

CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA

مجموعة الاتصال الخاصة بالقرصنة 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

1. Requesting Recipient UN Organization (s), indicate the Lead Agency if Joint Programme	UNODC
2. Project/Joint Programme Title	Piracy Prisoner Transfer Programme
3. Duration	12 months
4. Estimated Starting Date	1 September 2014
5. Location	Garowe, Puntland State of Somalia
6. Application to Window of Fund	Window A: Prosecution and detention-related
7. Focus Area	Security Sector
8. Overall Budget (needed to implement the entire project) in USD	\$ 16,656,500
9. Budget requested from Trust Fund in USD	\$ 679,800
10. Project/Joint Programme indirect costs and percentage of total programme costs	\$ 44,473 (7%)
11. Bilateral/Multilateral contributions in USD	

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 under the MCP 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 newly built Garowe prison (Puntland), which will become the main detention facility to house transferred and domestic Somali pirates in Somalia, to ensure that:

1. One truck for the transfer/transport of prisoners is provided to the Garowe prison;
2. Supplementary food for inmates is provided at the Garowe Prison up until the end of 2015;
3. Medical services, additional equipment and welfare items are provided at the Garowe Prison up until the end of 2015;
4. Provision of Education to inmates in the form of literacy and numeracy for analphabets and more advanced education for those who are more skilled up until the end of 2015;
5. Support to additional operational costs such as electricity and fuel for generators is provided until the end of 2015;
6. Ongoing training of Somali prison personnel and mentoring at the prison is delivered up until the end of 2015;
7. Vocational training is implemented at the Garowe Prison up until the end of 2015.

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.

One of the milestones of UNODC’s work has been the construction of a 500 bed detention facility in Garowe, Puntland. The prison will start accepting prisoners in the end of March 2014 and will be officially inaugurated in April 2014.

The newly built Garowe prison will become the main detention facility in Somalia to house pirates prosecuted by local and regional courts. It is estimated that by 31 December 2015 the prison will receive over 150 pirates who were arrested in Puntland or transferred from regional

prosecuting States.

These pirates include those arrested as a result of naval operations conducted off the coast of Somalia, including those captured in connection with the following cases:

Case	Arresting State/Organisation	Number of offenders ¹	Prosecuting State	Sentence
Intertuna	EU	11 (8 already transferred to Bosasso 3 awaiting transfer)	Seychelles	3 – 6 years of imprisonment
Happy Bird	UK	12 (3 juveniles – 2 kept for intelligence – 7 transferred to Bosasso)	Seychelles	12 years of imprisonment
Sunshine	US	15 (2 juvenile – 13 transferred to Bosasso)	Seychelles	18 years of imprisonment
Draco	EU	11 (9 transferred to Bosasso and 2 awaiting transfer)	Seychelles	10 years of imprisonment
Absalon	Denmark	4 (1 juvenile – 2 transferred to Bosasso – 1 awaiting transfer)	Seychelles	12 years of imprisonment
Ford Victoria	UK	7 (1 juvenile – 5 Bosasso – 1 awaiting transfer)	Seychelles	7 years of imprisonment
The Faith	Seychelles	8 (7 transferred)	Seychelles	20 years of imprisonment
Jelbut 40	Denmark	4 (1 juvenile – 1 transferred to Bosasso – 2 awaiting transfer)	Seychelles	20 years of imprisonment
The Super Lady	EU	10 (5 juveniles – 5 awaiting judgment)	Seychelles	-
N/A	EU	6	Seychelles	Ongoing case
N/A	Denmark	5	Seychelles	Ongoing case

Despite the initial commitment made by the former government in Puntland to UNODC and donors that they would absorb the costs related to the prison, the recent change in government and endemic budget deficiencies have caused them to review their position. Puntland's Custodial Corps do not currently benefit from the stipends programme that exists in the South on the country and although the prison is largely staffed by personnel from the former prison which was closed in early 2014, the government asserts that there remains a funding shortfall.

To ensure the sustainability of pirate transfers in the future, along with ensuring respect and protection of the human rights of the detained pirates, support to Puntland prison operations is required until the Custodial Corps budget moves onto a stronger footing. 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

¹ Those under the age of 18 cannot be transferred to Somalia due to the lack of suitable facilities and are therefore retained in the prosecuting state until they reach 18.

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

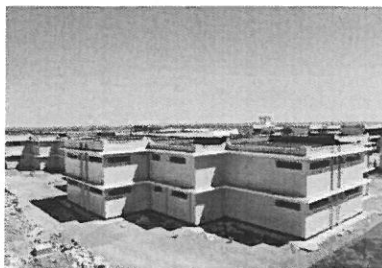
The UNODC Piracy Prisoner Transfer Programme's primary objectives are to:

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:

Puntland

- Construction of a new 500 male prison in Garowe (finalized in April 2014),
- Delivery of a comprehensive training programme for the Custodial Corps in Puntland.
- New Prison Headquarters and Training Academy for the Puntland Custodial Corps, including five dormitories for staff;



- Deployment of 2 international Prison mentors (seconded by Norway) to Garowe 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 prisoners at the Garowe 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 at Garowe prison.

- 1.1 One truck for the transfer/transport of prisoners is provided at the Garowe Prison;
- 1.2 Food is provided at Garowe prison up until the end of 2015 to complement the food already provided by the State;
- 1.3 Medical services, additional medical equipment and welfare items are provided at the Garowe prison up until the end of 2015;
- 1.4 Education, basic literacy and numeracy, is delivered at the Garowe prison up until the end of 2015;
- 1.5 Support to additional operational costs such as electricity and fuel for generators is provided until the end of 2015.

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. Training is provided to senior management, prison support personnel and new recruits to ensure human rights compliant prison operations and management at the Garowe prison.
- 2.2. Vocational training schemes are developed and implemented at the Garowe 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 Garowe 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 Garowe prison at least twice a year
- The International Monitoring Committee that will visit the Garowe 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	\$330,000
Project Outcome 2	\$115,000

F. Budget Overview (by reporting categories)

1. Staff and other personnel costs	\$175,000
2. Supplies, Commodities, Materials	\$40,000
3. Equipment, Vehicles and Furniture including Depreciation	\$85,000
4. Contractual Services	\$245,000
5. Travel (including SPU)	\$60,027
6. Transfers and Grants Counterparts	
7. General Operating and Other Direct Costs	\$30,300
Sub-Total:	\$635,327
8. Indirect Support Costs (7%) of Sub-Total:	\$44,473
TOTAL	\$679,800

G. WORK PLAN & BUDGET

EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME YEAR 1				RESPONSIBLE PARTY	PLANNED BUDGET	
		Q1	Q2	Q3	Q4		Budget Description	Amount USD
		OUTCOME 1: Prisons operations are ensured in Garowe prison						
Output 1.1: One truck for the transfer/transport of prisoners is provided at the Garowe 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 Garowe 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 Garowe prison	x	x	x		UNODC	Contractual Services	\$80,000
Output 1.3: Medical services, additional medical equipment and welfare items are provided at the Garowe 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 1.3.3 Medicines are procured and delivered at Garowe prison	x	x	x	x	UNODC	Contractual Services	\$80,000
Output 1.4: Education, basic literacy and numeracy, is delivered at the Garowe prison	1.4.1 Sub-contracts are put in place 1.4.2 Education is at Garowe Prison 1.4.3 Education items are procured and delivered at Garowe Prison	x	x	x	x	UNODC	Contractual Services	\$50,000

Output 1.5: Additional operational costs are partially covered, including electricity and fuel for the generators and expendable and non-expendable equipment	1.5.1 Sub-contracts are put in place	x	x	x	x	UNODC	Contractual Services	\$35,000
	1.5.2 Electricity costs and expenses for the fuel for the generators are partially covered							
OUTCOME 2: Training and mentoring is delivered at Garowe Prison								
Output 2.1: Training provided to senior management, prison support personnel and new recruits to ensure human-rights compliant prison operations and management at the Garowe prison.	2.1.1 Training is delivered at Garowe Prison	x	x	x	x	UNODC	Staff and other personnel costs	\$75,000
Output 2.2: Vocational training skills are developed and implemented at the Garowe Prison	2.2.1 Vocational training schemes are developed	x	x	x	x	UNODC	Supplies, Commodities, Materials	\$40,000
	2.2.2 Material for vocational training, including iron, cement, fabric for clothes, is procured							
	2.2.3 Material for vocational training is delivered at the Garowe Prison							
PROJECT MANAGEMENT AND SUPPORT COSTS								
	Staff and other personnel costs							\$100,000
	Supplies, Commodities, Materials							
	Equipment, Vehicles and Furniture including Depreciation							
	Contractual Services							

