



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

PROJECT DOCUMENT

A. PROJECT OVERVIEW	
1. Requesting Recipient UN Organization (s), indicate the Lead Agency if Joint Programme	UNODC
2. Project/Joint Programme Title	Improving conditions in Kenya prisons
3. Duration	12 months
4. Estimated Starting Date	1 May 2013
5. Location	Kenya
6. Application to Window of Fund	Window A
7. Focus Area	Prosecution and detention
8. Overall Budget (needed to implement the entire project) in USD	251,450
9. Budget requested from Trust Fund in USD	251,450
10. Project/Joint Programme indirect costs and percentage of total programme costs	7%
11. Bilateral/Multilateral contributions in USD	

12. Brief Description

The UNODC Counter-Piracy Programme aims to develop the capacity of States in the East Africa/Indian Ocean Region to prosecute piracy suspects arrested by their own law enforcement authorities or transferred from the authorities of other states. Under the Counter Piracy Programme, support is provided to four key areas of the criminal justice systems of prosecuting states: Police, Courts, Prosecutors and Prisons.

The initiatives of the UNODC in Kenyan prisons should be considered in conjunction with its Police, Prosecutions and Courts Programmes, which have been operating in parallel to the Kenya Prisons Programme since May 2009. Together, they have the shared aim of ensuring that suspected pirates tried in Kenya are provided fair and humane treatment, in accordance with international standards and within a sound framework of the rule of law.

In the context of ongoing piracy prosecutions in Kenya, Kenyan authorities have continuously highlighted the burden of imprisoning those convicted after trial and have called for international assistance in addressing this challenge. In response, UNODC has undertaken programming to increase the capacity of Kenya prisons identified to hold suspected and convicted pirates. Improvements to date have focused on areas needing urgent assistance including prison buildings and equipment, prisoner services, personnel capacities, policy and procedures in 5 prisons.

Nyeri, Nakuru, Naivasha and Manyani prisons, which all hold convicted pirates, have been identified as requiring infrastructure improvements to ensure that detainees enjoy access to basic health and education services in accordance with international standards. As with all support within the UNODC CPP Prisons Programme, improvements will benefit the entire population of the targeted prison, not just piracy-related detainees.

B. SITUATION ANALYSIS AND JUSTIFICATION

13. Problem Analysis

Since its inception in 2009, the UNODC Counter-Piracy Programme (CPP) has been providing practical support to the trial and related treatment of piracy suspects in regional States willing to prosecute suspects handed over by international navies. The support is essential to ensure that trials are fair and efficient, and that the detention of suspected and convicted pirates is humane and secure. It is also essential to help relieve some of the burden placed on these prosecuting states and to ensure their willingness to accept further suspected pirates for prosecution.

Kenya was the first regional State to agree to take on the trial of suspected pirates captured in the coastal waters off Somalia and in the Gulf of Aden. It currently holds 130 convicted or suspected pirates in its already over-burdened and under-resourced penal system. Those convicted are held in one of six designated piracy prisons, often serving long sentences of up to 20 years.

In recognition of the pivotal role that Kenya is playing in the fight against piracy, the international community has supported UNODC to put in place a programme to ensure that international standards are respected within the Kenyan prison system where suspected and convicted pirates are detained. Initially under the joint EU/UNODC Programme for Kenya (completed in May 2011) and subsequently under funding by bilateral donors and the Trust Fund, the CPP has provided support to Kenyan prisons in the areas of construction and refurbishment, training, and procurement of security, health and welfare items.

The majority of support to date has been directed at Shimo la Tewa (SLT) prison, where piracy suspects are held on remand awaiting trial. Thanks in large part to this support, SLT is now one of the best run prisons with the best accommodation, and is a model prison in Kenya and the region. Funding under the current project will allow for essential improvements to continue in other prisons in Kenya where convicted pirates are transferred to carry out their sentences.

This project is aimed at ensuring humane and secure detention conditions in Kenya for all suspected and convicted pirates handed over for prosecution by international navies. It seeks to achieve this through the provision of infrastructure support to four of the Kenya prisons where convicted pirates are held. The support package for each of the prisons responds those needs identified as most urgent by UNODC prison mentors and prison management during site visits.

The most urgent problems relate to inadequate water and sanitation systems, unsanitary and unventilated kitchen, a lack of classrooms for school and vocational training and insufficient space within prisoner accommodation blocks. While some improvements under the proposed project will be contracted out; the simpler work (construction of classrooms or welding of bunk beds) will be carried out by detainees as part of vocational programming, using materials provided under the project. In many cases, materials are needed only to finish work on structures that have remained incomplete for lack of funding within the prisons.

The specific outputs envisioned for each prison outlined here:

- Outcome 1: Nyeri Prison has an improved kitchen, hospital and prisoner beds.
- Output 2: Nakuru Prison has new classroom and prisoner beds.
- Outcome 3: Naivasha Prison has improved water and sanitation and prisoner beds.
- Outcome 4: Manyani Prison has improved water and sanitation, a new classroom and prisoner beds.

14. Synergies/Partnerships

The Counter-Piracy Programme works closely with other UN agencies, recognizing that each has specialist skills to bring to the fight against Somali-based piracy. As well as supporting DPA in its political role, the Programme has developed close liaison with the International Maritime Organisation, supporting the implementation of the Djibouti Code of Conduct through the delivery of complementary training.

UNODC has welcomed and supported the establishment of the CGPCS, a model of effective international cooperation in response to a complex regional security issue. As well as being a critical implementation partner for Working Group I (Operational Coordination and Capability Development) of the Contact Group, UNODC acts as secretariat to Working Group II (Legal Issues), to which it has provided various forms of support. In particular, UNODC has prepared an analysis of the legal and practical challenges involved in prosecuting suspected pirates regionally. The Counter-Piracy Programme is a major contributor both to the development of thinking in the Contact Group and to the delivery of priorities identified by them.

15. Partnership Arrangements/Modalities

All UNODC work will be carried out in close consultation with partners within the Kenya prisons.

C. STRATEGY

16. Overview of Project Strategy

Since the Government of Kenya's agreement to become a regional country for the prosecution of pirates, UNODC has been working to increase the capacity of the country's criminal justice system to ensure that suspected pirates prosecuted under Kenyan law are afforded a fair and efficient trial and humane imprisonment while in remand and after conviction.

Within Kenya's prison system, UNODC has undertaken repairs and refurbishments of infrastructure and provided equipment and management capacity-building activities at Shimo la Tewa prison, where suspected pirates are held on remand, and in 5 prisons where convicted pirates are to carry out their sentences. The suspected and convicted pirates housed in prisons where UNODC work has been undertaken now enjoy a higher standard of living, as do the Kenyan prisoners in those institutions. UNODC never delivers refurbishment purely for piracy prisoners: it benefits all prisoners in the establishment equally.

The purpose of UNODC's Improving Prison Conditions in Kenya project is to sustain the gains realized to date and to provide continued assurances to transferring states that Kenya is a viable location for piracy prosecutions.

UNODC has been working to provide secure and humane imprisonment in Puntland and Somaliland so that convicted pirates may be transferred home to serve out the remaining duration of their sentences. UNODC has already transferred 59 convicted pirates from Seychelles to Somaliland and Puntland. Once the necessary agreements are in place between authorities in Somaliland, Puntland and Kenya, similar transfers can be made from Kenya.

17. Major Project Outcomes and Outputs

The proposed project seeks to address the immediate and most pressing needs of Kenyan prisons to ensure they conform to basic minimum standards on the treatment of prisoners. The support to the Nyeri prison includes the improvement of medical and kitchen facilities; support to the Nakuru prison focuses on the improvement the training facilities; support to Naivasha prison will provide improved water and sanitation infrastructure; and support to Manyani prison focuses on the improvement of water and sanitation and training facilities. All prisons will be provided with materials for making bunk beds to increase sleeping space within prisoner accommodation blocks.

Outcome 1: Nyeri Prison has an improved kitchen, hospital and prisoner beds.

Output 1.1: Renovation of the kitchen facilities

- Kitchen facilities refurbished with good ventilation and fitted with new eco jikos

Output 1.2: Renovation of the hospital

- Provision of materials to complete renovations on the prison hospital

Output 1.3: *Provision of materials for prisoner beds*

- Provision of materials for prisoners to weld bunk beds

Outcome 2: Nakuru Prison has a new classroom and prisoner beds.

Output 2.1: *Completion of classroom*

- Provision of materials to complete classroom

Output 2.2: *Provision of materials for prisoner beds*

Outcome 3: Naivasha Prison has improved water and sanitation and prisoner beds.

Output 3.1: *Improved water and sanitation*

- Installation of water tank and pipelines

Output 3.2: *Provision of materials for prisoner beds*

Outcome 4: Manyani Prison has improved water and sanitation, a new classroom and prisoner beds.

Output 4.1: *Improved water and sanitation*

- Installation of water tank and pipelines

Outcome 4.2: *Construction of new classroom*

- Materials provided for construction of new classroom and basic furnishings

Outcome 4.3: *Provision of materials for prisoner beds*

18. Key Risks and Mitigation Strategy

The principal risks associated with the proposed project are:

- **Risk:** Lack of political will and commitment on behalf of the Government.
- **Mitigation:** The Kenyan Government has shown varying support for the prosecution of piracy suspects. Prioritising this project, which will have a significant impact on the Kenyan prison service as a whole, will indicate the continued commitment and appreciation of the international community for the important work that they are doing.
- **Risk:** The Government of Kenya is disincentivised to take on new piracy cases because of the strain this will place on their national prison systems.
- **Mitigation:** The project has targeted improvement in a number of Kenya prisons to enable the additional burden placed on Kenya's correctional system by piracy prosecutions to be spread out. Furthermore, the UNODC Counter Piracy Programme, in line with the objectives of Contact Group on Piracy off the Coast of Somalia, is working to improve the corrections regimes within Somalia to allow the transfer of pirates to serve out their sentence in their home country, following a successful conviction.
- **Risk:** Standards decline in Regional Prisons

- **Mitigation:** UNODC engages Prison Mentors who regularly visit prisons holding piracy prisoners in the region and ensure that required standards are being met.

19. Means of Verification

- Regular presence of UNODC staff in prisons
- Ongoing and active liaison with the relevant parts of Kenyan Authorities.

D. MANAGEMENT ARRANGEMENTS

20. Project Management Mechanisms and Structure

The Programme will be implemented through the UNODC Regional Office in East Africa. The strategic and day-to-day management and reporting to donors of the project will be conducted by the UNODC Counter-Piracy Programme Regional Programme Coordinator and other officers of the Counter-Piracy Programme.

UNODC will work closely with members of the Kenya Prison Service and Judiciary to design, develop and deliver the implementation plans for the project. Funds for a clearly designated set of activities will be the responsibility of UNODC to disperse.

21. Project Evaluation

Procedures for project management will be applied under the framework of UNODC results-based management, adopted by the Office to ensure effective deliver of technical assistance. A mid-term review was conducted of the entire UNODC Counter Piracy Programme by an independent evaluator in early 2013. The outcomes and recommendations from this mid-term evaluation will be reflected in the implementation of this project. A final review of this project within the context of the entire UNODC Counter Piracy Programme 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 Administrator and Secretariat on an annual basis and final reports at the project's close, as per the TOR for the Fund, and the MOU for Participating UN Agencies. Interim reporting will be provided to the Fund Administrator and Secretariat upon request.

23. Legal Context

The Government of the Republic of Kenya agrees that the Standard Basic Assistance Agreement (SBAA) signed on 17 January 1991 with the United Nations Development Programme (UNDP), shall apply, mutatis mutandis, to the assistance provided by UNODC under the present project document. The Government confirms, in particular, that Article IX (Privileges and Immunities), Article X (Facilities for the execution of UNDP assistance), Article XI (Suspension or Termination of Assistance) and Article XII (Settlement of Disputes) of the SBAA shall apply to the activities of UNODC under this project.

E. Budget Overview (by Outcome)

OUTCOME	BUDGET
Project Outcome 1 Nyeri Prison has improved kitchen and medical facilities and prisoner beds.	90,000
Project Outcome 2 Nakuru Prison has completed classroom and prisoner beds.	20,000
Project Outcome 3 Naivasha Prison has improved water and sanitation and prisoner beds.	40,000
Project Outcome 4 Manyani Prison has improved water and sanitation, a new classroom and prisoner beds.	70,000
Project travel for oversight	15,000
Project Support Costs (PSC 7%)	16,450
TOTAL	251,450

F. Budget Overview (by reporting categories)

1. Staff and other personnel costs	
2. Supplies, Commodities, Materials	220,000
3. Equipment, Vehicles and Furniture including Depreciation	
4. Contractual Services	
5. Travel	15,000
6. Transfers and Grants Counterparts	
7. General Operating and Other Direct Costs	
Sub-Total:	235,000
8. Indirect Support Costs (79%) of Sub-Total	16,450
TOTAL	251,450

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: Nyeri Prison has improved kitchen and medical facilities and prisoner beds								
Output 1.1 Nyeri prison has improved kitchen facilities	1.1 Procurement of materials for renovation of kitchen facilities					UNODC	OPS 4200	50,000
Output 1.2 Nyeri prison has renovated hospital	1.2 Procurement of construction materials for renovation of hospital					UNODC	OPS 4200	30,000
Output 1.3 Nyeri prison has beds for detainees	1.3 Procurement of materials for prisoner beds					UNODC	OPS 4200	10,000
OUTCOME 2: Nakuru Prison has completed classroom and prisoner beds								
Output 2.1 Nakuru prison has a classroom for detainees	2.1 Procurement of materials for completion of classroom					UNODC	OPS 4200	10,000
Output 2.2 Nakuru prison has beds for detainees	2.2 Procurement of materials for prisoner beds					UNODC	OPS 4200	10,000
OUTCOME 3: Naivasha Prison has improved water and sanitation and prisoner beds								
Output 3.1 Naivasha prison has improved water and sanitation	3.1 Procurement of materials for improved water and sanitation					UNODC	OPS 4200	30,000
Output 3.2 Naivasha prison has beds for detainees	3.2 Procurement of materials for making beds					UNODC	OPS 4200	10,000
OUTCOME 4: Manyani Prison has improved water and sanitation and a new classroom								

Output 4.1 Manyani prison has improved water and sanitation	4.1 Procurement of materials for improved water and sanitation				UNODC	OPS 4200	30,000
Output 4.2 Manyani prison has teaching facilities for detainees	4.2.1 Procurement of materials for construction of a classroom and basic furniture				UNODC	OPS 4200	30,000
Output 4.3 Manyani prison has beds for detainees	4.3 Procurement of materials for making beds				UNODC	OPS 4200	10,000
	Travel				UNODC	Local travel	15,000
	Transfers and Grants Counterparts						
	General Operating and Other Direct Costs						235,000
	Sub-Total:						16,450
	Indirect Support Costs (7%) of Sub-Total:						251,450
TOTAL							