



Somalia's Compliance with Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Suggested List of Issues Prior to Reporting Relating to the Death Penalty

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The Coalition of Somali Human Rights Defenders

a non-governmental organization in special consultative status with ECOSOC since 2023
and

The World Coalition Against the Death Penalty

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (World Coalition) is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The Coalition of Somali Human Rights Defenders (CSHRDs) is a non-governmental, non-partisan, human rights organization which is registered under the Non-Governmental Act.

CSHRDs is composed of members with notable experience in the field of human rights and has had consultative status with the United Nations Economic and Social Council (ECOSOC) since August 2023.

EXECUTIVE SUMMARY

1. This report outlines human rights violations in Somalia in the context of the death penalty and persons charged with capital crimes. As explained in further detail below, the number of executions in Somalia is rising. The Government of Somalia, and other actors within the jurisdiction of Somalia, continue to impose death sentences and carry out executions, including for offenses that do not constitute the “most serious crimes.” Courts continue to sentence people to death for crimes committed when they were under the age of 18. Women are unfairly targeted for the death penalty. Torture is prevalent in detention facilities, and impunity persists. In addition, military courts often pronounce death sentences against civilians, and civilian courts lack independence and impartiality.

Somalia fails to uphold its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

I. Somalia is expanding its use of the death penalty (Concluding Observations paras. 15–16).

2. In its 2022 Concluding Observations, the Committee against Torture expressed concern that Somalia had not yet abolished the death penalty.¹ The Committee noted that, despite the Government of Somalia’s assurances courts do not sentence people to death for political reasons, other reports indicated that authorities carried out executions in the wake of unfair trials. The Committee also noted that Somalia’s laws allowed capital punishment for a number of offenses.² The Committee also noted concern about public executions and the lack of information on the “number of prisoners on death row, the average time spent on death row and the legal provisions that allow for capital punishment.”³
3. The Committee urged Somalia to discontinue public executions and move toward abolition of the death penalty by establishing a moratorium on the death penalty.⁴ Further, the Committee invited Somalia to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and adopting legislation aimed at the abolition of the death penalty.⁵
4. To date, there is no evidence that Somalia has implemented the Committee’s recommendations.
5. Unofficial estimates regarding the number of executions are significantly higher than official figures. Unofficial reports estimate that authorities carry out between 1000 and 1700 executions per year, mainly in southern Somalia and Puntland.⁶ Authorities in

¹ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 15.

² Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 15.

³ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 15.

⁴ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 16.

⁵ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 16.

⁶ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

Puntland regularly carry out executions of people—including women and children—charged with affiliating with terrorist groups or creating political instability.⁷ The legal proceedings resulting in these death sentences provide little to no due process.⁸

6. In 2023, there were 38 documented executions in Somalia.⁹ At least 16 of the people executed were civilians alleged to be Al-Shabaab and Islamic State militants, and at least 7 were soldiers convicted of killing civilians.¹⁰
7. In 2024, one report recorded 34 executions in Somalia.¹¹ The Coalition of Somali Human Rights Defenders (CSHRDs) reported 80 documented cases of summary executions in 2024.¹² Somalia is reported to be the only country in the sub-Saharan Africa region in which authorities carried out judicial executions in 2024.¹³
8. Authorities have carried out at least six executions so far in 2025. In March 2025, Somaliland officials executed two individuals.¹⁴ On 21 May 2025, authorities in South West State summarily executed a man for murdering another individual.¹⁵ Authorities arrested and tried him on the same day, swiftly sentencing him to death under the Islamic principle of *qisas*, or retributive justice.¹⁶ In July 2025, a military tribunal in Mogadishu

⁷ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025; *see also* BBC, “Somalia’s Puntland region executes 21 al-Shabab fighters,” (June 27, 2021), available online at: <https://www.bbc.com/news/world-africa-57630144>.

⁸ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁹ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 4, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

¹⁰ Ahmed Mohamed, “Somali Military Court Executes 13 Militants, 5 Soldiers,” VOA News (Mar. 8, 2023), available online at: <https://www.voanews.com/a/somali-military-court-executes-13-militants-5-soldiers-/6995738.html>; Ahmed Mohamed, “Somalia Executes Islamist Militant ‘Doctor,’ ‘Soldiers,’” VOA News (Mar. 15, 2023), available online at: <https://www.voanews.com/a/somalia-military-court-executes-islamist-militant-doctor-soldiers-/7006245.html>; Death Penalty Information Center, *Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe*, (Dec. 06, 2023), available online at: <https://deathpenaltyinfo.org/news/worldwide-wednesday-international-roundup-china-israel-iran-malaysia-philippines-qatar-somalia-vietnam-and-zimbabwe>.

¹¹ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 4, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

¹² Coalition of Somali Human Rights Defenders, *Somalia: Annual Human Rights Report 2024*, available online at: <https://cshrds.org/somalia-annual-human-rights-report-2024/>.

¹³ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 34, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

¹⁴ Cornell Center on the Death Penalty Worldwide, *Somalia* (2025), available online at: <https://dpw.lawschool.cornell.edu/database/#/results/country?id=67>.

¹⁵ Hiraan Online, “South West state executes man a day after fatal workplace shooting in Baidoa” (May 18, 2025), available online at: https://www.hiiraan.com/news4/2025/May/201559/south_west_state_executes_man_a_day_after_fatal_workplace_shooting_in_baidoa.aspx.

¹⁶ Hiraan Online, “South West state executes man a day after fatal workplace shooting in Baidoa” (May 18, 2025), available online at: https://www.hiiraan.com/news4/2025/May/201559/south_west_state_executes_man_a_day_after_fatal_workplace_shooting_in_baidoa.aspx.

executed three men for carrying out killings in Mogadishu and Lower Shabelle on behalf of Al-Shabaab.¹⁷

9. According to Amnesty International, courts in Somalia sentenced 31 people to death in 2023 and 17 in 2024.¹⁸ CSHRDs reports that as of July 2025, 443 people were under sentence of death and awaiting execution.¹⁹
10. Somalia has a federal system, using a combination of its existing Penal Code and Shari'ah law.²⁰
11. Somalia retains the use of the death penalty for many crimes.²¹ Beyond crimes in which the defendant committed an intentional killing, the Penal Code permits the use of the death penalty for a host of political crimes, including espionage and "attempts against the integrity, independence or unity of the Somali state," as well as a number of crimes that involve endangering public safety, even if they do not result in death.²² Somalia's laws also authorize the death penalty for terrorism-related offenses.²³ In addition, the Military Penal Code authorizes the death penalty for rape.²⁴
12. Islamic courts throughout the country can impose death sentences for *hadd* crimes, or crimes requiring mandatory punishment under Shari'ah law, including consensual same-sex sexual conduct.²⁵ Authorities are arresting an increasing number of people for same-sex sexual conduct. A 2023 legislative committee report found that authorities in Somaliland were holding 40 people in prison for same-sex sexual conduct, including 36 people awaiting trial and four men who had been convicted and sentenced to eight years in prison.²⁶
13. Authorities sometimes carry out executions summarily, with sentencing and execution at times occurring only days apart.²⁷ Further, military courts often hand down death sentences, even to civilians, and military authorities carry out executions at a higher rate

¹⁷ Andolu Ajansi, Mohamed Dhaysane, "Military tribunal executes 3 al-Shabaab terrorists in Somalia" (July 8, 2025), available online at: <https://www.aa.com.tr/en/africa/military-tribunal-executes-3-al-shabaab-terrorists-in-somalia/3652806>.

¹⁸ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 12, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

¹⁹ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025. This number did not include death sentences handed down by Al-Shabaab.

²⁰ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

²¹ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 43, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

²² United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 46, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

²³ Gloria Aradi, "Moroccan IS fighters sentenced to death in Somalia," BBC (Mar. 1, 2024) available online at: <https://www.bbc.com/news/world-africa-68444127>.

²⁴ United States Bureau of Democracy, Human Rights and Labor, *Somalia 2022 Human Rights Report* (Mar. 20, 2023) available online at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/somalia/>.

²⁵ European Union Agency for Asylum, *Country Guidance: Somalia* (Aug. 11, 2023), p. 140, available online at: <https://euaa.europa.eu/publications/country-guidance-somalia-1>.

²⁶ Halqabsi News, *40 People Held for Homosexuality in Somaliland, Committee Reports Increase in Arrests* (March 11, 2023), available online at: <https://halqabsi.com/2023/03/40-people-held-for-homosexuality-in-somaliland-committee-reports-increase-in-arrests/>.

²⁷ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

than civilian authorities.²⁸ Federal authorities in Somalia as well as Somaliland authorities carry out executions by firing squad.²⁹

14. Despite these regressive steps, in December 2024, Somalia voted in favor of the United Nations General Assembly's tenth resolution on a moratorium of the use of the death penalty, after having abstained in 2020 and 2022.³⁰
15. A draft Penal Code completed in 2017 would reduce the number of capital offenses punishable by death, but would retain the death penalty for at least four crimes, including taking up arms against the State,³¹ genocide,³² first degree murder,³³ and using a weapon of mass destruction.³⁴ The current status of the draft Penal Code is unclear.³⁵ In its follow-up information to the Committee, Somalia stated that the government plans to update the Penal Code and enact several pieces of legislation to ensure compliance with international human rights standards. To date, however, Somalia has not fulfilled this promise.³⁶

II. Women and children in conflict with the law face discrimination and rights violations (Concluding Observations paras. 15, 29–30, 33)

16. In its 2022 Concluding Observations, the Committee expressed concern about the “high rates of sexual and gender-based violence and domestic violence against women and children committed with near-total impunity,” attributing hundreds of incidents of sexual violence against women and girls to clan militiamen, Al-Shabaab, Somali police and armed forces, Danab forces, the forces of the President of Jubaland Ahmed Mohamed Islam “Madobe,” and the Kenyan defense forces.³⁷ The Committee also expressed grave concern about the “extremely high rate of female genital mutilation” and the lack of legislation that explicitly criminalizes the practice.³⁸

²⁸ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 13–14, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

²⁹ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 11, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>; Cornell Center on the Death Penalty Worldwide, *Somalia* (2025), available online at: <https://dpw.lawschool.cornell.edu/database/#/results/country?id=67>.

³⁰ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 46, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

³¹ *Draft Report of the Somali Criminal Law Recodification Initiative*, Art. 1101 (March 2017), available online at: <https://www.law.upenn.edu/live/files/6310-vol-1-and-2-somali-recodification>.

³² *Draft Report of the Somali Criminal Law Recodification Initiative*, Art. 2101 (March 2017), available online at: <https://www.law.upenn.edu/live/files/6310-vol-1-and-2-somali-recodification>.

³³ *Draft Report of the Somali Criminal Law Recodification Initiative*, Art. 3101 (March 2017), available online at: <https://www.law.upenn.edu/live/files/6310-vol-1-and-2-somali-recodification>.

³⁴ *Draft Report of the Somali Criminal Law Recodification Initiative*, Art. 7303 (March 2017), available online at: <https://www.law.upenn.edu/live/files/6310-vol-1-and-2-somali-recodification>.

³⁵ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

³⁶ Committee against Torture, *Information received from Somalia on follow-up to the concluding observations on its initial report*, (Oct. 19, 2024), U.N. Doc. CAT/C/SOM/FCO/1.

³⁷ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 29.

³⁸ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 29.

17. Further, the Committee observed that Somalia had assured the Committee that there were no executions in Somalia of persons under age 18.³⁹
18. The Committee also expressed concerns about the high rates of domestic violence perpetrated against women and children and the impunity with which these acts are committed.⁴⁰
19. The Committee called upon Somalia to take action to ensure that authorities thoroughly investigate gender-based violence and to ensure that such crimes are resolved through the justice system.⁴¹ Further, the Committee recommended that Somalia strengthen its efforts to end the practice of female genital mutilation.⁴² Finally, the Committee called upon Somalia to document allegations of gender-based violence committed by Al-Shabaab.⁴³
20. To date, there is no evidence that Somalia has implemented the Committee's recommendations.
21. In 2023, the U.S. Department of State reported "extensive gender-based violence, including domestic or intimate partner violence, female genital mutilation/cutting, and other forms of such violence."⁴⁴ The Department of State further reported that children remained "the chief victims of societal violence."⁴⁵ In 2024, the United Nations found that the rate of girls subjected to female genital mutilation was 98%, one of the highest in the world.⁴⁶
22. There is no information available about the number of women sentenced to death or executed in Somalia since 2022, but crimes committed in the context of intimate partner violence and coercive control relationships can make women eligible for the death penalty.⁴⁷ In a groundbreaking 2018 study, the Cornell Center on the Death Penalty Worldwide found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-

³⁹ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 15.

⁴⁰ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 29.

⁴¹ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 30(a).

⁴² Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 30(b).

⁴³ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 30(c).

⁴⁴ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 2, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁴⁵ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 43, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁴⁶ United Nations Human Rights Office of the High Commissioners, *In Dialogue with Somalia, Experts of the Human Rights Committee Welcome the State's Anti-Corruption Measures, Raise Issues Concerning the Death Penalty and Sexual Violence by Armed Forces and Militias* (March 8, 2024), available online at: <https://www.ohchr.org/en/meeting-summaries/2024/03/dialogue-somalia-experts-human-rights-committee-welcome-states-anti>.

⁴⁷ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

based violence⁴⁸ and manipulative or coercive relationships with male co-defendants.⁴⁹ Cornell's data indicate that most women under sentences of death have been sentenced to death for the crime of murder.⁵⁰ These women have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.⁵¹ In many cases, the abuse occurred repeatedly. Many women under sentence of death are survivors of gender-based violence and come from disadvantaged socio-economic backgrounds.⁵² At a global level, sentencing courts typically fail to take into account a defendant's experience as a survivor of gender-based violence or a victim of a manipulative or coercive relationship (for example in cases where women are presumed to have engaged in terrorism by supporting a family member who is involved in terrorist activities) as mitigating factors during sentencing.⁵³ Research also indicates that courts also fail to account for power dynamics and tactics of coercive control that may affect a woman's involvement in and culpability for a crime.

23. A 2021 Cornell follow-up study demonstrated that "fair trial principles dictate that courts should consider all relevant mitigating circumstances before imposing a sentence."⁵⁴ But gender stereotyping can compromise judges' impartiality, influence their understanding of the nature of a criminal offense, affect their views on witness and victim credibility and legal capacity, prevent them from holding offenders legally accountable, and impede access to legal rights and protections.⁵⁵ Judicial stereotyping can significantly impede women's access to legal protections, especially against gender-based violence. It also inhibits their ability to seek to enforce their rights such as through orders for protection. In

⁴⁸ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁴⁹ ⁵ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 6. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁵⁰ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 11. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁵¹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁵² Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁵³ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

⁵⁴ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

⁵⁵ U.N.H.R.C., *Gender Stereotyping and the Judiciary* Presentation. Available at https://www.ohchr.org/sites/default/files/OHCHR_JudicialStereotyping_Session4.pdf (last visited Dec. 6, 2024).

such cases, women may not only be denied justice but may also be at risk of further acts of violence.⁵⁶

24. Stereotyping often leads judges to form negative views about the credibility of women victims and survivors, while forming favorable views of men accused of gender-based violence. This bias can influence judges' understanding of gender-based offenses and their perception of whether a criminal offense has occurred.⁵⁷
25. Additionally, the absence of women in the criminal legal system can exacerbate the stigma associated with reporting gender-based violence. Female survivors of sexual and gender-based violence face significant barriers when attempting to pursue cases if the court is predominantly staffed by male jurists and gender-stereotyping is pervasive.⁵⁸
26. Global trends show that women sentenced to death face intersectional discrimination. According to Cornell's 2018 report, most women on death row come from backgrounds of severe socio-economic deprivation and many are illiterate, which can reinforce unequal access to effective legal representation.⁵⁹ Globally, women on death row are more likely to be illiterate and unaware of their legal rights.⁶⁰ Illiteracy and lack of education among poor women leave them more vulnerable to discrimination, coercion, and exploitation.⁶¹
27. Members of marginalized clans and groups are particularly vulnerable to torture and gender-based violence.⁶² Clan militias, some of which are government-affiliated, are reported to engage in torture with impunity.⁶³ Internally displaced persons (IDPs) face an increased risk of gender-based violence, including rape by armed government soldiers and militia members, and there are reports that people in power force IDPs to provide sex in exchange for food or services.⁶⁴

⁵⁶ U.N.H.R.C., *Gender Stereotyping and the Judiciary* Presentation. Available at https://www.ohchr.org/sites/default/files/OHCHR_JudicialStereotyping_Session4.pdf (last visited Dec. 6, 2024).

⁵⁷ Simone Cusack, *Eliminating judicial stereotyping Equal access to justice for women in gender-based violence cases*, Submission to OHCHR (Jun. 9, 2014), <https://www.ohchr.org/Documents/Issues/Women/WRGS/StudyGenderStereotyping.doc>.

⁵⁸ U.N. Women, *2011-2012 Progress of the World's Women: In Pursuit of Justice*, at 50-61 (2011). Available at <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2011/ProgressOfTheWorldsWomen-2011-en.pdf>.

⁵⁹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 3. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁶⁰ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 3. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁶¹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 3. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁶² United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 34, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁶³ United States Bureau of Democracy, Human Rights and Labor, *Somalia 2022 Human Rights Report* (Mar. 20, 2023), section 1.C, available online at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/somalia/>.

⁶⁴ United States Bureau of Democracy, Human Rights and Labor, *Somalia 2022 Human Rights Report* (Mar. 20, 2023), section 2.F, available online at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/somalia/>.

28. Further, regional politicians have used executions as a tool to pressure clans to leave certain regions or areas.⁶⁵ Women and girls in minority clans are targeted at higher rates than their counterparts in majority clans; however, even women in majority clans face discrimination and gender-based violence.⁶⁶
29. Under Shari'ah law, the age of majority is 15 years old.⁶⁷ Under the existing Somali Penal Code, persons over 18 years of age are subject to full criminal liability.⁶⁸ On 30 March 2024, both houses of Parliament put constitutional amendments on hold that would have lowered the age of majority to 15.⁶⁹ These amendments may also have permitted certain forms of female genital mutilation.⁷⁰ CSHRDs reports that the age of majority is an ongoing issue in determining whether authorities can sentence people to death for crimes they committed as children (i.e., people under the age of 18).⁷¹
30. In Puntland, authorities have executed children as young as 12 years old.⁷² Local organizations have confirmed the ages of executed children through documentation that their parents provided.⁷³ Government officials have intentionally sought to obscure the ages of these children.⁷⁴
31. The armed conflict with Al-Shabaab and ongoing internal conflicts, accompanied by humanitarian crises, have increased women's and girls' vulnerability to sexual violence.⁷⁵ In areas controlled by Al-Shabaab, women are subjected to gender-based violence, including forced marriages, and are incarcerated in inhumane conditions for offenses such as wearing a brassiere or not wearing a hijab.⁷⁶ Authorities sentence women to death on accusations that they are affiliated with Al-Shabaab, regardless of whether they have willfully engaged in criminal conduct.⁷⁷
32. In August 2024, authorities in Galkayo, Puntland, executed ten people on allegations that they were affiliated with Al-Shabaab. Four of the ten were children at the time of the

⁶⁵ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁶⁶ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁶⁷ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁶⁸ *Somali Penal Code*, Arts. 59–60, available online at <https://www.refworld.org/legal/legislation/natlegbod/1964/en/72335>.

⁶⁹ Human Rights Watch, *Somalia Events of 2024* (Aug. 3, 2024), available online at: <https://www.hrw.org/world-report/2025/country-chapters/somalia>.

⁷⁰ Human Rights Watch, *Somalia Events of 2024* (Aug. 3, 2024), available online at: <https://www.hrw.org/world-report/2025/country-chapters/somalia>.

⁷¹ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁷² Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁷³ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁷⁴ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁷⁵ United Nations Human Rights Office of the High Commissioner, *Tackling Sexual Violence in Somalia: Prevention and Protection* (May 7, 2025), p. 30, available online at: <https://www.ohchr.org/en/documents/country-reports/tackling-sexual-violence-somalia-prevention-and-protection>.

⁷⁶ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 15, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁷⁷ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

alleged offense.⁷⁸ And military courts tried these juvenile offenders.⁷⁹ Prior to their execution, the Puntland Age Verification Committee met with the young men and concluded that they were arrested while minors and accordingly should not face the death penalty.⁸⁰ Despite these findings, Puntland authorities still executed the young men.⁸¹ The United Nations responded to this occurrence with alarm and called for the release of any children remaining in detention.⁸² There is no conclusive evidence that the government has complied with the United Nations' request.

III. Somalia's criminal legal systems fail to ensure fundamental legal safeguards (Concluding Observations paras. 9-10).

33. In its 2022 Concluding Observations, the Committee expressed concern that federal authorities and forces within Somalia make arrests, detain, interrogate, and take other actions against individuals with impunity and without fundamental legal safeguards.⁸³ The Committee also expressed regret about the lack of information around legal safeguards taken to protect the rights of suspects or detainees, including: authorities' interpretation of "reasonable time" during which one can be detained before trial; measures taken to protect the rights of detainees; remedies available for suspects or detainees whose rights have been violated; and measures taken to prohibit corruption in federal authorities and the judiciary.⁸⁴
34. The Committee recommended that Somalia ensure that authorities afford fundamental legal safeguards to suspects and detainees, including: prompt access to a lawyer including free legal aid if necessary; information on one's rights in a language they understand; prompt information to a relative or other third party about their arrest; the right to request and receive an independent medical examination by a doctor of their choice free of charge; the ability to challenge the lawfulness of their detention; and a hearing before a judge without delay.⁸⁵ Further, the Committee recommended that Somalia establish effective mechanisms through which individuals may complain about failures of any fundamental

⁷⁸ Amnesty International, *Death Sentences and Executions 2024* (April 8, 2025), p. 13, available online at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>; Human Rights Watch, *Somalia Events of 2024* (Aug. 3, 2024), available online at: <https://www.hrw.org/world-report/2025/country-chapters/Somalia>.

⁷⁹ UNICEF, *UNICEF statement on execution of four youths in Puntland state, Somalia* (Aug. 22, 2024), available online at: <https://www.unicef.org/press-releases/unicef-statement-execution-four-youths-puntland-state-somalia>.

⁸⁰ UNICEF, *UNICEF statement on execution of four youths in Puntland state, Somalia* (Aug. 22, 2024), available online at: <https://www.unicef.org/press-releases/unicef-statement-execution-four-youths-puntland-state-somalia>.

⁸¹ International Commission Against Death Penalty, *Four children executed in Somalia* (Sept. 25, 2024), available online at: <https://icomdp.org/four-children-executed-in-somalia/>.

⁸² UN Office of the Special Representative of the Secretary-General for children and armed conflict, *Somalia: UN Officials Alarmed at Execution of Four Young People for Crimes Committed as Minor, Call for Release, Reintegration of Children in Detention* (Sept. 3, 2024), available online at: <https://childrenandarmedconflict.un.org/2024/09/somalia-un-officials-alarmed-at-execution-of-four-young-people-for-crimes-committed-as-minor-call-for-release-reintegration-of-children-in-detention/>.

⁸³ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 9.

⁸⁴ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 9.

⁸⁵ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 10(a).

legal safeguards.⁸⁶ Finally, the Committee requested documentation and reporting on those complaints.⁸⁷

35. To date, there is no evidence that Somalia has implemented the Committee's recommendations.
36. In 2023, the U.S. State Department reported arbitrary arrests and detentions in Somalia.⁸⁸ CSHRDs reports that the Somali Supreme Court and Constitutional Court often do not provide meaningful legal protections, particularly in capital cases and in cases in which people allege violations of the Constitution.⁸⁹ Gaps in jurisdiction between the Federal and State courts allow for unregulated and unequal imposition of the death penalty, with some regional governments relying heavily on military courts even for cases that are unrelated to the military.⁹⁰
37. The influence of clan politics and corruption often inhibits the fairness of legal trials.⁹¹ CSHRDs reports widespread collusion between the Somali government and non-government groups purporting to administer justice outside formal legal channels.⁹²
38. In civilian courts, some defendants in capital cases are able to challenge their convictions and sentences on appeal.⁹³ Despite Somali law providing individuals the right to challenge the lawfulness of their arrest or detention in court, often only certain businesspeople or politicians can effectively exercise this right.⁹⁴ Further, military courts lack mechanisms for appeal, have a low degree of transparency, and regularly deny defendants due process.⁹⁵
39. Though the law contemplates bail as an option for arrested or detained individuals, people under arrest are rarely aware of the potential option to pay bail, authorities do not always respect the legality of bail, and judicial personnel often lack training to administer bail.⁹⁶ Instead, security forces, judicial officers, politicians, or clan elders exert informal influence to secure the release of favored detainees.⁹⁷

⁸⁶ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 10(b).

⁸⁷ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 10(c).

⁸⁸ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 1, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁸⁹ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁹⁰ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁹¹ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 11, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁹² Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁹³ Nita Bhalla, "Somalia Executes Two Men by Firing Squad for girl's gang rape and murder," Reuters (Feb. 11, 2020), available online at: <https://www.reuters.com/article/us-somalia-women-sexcrimes-trfn/somalia-executes-two-men-by-firing-squad-for-girls-gang-rape-and-murder-idUSKBN205259>.

⁹⁴ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 7, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁹⁵ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

⁹⁶ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 8, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁹⁷ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 8, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

40. Somaliland officials reportedly interfere in the regional judicial process and invoke public order laws to detain and incarcerate people without trial.⁹⁸
41. Sources report that areas influenced or controlled by Al-Shabaab do not maintain a functioning judicial system.⁹⁹ Further, Al-Shabaab enforces a strict interpretation of Shari'ah law in which authorities impose harsh penalties for certain offenses, up to and including the death penalty.¹⁰⁰ For example, Al-Shabaab sentences individuals to death for rape and punishes people believed to have committed adultery with lashing or even execution.¹⁰¹ As recent as 2018, Al-Shabaab courts have sentenced individuals to death for allegations of "homosexuality."¹⁰² Al-Shabaab also carries out summary trials and executions.¹⁰³
42. In May 2023, Al-Shabaab forces in Bu'aale executed five individuals without trial, including Mohamed Ibrahim Olow, based on accusations that the individuals were spying on behalf of the United States, the federal government of Somalia, or the Jubaland state.¹⁰⁴ In August 2023, Al-Shabaab also executed Ali Abdi Mohamed "Qoriyow," a colonel in Somalia's federal army, and Hasan Mohamed Ibrahim, a Mogadishu police officer.¹⁰⁵
43. In training camps, Al-Shabaab subjects children to grueling physical, ideological, and religious training, with reports that authorities have forced child trainees to execute other children.¹⁰⁶

IV. Authorities use counter-terrorism efforts as a pretext for human rights abuses (Concluding Observations paras. 19-20).

44. In its 2022 Concluding Observations, the Committee expressed alarm about allegations of serious human rights violations including torture occurring during anti-terrorist operations.¹⁰⁷ The Committee referenced the army unit Danab, stationed in Alidoole Airbase in the Leego District, alleged to have abducted, tortured, and extrajudicially executed 25 young men and to have detained without charge many more young men in

⁹⁸ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 10, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

⁹⁹ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 12, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰⁰ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 12, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰¹ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 37, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰² United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 105, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰³ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 2, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰⁴ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 13–14, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰⁵ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 13–14, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰⁶ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 16, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁰⁷ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 19.

secret prisons.¹⁰⁸ The Committee expressed concern about the National Intelligence and Security Agency and the Somali National Army's special forces using secret detention centers and torture in anti-terrorist operations.¹⁰⁹

45. The Committee recommended that Somalia ensure that its counter-terrorism laws and practices comply with international law and include important legal safeguards.¹¹⁰ Further, the Committee called on authorities to conduct impartial and effective investigations of all allegations of extrajudicial executions, torture, and other human rights violations committed against people accused of terrorism.¹¹¹ The Committee also requested that Somalia investigate the use of secret detention centers with a view toward their abolition.¹¹²
46. To date, there is no evidence that Somalia has implemented the Committee's recommendations.
47. According to the U.S. Department of State, "[a]uthorities frequently used allegations of Al-Shabaab affiliation to justify arbitrary arrests."¹¹³ Somalia's National Intelligence and Security Agency is alleged to regularly conduct mass security sweeps related to counter-terrorism efforts, holding people in detention for prolonged periods and mistreating people during interrogations.¹¹⁴ The National Intelligence and Security Agency, the Puntland Intelligence Agency, and other government security forces are reported to threaten and beat people in order to extract confessions.¹¹⁵ Further, there are reports that officials engage in rape and other sexual abuse of people in detention.¹¹⁶
48. Somalia's overbroad definitions of terrorism and terrorism-related capital crimes allow officials to seek the death penalty for crimes that are not among the "most serious" under international human rights standards.¹¹⁷

¹⁰⁸ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 19.

¹⁰⁹ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 19; *see also supra*, Sec. IV, Fundamental Legal Safeguards.

¹¹⁰ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 20(a).

¹¹¹ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 20(b).

¹¹² Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 20(c)–(d).

¹¹³ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 8, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹¹⁴ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 4, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹¹⁵ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 4, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹¹⁶ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 4, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹¹⁷ United Nations Human Rights Office of the High Commissioner, *UN expert urges international community not to leave Somalia behind* (May 21, 2025), available online at: <https://www.ohchr.org/en/press-releases/2025/05/un-expert-urges-international-community-not-leave-somalia-behind>.

V. Detention conditions do not meet minimum standards (Concluding Observations paras. 23-24).

49. In its 2022 Concluding Observations, the Committee expressed concern that poor conditions and overcrowding persisted in Somalia's prisons.¹¹⁸ The Committee referenced reports that prisons in areas controlled by Al-Shabaab are in life-threatening condition, lacking adequate hygiene, medical care, potable water, and nutritious food.¹¹⁹ The Committee also requested further information regarding violence between, and deaths among, prisoners.¹²⁰
50. The Committee recommended that Somalia: (a) intensify its efforts to address overcrowding and poor conditions in prisons to better align them with international standards¹²¹; (b) ensure that detention facilities provide for the basic needs of persons in detention, including access to water, food, sanitation, and medical care¹²²; (c) separate pretrial detainees from people serving prison terms and separate minors from adults in all prisons¹²³; and (d) collect and document information about ill-treatment of people in detention facilities controlled by Al-Shabaab.¹²⁴ The Committee recommended that Somalia establish a computerized registry system for all detainees and requested that Somalia provide information about specific measures taken to ensure accurate record-keeping.¹²⁵
51. In 2024, Somalia submitted follow-up information in response to the Committee's Concluding Observations, stating that on 14 August 2016, the Human Rights Commission Law established a framework for an Independent Human Rights Commission, granting the Commission a clear mandate to "visit detention centers where legally convicted individuals are held . . . to evaluate and provide appropriate recommendations concerning the conditions of prisoners and detainees."¹²⁶ Despite this law, Somalia has not established an Independent Human Rights Commission.¹²⁷ The process has faced delays due in part to political authorities tampering with the nomination process and due to the exclusion of

¹¹⁸ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 23.

¹¹⁹ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 23.

¹²⁰ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 23.

¹²¹ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 24(a).

¹²² Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 24(b).

¹²³ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 24(c).

¹²⁴ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 24(e).

¹²⁵ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 24(d).

¹²⁶ Committee against Torture, *Information received from Somalia on follow-up to the concluding observations on its initial report*, (Oct. 19, 2024), U.N. Doc. CAT/C/SOM/FCO/1, ¶¶ 6, 10.

¹²⁷ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

minority groups.¹²⁸ Such interference risks undermining public trust in the yet-to-be-formed Commission.¹²⁹

52. The U.S. Department of State reports “harsh and life threatening” conditions in prisons across Somalia, with concerns of overcrowding, poor hygiene, and lack of adequate food, water, and medical care.¹³⁰ Detention facilities have faced disease outbreaks, including 2023 outbreaks of tuberculosis and cholera throughout Somalia, including at the Mogadishu Central Prison.¹³¹
53. As of 2024, there are fourteen operational prisons in Somalia with conditions falling below international standards.¹³² For example, in 2023, Garowe Central Prison in Puntland experienced serious water, food, and electricity shortages.¹³³ The Commissioner General of the Puntland Custodial Corps has highlighted that the water at Garowe Central Prison is not suitable for drinking and the prison’s water purification equipment cannot keep up with the facility’s demands.¹³⁴ Baidoa prison receives a fixed daily budget for food, regardless of the number of people detained in the prison.¹³⁵
54. Medical facilities within prisons are rare, and people in detention have limited access to external medical care.¹³⁶ The person in detention or their family generally bears the cost of healthcare.¹³⁷ People without support from their family or clan often lack access to sufficient medical services.¹³⁸ Detention facilities do not provide healthcare services for children who reside with their mothers in prison.¹³⁹
55. Prison officials detain people in the same prison blocks and/or cells without regard to age or gender, resulting in violence and sexual violence against women and children.¹⁴⁰ When women are incarcerated, they typically live in a cell within the male block, increasing the

¹²⁸ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

¹²⁹ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

¹³⁰ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 5, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹³¹ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 5, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹³² United Nations Assistance Mission in Somalia, *Prison Conditions in Somalia: A Holistic Assessment* (July 2024), p. 7, available online at: https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹³³ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 5, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>; UNSOM, *Prison Conditions in Somalia, A Holistic Assessment* (July 2024), available online at:

https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹³⁴ UNSOM, *Prison Conditions in Somalia, A Holistic Assessment* (July 2024), available online at:

https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹³⁵ UNSOM, *Prison Conditions in Somalia, A Holistic Assessment* (July 2024), available online at:

https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹³⁶ UNSOM, *Prison Conditions in Somalia, A Holistic Assessment* (July 2024), available online at:

https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹³⁷ UNSOM, *Prison Conditions in Somalia, A Holistic Assessment* (July 2024), available online at:

https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹³⁸ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 5, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹³⁹ UNSOM, *Prison Conditions in Somalia, A Holistic Assessment* (July 2024), available online at:

https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹⁴⁰ Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

risk of sexual violence and rape.¹⁴¹ CSHRDs reports that detained men offer bribes to prison guards to facilitate access to women and children.¹⁴²

56. In 2023, independent monitors, including the United Nations International Children's Emergency Fund (UNICEF) and the United Nations Office on Drugs and Crime, conducted independent monitoring of prisons in Mogadishu. They did not report any improvements regarding mistreatment or inadequate detention conditions.¹⁴³
57. There are reports that clan militias engage in torture and other inhuman or degrading treatment of people who have been arrested or detained.¹⁴⁴

VI. Impunity for torture persists (Concluding Observations paras. 27-28).

58. In its 2022 Concluding Observations, the Committee expressed concern about impunity for police and military acts of torture and ill-treatment, the lack of a reporting mechanism by which people can complain about such ill-treatment, and the lack of data on reports of torture and ill-treatment.¹⁴⁵
59. The Committee recommended that Somalia ensure complaint mechanisms are available and that authorities carry out prompt, impartial, and effective investigations into allegations of torture and ill-treatment.¹⁴⁶ The Committee further recommended that Somalia collect and report data related to torture and ill-treatment.¹⁴⁷
60. To date, there is no evidence that Somalia has implemented the Committee's recommendations.
61. The U.S. Department of State reports "[a] strong and widespread culture of impunity" in both state and militia forces.¹⁴⁸ While authorities have prosecuted some military and police personnel for abuses, they have not prosecuted all alleged perpetrators, nor have all prosecutions resulted in punishment.¹⁴⁹ There are increased reports of soldiers and militia

¹⁴¹ UNSOM, *Prison Conditions in Somalia, A Holistic Assessment* (July 2024), available online at:

https://unsom.unmissions.org/sites/default/files/prison_conditions_in_somalia-a_holistic_assessment.pdf.

¹⁴² Interview conducted by Perkins Coie with the Coalition of Somali Human Rights Defenders on July 23, 2025.

¹⁴³ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 6, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁴⁴ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 4, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁴⁵ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 27.

¹⁴⁶ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 28.

¹⁴⁷ Committee against Torture, *Concluding observations on the initial report of Somalia*, (Dec. 2, 2022), U.N. Doc. CAT/C/SOM/CO/1, ¶ 28.

¹⁴⁸ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 4, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁴⁹ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 5, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

members in IDP settlements engaging in sexual exploitation and abuse with impunity.¹⁵⁰ There is no dedicated civilian body that provides oversight of the police force.¹⁵¹

62. In early 2025, President Hassan Sheikh Mohamoud’s administration established an “Independent National Human Rights Commission,” but he hand-picked all of the commission’s members from loyalists in various state ministries and systematically excluded civil society organizations from participating in the process, in violation of constitutional provisions and laws requiring a transparent, inclusive, and consultative selection process. Civil society organizations have expressed concern that this body will be a tool of the president as he seeks reelection and will cover up human rights violations that might cast the president and his administration in a negative light, including allegations of torture and other ill-treatment by state actors. CSHRDs has called on the international community not to recognize the commission.¹⁵²

VII. Suggested questions for the Government of Somalia

63. The coauthors suggest that the Committee request the following information from the Government of Somalia:

- Describe progress authorities have made implementing the Committee’s 2022 recommendations concerning the death penalty.
- What steps has Somalia taken to amend the Somali Penal Code to align it with international human rights standards, particularly regarding limiting the death penalty to the “most serious” crimes? How do authorities ensure transparency in the amendment process?
- Provide comprehensive data on all people currently under sentence of death and all people executed since 2022, disaggregated by current age, age at the time of the offense, sex/gender, nationality, clan, date of conviction, crime of conviction, relationship to any codefendants or victims, court of conviction, date and method of execution (if applicable), whether execution took place in public (if applicable), current location (if applicable), and status of any appeals or requests for clemency.
- Describe how authorities thoroughly and impartially investigate allegations of torture and ill-treatment by security forces and by personnel staffing detention facilities, particularly cases of rape and other forms of sexual abuse.
- What safeguards are in place to ensure that women in conflict with the law who are charged with capital crimes receive adequate legal representation and are able to present any relevant gender-specific defenses or mitigation evidence.

¹⁵⁰ United States Department of State, *2023 Country Reports on Human Rights Practices: Somalia*, p. 27, 34, available online at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/Somalia>.

¹⁵¹ The Law on Police Use of Force, *Somalia* (2021), available online at: <https://www.policinglaw.info/country/somalia>.

¹⁵² Coalition of Somalia Human Rights Defenders, *Press Release: Hijacking Human Rights: Somalia’s Human Rights Commission Exposed as Political Tool*, June 12, 2025, <https://cshrds.org/press-release-hijacking-human-rights-somalias-human-rights-commission-exposed-as-political-tool/#>.

- What training do judges and defense attorneys receive regarding gender-based violence, trauma, and coercive control relationships that may influence the behavior of women who come into conflict with the law, and the need to guard against gender-based discrimination in criminal legal proceedings?
- What progress has Somalia made toward instituting a formal moratorium on executions?
- Describe the process by which courts ascertain that a person charged with a capital crime was at least 18 years of age at the time of the alleged offense, and whether there are any circumstances in which a person who alleges that they were under 18 could nonetheless receive a death sentence.
- What is the status of any draft laws on the prevention of sexual offenses and/or gender-based violence? What measures are in place to prevent violence against women and girls and to hold perpetrators accountable?
- What procedures are in place to ensure that civilians do not face trial in military courts and to ensure that military courts comply with fair trial standards applicable in civilian courts?
- What procedures are available to ensure that criminal proceedings do not allow introduction of evidence obtained through duress or torture or cruel, inhuman, or degrading treatment, except to prove the criminal act of torture itself?
- What mechanism is available to a person who alleges torture or other ill-treatment during the investigation phase of a criminal proceeding, including when such treatment allegedly resulted in a coerced statement that prosecutors seek to admit at trial?
- How is Somalia ensuring that the judiciary has adequate resources and protections against improper influences from external sources?
- Provide an update on independent monitoring of all places where persons may be deprived of their liberty, including military and national security facilities.
- What steps have authorities taken to end the use of secret detention facilities?
- What steps have authorities taken to hold members of Al-Shabaab accountable for summary executions and other human rights violations?
- What measures have authorities taken to ensure that the selection process for the “Independent National Human Rights Commission” is transparent, inclusive, and consultative? What is the status of the body and any efforts to ensure compliance with the Paris Principles?