mosquitoes.

### Recommendations for project partners (Saferworld, SWDC, SWSO and IHRO) and PACs

- **Refine PAC questionnaires and checklists to include specific questions on the rights of juveniles and women and girls and ensure that questions elicit data that enables an evaluation of whether conditions are in line with international human rights standards.**
- **Improve checklists' validity and reliability by making them more specific and straightforward.** This includes updating the checklist by removing unnecessary words and questions that are open to interpretation or hold double meanings and adding any additional relevant questions. Standards and variables must be agreed upon and contextualised with official definitions.
- **Provide training for PACs on international human rights standards, including those pertaining to prison reform, prisoner and detainee rights and the rights of juveniles and women and girls,** to ensure data collection is performed in line with these standards and can inform police reforms by providing evidences on detainee conditions
- **Organise refresher training for PAC members on research and data collection methods,** understanding primary data variables, and overall timing for data collection. These trainings should build relevant research skills for PAC members, including those on active listening, observation and interacting with prisoners. These trainings should explain the purpose of collecting data and how it is used so that participants will understand the importance of accurate and complete data collection.
- **Digitise data collection to improve accountability, data quality and simplicity.** For example by use of mobile data collection with precise metadata and GPS. The use of Open Data Kit software enables researchers to record different data formats such as pictures, notes, GPS coordinates, audio and video.
- Undertake data collection in two phases, one for routine biweekly data on detainee conditions and the other for quarterly reporting on detention facility infrastructure.
- Regularly review the data so that advocacy and action can be undertaken and the data can be shared and coordinated with community action forums (CAFs).

### Recommendations for police stations and detention centres

- **Provide regular (three times daily) high-quality and nutritionally balanced meals and potable water to detainees.**
- **Significantly improve hygiene and sanitation conditions** including communal areas, showers, clean latrines/toilets and bedding, and establish minimum cleanliness standards and cleaning schedules following an in-depth review of the hygiene and sanitation of prison facilities and police cells.
- **Renovate, reconstruct, improve and/or rehabilitate all prison facilities** including cells, bathrooms, toilets and communal areas to improve hygiene, ventilation and natural lighting.
- **Take into account the particular needs of women prisoners** by placing them in separate cells from men prisoners, establishing women's prison wings where possible, recruiting women prison guards to oversee women prisoners, providing separate toilets and bathrooms, establishing clear and separate times for the use of shared facilities and providing gender-responsive healthcare and sanitation such as sanitary towels.

### Recommendations for high-level office holders and government institutions

- **Recognise and support the work of PACs,** including through legal and policy recognition, institutional access to detention facilities, funding and other relevant support.



## 1

# Introduction

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**The work by Saferworld and its partners in Somalia is centred around building and strengthening community-level institutions and structures that collectively identify and solve community and individual-level security concerns and threats. Structures and institutions developed by Saferworld and its partners offer communities and authorities spaces and mechanisms in which to build mutual trust and cooperation to collectively solve issues and peacefully bring about practical solutions to their problems. For example PACs conducted advocacy in Baidoa with the community and purchased an ambulance for the main prison through community fundraising.**

As part of its pioneering approach to community security (see Box 1), Saferworld has built and strengthened community action forums (CAFs) and police advisory committees (PACs) in Somalia at the local level, putting communities at the forefront of identifying and resolving their own concerns. CAFs and PACs are critical in reducing the animosity that has built up between state actors and communities over years of conflict. CAFs and PACs play a critical role in local peacebuilding initiatives by fostering trust, stability, governance and civic engagement.

## BOX 1

‘Community security is a people-centred approach to addressing insecurity that integrates human security, development and statebuilding paradigms. It works by bringing together a wide range of state and civil society actors from the demand and supply sides for security to collectively identify root causes of insecurity and develop coordinated responses. This approach builds the capacity and willingness of communities, local authorities and security providers to address sources of insecurity. It creates an enabling environment for wider reforms and more people-focused policies at the sub-national and national levels.’<sup>1</sup>

PACs draw on Saferworld’s community security approach, which places human security at the heart of security interventions with a view to reshaping relationships between authorities, including security providers, and people. PACs have been successful in altering and improving this relationship and in empowering communities by ensuring their meaningful participation in community security.

PACs have fostered greater accountability for and responsiveness by security and justice actors and state authorities, as well as respect for and adherence to international human rights standards.

PACs' work has primarily focused on monitoring detention facilities, which comprise prisons, police stations, sub-police stations and Criminal Investigation Department (CID) sites. They have undertaken thorough audits of prison conditions, assessing ventilation, sanitation, food provision, and whether the conduct of prison and police personnel is compliant with international standards. Whilst retaining their independence, PACs work in conjunction with authorities who allow them to visit and undertake visits. PACs also played key role in using the information they collected by conducting quarterly briefing to police leadership in each region to share key issues identified, as well as work closely with paralegals through referrals. PACs also conducted advocacy by highlighting the plight of prisoners, and through this they managed to support prisoners with material needs such as hygiene kits for women detainees, mosquito nets; they also achieved the renovation of some centres.

In 2012, the International Committee of the Red Cross (ICRC) and Somali Red Crescent Society started to conduct prison visits to monitor the conditions of detainees in detention centres in Somalia. ICRC staff conducted several interviews with prison authorities to gather information on how detainees lived and whether they had access to basic services and essential support. Prison visits and engagement with prison authorities enabled understanding and advocacy for improvements in detainees' conditions that fulfil their basic needs, protect them from inhumane acts and allow them to enjoy their inherent rights with dignity. PAC work builds upon best practice developed by ICRC and others.

Somalia's longstanding challenges involving conflict, lack of funds, poor governance, impunity, corruption and lack of accountability and transparency have left its detention facilities in utter disrepair, leading to violations of the rights of detainees and prisoners who inhabit these facilities. This includes the arbitrary arrest and torture of boys and young men. Many of these individuals have been arbitrarily detained amid mounting international pressure in the fight against al-Shabaab (AS), and many have yet to be tried and sentenced by a court of law. Prisons are often overcrowded; in Baidoa, for example, 138 inmates were observed being detained in a central jail intended to hold 64.

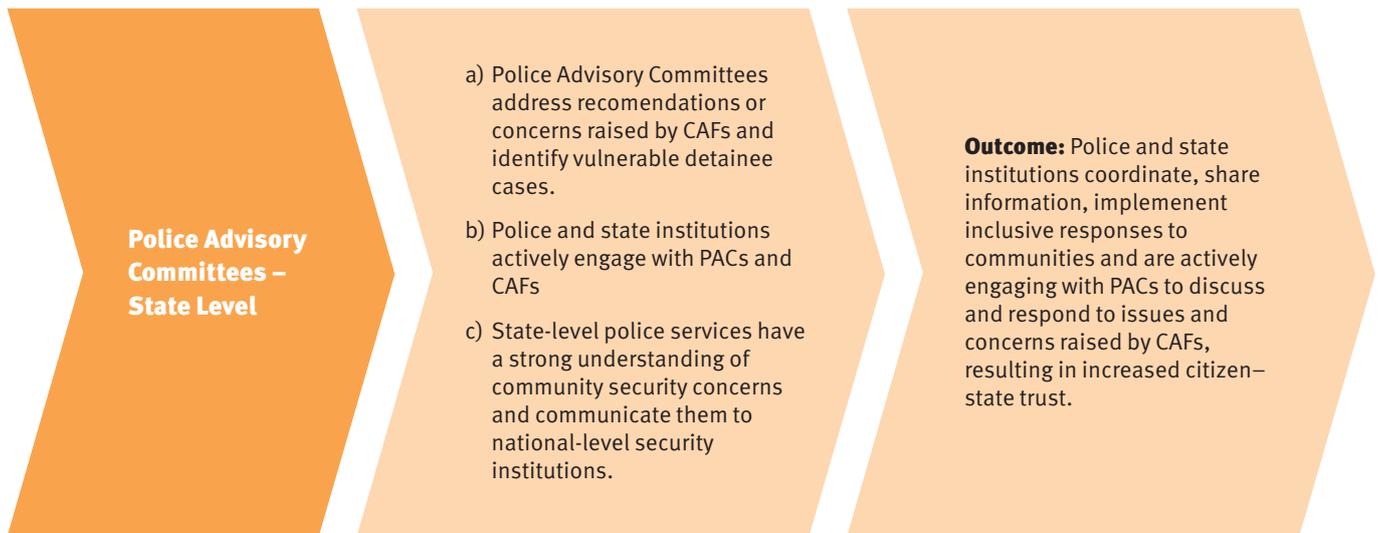
Despite these setbacks, advocacy by PACs has met with success and arbitrary arrests have been overturned. In filling the void left by government and international donors, PACs provide crucial services to prisoners and detainees, including legal and human rights counselling and provision of food and sanitation.

This report reveals that the prisons in Somalia are in urgent need of improvement. As part of peacebuilding and development efforts, the government of Somalia and international donors must make far-reaching reforms in security and justice institutions, including detention facilities.

## BOX 2

Saferworld reinitiated the PACs in partnership with the Somali Women Development Centre (SWDC) in Mogadishu, the Somali Women Solidarity Organization (SWSO) in Kismayo and Isha Human Rights Organization (IHRO) in Baidoa, under the 'Restoring Stable Communities in Somalia' project. This project is part of the Addressing Root Causes (ARC) programme funded by the Netherlands Ministry of Foreign Affairs between 2017 and 2021. The programme aims to strengthen the capacity of local civil society groups and communities to research and facilitate broad dialogue across clan and state–society divides about local security issues, provide resources for the implementation of joint conflict prevention and community security initiatives, support cross-regional exchanges among communities to share experiences and common security problems and link community members with existing dispute resolution mechanisms. At the state level, the project seeks to re-establish CAFs and PACs to promote community-responsive policing. These bodies act as a link through which to channel information on security provision and build bridges between local, state and national levels. Learning and insights from all levels are fed upwards through national-level civil society networks, promoting community-focused security provision at national and international levels. The programme aims to clarify the roles and responsibilities of communities, administrations, police and courts in the three state capitals in promoting mutual accountability. This will result in improved state–society relations, especially in the provision of security services, through improved perceptions of safety and security and a more functional and responsive formal security sector.

### Theory of Change: How PACs contribute to the programme goal



### Objectives of the report

The aim of this report is to provide an analysis of the macro data collected by PACs from police stations and prisons in project locations over the past three years (2017 to 2020). The report presents findings from PAC visits, highlights the conditions of detainees and calls for specific actions to improve Somalia’s detention facilities within prisons, police stations, sub-police stations and CID sites. It urges state authorities and international donors to adhere to international standards in promoting and protecting detainees’ rights.

### Notes

- 1 Saferworld (2014), ‘Community Security Handbook’, April, p 4 (<https://www.saferworld.org.uk/resources/publications/806-community-security-handbook>)

# 2

## Detainee conditions

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**A comprehensive set of international human rights treaties, conventions and rules govern the treatment of prisoners. These include: the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Basic Principles for the Treatment of Prisoners, the UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), the UN Standard Minimum Rules for the Administration of Juvenile Justice, the UN Rules for the Protection of Juveniles Deprived of their Liberty, the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). The Luanda Guidelines issued by the African Commission on Human and People's Rights also provide guidance on conditions of arrest, police custody and pre-trial detention in Africa.<sup>2</sup>**

On 17 December 2015, the UN General Assembly adopted the UN Standard Minimum Rules for the Treatment of Prisoners (UN Resolution 70/175) and approved their designation as the 'Nelson Mandela Rules' to honour the legacy of the late former President of South Africa. These rules concentrated on recognising, protecting and promoting the inherent dignity and humane treatment of prisoners based on fundamental human rights. Among these rules is the separation of inmates based on categories such as gender, age, type of offence and conviction status. This practice has been made standard at the international level.<sup>3</sup> However, violations of detainees' and prisoners' rights are common in Somalia and many other parts of the world.

Detainees' rights were brought to the fore during the COVID-19 pandemic, which exposed the heightened vulnerabilities faced by prisoners and detainees, particularly those detained in crowded and unhygienic prison conditions with little access to medical care. Consequently, the UN Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO) issued interim guidance calling for the release of vulnerable detainees and prisoners, including children, the elderly, those convicted of minor and petty offences and those who were arbitrarily detained.<sup>4</sup>

The PACs visited 33 stations and conducted 720 visits per year.

The findings from the visit show that many prisons exhibit inadequate hygiene, overcrowding, sickness and absent medical facilities, while forms of maltreatment like lengthy pre-trial detentions and torture are common practice.<sup>5</sup> Authorities at detention centres usually detain juveniles together with adults, which violates set standards of prison facility management. Most detainees are separated based on gender. Pre-trial and convicted inmates are usually not divided.

During the COVID-19 pandemic, prison authorities have applied necessary measures to protect inmates from being infected. Following OHCHR and WHO interim guidance, Somalia pardoned 184 prisoners convicted of petty crimes.<sup>6</sup> Somaliland pardoned 574 prisoners in April 2020 and 3,765 in May 2021.<sup>7</sup> The UN Office of Drugs and Crime (UNODC) provided personal sanitation supplies to prisoners, including soap, sanitizer dispensers and refills, toothbrushes and toothpaste. Prisoners were given mats, blankets, mattresses and kitchen utensils.<sup>8</sup>

Somali authorities have admitted detaining young children deemed to be 'high risk,' those accused of conducting terrorism-related activities and/or those suspected of being AS members. Children are usually held under non-juvenile case standards, generally by the National Intelligence and Security Agency (NISA) in Mogadishu or Puntland's intelligence agency. Prison guards use coercive measures to deal with child detainees. In contravention of international human rights standards, authorities use outdated legal systems to try children for security crimes as adults in military courts, mostly due to their alleged AS membership.

In Puntland, migrants are detained in camps, sometimes for prolonged periods. Most of these people are navigating a migratory route through Ethiopia to Sudan and then north to Europe. Living conditions in the camps are poor, with limited services and accommodation. In 2012, the UN Independent Expert for Somalia remarked that migrant detention conditions were close to inhumane. Detention cells lacked food, basic sanitation, proper ventilation and water. Authorities in Puntland use checkpoints to stop passing migrants, interrogate them and finally detain them.

## Notes

- 2 African Commission on Human and People's Rights, 'Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) Toolkit' (<https://www.achpr.org/presspublic/publication?id=6>)
- 3 United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) (<https://cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>)
- 4 Inter-Agency Standing Committee, OHCHR and WHO (2020), 'Interim Guidance: COVID-19: Focus on Persons Deprived of their Liberty', March ([https://interagencystandingcommittee.org/system/files/2020-11/IASC%20Interim%20Guidance%20on%20COVID-19%20-%20Focus%20on%20Persons%20Deprived%20of%20Their%20Liberty\\_o.pdf](https://interagencystandingcommittee.org/system/files/2020-11/IASC%20Interim%20Guidance%20on%20COVID-19%20-%20Focus%20on%20Persons%20Deprived%20of%20Their%20Liberty_o.pdf))
- 5 UK Home Office (2015), 'Country Information and Guidance, Somalia: Prison Conditions', February (<https://www.refworld.org/pdfid/550002364.pdf>)
- 6 *Garowe Online* (2020), 'Farmajo pardons 148 prisoners as measure to curb Coronavirus spread in Somalia', 2 April (<https://www.garoweonline.com/en/news/somalia/farmajo-pardons-148-prisoners-as-measure-to-curb-coronavirus-spread-in-somalia>)
- 7 Freedom House (2021), 'Freedom in the World 2021: Somaliland' (<https://freedomhouse.org/country/somaliland/freedom-world/2021>)
- 8 UN Office of Drugs and Crime (UNODC) (2020), 'Good prison health is good public health: Responding to COVID-19 in Somalia's prisons', 28 April (<https://www.unodc.org/easternafrika/Stories/responding-to-covid19-in-somalias-prisons.html>)

## 3

## Police advisory committees (PACs) in Somalia

**The first PACs were established in Somalia in 2007 under the Transitional Federal Government (TFG). The PACs emerged at the peak of armed conflict between Islamist militias and TFG troops backed by Ethiopian forces. Conditions in detention centres were harsh, with significant and widespread human rights violations. Mass detention, prolonged detention and torture were reported and there was an absence of trust between state security providers and local communities. The timely formation of PACs played a crucial role in supporting and releasing vulnerable detainees. The PACs received local and international appreciation for the notable work they undertook. PACs also monitored internally displaced person (IDP) sites to identify and resolve issues involving the security and safety of vulnerable IDPs. The UNDP supported the PACs with logistical and technical inputs. However, PACs were suspended during the transition period from the TFG to the Federal Government of Somalia (FGS) established in 2012.**

The original PACs' primary goal was to monitor detainees in detention centres, but Saferworld broadened PACs' scope by having them act as a bridge between communities and police and build community–police relations. During the baseline for the programme lack of trust by community towards police was identified as key barrier in police–community engagement hence the current PACs are different from the old PACs supported by UNDP which are no longer in place. The new PACs are drawn from lawyers, human rights activists, retired police officers, religious and traditional leaders, youth and women, and they operate in the federal member states (Jubaland and Southwest). PACs work closely with community members, including elders and community action forums (CAFs), on issues related to policing and community safety. Saferworld and its partners – SWDC, SWSO and IHRO – established PACs in Mogadishu, Kismayo, and Baidoa. These PACs had two objectives: first, to monitor police conduct at detention facilities and act as a link between police and communities; second, to monitor detention sites including prisons, police stations, sub-police stations and CID sites, identify gaps in detainees' treatment and provide direct support to vulnerable detainees. The former UNDP-supported PACs comprised only six inspectors, but now each PAC has 12 members. These members come from diverse backgrounds and include community members, traditional leaders, paralegals, former police officers and lawyers. Saferworld provides training to PAC members to strengthen their knowledge and skills in data collection, monitoring detention sites and supporting vulnerable detainees.

## PAC achievements

PACs have been critical in improving detainees' rights by advocating for key concerns raised by CAFs to state and national security authorities and by providing direct services to detainees, including legal aid and counselling.

PACs provide non-food items and counselling to vulnerable detainees and conduct small projects to support them. They also facilitate the release of

detainees who have been held illegally. For example, in 2019 PACs handled 12 cases and enabled detainees to be released through formal legal channels. This work is in line with the seventh of the ten community-based policing (CBP) principles,<sup>9</sup> which involves helping vulnerable community members. Case Study 1 below outlines the experience of Maryan and Abdi, an elderly couple who were wrongfully arrested in relation to a land dispute.

### CASE STUDY 1: The story of Maryan and Abdi

Maryan (69 years old) and her husband Abdi (94) live in Ceelasha settlement, between Afgooye and Mogadishu. They were arrested on 10 May 2020 due to a land dispute. Maryan approached the Mogadishu PAC through the CAF. She visited the SWDC office on 11 May 2020 to share her issue and seek support.

The couple own residential and agricultural business properties in the Ceelasha area. They were arrested illegally due to a court order that was not directed at Maryan but at a different person who had nothing to do with their property. The property in question, belonging to Maryan, was estimated as eight plots of land with an area of 300 square metres each. When the police came to the property to fulfil the court order, Maryan confronted them and informed them that the property belonged to her and no one else. She clearly stated to the police: "This is my property and no one can come without my permission." She was arrested on the spot, her husband was arrested later and they were both held in the Afgooye police station for three days. At night the couple were released through surety as close

friends and neighbours guaranteed that they would return to the police station the next morning.

One morning before Maryan returned to the police station, she called the media to her property to give them information about it. Maryan's contact with the media and the statement she provided went on the internet and immediately she and her husband were transferred to the CID detention centre for one night. Maryan was released the next day through support from SWDC lawyers. The PAC supported the family and advised them to stand up for their legal rights. SWDC lawyers supported the couple until they were released through surety, although there is no written evidence from the CID office on their case.

The case is not yet resolved, but informal groups from high-level government offices are involved in fact-finding and trying to settle the case through traditional means. SWDC lawyers have advised the family to oppose the court order and to take their claim to the Middle Shabelle regional court to correct the lower court's mistakes in this case.

#### *At the detention facility*

#### **Maryan and Abdi at the detention centre**



#### *After being supported by the PAC*

#### **Saed, a lawyer and PAC member, with Maryan and Abdi**



### BOX 3: Community-based policing principles

1. Philosophy and organisational strategy
2. Commitment to community empowerment
3. Decentralised and personalised policing
4. Immediate and long-term proactive problem solving
5. Ethics, legality, responsibility and trust
6. Expanding the police mandate
7. Helping those with special needs
8. Grass-roots creativity and support
9. Internal change
10. Building for the future

Source: Trojanowicz R, Bucqueroux B (1990), *Community Policing: A Contemporary Perspective* (Ohio: Anderson Publishing Co.)

In April 2020, the Mogadishu PAC provided legal support to 62 of the 87 detainees who had requested legal aid that month. PACs have also supported vulnerable detainees with paralegal and medical attention. From December 2018 to December 2020, PACs assisted more than 8,087 detainees in the three regions through paralegal referrals as well as material support.<sup>10</sup> In Kismayo, PACs assisted 30 detainees in the first quarter of 2020.<sup>11</sup> During May 2020, the Mogadishu PAC assisted 62 detainees, which is less than the usual number due to police attempts to minimise detention during the COVID-19 pandemic.

PACs also handle issues raised by CAFs, which are village-level community-based structures whose main objective is to address local security issues such as crime, gender-based violence (GBV), theft and domestic violence. PACs facilitate biannual meetings with police to discuss issues raised by CAFs.

### CASE STUDY 2: Police-community collaboration

PACs facilitate discussion and dialogue between community members represented by CAFs and local police to improve mutual trust and collaboration. Captain Said, the Wadajir Police Commissioner, discussed how this improved collaboration, highlighting how locals can report issues. The commissioner related a recent story in which neighbourhoods in the Siliga area of Wadajir shared reports of a suspicious car on the road at midnight. The police went to check and fortunately it was just a driver who had run out of fuel and was

unable to leave the car due to fear it would be stolen. The police officers provided the driver with fuel.

Major Said stated that collaboration has improved: “It is very important to decentralise the police-community discussion to the village level. We have sub-police stations and there is a need to establish strong coordination between local community structures and sub-police stations. Communication has also improved; nowadays I receive calls from residents.”

**The Wadajir Police Commissioner, PAC and Saferworld discussing how to improve trust between the community and police.**



**PAC-facilitated discussion with police and CAF members.**



This has been successfully piloted in Mogadishu's Wadajir District and needs to be expanded to other areas. Case Study 3 illustrates successful police-community collaboration. PACs have advocated for the establishment of unique GBV desks at local police stations in Baidoa. The police operationalised this recommendation with the support of other organisations including the African Union Mission in Somalia (AMISOM). This desk reduced the culture of silence and enabled women to secure legal representation and counselling.

## Challenges faced by PACs

The turnover of police officers at certain facilities is a key challenge for PACs. This causes delays as PACs are initially met with rejection in undertaking their regular monitoring activities by new police officers who are unfamiliar with PAC work. Work in the pipeline may be temporarily suspended or halted entirely. Police turnover requires forming relationships with new officers to facilitate PAC work. The macro-data report shows a significant number of visits rejected by police officers at the facility level, about 46 out of 1,120 visits during the three years of PAC monitoring. Whilst this number is relatively small compared to the overall number of visits, it is significant due to the number of people (12) involved and their time. Forging relationships with new police officers can be frustrating and time-consuming for PAC members.

## Notes

- 9 Saferworld (2006), 'Handout: The ten principles of community-based policing', <https://www.saferworld.org.uk/resources/publications/218-community-based-policing>, adapted from the ten principles of community-based policing in Trojanowicz R, Bucqueroux B (1990), *Community Policing: A Contemporary Perspective* (Ohio: Anderson Publishing Co.).
- 10 ARC Program, Annual Analytical Report.
- 11 PAC Report, January–March 2020.

# 4

## Macro-data analysis and findings

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### PAC data collection

**PACs visited and monitored 39 detention centres, 19 of which were situated in Mogadishu, nine in Kismayo and ten in Baidoa. These included jails, police stations, sub-police stations and CID sites. They used pen and paper checklists to collect data twice a month at each site. After monitoring visits, PACs provided data from the checklists to Saferworld's partners to be documented and filed. PACs examined and monitored various criteria related to police responsibilities in Somalia, including conditions of detention, registering and treatment of detainees, following up of cases, infrastructure and equipment conditions and compliance with policing regulations. PACs visited and collected data, predominantly qualitative, from all the police stations in Baidoa, Mogadishu and Kismayo. Please see the annex to this report for the PAC checklist.**

### Data analysis and reporting

#### Data entry

The consulting team developed entry forms using smart mobile and computer applications to ease data submission. These forms ensured a high-quality data submission process. Attention and consideration were given to skip logic, data format and the simplification of data sets. The consultant developed XLS forms and uploaded data to the KOBO platform.

#### Data cleaning

Initial data was put in a spreadsheet and then cleaned with the help of STATA and Excel applications. The aim was to find errors, duplications and typos.

#### Data analysis

The consultant used advanced data analysis and computation tools. Data entry utilised XLS forms (Open Data Kit) that were stored and uploaded to the KOBO server. The data file was downloaded in Excel and then cleaned. STATA and Excel were the main data analysis tools the team employed. Data sets were summarised in tables and charts to outline the main trends. Descriptive and inferential data analysis techniques were conducted.

The consultant team also conducted an extensive desk review to complement the primary data sources. This review encompassed programme documents, periodic reports and other research papers.

## Challenges in data collection

The following are critical issues that were identified during the data entry process:

- Uniformity issues:** The checklists were not similar in terms of the number of questions and versions. For example, the PAC in Mogadishu changed its tool three times, using slightly different versions in 2018, 2019 and 2020. The tool in Kismayo appeared to be missing some key inquiries. PAC members indicated that these changes were made in consultation with local police officials and Saferworld. Updated versions of the tool were missing some data in the primary data set, such as detention centre data.
- Rejected visits:** PACs faced rejections during their routine visits as the result of the reshuffling of detention centre personnel. PACs needed to re-establish collaboration with the newly appointed officers.

- Scanned copies:** Dealing with paper and hard copy materials was a challenge. For example, poor handwriting made it difficult for those entering data to read and comprehend some of the raw data. Double-checking and quality assurance mechanisms were needed to maintain the integrity of the data.

## Findings

### Overall observations

The following table provides an overview of the detention sites visited in each city. Between November 2018 and March 2021, PACs conducted 1,026 successful visits in Mogadishu, Kismayo and Baidoa, with an approximately equal weighting across the three areas. Eight per cent of the total observations were recorded as unsuccessful.

**Figure 1: Total PAC visits in each city for the last three years**  
Completed checklists and successful visits

Facility type	Baidoa	Kismayo	Mogadishu	Total
Police stations	323	313	301	937
Prisons	26	6	18	50
CID sites	0	0	26	26
Traffic stations	0	13	0	13
Sub-police stations			1	
<b>Total</b>	<b>349</b>	<b>332</b>	<b>346</b>	<b>1,026</b>

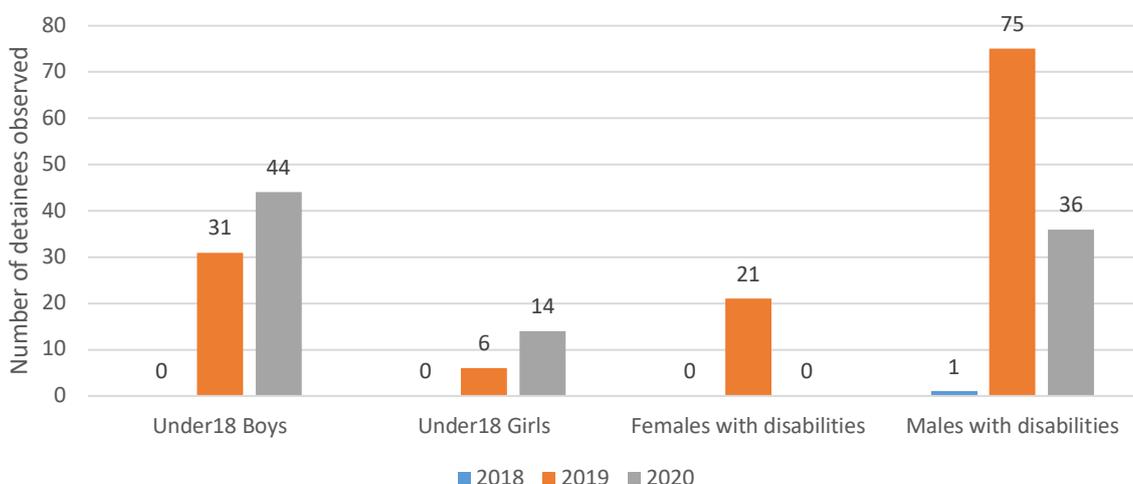
**Figure 2: Incomplete checklists and failed visits**

Facility type	Mogadishu	Kismayo	Baidoa	Total
Police stations	63	18	2	83
CID sites	6	0	0	6
Prisons	4	0	0	4
Traffic stations	0	1	0	1
<b>Total</b>	<b>73</b>	<b>19</b>	<b>2</b>	<b>94</b>

Figure 3: Adult detainees

Region	Male detainees observed			Total	Female detainees observed			Total
	Year				Year			
	2018	2019	2020		2018	2019	2020	
<b>Benadir</b>	412	12,983	10,773	24,168	19	284	196	499
<b>Baidoa</b>	64	4,047	1,103	5,214	4	58	11	73
<b>Kismayo</b>	149	1,086	929	2,164	21	159	81	261
<b>Total</b>	625	18,116	12,805	<b>31,546</b>	44	501	288	<b>833</b>

Figure 4: Detainee trends over time: under-18 detainees and people with disabilities



The most common reason (49 per cent) for unsuccessful detention facility visits was rejection by the officer in charge. Rejections often occurred after new officers were appointed. Other reasons included incomplete checklists (32 per cent), checklists with no data (13 per cent) and difficulties in understanding checklist responses (5 per cent). Figure 2 provides details on these incomplete and failed visits.

### Demographics of detainees and prisoners

The below table shows the number of detainees and prisoners observed in each location between 2018 and 2020. Data collected across these three years varies significantly. Notably, though data from 2019 reflect an entire year of collection, PACs did not start their work until the last two months of 2018 and only collected data during the first seven months of 2020, from January to July.<sup>12</sup>

PACs observed 95 total detainees under 18 years of age, among which 79 per cent were boys. While the number of girls under 18 years (20) among the detainees and prisoners observed was relatively low, they amounted to 21 per cent of the under-18 prison population, significantly higher than the proportion of women among the adult population in detention (2.6 per cent). Somalia's minimum age of criminal responsibility is 15, which means that many detainees and prisoners under the age of 18 are tried in adult courts. The overall number of detainees and prisoners with disabilities observed was 133, of which 84 per cent were men and boys and 16 per cent were women and girls. The number of women and girls with disabilities is a relatively high proportion of the overall women prison population (2.52 per cent) compared to that of men and boys with disabilities (0.34 per cent).

## Detention facilities

### Premises

Detention premises fall under three categories of condition: old facilities like the central prisons in Mogadishu, rehabilitated facilities and reconstructed facilities. In all the three locations most of the centres requires urgent rehabilitation due to weak infrastructure. In Kismayo, the PAC reported that all the existing detention centres except the Police Headquarters are in a condition of serious disrepair. For example, PAC data shows that some cells have leakages allowing rainwater to penetrate them. Kismayo's central prison, which was built between 1845 and 1848, is badly damaged and requires maintenance.

In Baidoa, the PAC reported that the central prison was constructed in 1938, and the cells are small and hot. Some of these facilities had no cells for women detainees.

### Condition of cells: hygiene, ventilation and natural lighting

The data clearly show that prison cells are overcrowded beyond their maximum accommodation capacity. For instance, Mogadishu's central prison was intended to hold between 400 and 500 detainees but the average detainee count through the past three years has been 1,194 inmates, more than twice what it was designed to hold. The same problem was noted at the facilities in Kismayo and Baidoa.

Among the main causes of overcrowding in detention facilities are rapid urbanisation and the concentration of IDPs and returnees in the three urban hubs resulting to high criminality, which has resulted in overcrowding. Prison overcrowding has devastating consequences on prisoners' lives. As the PAC data shows, it results in shortages of basic supplies and provisions such as bedding and food, as well as sharing of cells, toilets and/or communal spaces between juveniles and adults and men and women. This can lead to public health issues and increased risk of diseases among detainees. It places women and juveniles at particular risk of violence, including sexual assault and rape, consequently undermining mental and physical integrity and the health of individual detainees.

This in turn leads to myriad violations of international human rights standards, such as of the Nelson Mandela Rules.<sup>13</sup> With respect to overcrowding, these rules state: 'Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself.' Rule 13 states that 'All accommodation provided for the use of prisoners

and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.'<sup>14</sup>

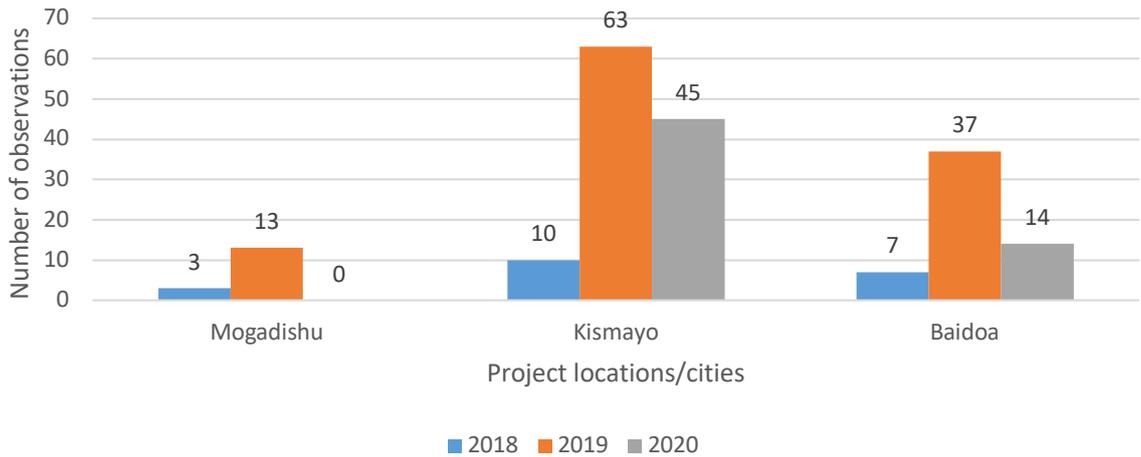
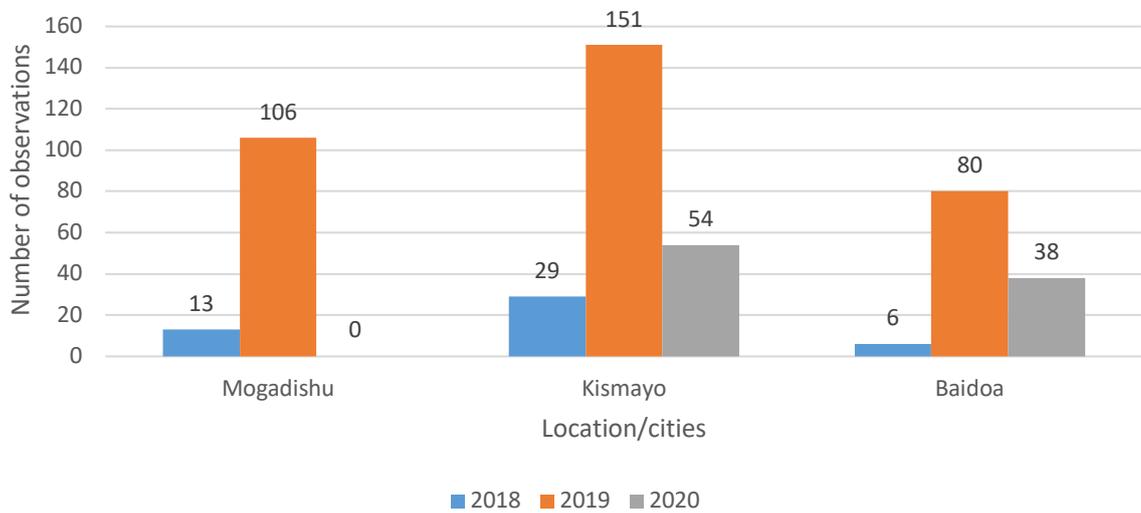
In many cases in Somalia and Somaliland, basic provisions are provided by detainees' families, which can place a great burden on them, in particular women when husbands are detained.

### Personal hygiene, water and sanitation

Rules 15, 16 and 18 of the Nelson Mandela Rules set minimum standards for the provision of showers, water and sanitation for prisoners to maintain personal hygiene. They state that adequate bathing and shower installations must be provided so that every prisoner can, and may be required to, take a bath or shower at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate. Rule 5 of the Bangkok Rules adds that women prisoners should be given provisions such as sanitary towels for menstrual hygiene management (MHM) and that additional water should be provided to menstruating, breastfeeding and pregnant women as well as those who are cooking. PAC data reveal that these standards are not met in many of the prisons and detention centres observed in Baidoa, Kismayo and Mogadishu.

In Baidoa, the PAC reported that 'With regard to the hygiene and sanitation...there was poor human waste disposal in the prison, toilets were outside of the detention area and the detainees were not allowed to go out of their cells at night time so that they defecate (stool/urinate) inside their sleeping cells.'<sup>15</sup> The PAC in Baidoa also observed a shortage of toilets in Baidoa's main police station – all detainees use one toilet that needs rehabilitation. Flash floods during Baidoa's rainy season sometimes worsen hygiene conditions, leading to the spread of infectious diseases including waterborne diseases and tuberculosis (TB).

In about a quarter (24 per cent) of total observations, the hygiene in detainees' cells was judged unacceptable. The below chart (Figure 5) shows these results by time and location, suggesting that the frequency of hygiene concerns is highest in Kismayo followed by Baidoa. The qualitative data indicated dirty cells, a lack of cleaning equipment and an absence of dedicated cleaners for detention facilities to be driving poor hygiene. The resources and effort allocated for the cleanliness of cells and the detention environment were not sufficient to meet standards. Hygiene in prisons tends to be much worse than police stations: 52 per cent of

**Figure 5: Unacceptable hygiene conditions in cells****Figure 6: Observed cells without bedding available**

observed prisons were found to have unacceptable hygiene conditions compared to 29 per cent of police stations. While 75 per cent of observed sites met basic standards, these were judged in line with the Somalia context and not based on the requirements of international standards. More attention is required to improve hygiene in cells.

### Bedding

PAC data shows that most facilities do not provide bedding for detainees. Of the total observed detention centres and prisons, 60 per cent provided no bedding. Among the facilities with bedding available, it was observed to be insufficient. As Figure 6 shows, Kismayo had the highest number of observed cells with no bedding. Detainees in Baidoa sleep on the floor with no bedding, blankets or other necessary materials, which could lead to health issues including TB. Rule 21 of the Nelson Mandela rules states: 'Every prisoner shall, in accordance

with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.'

### Ventilation and natural lighting

Ventilation and natural lighting were generally in good condition, with ventilation provided through windows. However, some facilities did not provide detainees with appropriate ventilation, for example Karaan, Yaqshiid, Hamar–Weyne and Hamar Jajab police stations.<sup>16</sup> This problem was also reported in police stations in Baidoa and Kismayo. Rules 13 and 14 of the Nelson Mandela Rules point to the need for natural ventilation and light through a large window and demand the provision of artificial light so that prisoners can read and work without injury to their eyesight.

**Figure 7: Total observations of food unavailability**



**Food and water**

Rule 22 of the Nelson Mandela Rules states: ‘(1). Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served; (2). Drinking water shall be available to every prisoner whenever he or she needs it.’

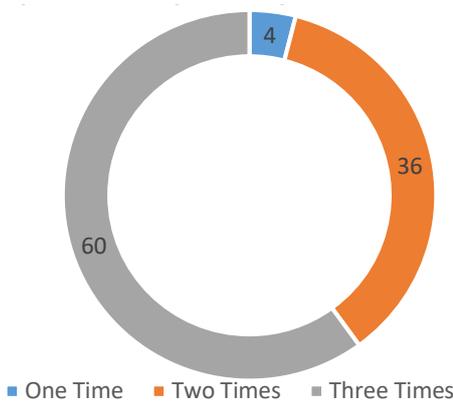
While potable water was available in 88 per cent of detention centres, detainees shared drinking water and water taps with soldiers in police stations. PACs reported that 12 per cent of facilities in the three cities had no clean drinking water. Inmates in Kismayo were more likely to have less clean water compared to prisoners in other regions. Water shortage is a problem shared across the wider community. Access to clean water is an urban challenge for all community members and detainees in Kismayo.<sup>17</sup> PAC data also indicated that access to water was a great obstacle in detention centres in Kismayo as most facilities had water wells that were not suitable for drinking purposes.<sup>18</sup>

Food was available in 91 per cent of detention facilities. However, qualitative data indicated that while the government provided central prisons and CID sites with food, cooks and kitchens to prepare meals for prisoners, it did not allocate food for detainees in police stations. These detainees shared food with police officers or sometimes their families brought food for them. For example, in Kismayo there is evidence that detainees at police stations have their families bring food, or in some cases they are asked to pay for food.

Figure 7 above illustrates the recorded observations of food unavailability.

In terms of the frequency of meals, 60 per cent of observed detainees received food three times per day and an additional 36 per cent received it twice a day. The quality of food delivered at detention centres requires further study as some PAC qualitative data indicated that detainees are consuming an unbalanced diet.

**Figure 8: Meals provided per day (%)**



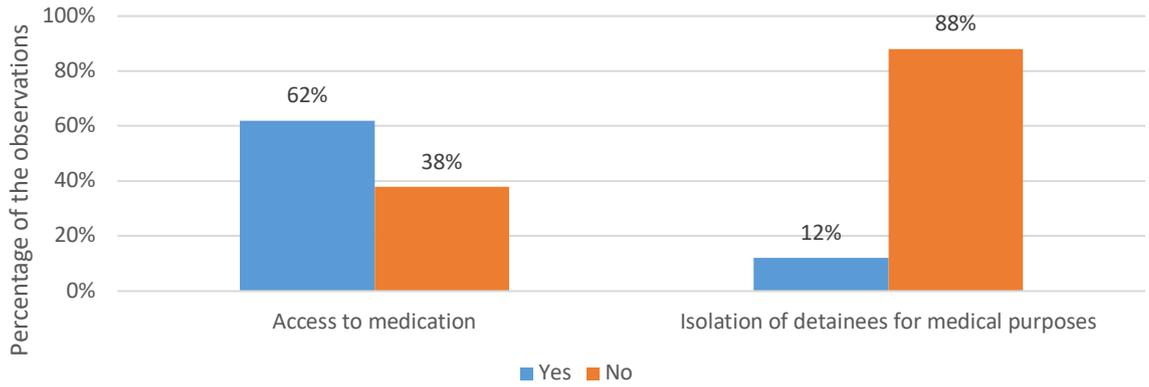
**Medical care**

The data show that detainees were allowed to continue with their medications. Health services, however, were shown to be inadequate or unresponsive to detainees’ needs. Limited health services were reported in Baidoa and Kismayo. Of the 38 per cent of detainees who did not have access to medical care, 6 per cent were women and 94 per cent were men. Thirty-eight per cent of all women detainees and prisoners observed said they did not have access to medication as compared to 17 per cent of men prisoners and detainees.

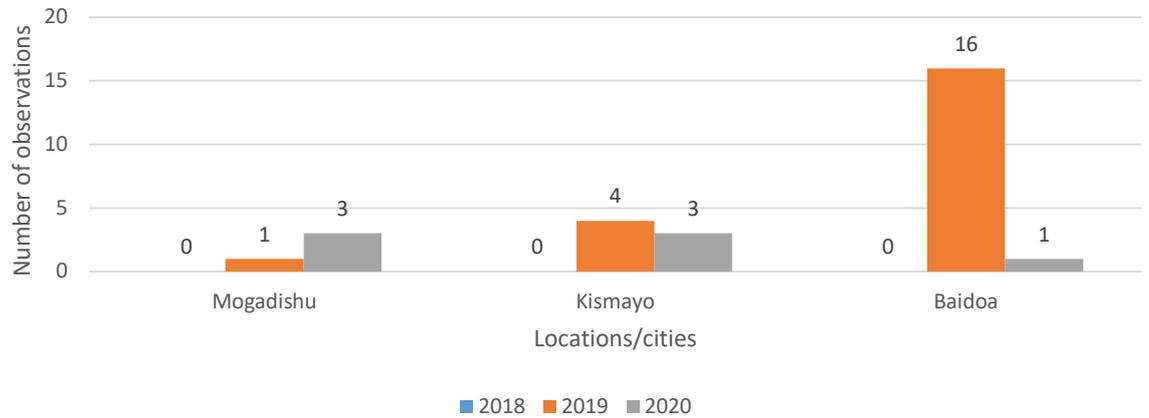
The data include a small number of cases of minor injuries reported due to fighting amongst inmates. Some prisoners were injured while playing football while others’ injuries were unrelated to sports activities. One case involved a bullet that hit the leg of a detainee in Baidoa’s central prison. The below chart classifies the total injuries per city and year. During the monitoring exercise only 28 injuries were reported, or 3 per cent of total visits. Figure 10 provides specific details on these injuries.

About 38 per cent of PAC visits showed that detainees had no access to medical care (see Figure 11 for distribution across location and year). The central prisons in each location did have health services, but they were determined to be sparse, insufficient and unresponsive.

**Figure 9: Access to medication and isolation of detainees for medical reasons**



**Figure 10: Total Injuries observed**



**Figure 11: Visits that found no detainee access to medical care**

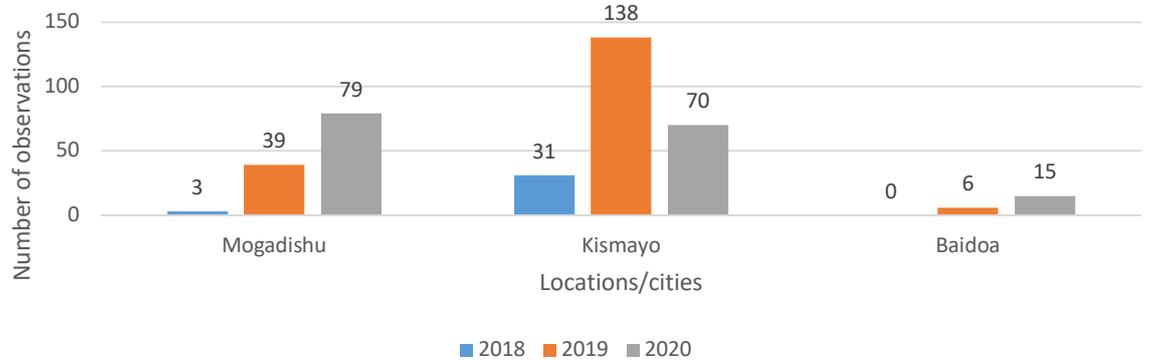


Figure 11 shows that Kismayo had the poorest healthcare access for detainees compared with Baidoa and Mogadishu. There were no specific health posts operating in Kismayo’s detention centres. The PAC has raised the cases of sick detainees and urged the authorities to make medical referrals. The process of seeking medical care and attention for detainees is long. Detainees often face bottlenecks in attaining healthcare and have requested functioning health posts in the detention centres.<sup>19</sup>

In Baidoa’s main prison, the PAC reported a paucity of skilled health professionals. There is one qualified nurse in the prison facility with no medical supplies or equipment, and no health screening of detainees referred from police stations. The data collected by

the PAC also raise concerns regarding detainees’ exposure to extreme heat and mosquitoes during the night.<sup>20</sup>

Figure 9 shows that most observed locations did not isolate detainees due to medical issues. During the COVID-19 pandemic, authorities have limited movement as well as visits to the centres. PACs have provided centres with some necessary kits to help minimise the spread of the virus.

In Mogadishu, SDWC and PAC members mobilised resources to help detainees in the central prison. On April 2020, SWDC delivered hygienic materials to improve detainees’ conditions. The Saferworld team in Mogadishu mobilised key actors including the Ministry of Justice (MoJ) and the Ministry of Health

(MoH) as well as international organisations to address detainee health conditions. SWDC engaged the United Nations Children’s Fund (UNICEF) to provide health services at the central prison. UNICEF established a mobile outpatient department site that provides health services every Thursday. The health team checked and addressed the health status of individual detainees with health issues, including HIV, TB and mental health challenges.<sup>21</sup>

### Gender issues at detention facilities

Rule 11(a) of the Nelson Mandela rules calls for separate institutional facilities for men and women, and states that ‘in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate’. In the observed facilities, most women and men detainees’ cells were separated, as shown in the table below. Facilities where men and women detainees were not separated were located in Baidoa (Wadajir Police station, Baidoa Main Police Station, Dufur Station, Hanano 2 Police Station and Saldhig Yare Police Station), Kismayo (Traffic Headquarters) and Mogadishu (CID). The men and women detainees who were not separated were all adults.

Separation of inmates based on their criminal cases is a challenge in the central prisons. Individuals accused of terrorism-related crimes are jailed in the same section of the prison facility as those charged with other crimes.

While the data show that men and women detainees and prisoners were usually separated during detention, in some cases where there were limited cells, this was achieved by confining women in ‘makeshift’ cells or even common room usually used soldiers. This is a serious violation of the rights of women prisoners and detainees.

There is ample evidence that women prisoners and detainees are highly vulnerable to sexual assault

and rape by men prison officers and guards. This often goes unreported due to fear of reprisals, torture and further assault. In October 2016, women prisoners in Gabiley prison in Hargeisa, Somaliland complained of sexual violence, torture and other ill treatment whilst in prison.<sup>22</sup> This violates Rule 81(2) of the Nelson Mandela Rules, which prohibits men from entering the part of a prison that is set aside for women without the accompaniment of a woman staff member. Rule 81(3) states that ‘Women prisoners shall be attended and supervised only by women staff members.’ Whilst it is unclear from the data collected by PACs whether women prisoners and detainees were overseen by women prison officers and police personnel, the above data show that it is highly likely that women prisoners and detainees come into contact with men prison officers and police personnel without women prison officers or police personnel present.

**Figure 12: Separation of inmates based on their gender**

	Yes	No
Separation of adult women and men detainees (this doesn’t mean that women and men are confined in the same rooms; rather it shows the availability of rooms for men and women detainees)	98.7%	1.3%

While most men and women detainees had separate toilets, in more than a third (36 per cent) of the observations men and women shared bathrooms due to limited latrines. Figure 13 shows the lack of separate latrines for men and women detainees by location. In Mogadishu, PACs observed that the police stations in Hodan, Shibis, Wadajir, Bondhere, Karan, Wabari, Dharkenley and Warta Nabada had no separation of toilets in some observations. This issue was especially pronounced in Kismayo and Baidoa, where detention centres in 37 per cent of PAC observations did not have separate toilets for women detainees.

**Figure 13: No separation of toilets**

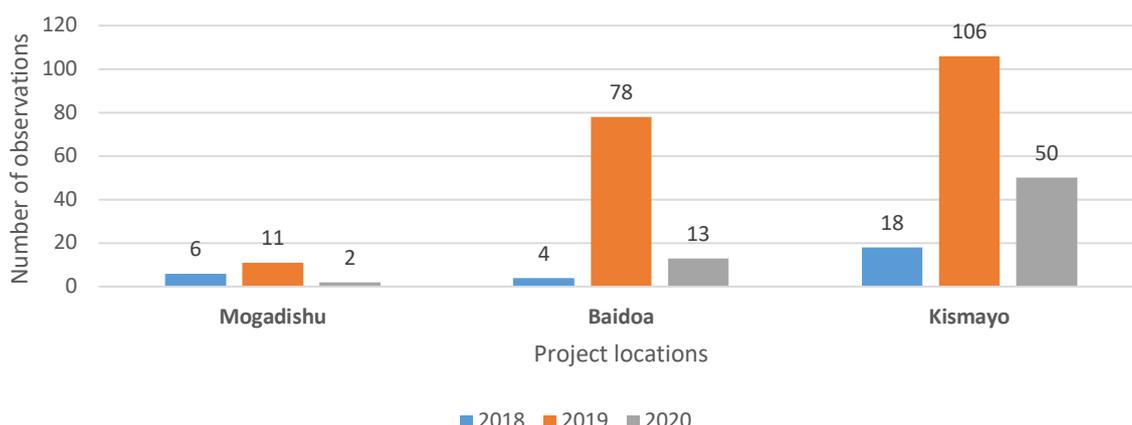
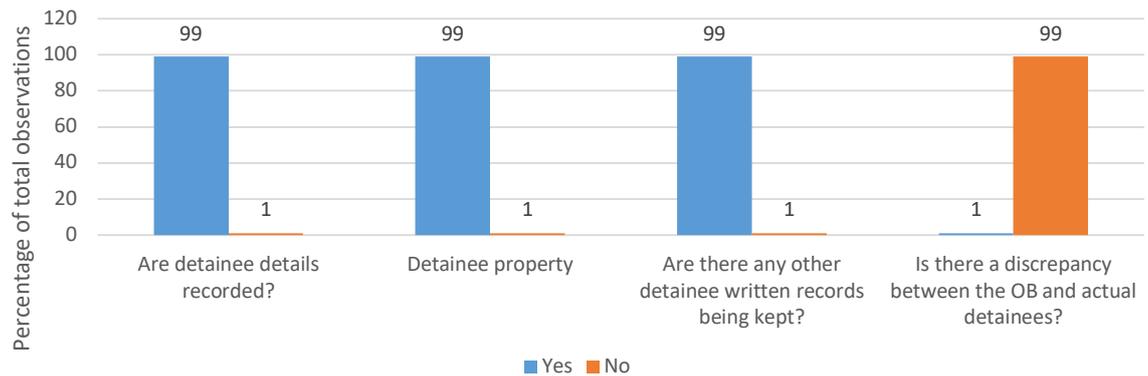


Figure 14: Records



PACs observed that in some facilities that did not provide separate toilets for men and women, there were actually two toilets but only one door. In some police stations, only one bathroom was shared by all detainees regardless of gender and age. The data also showed that toilet cleanliness is a major issue. In some cases, such as Baidoa central prison, some toilets are no longer functional and are in urgent need of repair.

Rules 11 and 81 of the Nelson Mandela Rules clearly highlight the need for separation of space based on gender, including toilets and bathrooms. The lack of separate toilets in many of Somalia and Somaliland's prison and detention facilities is a violation of the rights of women and girl prisoners, including their rights to privacy and health. Sharing toilets with male prisoners can lead to health problems, particularly if it causes women and girl prisoners and detainees to use the toilet less frequently. It also increases their vulnerability to violence, including sexual assault and rape by male prisoners and detainees.

There are still many other issues on which the PACs have not yet collected gender-disaggregated data in line with the Bangkok Rules, including on pregnant women, women with children, incidences of violence and personal hygiene including access to MHM. Highlighting the lack of separate facilities and toilets for women prisoners and detainees is a good starting point. One significant accomplishment for the PAC in Baidoa was the establishment of a special desk for GBV issues at the police station. This was a major breakthrough in challenging the culture of violence and has resulted in an increase in reporting by women of incidences of GBV.<sup>23</sup> In particular, the

desk is being accessed and used by women IDPs and those from other vulnerable community groups.

## Records

PACs reported no significant issues with record-keeping. There were minor (one per cent) discrepancies between the occurrence book and actual detainees at the visited police stations. PACs reported only 15 inconsistencies in 1,026 visits. However, some police stations had no occurrence books (OBs) to record events and detainee details, showing room for improvement. In Baidoa, OB issues were seen in the Saldhig Bari (Eastern Police Station), where there was no functioning or up-to-date OB and the last records ended in 2017.

Discrepancies were also reported in Mogadishu (Wadajir, Hamarweyne, Shibis and Howlwadag police stations), Kismayo (Traffic Headquarters) and Baidoa (Wadajir Police Station, Main Police Station and Central Prison).

Figure 15: Detainees' and prisoners' access to family and awareness of detention

Separation of inmates based on their gender	Yes	No
Access to family	99%	1%
Detention awareness	98%	2%

Nearly all (99 per cent) observed prisoners and detainees had access to their family members, and were aware (98 per cent) of the reasons for their detention.

## Notes

<sup>12</sup> These numbers show detainees monitored over time; they do not indicate the exact numbers of detainees and prisoners in the facilities.

<sup>13</sup> See also Mandates of the Independent Expert on the situation of human rights in Somalia (2021): <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25871>.

<sup>14</sup> Ibid, p 11.

<sup>15</sup> PAC Report, January–May 2020, Baidoa.

<sup>16</sup> ARC Project monthly report, 2020, SWDC Mogadishu.

<sup>17</sup> ReDSS (2019), 'Solutions Analysis Update 2019' (<https://regionaldss.org/wp-content/uploads/2019/10/FINAL-SA.pdf>)

<sup>18</sup> PAC Report, January–March 2020, Kismayo.

<sup>19</sup> PAC Report, January–March 2020, Kismayo.

<sup>20</sup> PAC Report, January–May 2020, Baidoa.

<sup>21</sup> ARC Project Monthly Report, 2020, SWDC Mogadishu.

<sup>22</sup> Amnesty International (2016), 'Somaliland: female detainees sexually attacked in prison', October 11 (<https://www.amnesty.org/en/documents/afr52/4851/2016/en/>)

<sup>23</sup> PAC Report, January–May 2020, Baidoa.

# 5

## Conclusion and recommendations

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**The number of detainees in detention centres in Somalia increased between 2018 and 2020. In many centres, detainees under 18 years of age are detained with adults. Detainees linked to AS face more severe punishments, including the death penalty.**

Conditions in many detention centres are poor. Insufficient attention is paid to hygiene and health and there is limited access to food, water and bedding. These centres need to be improved, standardised and rehabilitated or reconstructed. Essential service provision is substandard and inadequate. For example, in many police stations detainees are not allocated enough food, and must receive food from police officers or their families.

The overall population of women prisoners and detainees is relatively low, and special attention is not given to gender issues in some facilities. There are major gaps in how toilets and cells are allocated for women and men detainees, with priority seemingly given to men prisoners and detainees.

The PAC data indicate that nearly all facilities produced proper documentation of detainees' property and details.

Areas that require further studies include the following:

- Demographic details of detainees (gender, region, class)
- How do gender, clan and socioeconomic factors affect detainee status?
- Conditions for women in detention
- Juvenile justice systems and detention conditions in Somalia

## Project partners (Saferworld, SWDC, SWSO and IHRO) and PACs

- **Refine PAC questionnaires and checklists to include specific questions relating to the rights of juveniles and women and girls and to ensure that questions elicit data that enables an evaluation of whether conditions are in line with international human rights standards.**
- **Improve checklists' validity and reliability by making them more specific and straightforward.** This includes updating the checklist by removing unnecessary words and questions that are open to interpretation or hold double meanings and adding additional relevant questions. Standards and variables must be agreed upon and contextualised with official definitions.
- **Provide training to PACs who do data collection on international human rights standards, including those pertaining to prison reform, prisoner and detainee rights and the rights of juveniles and women and girls,** to ensure that data collection is performed in line with international standards.
- **Organise refresher training for PAC members on research and data collection methods, primary variables and overall timing.** These trainings should build PAC members' research skills, including active listening, observation and interacting with prisoners. These trainings should explain the purpose of the data collection and how data is used so that participants will understand the importance of accurate and complete data collection.
- **Digitise data collection to improve accountability, data quality and simplicity.** The project partners should explore mobile data collection with precise metadata and GPS. The use of Open Data Kit enables researchers to record different data formats like pictures, notes, GPS coordinates, audio and video.
- **Undertake data collection in two phases,** one for routine biweekly data on detainee conditions and the other for quarterly reporting on detention facility infrastructure.
- **Regularly review the data so that advocacy and action can be undertaken and the data can be shared and coordinated with community action forums (CAFs).**
- **Improve coordination between and among PAC members in the three regions.** Meetings should be organised to share experiences and mutual learning. Minutes from such meetings should be maintained and shared in a common data source file.
- **Where possible, expand data collection to include the families of prisoners and detainees.**

## Police stations and detention centres

- **Provide high-quality, nutritionally balanced food and potable water** to detainees at police stations three times a day.
- **Significantly improve hygiene and sanitation conditions** including communal areas, showers, clean latrines/toilets and bedding and establish minimum cleanliness standards and cleaning schedules following an in-depth review of hygiene and sanitation in police facilities and prison cells.
- **Renovate, reconstruct, improve and/or rehabilitate all prison facilities** including cells, bathrooms, toilets and communal areas to improve hygiene and increase ventilation and natural lighting.
- **Take into account the differential needs of women prisoners** by placing them in separate cells from male prisoners, establishing women's wings in prisons where possible, recruiting female prison guards for the oversight of women prisoners, providing separate toilets and bathrooms, establishing separate times for the use of shared facilities, and/or providing gender-responsive healthcare and sanitation such as sanitary towels.

## Government institutions including MoJ and those holding high office

- **Recognise and support PACs' work,** including through legal and policy recognition, institutional access to detention facilities, funding and other relevant support.

## Annex: PAC visit checklist and questionnaire

Demographics
1. Region
2. Type of police station visited
3. Name of police station
4. Year of visit
5. Date of visit
6. Date of previous visit
7. Name and rank of the officer in charge
8. Did you talk to the same officer?
9. Officer(s) spoken to
10. Total detainees in the occurrence book (OB) during the visit
11. Total number of male detainees present during the visit
12. Total number of female detainees present during the visit
13. Are there detainees under 18 years of age?
14. Total number of detainees under 18 years of age
15. Number of male detainees under 18 years of age
16. Number of female detainees under 18 years of age
17. Are there children sharing cells with adults [*who are not family members]?
18. If yes, please explain why.
19. Is there any discrepancy between the OB and the numbers of detainees observed?
20. If yes, what is the reason for this discrepancy?
21. Are all detainees aware the reason for their detention?
22. If no, Please explain why not.
23. Are there detainees who are not Somali nationals?
24. Are there detainees with special needs?
25. Total number of detainees with special needs
26. Number of female detainees with special needs
27. Number of male detainees with special needs
28. Are male and female detainees segregated?
If no, please elaborate the reason.
29. Do detainees have access to family members/have family members been informed of their arrest and detention?
If no, why not?
Detention facilities
30. Describe the premises (how old, state of repair, how well maintained, security issues)
31. Number of cells for females
32. Number of cells for males
33. Maximum capacity of the detention centre
34. Average capacity of the detention centre
35. Are cells adequately ventilated?
36. Is there natural lighting?

37. Hygiene of cells
If unacceptable, state why.
38. Number of toilets/washing facilities
39. Number of functioning toilets/washing facilities
40. Are there separate male and female toilets/washing facilities?
If no, please give reasons below.
41. Is bedding provided?
42. Standard of bedding (adequate/inadequate)
<b>Food and water</b>
43. Do detainees have access to clean drinking water?
44. If no, why not?
45. Is food provided?
46. If no, why not?
47. How many meals are detainees offered per day?
48. Were you able to observe the food provided?
49. If yes, how was the standard? (acceptable/unacceptable)
50. If unacceptable, please state reasons below.
<b>Medical care</b>
51. Were any detainees injured at the time of visit?
52. If there were injuries, please explain.
53. Were detainees able to access medical care and/or medicines if required?
54. Number of detainees on medication at time of visit
55. Were there special isolation areas for anyone with disease?
<b>Records</b>
56. Are details of the persons detained, including date and time of arrest, recorded in the OB?
57. If not, why not?
58. Is there a record of detained persons' property if any was taken from them?
59. Are any other written records being kept?
60. Were there any relevant comments from detained persons about their welfare?
61. Any additional comments (use additional paper if required)
62. Signatures of members conducting Inspection

## About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity. We are a not-for-profit organisation working in 12 countries and territories across Africa, Asia and the Middle East.

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