

**CONTACT GROUP**  
**ON PIRACY OFF THE COAST OF SOMALIA**

مجموعة الاتصال الخاصة بالوقاية من القرصنة في الصومال • Groupe de contact sur la piraterie au large de la Somalie  
 Grupo de Contacto sobre la Piratería frente a costas de Somalia • 打击索马里海域海盗联络组  
 Контактная группа по борьбе с пиратством у берегов Сомали


**TRUST FUND TO SUPPORT INITIATIVES OF STATES  
 COUNTERING PIRACY OFF THE COAST OF SOMALIA**

This proposal has been agreed and supported by the relevant Somali counterparts.  
 It has also been de-conflicted with projects reflected in the CBCG Portal.

**PROJECT DOCUMENT**
**A. PROJECT OVERVIEW**

<b>1. Requesting Recipient UN Organization (s), indicate the Lead Agency if Joint Programme</b>	UNODC
<b>2. Project/Joint Programme Title</b>	Piracy Prisoner Transfer Programme
<b>3. Duration</b>	6 months
<b>4. Estimated Starting Date</b>	1 September 2014
<b>5. Location</b>	Bosasso, Puntland State of Somalia
<b>6. Application to Window of Fund</b>	Window A: Prosecution and detention-related
<b>7. Focus Area</b>	Security Sector
<b>8. Overall Budget (needed to implement the entire project) in USD</b>	\$16,656,500 of which \$10,292,293 has been funded
<b>9. Budget requested from Trust Fund in USD</b>	\$297,800
<b>10. Project/Joint Programme indirect costs and percentage of total programme costs</b>	\$19,482 (7%)
<b>11. Bilateral/Multilateral contributions in USD</b>	

**12. Brief Description**

The promotion of secure and humane imprisonment in Somali detention facilities is one of the programmatic areas in which the UNODC's Maritime Crime Programme (MCP) has been actively engaged as part of the programme's effort to enhance the capacity of States in the region to counter piracy.

The achievements made under the UNODC Maritime Crime Programme (formerly Counter Piracy Programme) have been acknowledged by the Security Council in its resolution UNSCR 2125 (2013). The resolution welcomes: "the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, and acknowledging the return from Seychelles to

Somalia of convicted prisoners willing and eligible to serve their sentences in Somalia.”

Under the MCP, the UNODC’s Piracy Prisoner Transfer Programme (PPTP) has been the primary project responsible for ensuring that:

1. Prisons in Somalia that are currently housing pirates sentenced by domestic courts are operated in line with international human rights and detention standards;
2. The human rights of the pirates transferred by regional prosecuting States are respected and protected by their country of origin, thus facilitating further transfers.

With this submission the UNODC’s Piracy Prisoner Transfer Programme (PPTP) seeks to support operations at the recently refurbished Bosasso prison (Puntland), which along with the newly built Garowe prison, will house transferred and domestic Somali pirates in Puntland, to ensure that:

1. One truck for the transfer/transport of prisoners is provided to the Bosasso prison;
2. Supplementary food for inmates is provided at the Bosasso Prison for 6 months;
3. Medical services, additional equipment and welfare items are provided at the Bosasso Prison for 6 months;
4. Ongoing training of Somali prison personnel and mentoring is delivered at the prison;
5. Vocational training is implemented at the Bosasso Prison.

## B. SITUATION ANALYSIS AND JUSTIFICATION

### 13. Problem Analysis

Due to serious concerns over the respect for human rights standards in the criminal justice system in Puntland and Somaliland, in the past many States with naval forces in the areas have been hesitant to transfer suspected pirates for prosecution and imprisonment to Somalia.

The Maritime Crime Programme (MCP)/Piracy Prisoner Transfer Programme (PPTP) has sought to address some of these concerns and systemic deficiencies by, among other things, promoting humane and up-to international standards detention in both Puntland and Somaliland prisons. A combination of legal reforms, human-rights oriented training, constant mentoring, construction of new detention facilities and refurbishment of existing ones has been the tool package proposed by UNODC to address existing shortcomings.

The programme, in particular, has been developed in response to the Report of the Special Advisor to the Secretary General on Legal Issues Related to Piracy Off the Coast of Somalia (the Lang Report), Proposal 24 and under the Somali Compact, PSG3, UNODC is responsible for the delivery of prison support to the Federal Government. The Somali aspects of this project fall under and will be reported under PSG3.

The Bosasso prison has been the first prison in Puntland to receive domestic and internationally transferred Somali pirates while the new Garowe prison was being built. For this reason UNODC has engaged in extensive construction and refurbishment works at the prison that has led to the construction of a 200 bed male block, a 40 female one and a borehole to supply water to the prison.

The Bosasso prison currently houses 39 convicted pirates, including those transferred for trial by the following naval forces Denmark, EUNAVFOR, United Kingdom and United States.

Despite the original plan which foresaw their transfer to the new Garowe Prison, a small number of convicted pirates will remain in Bosasso prison until 31 December 2015 at the earliest. The Prison Service considers that for security reasons they are better held in a prison

with more experienced staff and that the road trip from Bosasso to Garowe would be an unnecessary risk in the current security climate.

Additionally the Prison Service points out that the families of these convicted pirates are in Bosasso and are unable to maintain contact in Garowe.

UNODC has investigated the circumstances carefully and supports the Prison Services position. Given the attack on the prison in November 2013 and the poor security situation on the road to Garowe, a road move would place these prisoners and the staff who would move them at unnecessary risk. It is also likely that they will become more disruptive if moved away from their families.

To ensure the welfare of the convicted pirates at Bosasso prison along with ensuring respect and protection of their human rights, support to the Bosasso prison is required until the pirates will be transferred to the new Garowe Prison. In the event that this happens within the timeframe of this proposal, UNODC would step back on its own support.

#### **14. Synergies/Partnerships**

The programme will build on the work already delivered by UNODC under the Piracy Prisoner Transfer Programme (PPTP), as well as the work done by UNDP Somalia, as part of a wider international effort to deliver a coordinated response to governance and rule of law.

#### **15. Partnership Arrangements/Modalities**

The PPTP will be managed in close cooperation with the national and regional authorities, the donor community, especially the Contact Group on Piracy off the Coast of Somalia (CGPCS) and other partners. Other partners include: the United Nations Development Programme (UNDP), the United Nations Country Team for Somalia (UNCT Somalia), the International Maritime Organization (IMO) and the Office of Legal Affairs of the United Nations (OLA).

To implement the activities for which it seeks support, UNODC will work through local implementing partners and local suppliers in Somalia for procurement. For reasons of expediency and in the case of large-scale procurement UNODC may sub-contract UNOPS.

### **C. STRATEGY**

#### **16. Overview of Project Strategy**

The UNODC Piracy Prisoner Transfer Programme's primary objectives are to:

1. To promote the transfer of convicted pirates from regional prosecuting States to their country of origin in compliance with human rights standards;
2. To ensure secure and humane imprisonment for piracy offenders adjudicated by Somali and regional courts.

To achieve these objectives, the PPTP has implemented the following activities that are relevant for this submission:

#### **Bosasso, Puntland**

- Construction of a new 200 bed male block

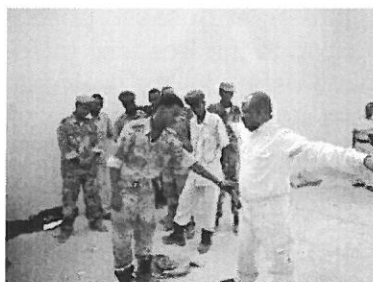


- Construction of a 40 bed female block



- Construction of a borehole for the provision of water

- Deployment of 1 international Prison mentor and all necessary international and national staff to ensure the management and implementation of the programme



This project proposal in particular seeks to ensure the sustainability of the prison operations and the welfare of piracy prisoners at the Bosasso Prison.

### 17. Major Project Outcomes and Outputs

The PPTP seeks to address the immediate and most serious health and humanitarian needs of the piracy prisoners in Puntland and Somaliland and ensure the sustainability of activities already implemented to ensure that the prison system is operated in line with the most basic minimum standards on the treatment of prisoners.

Outcome 1: Prisons operations are ensured and security is enhanced at Bosasso prison.

- 1.1 One truck for the transfer/transport of prisoners is provided to the Bosasso prison;
- 1.2 Supplementary food for inmates is provided at the Bosasso Prison for 6 months;
- 1.3 Medical services, additional equipment and welfare items are provided at the Bosasso Prison for 6 months;

Outcome 2: Prison staff capacity to ensure effective prison management is enhanced in Somaliland and Puntland and prisoners are trained in trade skills.

- 2.1 Ongoing training of Somali prison personnel and mentoring at the prison is delivered;
- 2.2 Vocational training schemes are developed and implemented at the Bosasso prison to promote rehabilitation and re-integration into society of piracy prisoners.

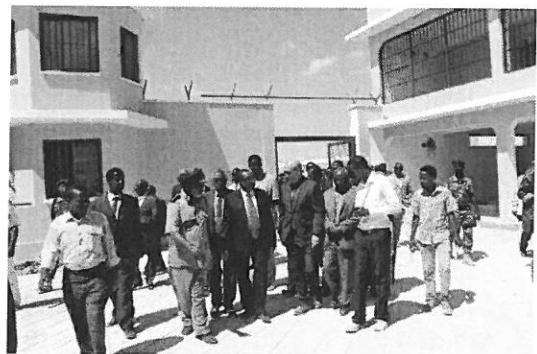
### 18. Key Risks and Mitigation Strategy

Given the unstable and variable security and political situation across Puntland and the recent election of a new President, the PPTP faces risks that may compromise the implementation of activities. These are as follows:

- Risk: Volatile Somali political/governmental environment
- Mitigation: UNODC is encouraged by the new government's enthusiasm for the project as an example of what can be achieved in the rule of law sector. We continue to enjoy

close and cordial relations with the government.

- Risk: lack of political will and commitment
- Mitigation: Signing of agreements expressing mutual intent and ensuring a constant flow of communication between programme management and national authorities. As an immediate mitigation measure, on 14 January 2014 a visit to the prison with the new Elected President Mr. Abdiweli Mohamed Ali Gaas and Vice President Mr Abdihakim Abdulahi Omar Amey of Puntland State of Somalia was organized to ensure buy-in.



- Risk: Unstable security situation and/or attacks to UNODC or implementing partners
- Mitigation: Appropriate levels of investment in security measures, close monitoring of security situation in consultation with UNCT.
- Risk: Lack of support within Somali communities for the imprisonment of pirates
- Mitigation: Monitoring of political sentiments in local communities towards judicial processes against the imprisonment of pirates. Informing communities about piracy in close cooperation with Somali representatives via SCGPCS. The new government in Puntland has expressed interest in further transfers from regional states.
- Risk: Unrest in prison or dissatisfaction of local prison staff delaying project implementation
- Mitigation: UNODC is working with the Somaliland/Puntland authorities to ensure a staff payment scheme is developed and executed on a monthly basis. A prison-feeding scheme is also being explored to ensure prisoners receive food on a daily basis, thereby reducing the chance of unrest.

#### 19. Means of Verification

- Regular presence of UNODC staff at Bosasso Prison
- Using the SCGPCS, local NGOs and the authorities to monitor the situation and dialogue with communities
- The Domestic Monitoring Committee that will visit the Bosasso prison at least twice a year

- The International Monitoring Committee that will visit the Bosasso prison at least twice a year to ensure international standards are fully respected and implemented

## D. MANAGEMENT ARRANGEMENTS

### 20. Project Management Mechanisms and Structure

The programme will be implemented through the UNODC Regional Office in Eastern Africa and the Puntland country team based *in situ*.

The UNODC Maritime Crime Programme Regional Coordinator, the PPTP Programme Officer, and the expert advisors available in the MCP will conduct the strategic and day-to-day management, as well as the necessary reporting to donors of the project.

UNODC will closely work with regional level government institutions in Puntland, the Transitional Federal Government, Police and Prisons service to design, develop and deliver the implementation plans for the project. Funds and respective disbursement for a clearly designated set of activities will be the responsibility of UNODC to disperse.

### 21. Project Evaluation

In 2013 an independent in-depth evaluation of the Counter Piracy Programme, of which the Piracy Prisoner Transfer Programme is one component, was conducted.

The evaluation report highlighted as its chief conclusion that: *“Overall the CPP has been impressive. It has delivered effective outputs, seen those spawn positive outcomes and real progression has been made toward achieving all three (programme) objectives.”*

Procedures for project management will be applied under the framework of UNODC results-based management, adopted by the Office to ensure the effective delivery of technical assistance.

A final review of the project will be conducted by an independent evaluator and will be made available to the Fund Board.

### 22. Reporting

UNODC will present certified project reports to the Fund Board and the Fund Manager on an annual basis, as per the TOR for the Fund, and the MOUR for Participating UN Agencies.

### 23. Legal Context

The UNODC, by means of the UN Country Team, is party to the Standard Basic Assistance Agreements that have been signed between the relevant national governments and the United Nations Development Programme.

**E. Budget Overview (by Outcome)**

OUTCOME	BUDGET
Project Outcome 1	\$175,000
Project Outcome 2	\$35,000

**F. Budget Overview (by reporting categories)**

1. Staff and other personnel costs	\$60,000
2. Supplies, Commodities, Materials	\$15,000
3. Equipment, Vehicles and Furniture including Depreciation	\$85,000
4. Contractual Services	\$90,000
5. Travel (including SPU)	\$15,018
6. Transfers and Grants Counterparts	
7. General Operating and Other Direct Costs	\$13,300
Sub-Total:	\$278,318
8. Indirect Support Costs (7%) of Sub-Total:	\$19,482
<b>TOTAL</b>	<b>\$297,800</b>

G. WORK PLAN & BUDGET									
EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME YEAR 1				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q1	Q2	Q3	Q4		Budget Description	Amount USD	
<b>OUTCOME 1: Prisons operations are ensured at the Bosasso Prison</b>									
Output 1.1: One truck for the transfer/transport of prisoners is provided at the Bosasso Prison.	1.1.1 One truck for the transport/transfer of prisoners is procured and delivered	x	x			UNODC	Equipment, Vehicles and Furniture including Depreciation	\$85,000	
Output 1.2: Food is provided at Bosasso prison to complement the food already provided by the State.	1.2.1 Sub-contracts are in place 1.2.2 Food is delivered at the Bosasso Prison	x	x	x	x	UNODC	Contractual Services	\$50,000	
Output 1.3: Medical services, additional medical equipment and welfare items are provided at the Bosasso prison.	1.3.1 Sub-contracts for the provision of medical services are in place 1.3.2 Medical services are provided at the prison site	x	x	x	x	UNODC	Contractual Services	\$40,000	
<b>OUTCOME 2: Training and mentoring is delivered at the Bosasso Prison</b>									



