



**KAALO**  
Aid and Development Org.

# **Human Rights Security within the Criminal Justice System in Puntland: The Case of Bosaso, Garowe, Galkacyo and Qardho Districts**

**A Baseline Report for the Kaalo Aid and Development Organization EU Funded Project “Enhancing the Role of Non-State Actors in Monitoring Human Rights Delivery Within the Criminal System Justice Value Chain In Puntland”**

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## Acronyms

EU – European Union Delegation for Somalia
IOM – International Organization for Migration
KAD – Kaalo Aid and Development
MoJRAR – Ministry of Justice, Religious Affairs and Rehabilitation
OHRD – Office of the Human Rights Defender of the State of Puntland
PLA – Puntland Lawyers Association
PUNSAA – Puntland Non-State Actors Association
SPSS – Statistical Package for Social Sciences
SSF – Somalia Stability Fund
UN – United Nations
UNDP – United Nations Development Programme
UNHCR – United Nations High Commission for Refugee Affairs

# 1. Introduction and Background

## *1.1. Description of intervention*

Security and Justice are two of the five priorities that were identified by the Government of Puntland as key state issues that needed to be addressed in the country for a peaceful and productive life of its citizens. In particular, focus was given to rights-based institutions / agencies and processes that addresses the human rights of the accused and the victims for basic security and safety within Puntland. Key gaps remain in the realization of the aspirations of the people of Puntland in the security and justice sectors and institutions, in particular, human rights abuses continue to be perpetrated against both victims and the accused. A number of investments are being made by international actors to support institutional strengthening particularly in the prison detention centers and some in the police facilities and judicial systems. Notable among these has been the construction and rehabilitation of prisons in Garowe, Qardho and Bosaso besides the construction of a model police station in Qardho by UNDP, proposed construction of a number of Police Stations in Bosaso by the SSF as well as support for community policing in Garowe, Qardho, and Bosaso. There is also a notable support to Alternative Dispute Resolution Mechanism in Bosaso. Past efforts have revolved around building the human resource capacity in the justice sector through the training of lawyers in Puntland through the Puntland State University and the establishment of Legal Aid Centers in Bosaso, Qardho, Garowe and Galkacyo.

Puntland made a key step in the delivery of human rights to its citizens with the establishment of the Office of the Human Rights Defender in Puntland; the OHRD is mandated to monitor and report on the state of human rights to the people of Puntland. However, there is continued human rights abuses against victims and the accused within the justice sector in Puntland despite the existence of the OHRD. This is further worsened by a pronounced inactivity of Non-State Actor organization and capacity to monitor and report on human rights abuses in Puntland particularly within the criminal justice system. This is especially critical given that Puntland is characterized by a dual justice and dispute resolution system i.e. a formal justice system and an informal religious / community justice mechanism. This is further complicated by a general low capacity of state institutions / agencies within Puntland and ineffective governance institutions.

The Non-State Actors are the key actors that often bridge the gaps in governance and delivery of human rights to populations in need in the face of low governance capacity institutions. In view of this, KAALO with the support of the EU delegation for Somalia is implementing a 2 – year project geared towards enhancing Non-State Actors Capacity in monitoring the delivery of human rights within the criminal justice value chain in Puntland. The overall objective of the project is to enhance effective delivery of human rights by the state of Puntland to the general population and specifically within the criminal justice system. This will be achieved by focusing on the achievement of the following outcomes:

- iOc 1: To improve / strengthen the capacity of non-state actors to monitor and enhance the delivery of human rights to the general population and within the criminal justice system value chain;
- iOc 2: To support non-state actors monitoring delivery of human rights by state institutions in Puntland with particular focus on the justice system;
- 
- iOc 3: To support the rehabilitation of 400 inmates / prisoners through technical and vocational education combined with basic numeracy and entrepreneurship training

An associated Logical Framework was developed for the intervention and forms the basis for monitoring and evaluation in the project by identifying the key indicators, the sources of verification for the identified indicators as well as the key risks that may or may not impact on the project. To establish a monitoring and evaluation start point, there was need to undertake a baseline survey. A consultant was competitively recruited and contracted to undertake the baseline survey.

### *1.2. Objectives of the baseline study*

In undertaking the baseline survey, there was need for clarity in the objectives of the baseline study. Given the Call for expression of interest for a baseline survey consultant and the discussions between the winning applicant consultant and the project team, the following were identified as the objectives of the baseline study:

- Collect and analyze baseline data on the project indicators and present it to project stakeholders in a report
- Revise and update the project log frame and the project risk log given the collected baseline information
- Undertake 3 case study analysis along identified themes i.e. Pre and on trial detention facility, Prison Facility and Cultural / Religious Justice Mechanisms

## **2. Methodology**

### *2.1. General Baseline Survey Framework*

In undertaking the baseline survey, qualitative and quantitative data collection approaches were utilized with both primary and secondary data being collected. Literature review was the main secondary data collection approach that was utilized in the baseline survey with project documentation, reports from the OHRD and the Ministry of Justice as well as other organizations and agencies being some of the source reference documents. The secondary data collected informed the development of the primary data collection tools which focused on project indicators as well as human rights indicators within the criminal justice system value chain i.e. the pre-trial, on-trial and post-trial facilities. Developed data collection tools were presented to the project team in an inception workshop held before the commencement of the data collection exercise for validation. The revised data collection tools were used in training the data collection teams and pre-testing done in Garowe on the first day of the data collection exercise before final revisions were made to the data collection tools.

Focus Group Discussions, Key Informant Interviews, General Public Interviews and Observation Checklists were the key primary data collection approaches. Data was collected over a 14-day period in the targeted project locations i.e. Galkacyo, Garowe, Qardho and Bosaso. During the baseline survey, over 40 key informants from the police force, the judiciary, the prison system, the ministry of justice, ministry of interior, non-state actors, INGOs, OHRD and community leaders were contacted and gave their input into the study. On the other hand, well over 10 FGDs were conducted with NSA actors in the targeted locations while 120 individuals gave feedback and input through the general public questionnaires.

Collected data was analyzed using Statistical Package for Social Sciences (SPSS) with descriptive analysis and content analysis being the main data analysis approaches utilized in the study. This was followed by compiling of the Baseline Report and the draft shared with the project team and a few key stakeholders for validation of the baseline survey findings. The findings of the baseline report were also used in revising and updating the project logical framework matrix and the project risk log. Identified case studies were also developed during this period and shared with the project stakeholders and disseminated in the first quarterly dialogue forum for the project.

## *2.2. Details on data collection methods*

### **2.2.1 Sampling method**

Purposive sampling was used to collect data from Key Informants and to select the Focus Group Discussion Participants based on their relevance to the study and the project being implemented. Particular emphasis was placed on sectoral experience and participation in the Justice Sector Value Chain in Puntland and the project target areas in particular. Where the requisite experts / professionals / key informants were not available, replacement with closest associated experts / actors was undertaken as this component of data collection relied heavily on expert information / insights. Purposive sampling was also used in selecting the facilities evaluated using the observation checklists. In this regard, court houses, police stations and prisons were visited and evaluated in terms of their physical and management systems in place. A key focus was given to record keeping within the justice value chain.

In undertaking primary data collection through the individual public questionnaires, a hybrid sampling approach was adopted. Essentially the sampling strategy adopted was purposive sampling at the cluster level with the key target being the urban areas as well as specific settlement categories such as host community, displaced households etc targeted by the project intervention i.e. Galkacyo, Garowe, Qardho and Bosaso. Random sampling was utilized in choosing individuals who were interviewed using a pre-set identification frequency where every fifth person / individual was interviewed. This enabled randomized response and feedback on the data collected. In each data collection area, between 30 to 50 respondents were interviewed to give a representative targeted sample size of 200 respondents.

### **2.2.2. Data Collection Schedule**

A data collection team composed of the Baseline Survey Consultant and the Project Team and field team was formed at the beginning of the assignment. While the consultant developed the data collection tools, the project team was instrumental in validating the data collection instruments given local contexts as well as their knowledge of the project and the justice system value chain in Puntland. The validated data collection instruments were then pretested with on the first day of data collection in Garowe before revision and finalization. The pretesting of the data collection instruments provided an opportunity for hands on training for the data collection team in administering the data collection instruments. A lean data collection team composed of the Project Manager, the Baseline Consultant and the Director of Research, Puntland State University undertook the data collection with support from key government and field staff / contacts administered the KIIs, Observation Checklists and the FGDs. On the other hand, the individual questionnaires were administered by field teams in the identified project locations.

### **2.2.3. Means of analysis**

The collected data was entered into SPSS and cleaned. Descriptive analysis and content analysis were used to analyze the collected data. Cluster based analysis was undertaken based on the gender, location and the key institution of focus within the justice value chain. The data is presented in form of tables and graphs.

### **Limitations of data collection and analysis**

The data collection was limited by the period of the baseline survey, accessibility challenges for some of the key facilities of focus as well as lack of availability of some key targeted respondents – informants. Furthermore, with a lot of the facilities under focus being related to security issues, there were key challenges in respondents being completely open on operations within such institutions as well as challenges in physical inspections / observations of such facilities.

## 3. Main findings

### 3.1 Presentation of the findings

#### 3.1.1 – Demographic Characteristics of the Sampled Individuals

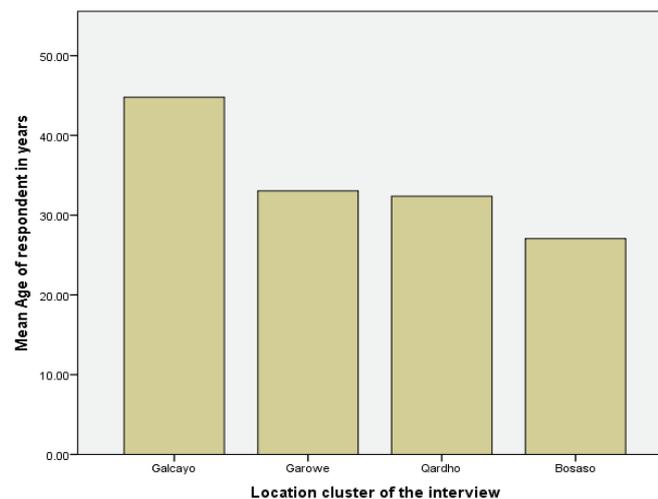
A total of 193 individuals were reached in the baseline survey with 142 being reached through the Public Perception Survey (PPS) which entailed individual interviews while 21 key informants drawn from various key institutions, security agencies and Non-State Actors in addition to 30 individuals drawn from NSA actors who were given their input through focus group discussions (FGDs)

Upon collecting the data, a key challenge / limitation that was identified was poor grasp of English by the interviewers especially for the public perception survey leading to a significant number of spoilt questionnaires. This is despite the consultant taking measures to simplify the questionnaire filling process for the enumerators by using categorical based response systems with negligible use of open ended questions. A majority of the respondents could only understand Somali thus necessitating the enumerators to translate the questions to Somali while capturing the responses in English. We however have a high degree of confidence in the responses captured by the enumerators on account of the structured approach to the questionnaires in the public survey while for the key informant interviews, the consultant was available throughout the data collection phase combined with working with the project team who have a very good grasp and command of English and Somalia. The training also helped in ensuring enhanced understanding of the questionnaires, the survey goals and the project goals and objectives among the members of the data collection team.

Table 1: Average age of the respondents in the public perception survey

Location cluster of the interview	Displacement status of the household			
	Non-Displaced		IDP	
	Gender / sex of the respondent		Gender / sex of the respondent	
	Male	Female	Male	Female
	Mean Age	Mean Age	Mean Age	Mean Age
Galcayo	43.88	49.38	45.17	41.88
Garowe	35.50	32.11	32.25	33.50
Qardho	40.00	30.00	30.00	25.00
Bosaso	25.90	26.83	25.60	30.67

Figure 1: Mean Age of the public perception survey respondents by location



### **3.1.2 Status of the Justice Value Chain in Puntland**

#### **3.1.2.1. The Key Stakeholders in Puntland's Justice Value Chain**

The justice system in Puntland is composed of a number of actors who can be categorized as formal, semi-formal and informal actors or as state and non-state actors. The state actors are key state agencies involved within the security and legal sector in the country and these are the police, the military, the prison system, and the courts (civilian and military). These are the main agencies that are engaged in delivery of rights within the justice system and directly interact / handle the accused and victims of crimes. The Office of the Human Rights Defender (OHRD) is a frontline independent institution that is tasked with monitoring the delivery of human rights in Puntland. While a lot of the OHRD work seems to focus on the criminal justice system, their mandate transcends across all sectors in Puntland and generates annual reports on the state of human rights in Puntland as one of its direct outputs. General policy, laws and management strategies are headed by the Ministries i.e. the Ministry of Interior and the Ministry of Justice. The ministries are also responsible for resource and management decisions that affect the key front-line agencies in the justice value chain. The Ministry of Justice is in charge of general policies and laws in Puntland as they affect the justice sector while the Ministry of Interior is largely mandated / tasked to enforce the rule of law in the state and is thus directly in charge of the Police, the Prisons and the Military.

The non-state actors are composed of Non-State agents that are actively involved in the security sector either by provision of support to the state or through the advocating for rights of those caught up in the justice system as the accused / perpetrators of crimes. Local non-state actors include NGOs with protection related programming as well as legal aid clinics which originated from past UNDP Programmes. This group also includes the Puntland Non-State Actors Association, the Puntland Lawyers Association, and the Puntland Women Lawyers Association as well as the Universities such as The Puntland State University and the East African University. Through various past programmes, there has emerged a special category of local non-state actors actively involved in the delivery of human rights within the justice value chain in Puntland, there are known as Legal Aid Centres / Clinics. This category of institutions provides legal education and assistance to both victims and the accused within the justice system in Puntland. However, a majority of the cases they handle are as a result of referral from mostly the police and sometimes from the courts. The referrals are also provided by NGOs which monitor detention facilities though a majority of such referrals are focused on detained immigrants mostly refugees and returnees.

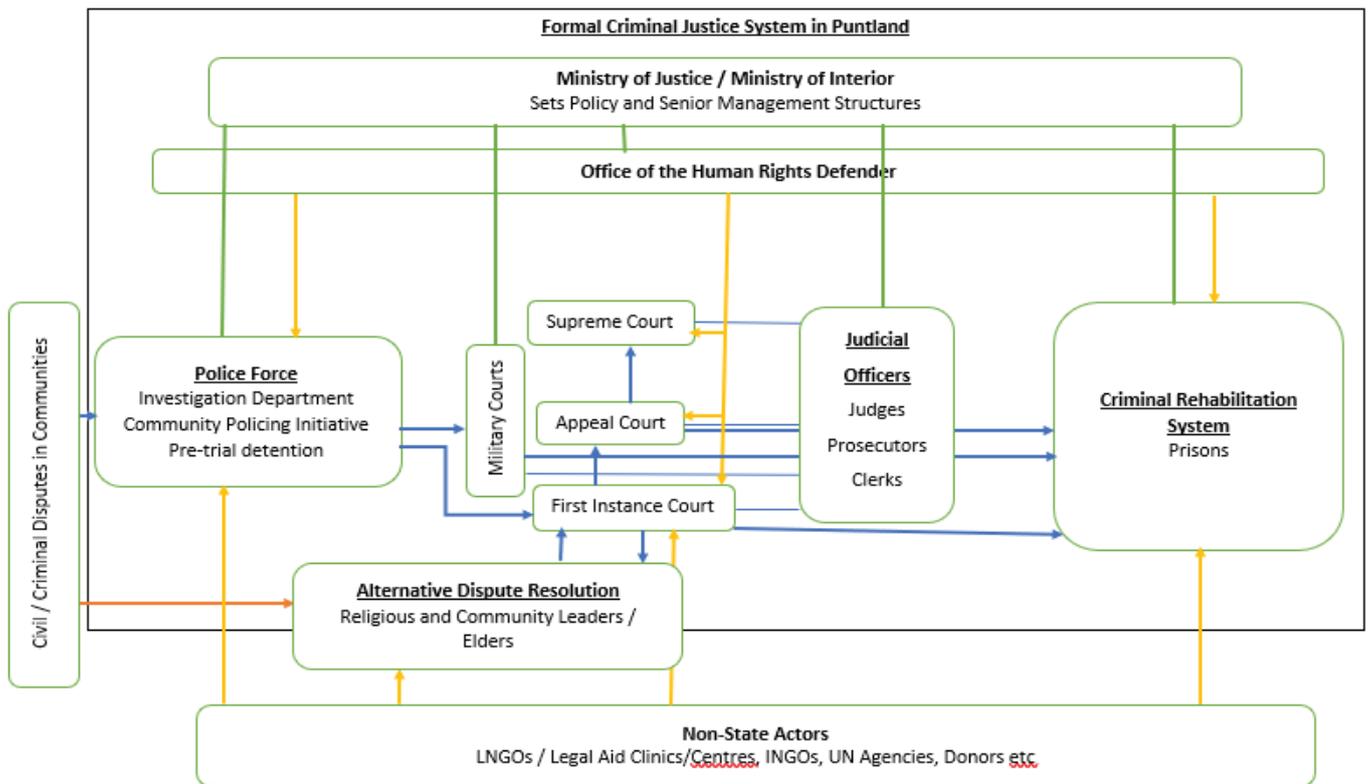


Figure 2: Justice System Value Chain Stakeholder Map / Structure

Another special category of Non-State actors is composed of international actors who directly impact on service delivery within the justice mechanism in Puntland and Somalia in general. This primarily includes UN Agencies, INGOs and Donors who are actively funding various interventions and programmes that affect / impact on the justice system value chains. These include UNHCR, UNDP and IOM through various programmes targeting the security sectors, displaced households and immigrants in Puntland. The Somalia Stability Fund (SSF) is an active player in the justice sector through projects targeted at building police infrastructure in Bossaso and surrounding towns in their efforts to enhance the ability of state governments in Somalia to improve their governance ability.

Another group of non-state actors is the traditional elders / community leaders and religious leaders who together comprise the popular alternative dispute resolution mechanisms. There are ongoing donor driven efforts to formalize the alternative dispute resolution mechanisms with an operational and pilot Alternative Dispute Resolution Court funded by the UNDP in Bossaso, Garowe, Qardho and Burtiine. In Bossaso, the ADR Court has been provided with offices, general manage-

ment staff who assist the elders in record keeping and general institutional management as well as with resources to maintain the ADR facilities / mechanisms such as a budget for refreshments, internet and stationery. The Bossaso ADR mechanism registers the proceedings of the ADR Court with the Court of First Instance thus formalizing the ADR proceedings. With such formalized ADR proceedings, they can be used as a reference documents should one of the parties pursue the matter at hand with the formal court systems.

ADR mechanisms are preferred by individuals given the speed with which disputes are resolved with the Bossaso case showing that on average an ADR session takes between 30-minutes to 1hour for cases to be heard and determines. On average, the Bossaso ADR Court handles around 6 disputes a day. It is important to note that the ADR mechanism is mostly / predominantly used to adjudicate civil disputes within and between communities. Criminal cases in theory are not handled through the ADR system though in practice such cases have in the past found their way into ADR mechanisms. Finally, the ADR mechanism deal with issues of community interest with the primary aim being to minimize / avoid / resolve matters of intercommunity conflict

### **3.1.2.2 Human Resource Capacity within the Justice System in Puntland**

Among the formal direct actors in the justice system in Puntland i.e. Police System, Court System and the Prison System, the police system was found to have the biggest human resource capacity gaps in terms of lack of formal trainings and support. The police force in the target districts are under-resourced, and under-staffed with the most affected being the police in Galkacyo which incidentally also records a bigger rate of detainees given crime prevalence in Galkacyo. About 2 police stations serve Galkacyo Town and both are under-equipped to handle crime and detainees. On the other hand, only one police station serves Garowe Town, the capital of Puntland State. Garowe, showed the second highest level if not comparable levels of police station detainees compared to Galkacyo. Qardho had the least number of detainees in the police stations compared to all the four target locations. Qardho, Galkacyo and Bosaso have a community policing department in the police stations while no such facility was found / observed in Garowe.

In our observation, we found that generally, the senior police commanders are skilled and more experienced than the lower ranked police officers. At the same time, the senior commanders have gone through formal police trainings while their juniors have often not been trained before joining the police force. Consequently, the senior police officers / managers were more responsive to the human rights needs of victims and the accused though in some instances they were found to sanction abuses. However, junior police cadres who serve as the frontline officers in the police force show insignificant skills levels given that a majority of them have not undergone any formal policing / disciplined forces training. This is despite the existence of a police training academy in Puntland near Qardho. Further, a majority of the police officers display a low awareness of human rights and even worse a poorer regard for human rights of both victims and the accused.

On the other hand, the prison system showed high levels of professionalism; this can be attributed to the continuous support to the prison system by international actors mainly UNDP. In terms of leadership and management, there was generally more confidence in the management of the prison system in Puntland as opposed to the management of the other two direct actors i.e. the police and the court system. Similar to the police force, the senior cadres of the prison officers have better training and generally more experience within the prison system. Similarly, junior cadre staff have lower human rights awareness compared to senior cadre staff. There was a general higher confidence with the management of the senior leadership and management of the prison system compared to the senior leadership and management of the other two actors in the justice system in Puntland.

The court system on the other hand is composed of old Judges or judicial officers who served in the old regimes or with a few judicial officers recruited into the judicial service. In general, the judicial service was skilled with key legal trainings of judges and prosecutorial staff. The judicial service officers were found to be old professionals who have been in the practice for longer periods of time. Judicial officers have a sound understanding of the legal regime including the penal code though they are exposed to retaliation as a result of judgements made given they are not accorded official protection units by the police or military officers. As a matter of fact, the fear of reprisals was a real threat to the justice system actors in Puntland particularly from anti-state actors such as the Shabaab and sometimes from clan / community actors.

Across all the three agencies directly engaged in the justice system i.e. police, prisons and courts, the staff in general are highly demotivated across board i.e. senior, mid and junior cadre staff. The reason for this was cited as delays in salaries which on average are delayed by around 6 months for the staff in the justice sector. Besides the salaries, there is a general collapse of justice system infrastructure especially the physical facilities and office furniture. One other actors posed the question "How can we safeguard the rights of others while our own rights are not being respected and honored". It is no wonder then that corruption was found to be prevalent within the justice system especially among the police. Often, the public through the community has been forced to cater for the expenditure of the police and other law enforcement agencies in Puntland particularly in Galkacyo. This hinders independence of the law enforcement agencies as they are then beholden to the communities and individuals who provide more funding to them.

### **3.1.2.3 Infrastructural Capacity of the Justice Value Chain in Puntland**

#### **3.1.2.3.1 Police Capacity and Infrastructure**

The police force showed the highest needs for rehabilitation of its facilities and infrastructure with the police stations in Galkayo having the highest needs. The police station in Qardho has recently been rehabilitated with a model police station with more than adequate holding and accused processing areas. The assessment also noticed a general move towards investment in community policing initiatives which provides an opportunity for close linkage of community justice response mechanisms and the formal police system. UNDP has been a great investor in the infrastructural capacity of the police in Puntland with a resulting dependence on UNDP funding for effective operation and management of police and prison facilities. In Galkacyo, end of UNDP project support to the police force is evident in breaking down of the only vehicle that was available for transporting detainees to the courts as well as a general breakdown in the infrastructure. The case is similar for the Garowe Police Detention facilities which do not have a dedicated vehicle to transport detainees to the courts and thereafter to the prisons.

The case of Galkacyo is exacerbated by the fact that off all the 4 target project locations, Galkacyo has the highest number of detainees in both the prison and police facilities. While Bossaso would have a higher number of detainees across board, the facilities in Bossaso are bigger and are better equipped thus seeming to be not as constrained as those in Galkacyo. Indeed, while Galkacyo only has 2 police stations, Bossaso has at least 3 police stations with even some being located in neighborhoods / settlements thus making access to police services greater than it is in Galkacyo. Comparing it to Garowe and Qardho, Bossaso has more police stations and police facilities as opposed to the two which have one police station each and are served by fewer police officers. At the same time, Galkacyo also has the greatest number of illegal detainees

drawn from local communities of all the surveyed locations while Bossaso has the greatest number of non-resident illegal detainees.

Qardho on the other hand had the least number of detainees on the police station visits. Further, through a recent UNDP project, a model police station facility has been constructed featuring a crime reporting / detainee processing area as well as designated police areas with toilets as well as gender specific detention facilities in which women have their own detention areas. Further, the police station in Qardho town had the least number of detainees with less than 10 detainees (no women were detained) at the time of visiting the police station. There was no clear designation and separation of detention areas for men and women in Garowe, Galkacyo and Bossaso Police holding cells that were visited. However, it was consistently cited by stakeholders that the arrest and detention of women is a rarity in Puntland. Similarly, stakeholders noted that children are not arrested / detained in Puntland in line with constitutional and sharia laws. However, it was also pointed out that there is conflict in the definitive age of a child in that while Sharia Law points to children as being aged 15 years and below, the children's act points to children being aged below 18 years. This is a contentious issue which leaves the interpretation and subsequent arrest / detention of youth falling in the age 15-18 years as a subjective issue on a case by case basis.

The quality of detention facilities is hampered by a number of factors. To begin with, food for the detainees can only be guaranteed as one meal a day with no focus on the dietary requirements for the detainees or special needs of employees. Indeed, even access to clean water is a challenge for the detainees thus further impacting on their health and welfare as well as access to basic human rights. Medical access of the detainees on the other hand is unheard of among pre-trial detainees in police stations with critical sickness among detainees being referred to family members who pick their detained but critically ill family members. Similarly, there are not special considerations for special needs detainees such as the mentally ill or the disabled or special illness detainees. For the

victims of crime, there is no access to psychosocial support with the only opportunity being through irregular referrals to NSA actors providing psychosocial support. Indeed, the frontline police officers have not been trained to handle the special needs of the victims of sexual and gender-based violence. Constrained access to detention facilities by NSA Monitors is one of the key issues that needs to be addressed through the MoJ, Mol, OHRD and the Non-State actors if the delivery of basic human rights to pre-trial detainees is to be realized.

In terms of infrastructure and equipment, the baseline survey revealed that the police are under-equipped across all the target locations. To begin with, there was no single police station with radio communication facilities or with public telephone communication numbers / facilities. This makes it hard for the ordinary citizens to access police services. This observation is consistent with the results of the public perception survey whose results show that police services are largely inaccessible and responsive to community needs. At the same time, the police do not have adequate motor vehicle for transportation of police officers for patrols or to crime scenes and the transportation of detainees to the courts / prisons. In Garowe and Galkacyo, the police buildings are falling apart with leaking roofs and broken-down infrastructure. Across all the locations, the police do not have designated registry spaces for police records and record management is poor and often individualized to the person at the command of the local police station, as such, the institutional memory of a police station will usually lie with the top police commander in any police station and his immediate assistants.

On the other hand, there is a very low investigative capacity among the police given poor police training as well as the lack of forensic investigation equipment and facilities in Puntland. This affects the ability of the police to meet and comply with the set maximum pre-detention without trial period which is set at 48hrs constitutionally. As a result, prolonged and thus illegal detention is commonplace in Puntland given a non-responsive and ineffective system. It was cited during the baseline survey that there are even cases of individuals who have been in prisons for over 2 years without appearing in court for their hearing and sentencing. This was pointed to arise whenever police stations get full and refer older detainees to prisons for further detention before trial after which no follow up is made by the police. Increased monitoring of detention facilities and particularly detainee records is thus a critical element that is missing in Puntland for all detainees.

### 3.1.2.3.2 Courts Capacity and Infrastructure

The judicial system is composed of three tiers of courts (i) the First Instance Court where all criminal and civil disputes are first heard in the formal justice system, (ii) the Court of Appeal, which serves as the court of further pursuit for justice in the event that the parties in a dispute are not satisfied with the decisions of the First Instance Court, and (iii) the Supreme Court which determines constitutional issues in the state of Puntland and as such does not resolve ordinary criminal / civil disputes. There also exists a currently semi-formal Alternative Dispute Resolution Mechanisms (ADRM) that runs parallel to the formal judicial system and which is highly relied upon by communities in the resolution of inter-community disputes. There are efforts to formalize the ADRM structures through targeted operational support including staffing, office space and stationery for recording proceedings. Indeed the 2009 Constitution of the State of Puntland Mandates the judiciary to recognize and respect decisions of informal traditional dispute resolution mechanisms / structures (State of Puntland, 2009). Further, the State of Puntland through the Ministry of Justice and Religious Affairs and Rehabilitation developed the Judicial Policy on Traditional Restorative Justice and Alternative Dispute Resolution in 2014 which serves as a formal policy on ADR mechanisms in the State (MoJRAR, 2014). Finally, the Constitution of Puntland recognizes Puntland as one of the State of the Federal Government of Somalia and thus Federal Laws are applicable in the State of Puntland, this thus includes the constitutional provisions on ADR contained in the Provisional Constitution of 2012. Currently, ADRM structures are being supported in Bossaso, Burtinle, Garowe and Qardho through a UNDP project.

The formal court system has been in operation for a very long time from the pre-conflict period and thus heavily relies on old judges and prosecutors who served in previous regimes. This is possible given the low numbers of newly trained and highly experienced trainees working with the judiciary either as clerical staff, prosecutors or judges. Further, this is driven / encouraged by the lack of a formal retirement age for government employees and in particular judges and prosecutors. As such, on average, judicial officers in Puntland are old aged and have been practicing law for between 30-40 years. The younger staff have been in the judicial service for periods of between 15-20 years and lack formal / advanced training in law and legal matters. As a matter of fact, a majority of key informants during the baseline survey pointed out that often, the private lawyers are better trained and have greater knowledge of current laws of Puntland compared to the judges and prosecutors. Currently, the Puntland State University based in Garowe trains lawyers while the East African University based in Garowe and with Branches in other Major Towns provides training in sharia law. Unlike in other countries where a law degree does not necessarily make one an advocate of the court, a law degree is enough for an individual to practice law in Puntland given there is no mechanism for harmonized legal training specific to the judiciary in Puntland. The Puntland Lawyers Association (PLA) is a good move towards a vetting and standardization mechanism for lawyers but this needs to be anchored in law through legislation.

Further, there is an existential security threat for judicial officers executing their mandates as they are not provided with permanent security services other than sentries posted at court houses. There have been reports of judicial officers being assassinated especially when handling sensitive security related cases including cases related to the Al Shabaab. Indeed, even the military court is a highly guarded facility with the responsible officers reporting a high risk to their lives in handling terrorists. Tenure security for the judicial officers is not assured as a majority of the respondents report political and clan-based reprisal for some judicial decisions.

A majority of the surveyed court houses were largely functional / operational though they require general rehabilitation of the buildings and other infrastructure. Of particular concern was the lack of a centralized registry in each of the surveyed court houses and consequently case files are stored by each judge in their offices. This increases the risk of loss of case files given the lack of a centralized casefile management system. At the same time, none of the surveyed court houses had a library from which legal literature and documents can be utilized by both the judiciary officers as well as by members of the public especially lawyers and paralegals who provide pro-bono assistance to defendants and to victims of crime.

Further, there is need for equipping the courthouses with electronic proceeding capture equipment including stenographs and computers for effective recording and capture of proceedings. At the same time, there is a general shortage of computing and court record digitization equipment. A centralized digital record management system is a critical facet of criminal information management system which can be used in investigations and to profile criminal incidences. At the same time, it makes it easy to capture repeat offenders and exert appropriate punishment including prolonged sentences while at the same time being used by policy makers and crime mitigation agencies such as the police. This is also a critical element in the implementation of a probation system given the nature of crime and incidences of previous criminal offences.

In terms of infrastructure, none of the surveyed court houses had holding cells for criminals as they await their proceeding or after their proceedings while they await transport to prison or as they are processed for release. This presents a serious security risk for judicial officers and members of the public during criminal proceedings. Additionally, this also presents an additional resource strain in terms of number of vehicles and manpower required to move detainees between the court house and the remand locations.

### 3.1.2.3.3. Prison Capacity and Infrastructure

Among the three criminal justice value chain agencies that were the primary focus of the baseline survey, the prisons led by the custodial corps was the most effectively managed agency / service. The prison system directly falls under the MoJRAR in terms of operational control, policy and overall management. The MoJRAR identifies the mandate of the Prison Services formally called the Department of Prisons as, (i) Care and feeding of prisoners, (ii) Creation of employment skills for prisoners, (iii) Issue task directives for the custodial corps, (iv) Make proposals on maintenance of prisons and appropriate sites for the construction of new prisons, and (v) Make proposals for organizational structure of the custodial corps.

The Prison Services in the target districts have consistently received support from UNDP with the construction of new prison facilities in Garowe, Bossaso and Qardho. The Garowe and Qardho prisons were accessed while stakeholders in the four target cities were tasked to give input on the prison facilities in Puntland with a specific focus on the target locations. Among the surveyed key respondents, it was highlighted that the prison in Galkacyo is over-crowded, with occasional overcrowding in Garowe and Bossaso prisons. The prisons are relatively better managed and have better infrastructural facilities compared to the police and the court houses. It was however noted that sustainability of the operations of the prisons is somewhat lacking on account of reliance on donor / UN funding to support the prison facilities.

It was reported by Custodial Corps in Garowe and Qardho that their water treatment plants have broken down with the one in Garowe having broken down for the past 6 months while the one in Qardho has been out of service for a longer period. At the same time, the sewerage facilities (septic tanks) in Qardho have filled up leading to the prison authorities having to dig up an external septic tank outside the walls of the prison buildings. The other observed common problem is the breaking down of prison transportation vehicles with one in Garowe being out of service as well as the one in Galkacyo.

General prison welfare is looked after through 3 meals that are provided to prisoners, a general exercise area for the prisoners as well as separation of men and women within the prisons. In Qardho, women have a whole block dedicated to them while the male prisoners are further separated into one block for the elder-

ly and another for the non-elderly prisoners. As with the other justice sector institutions, children are not imprisoned as a matter of policy. However, the issue of age is still contentious given confusion in legislation on what the maximum legal age for children is. For the mentally ill individuals, there is no support available to them given lack of professionals in this field. For prisoners who fall sick, medical assistance is either provided on location by skilled medical staff such as the assistant commander of the custodial corps in Qardho prison who is a trained medic and provides medical services to the prisoners at the clinic in the facility which also has inpatient facilities. However, the Qardho prison clinic is low on medical supplies which need replenishment. For the other prisons, referrals to the nearby medical health centres enables prisoners to access medical services. Bossaso Prison has an on-site doctor who provides medical services.

Monitoring of prison facilities is virtually non-existent given security considerations in the prisons and the threat of attacks by the Al Shabaab and other actors. As such, formal monitoring is left to the OHRD and Custodial Corp Commanders in their routine monitoring visits. While there are few if any reports of torture of prisoners or complaints of mistreatment by prisoners, independent non-government monitoring is critical. However, it was mentioned that the clan system serves to ensure prisoners are not mistreated / tortured during the imprisonment through clan reprisals / backlash against errant custodial corps officers.

Prisoner rehabilitation takes various forms in Puntland, however, it is important to note that there is a non-existent parole / ex-convict follow up mechanisms / structures in the State of Puntland. The baseline team was given a detailed visit of the Qardho prison and one of the outstanding issues was a prison farm / garden which a select team of prisoners work on to grow food for the prison and which is used to feed the prisoners.

#### 3.1.2.3.4. Cross Cutting Issues

##### **Record Management**

Record management is one of the key enablers of the delivery of human rights within the criminal justice system as it enables tracking of detention periods, referrals for legal assistance, and processing of the accused throughout the justice chain. Whereas the survey noted a general adherence to international case management systems among the three key direct actors in the justice value chain, there are gaps in storage of records. This is because there are no set storage facilities / registry system for records among the police, the judiciary and the prison system. At the same time, there are fears that the institutional knowledge about cases among the police force is held by individuals and as such the death or transfer of such individuals results in stalled cases. In Galkacyo, it was reported that as a result of an increase in the number of detainees, the space allocated for the registry / records and some offices for the police officers had to be converted into detention areas for the accused.

##### **Vulnerable Groups – Women and Children**

During the baseline survey, a general low number of women were found in the surveyed pre-trial, on trial and post-trial detention centres. It was pointed out by majority of key informants that women are rarely involved in criminal incidences other than in cases of murder or involvement with the Al Shabaab terrorist group and hence their low numbers in detention areas. However, when it comes to responsiveness of the criminal justice system to the rights of women especially given their vulnerability to criminal incidences, the system is largely unresponsive to women rights. This is especially true when it comes to Sexual and Gender Based Violence (SGBV) where women are ordinarily the primary victims. While a rape act has been recently enacted in the State of Puntland, front line officers have not been sensitized in handling such cases and there are no measures to provide psychosocial support to the victims of SGBV. Further, there are few if any women police officers in Puntland or dedicated reporting desks for SGBV crimes.

For children, a recently enacted children's act seeks to improve the welfare of children in the state of Puntland. Further, the state of Puntland through recognition of Sharia Law and through its constitution recognizes the rights of children and does not recognize the probability of children committing crime. As such, legally, children cannot be convicted of criminal proceedings or detained for that matter. However, a general confusion exists in the legislation with regard to who is a minor in the state of Puntland. Sharia Law recognizes children as being aged up to a maximum of 15 years while the constitution identifies this age as 18 years old. However, there exists a custodial detention facility specifically for children in Garowe and Bossaso which consists of a leased hotel. The children detained here are those who are found to have been recruited by the Al Shabaab and thus this facility is used as a rehabilitation centre for these children.

#### 3.1.2.4. Coordination Among the Justice System Stakeholders in Puntland

The justice system in Puntland was observed to be disjoint and characterized by little to no interaction among the various stakeholders at the medium and lower levels. As a result, there is a general high need among stakeholders and difficult to make interventions where the needs are greatest. Further, it becomes difficult for the primary direct actors to pool resources jointly or even discuss the sector and make appropriate changes to it. Consequently, blame is apportioned by the actors on inefficiencies within the system. The Ministry of Justice and the Ministry of Interior are the two key legislative and policy agencies with responsibility over the justice system in Puntland and there is need for greater coordination between the two.

At the same time, there are no avenues / platforms for state and non-state actor coordination in the justice system value chain in Puntland. In particular, there is limited interaction between the community and religious structures with the police and judiciary though their activities greatly affect the workings of the others. In Bosaso, at the formal ADR Centre, there have been efforts to build the capacity and understanding of the informal systems actors in the formal state, national and international rights regimes. Consequently, in Bosaso, the formal ADR Centre does not handle rape cases with the coming in of the Puntland Rape Act. At the same time, all cases handled by the Bosaso ADR Centre are registered with the judiciary for record keeping in case of need for appeal on the ADR decision. Further, the Bosaso ADR Centre while funded by the UNDP has its administrators and clerical / support staff appointed by the MOJ. The support staff / administrators of the Bosaso ADR Centre report going for coordination meetings convened by the MOJ on a quarterly basis. This was however not verified by the MOJ in subsequent queries.

The survey on the other hand identified an active role played by the Legal Aid Clinics and LNGOs in the provision of legal services mostly the victims of gross human rights abuses and sometimes to the accused and detainees. Critical focus has been given to detained refugees and illegal immigrants due to their programming needs especially given funding support by UNHCR and IOM. Despite the involvement of these NSA actors in the justice system, there is little or no formal engagement or coordination policy / strategies. While this is attributed to security challenges and the transitory nature of their programming, it has further served to curtail the ability of NSA actors to undertake monitoring of detention centre facilities. This is despite the establishment of the Office of the Human Rights Defender which in principle should benefit from the activity of the NSA actors. Curiously though, the MoJ is involved to a high extent in the selection of the management of the legal aid clinics in Puntland despite not providing financial support to these centres.

### 3.1.2.5. Monitoring of Human Rights Delivery within the Justice System Value Chain in Puntland

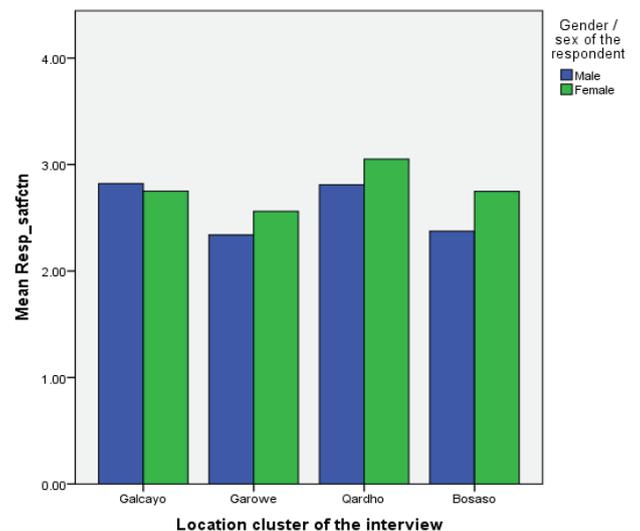
The OHRD is the mandated government agency that monitors the delivery of human rights by the state of Puntland to its citizens. The OHRD is an independent state institution involved in monitoring the state of human rights in Puntland and works with among others the actors of the justice value chain particularly in the adherence of the human rights regime within the criminal justice framework. Furthermore, the mere existence of this office should be an enabler to the human rights monitoring efforts other actors in Puntland. Being the mandated government agency, it is plagued by similar challenges to those of other government agencies, namely low financial resource and staffing allocation that hinders it from delivering on its mandate. This is besides having a broader mandate in the monitoring of human rights to covering all aspects in the lives of the citizens of Puntland as opposed to restriction to specific sectors such as the justice system in the country. As a matter of fact, while there is a constitutional mandate to share the Annual Human Rights Reports of the OHRD with the Puntland Parliament, this focus is on human rights across all sectors and is not restricted to the justice value chain. At the same time the Annual Human Rights Report is not disseminated to the public and there was no clear mechanism for interrogating the contents of the human rights reports by the Non-State Actors and members of the public.

On the other hand, NSA actors reported numerous challenges in monitoring the delivery of human rights within the justice system value chain on account of hindered / restricted access to the accused. As such, it may seem that victims have a higher probability of being assisted by NSA actors to secure their rights compared to accused individuals. Accreditation and registration of human rights monitors is virtually non-existent among the NSA actors involved in monitoring human rights delivery, this coupled with the security risks involved in the justice sector serves as the carte blanche reason to deny NSA actors access to detention facilities. Further, there does not exist a common shared platform for NSA actors, and government actors involved in the justice system to share and engage on the delivery of human rights within the justice system in Puntland.

### 3.1.2.6. Public Satisfaction with the Justice System in Puntland

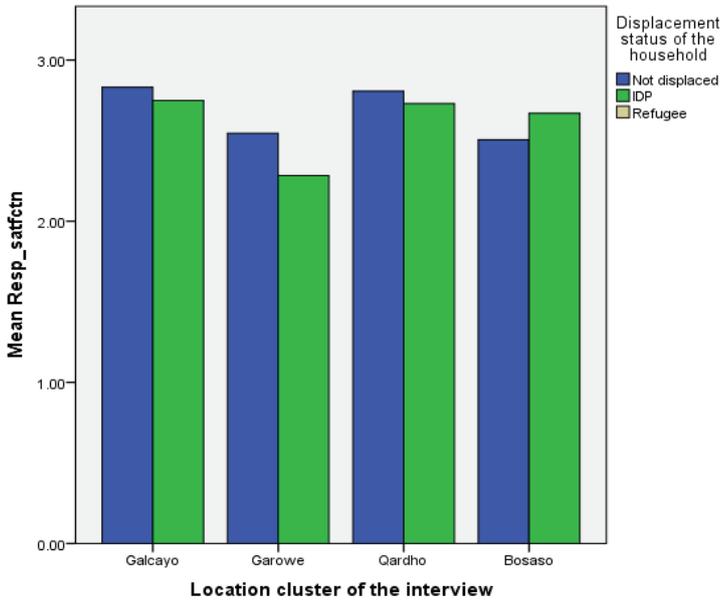
In general, the respondents report low satisfaction rates with the services and rights delivery in the criminal justice system in Puntland. Across all the evaluated districts and populations, none of the evaluated respondent groups reported qualified satisfaction with the criminal justice system. In Galkayo, men were comparatively more satisfied with the justice system compare to women unlike in Garowe, Qardho and Bosaso where more women were comparatively more satisfied with the justice system service delivery.

*Figure 3: Satisfaction with the Justice System in Puntland: Gender Perspectives*



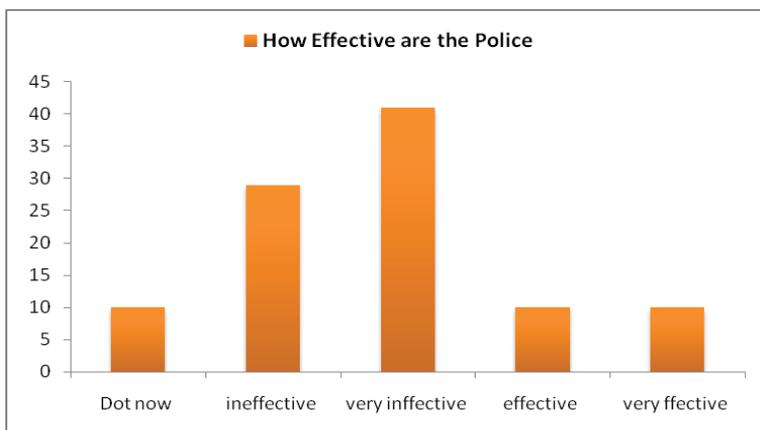
When the satisfaction levels among the public are evaluated given the displacement status of the households, it was noted that displaced households while reporting the similar low satisfaction levels with service delivery by the justice system show lower satisfaction levels compared to the non-displaced households.

Figure 4: Satisfaction with the Justice System in Puntland Given Displacement Status



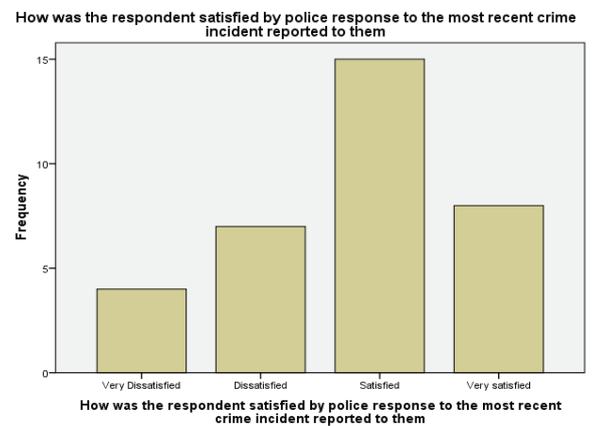
A majority of the surveyed respondents were less satisfied with the police, the police force in the target locations as being largely very ineffective with 41.2% of the surveyed individuals being of the opinion that the police are either very ineffective or ineffective in their work.

Figure 5: Police Effectiveness



The baseline survey showed that the preferred crime reporting institutions of choice was either the police or the family with other institutions and mechanisms being less preferable among the surveyed respondents.

Figure 6: Satisfaction of Police Response to Reported Criminal Incidences

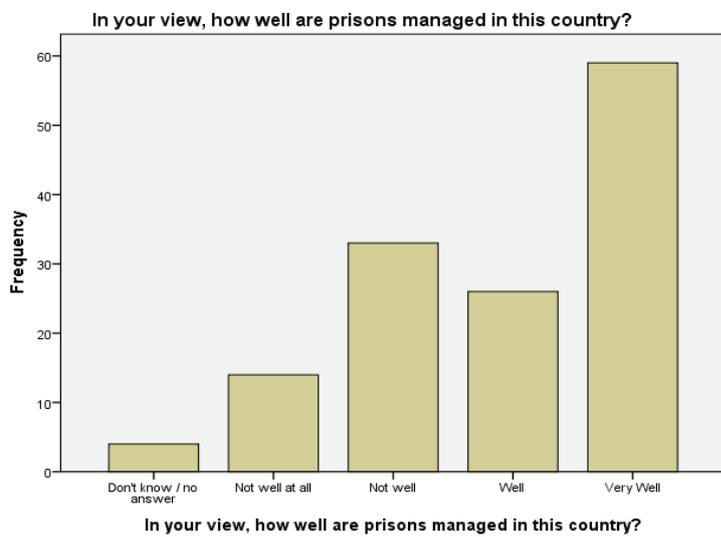


The preference for reporting either through the family or the police shows a marked preference for Alternative Dispute Resolution Mechanisms whose reporting structure usually goes through the family then through the community and clan structures. Among the respondents who have reported criminal incidents to the police, there was general satisfaction with the response by the police to reported criminal incidences. However, it must be noted that only a paltry 20% of respondents who have experience with crime have reported them to the police. Indeed 50% of the key informants with expertise on the Puntland Police Force do not think the police are effective in preventing members of the public from taking the law into their own hands through vigilantism and mob justice.

In the Prison management system, the public also shows a largely high satisfaction score with the prison management system as well as the effectiveness of the prison system in Puntland. Making comparative analysis between the police effectiveness and prison services effectiveness.

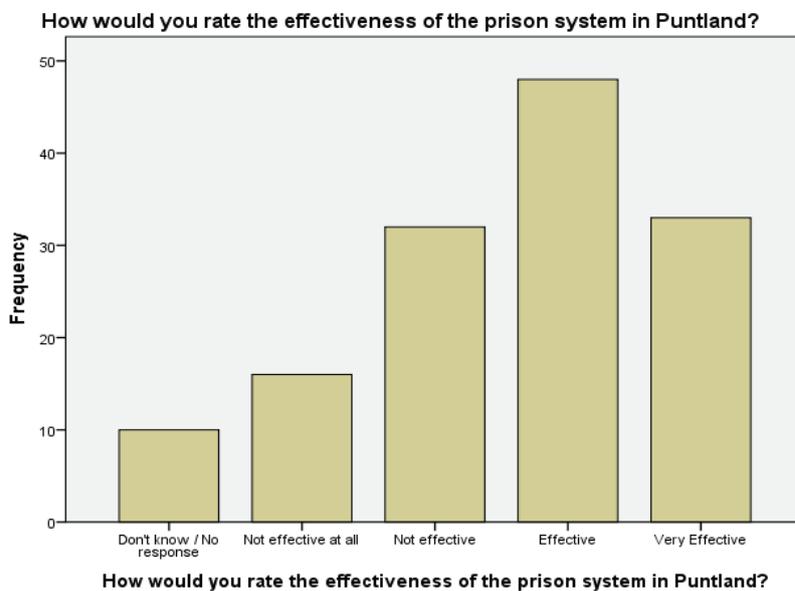
Figure 7: Public Satisfaction with the Prison Management System in Puntland

Figure 8: Public Perception of the Effectiveness of the Prison System in Puntland



### 3.2 Project Baseline Indicators

Table 3: Project Indicators at Start of Project



### 3.2 Project Baseline Indicators

**Table 3: Project Indicators at Start of Project**

	Results chain	Indicators	Baseline (Refyear. 2018)
<b>Overall Impact</b>	<p><b>Overall objective:</b></p> <p>A human rights-based justice delivery system in the state of Puntland</p> <p>Outcome = Oc</p> <p>Effective delivery of human rights by the state of Puntland in the criminal justice system.</p>	<p>Satisfaction with the state of human rights security within the criminal justice system in Puntland</p> <p>Access to legal assistance within the justice system</p> <p>Improved service delivery and accountability perception</p>	<p>Low</p> <p>Low</p> <p>Low</p>
<b>Specific objective(s): Outcome(s)</b>	<p>Intermediary Outcomes = iOc</p> <p>iOc1: To improve / strengthen the capacity of non-state actors to monitor and enhance the delivery of human rights to the general population and within the criminal justice system value chain;</p> <p>iOc2: To support non-state actors monitoring delivery of human rights by state institutions in Puntland with particular focus on the justice system;</p> <p>iOc3: To support the rehabilitation of 400 inmates / prisoners through technical and vocational education combined with basic numeracy and entrepreneurship training</p>	<p>No of stakeholder engagement forums conducted in the justice system value chain</p> <p>No of justice system value chain facilities accessed by accredited monitors</p> <p>Quality of existing detention system facilities and services</p> <p>Stakeholder satisfaction with human rights delivery in the justice system value chain</p> <p>Post detention livelihoods security for released prisoners</p>	<p>None</p> <p>No monitor accreditation system exists</p> <p>Police detention – poor detention facilities with overcrowding in police cells and illegal detention periods</p> <p>Prison – sufficient detention facilities</p> <p>2.6678 - low satisfaction rate</p> <p>No tracing mechanism for released prisoners exists</p>
<b>Outputs</b>	<p>Outputs = Op</p> <p>Outputs 1.1: Enhanced NSA capacity to support Puntland government's delivery of Human Rights in the justice system value chain (related to iOc 1)</p>	<p>No of NSA individuals with increased human rights knowledge (50% women)</p> <p>No of accredited monitors in the criminal justice system</p> <p>No of reported incidences of human rights violations within the justice system</p>	<p>No documented human rights awareness raising initiatives targeting NSA actors</p> <p>No detention monitors accreditation system in place</p> <p>No documentation mechanism for reported human rights violations in the justice system</p>

### 3.2 Project Baseline Indicators

**Table 3: Project Indicators at Start of Project**

	Results chain	Indicators	Baseline (Refyear. 2018)
Outputs	Output 1.2: Enhanced NSA dialogue and engagement in human rights advocacy within the justice system value chain (related to iOc 2)	<p>Organizational systems enhanced / put in place for PULWA and PLA respectively</p> <p>No of men and women registered as members of PLA and PULWA as a proportion of the number of lawyers in Puntland</p> <p>Number of NSA actors engaged in engagement forums with government agencies in dialogue</p>	<p>No organizational systems improvement efforts undertaken since establishment of PULWA and PLA</p> <p>Voluntary registration with no publicized registration initiatives / drives for graduating students</p> <p>No engagement / dialogue forums between NSA and State actors in the justice system</p>
	Output 1.3: Enhanced quality of detention services within detention services in Puntland's detention system (related to iOc 3).	<p>Number of men and women engaged in policy and legal dialogue in Puntland</p> <p>Number of policy briefs and position papers developed informing the government agencies in the justice delivery chain</p> <p>Number of consultative forums held between government and NSA actors</p> <p>No of detainees accessing legal assistance</p> <p>No of legal assistance cases for detainees referred to relevant bodies / actors</p> <p>No of male and female prisoners benefitting from gainful employment skills imparted through the intervention</p>	<p>No recorded engagement of non-government employees / lawyers in policy and legal dialogue in Puntland</p> <p>No records of policy briefs and position papers by NSA actors</p> <p>No Records of consultative forums between Puntland Government and NSA actors</p> <p>No records of detainees accessing legal assistance or sustained legal assistance initiatives for detainees</p> <p>No centralized system for tracking the number of cases for detainees referred to relevant bodies / actors</p> <p>No long-term prisoner rehabilitation gainful economic skills development initiatives</p>

## 4. Conclusions & Recommendations

The baseline survey was undertaken over a three-week period during which the status of human rights security in the criminal justice system in Puntland with a key focus on the targeted project locations was evaluated. Through a competitive recruitment process, a consultant was selected and contracted to undertake the baseline survey. The consultant applied stakeholder participatory approaches and worked very closely with the project team in implementing the baseline survey. The project team was involved throughout the baseline survey planning and implementation process thus providing an opportunity for the project team to gain survey planning and implementation skills while forging greater partnerships and contacts with various actors in the criminal justice system in Puntland.

From the baseline survey, it was noted that there are a number of bottlenecks and constraints that hinder effectiveness in the criminal justice system in Puntland. To begin with, the criminal justice system in Puntland is composed of the existence of a dual system of formal and informal actors. There are efforts to merge the formal and informal systems into a hybrid system that recognizes and respects the other actors. Donor support has been critical in such initiatives with the most notable one being the establishment of a formalized ADR mechanism in Bosaso which has the potential for expansion and adoption in the other areas of the state. However, heavy reliance on donor support is a particular challenge as evidenced by collapse in security service provision in Galkacyo after the withdrawal of support by UNDP to the police in the district.

At the same time, there is a clear benefit and outcomes of donor support in the criminal justice system most notably in the prison management system as evidenced by prison reform interventions in Qardhow, Garowe and Bosaso by UNDP. A holistic investment approach is seen to work and deliver human rights within the prison system. From the baseline survey, policy briefs will be developed to draw up lessons to inform project implementation and policy interventions in the implementation of the project. Already, lessons from the baseline survey are being utilized to inform a review of the logical framework and risk log of the project for more effective project delivery.

The following are the key recommendations that can be drawn from the baseline survey for policy and to inform project implementation:

- Coordination – there generally exists poor to non-existent coordination among the various actors in the criminal justice value chain in Puntland. As such, key steps and measures should be made to enhance coordination for increased effectiveness in the criminal justice value chains. Furthermore, given that the criminal justice value chain largely falls under the mandate of the MoRAR and the Mol, coordination will inform policy in the sector while at the same time enhancing the effectiveness of the various agencies.

- Human rights capacity – given low level awareness of human rights for the victims and perpetrators of crime among the front-line police and custodial corps, there is need for capacity building and awareness training to the front-line officers in the criminal justice system. This is besides ensuring professional training of low cadre staff within the criminal justice system besides putting in place clear recruitment policies / strategies.
- Human Rights Monitoring by NSA Actors in the Justice Value Chain – given the existential security risk in access to the criminal justice system facilities such as the police stations, prisons and the court houses, there is need for structured access for NSA monitors to pre/on/post trial detention facilities. In particular, the existence of the OHRD provides a good opportunity for structured access to these facilities for independent NSA monitors. Through coordinated efforts between the NSA, the OHRD, the MoJRAR and the Mol, it is possible to develop an accreditation mechanism for NSA mechanism issued for a specific period. NSA monitors would then be required to share visitation and monitoring schedules to detention facilities including details on their monitors.
- ADRM Human Rights Awareness – both the constitution of Puntland and the ADR Policy developed in 2014 recognize the importance of ADRM in resolving community disputes. Further, the society in Puntland shows a marked preference for ADRM to resolve disputes besides the mechanism showing high levels of responsiveness to community needs and to resolving community disputes. However, there is concern within the community and among experts in the justice sector on the ability of the ADRM structures to address the human rights needs of victims and the accused in criminal disputes. This is largely informed by the lack of awareness of ADRM decision makers on the existing local, regional and international human rights regimes and their importance to the wellbeing of the society. As such, there is need to enhance the human rights awareness and knowledge of ADRM actors with a specific focus on decision makers.

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## 5. Annexures

### *Annex I: Public Perception Survey*

KAALO AID and Development

Baseline Survey for the Project “Enhancing the Role of Non-State Actors in Monitoring Human Rights Delivery Within the Criminal System Justice Value Chain In Puntland”

Public Perception Survey Questionnaire

Interviewer Name: \_\_\_\_\_

Location of interview (name of city/village, province) : \_\_\_\_\_

Enumeration area (EA) name and number: \_\_\_\_\_

Language of interview: \_\_\_\_\_

Date (dd/mm/yy): \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Time: \_\_\_\_\_

Oral consent was given: Yes \_\_\_\_\_ No \_\_\_\_\_

Signature of interviewer who administered consent: \_\_\_\_\_

Introduction and informed consent

Read this text to your potential respondent and sign the consent form above once you receive oral consent from her/him. “Hello. We are conducting a public opinion survey as part of a KAALO Aid and Development EU Funded Project called Enhancing the Role of Non-State Actors in Monitoring Human Rights Delivery Within the Criminal System Justice Value Chain In Puntland and would like to ask you to participate. I am from the [organization name]. I don’t represent the Government or any political party. We would like to ask you about your views and experiences with the police, courts and prisons in the country. The survey will take approximately 20 minutes. “We don’t need to know your name and we will not be recording anything that will identify you. You don’t have to answer any of the questions and you may stop the interview at any time.” “Would you like to participate?”

Note: If yes, proceed; if no, end the interview and say, “Thank you for your time”.

1. For purposes of comparison, may I ask how old you are? [\_\_\_\_] Years old [ ] Don't know [ ] No answer

Note: If a respondent cannot answer, ask: "In what year were you born?" In \_\_\_\_\_

2. Are you male or female?(Note: Mention first whatever they appear to be)

Female[ ] Male [ ] Other [ ] No answer [ ]

3. Do you consider yourself / household to be displaced? Yes [ ] No [ ]

3.1 If Yes, what was your original settlement? \_\_\_\_\_

\_\_\_\_\_

3.2 How long have you resided in the current location? \_\_\_\_\_

3.3 Are you registered with any government / humanitarian agency as a displaced individual? Yes [ ] No [ ]

5. What is the highest level of schooling you completed? No formal schooling[ ] Some primary [ ] Some secondary [ ] Completed secondary (high school diploma or equivalent)[ ] Trade or vocational education [ ] Some college/university [ ] College/university graduate [ ] Don't know [ ] No answer [ ]

6. What is the main source of income in your household? Job of one or more household member (s) [ ] (Please specify type of job) \_\_\_\_\_

Self-employment[ ] (Please specify type of self-employment) \_\_\_\_\_

Farming/fishing[ ] Other [ ] Please specify \_\_\_\_\_ Don't know [ ]

No answer[ ]

7. Have you experienced any form of conflict / insecurity in an area of settlement?

Previous Settlement Yes [ ] No [ ]

Current Settlement Yes [ ] No [ ]

If yes, what was the nature of the insecurity / conflict? \_\_\_\_\_

\_\_\_\_\_

If yes, what redress / coping measures did you adopt? \_\_\_\_\_

\_\_\_\_\_

Police - This section is about police and other law enforcement agencies.

8. How effective do you think the police are at controlling crime in your area? Very effective [4] Effective [3] Ineffective [2] Very ineffective [1] No answer [ ]

9. Were you a victim of a crime within the last 12 months? Yes [ ] No [ ] Don't Know [ ] No Answer [ ]

9a. If yes: Did you report it to anyone outside your family (e.g., the police, elders or chiefs)? If you were a victim more than once, please think of the most recent incident. Yes [ ] No [ ] Don't know [ ] No answer [ ]

9b. If yes: Whom did you report to? Please select multiple categories if applicable.

To the police [ ] To other law enforcement agency [ ]

Please specify \_\_\_\_\_

To chief/elder/tribal governor/religious

Authority [ ] Other [ ] Please specify \_\_\_\_\_ Don't know/remember [ ] No answer [ ]

9c. If a: Overall, how satisfied were you with the response by the police?

Very satisfied [4] Somewhat satisfied [3]

Dissatisfied [2] Very dissatisfied [1] No answer [ ]

9d. If c: Overall, how satisfied were you with the response by the chief/elder/tribal governor/religious authority?

Very satisfied [4] Somewhat satisfied [3] Dissatisfied [2] Very dissatisfied [1] No answer [ ]

10. Within the last 12 months, have you been searched by the police? Yes [ ] No [ ] No answer [ ]

11. To what extent do you agree that the police do as much as they can to be of service to the community? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

12. To what extent do you agree that the police in your area can be trusted? Fully agree [4] Partly agree [3]

Disagree [2] Strongly disagree [1] No answer [ ]

13. To what extent do you agree that it is possible to avoid arrest by offering a bribe to a police officer? Fully agree [1] Partly agree [ ] Disagree [3] Strongly disagree [4] No answer [ ]

14. Were you asked to pay a bribe by a police officer in the last year? Yes [ ] No [ ] No answer [ ]

15. How often do you think the police resort to force to obtain a confession? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ]

16. In your experience, how often are police officers abusive in their contacts with people? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ]

17. Do you agree that the police treat people of all groups fairly and without discrimination? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

18. To what extent would you agree that police recruitment practices are fair and effective? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

19. How often are people who committed serious human rights abuses or serious crimes identified and prevented from serving or being recruited as police officers? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ]

20. To what extent do you agree that police leaders are doing a good job? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

## Judiciary

The next questions refer to the court system.

21. To what extent do you agree that judges and prosecutors are generally respectful of the rights of defendants and victims? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

22. To what extent do you agree that courts treat people fairly regardless of their income, race, national or social origin, gender or religion? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

23. How often do victims of crime have to pay an official or unofficial fee to have their complaints proceed to court? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ]

24. To what extent do you agree that women who are victims of sexual or other gender-based violence are able to receive a fair hearing in court? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

25. To what extent do you agree that the courts complete criminal proceedings without any unnecessary delays? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

26. Do you think that judges are able to make decisions without direct or indirect interference by Government or politicians or community leaders? Always able [4] Sometimes able [3] Rarely able [2] Never able [1] No answer [ ]

27. How often does it happen that people can avoid a conviction or receive a less severe punishment by paying a bribe to a judge, prosecutor or other court personnel? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ]

Alternative Dispute Resolution Mechanisms - The next questions refer to the ADR system.

21. To what extent do you agree that ADRs are generally respectful of the rights of defendants? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

21.1 Rights of victims? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

22. To what extent do you agree that ADRs treat people fairly regardless of their income, race, national or social origin, gender or religion? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

23. How often do victims of crime have to pay an official or unofficial fee to have their complaints proceed to ADR mechanisms? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ]

24. To what extent do you agree that women who are victims of sexual or other gender-based violence are able to receive a fair hearing in ADR mechanism? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

25. To what extent do you agree that the ADR Mechanisms complete criminal / civil proceedings without any unnecessary delay? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

26. Do you think that ADR actors are able to make decisions without direct or indirect interference by Government or politicians or community leaders? Always able [4] Sometimes able [3] Rarely able [2] Never able [1] No answer [ ]

27. How often does it happen that people can avoid a conviction or receive a less severe punishment based on their clan and residence or by paying a bribe to ADR actors / personnel? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ]

## Prisons

The next few questions refer to the prisons.

27. In your view, how well are prisons managed in this country? Very well [4] Well [3] Not very well [2] Not well at all [1]

No answer [ ]

28. In your view, how serious is the problem of corruption of prison officials in this country? Not a problem [4] Not a very serious problem [3] A serious problem [2] A very serious problem [1] No answer [ ]

29. To what extent do you agree that discrimination against certain groups of prisoners is a problem in the country's prisons? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

30. To what extent do you agree that those who committed gross human rights abuses and other serious crimes are identified and prevented from serving as prison officers? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]

31. How would you rate the effectiveness of the prison system in Puntland? Very effective [ ] Effective [ ] Not Effective [ ] Not Effective at all [ ] Don't know [ ]

Thank you

## *Annex II: Key Informant Interview Questionnaire*

KAALO AID And Development

Baseline Survey for the Project “Enhancing the Role of Non-State Actors in Monitoring Human Rights Delivery Within the Criminal System Justice Value Chain In Puntland”

Key Informant Interview / Expert survey questionnaire

Interview Details

Questionnaire code: \_\_\_\_\_

Interviewer: \_\_\_\_\_

Location of interview (name of city/village, province): \_\_\_\_\_

Language of interview: \_\_\_\_\_

Date: (dd/mm/yy) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Time: \_\_\_\_\_

Oral consent was given: Yes \_\_\_\_\_ No \_\_\_\_\_

Signature of interviewer who administered consent: \_\_\_\_\_

Introduction and informed consent

Read this text to your potential expert respondent and sign the consent form above once you receive oral consent from her/him.

“We are conducting a survey as part of a Kaalo Aid and Development EU funded project, called Enhancing the Role of Non-State Actors in Monitoring Human Rights Delivery Within the Criminal System Justice Value Chain In Puntland. The survey is about the perceptions of key experts who are familiar with the criminal justice institutions in this country. We invite you to participate in this survey. Participation is completely voluntary. If you do decide to take part, you can refuse to answer any questions and may stop the interview at any time. If you agree to take part, we will keep a record of your name, e-mail address and/or telephone number but will keep this information separate from your answers to the questions. We will not use your name or other identifying information in any publications or reports that result from this work. The interview will take between 45 minutes and one hour, depending on your answers.

Would you like to participate?

Note: If yes, proceed; if no, end interview and say, "Thank you for your time."

#### Key Informant Information

What is your name? \_\_\_\_\_

Gender: Male  Female  Other

What organization do you work for? \_\_\_\_\_

What is your position? \_\_\_\_\_

What is your professional responsibility? \_\_\_\_\_

\_\_\_\_\_

How long have you held this position? \_\_\_\_\_

In which area/region do you work? \_\_\_\_\_

How long have you worked in this area/region? \_\_\_\_\_

Have you worked in other areas/regions? Yes  No  If yes, in which area/region have you worked before?

\_\_\_\_\_

\_\_\_\_\_

Would you consider yourself knowledgeable about the whole country or only specific regions?

Whole Somalia  Whole of Puntland  Specific Regions of Puntland  Please specify regions

\_\_\_\_\_

Could you please provide your contact information? (record separately) \_\_\_\_\_

Expertise: Could you identify one or more of the following areas that fall under your expertise

(check all that apply): Police and law enforcement  Judicial system (courts, prosecution, criminal defence)

Prisons - corrections service  Juvenile justice  All of the above

Note to interviewer: This questionnaire should be targeted based on the respondent's area of expertise. Those considering themselves experts in one area should answer questions pertaining to that area. Those considering themselves experts in all areas should be asked to answer all questions. Those who consider themselves experts in more than one area should be asked to respond to the questions in those areas. Experts with expertise in the area of juvenile justice should be asked to comment, whenever possible, on whether there are significant differences with respect to each question between the situation of children and that of adults.

Police

This set of questions will be about the police. At this point, we are only interested in police and other forces that may have some policing functions.

1. To what extent do you agree that the police respond promptly to requests for assistance from the public? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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2. To what extent do you agree that the police respond seriously and competently to incidents of domestic violence (violence occurring in the family)? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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2.1 If respondent disagrees with the statement: How is the police response to incidents of domestic violence inadequate? How could it be improved?

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3. To what extent do you agree that the police respond seriously and competently to incidents of sexual crimes against women and children? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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3.1. If respondent disagrees with the statement: How is the police response to sexual crimes against women and children inadequate? How could it be improved?

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4. How effective are the police at preventing people from taking the law into their own hands? (e.g., vigilantism, mob violence) Very effective [4] Effective [3] Ineffective [2] Very ineffective [1] No answer [ ] Comment: \_\_\_\_\_

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5. To what extent do you agree that the police generally use their powers (e.g., arrest, search, confiscation, seizure, detention) in strict accordance with the law? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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5.1. Are existing laws on police powers sufficient to protect the people's rights? Yes [ ] No [ ] No answer [ ] If no, what are their main flaws? \_\_\_\_\_

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6. To what extent do you agree that people are usually able to trigger an investigation of alleged misconduct by the police? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

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7. To what extent do you agree that alleged incidents of police corruption or misconduct are seriously investigated and, when required by law, prosecuted? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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8. Would you agree that the police follow adequate policies and procedures to respond to children in conflict with the law and protect their rights? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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8.1. How could existing policies and procedures be improved? \_\_\_\_\_

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9. To what extent would you agree that the police have adequate equipment to perform their basic duties? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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9.1. What kind of equipment is most urgently needed for the police to perform their basic duties?

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10. Do the Police in Puntland have the capacity to undertake forensic tests? Yes [ ] No [ ]

10.1 How would you rate the capacity of the police to conduct forensic tests? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

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11. To what extent would you agree that police officers' entry-level salaries are sufficient to recruit and retain qualified individuals? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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12. To what extent do you agree that police officers have the necessary skills to gather and protect physical evidence? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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13. How would you rate the current vetting process for ensuring that those who committed gross human rights abuses and other serious crimes are identified and prevented from serving as police officers?

Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

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14. How would you describe the general level of competence of front-line police officers? Very high [4] High [3] Low [2] Very low [1] No answer [ ] Comment: \_\_\_\_\_

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15. How often do police officers experience delays in receiving their salary? Never [4] Rarely [3] Often [2] Very often [1] No answer [ ] Comment: \_\_\_\_\_

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16. How would you rate the quality and accuracy of police records of individuals held in police custody? Very good [4]

Good [3] Poor [2] Very poor [1] No answer [ ]

Comment: \_\_\_\_\_

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17. How would you rate the administrative systems on which the police rely to perform key management functions such as the management of finances, assets, human resources and procurement? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

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17.1. Which aspects of these administrative systems would you say are the strongest or the weakest?

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18. How would you rate the police leaders' ability and determination to improve the performance of the police? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

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Judiciary

This set of questions will be about the judiciary, which includes the courts (judges and court personnel), the prosecution and the defense. We are interested in courts at all levels, from the first instance courts to the highest level of appellate courts, as long as they adjudicate criminal cases. When asking about judges, we will be referring to everyone in the court system who adjudicates criminal cases.

19. Do you agree that the public believes that prosecution decisions are made in a fair, efficient and effective manner? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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20. How would you rate the availability of interpreters to assist victims and defendants during criminal proceedings? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

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20.1 Is the availability of interpreters the same for both defendants and victims? Yes [ ] No [ ] No answer [ ] If no, please explain how it is different. \_\_\_\_\_

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21. To what extent do you agree that the rights of victims and defendants are sufficiently protected during criminal court proceedings? Prompt: The rights of defendants include, for example, the right to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; to have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing; to be tried without undue delay; to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; and not to be compelled to testify against himself or to confess guilt. Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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22. To what extent do you agree that people who are wrongfully convicted are able to receive compensation or other forms of redress? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

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23. How often do indigent people accused of serious crimes actually receive free legal assistance at all stages of proceedings against them? Very often [4] Often [3] Rarely [2] Never [1] No answer [ ] Comment:

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24. How would you rate the legal representation generally available to defendants during criminal proceedings? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

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25. How would you rate the ability of the judicial system to hear and conclude criminal cases without undue delays? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

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26. To what extent do you agree that judges are protected from arbitrary removal or punishment? Prompt: By "well protected", we mean that judges can only be removed or disciplined for specified reasons and following set procedures. Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

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27. How often are members of the public allowed to attend criminal trials (notwithstanding any legal exceptions for cases involving children, sexual violence or national security)? Always [4] Often [3] Rarely [2] Very rarely [1] No answer [ ] Comment: \_\_\_\_\_

28. To what extent do you agree that it is possible for someone (a lawyer, a judge, or a member of the public) to trigger an investigation of alleged misconduct by a prosecutor? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

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29. To what extent do you agree that it is possible for someone (a lawyer, a judge, or a member of the public) to trigger an investigation of alleged misconduct by a judge? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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30. How likely are judges found responsible for serious misconduct to be removed from their post or to be otherwise disciplined? Very likely [4] Somewhat likely [3] Unlikely [2] Very unlikely [1] No answer [ ] Comment:

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31. How likely are public prosecutors who are found responsible for serious misconduct to be removed from their post or otherwise disciplined? Very likely [4] Somewhat likely [3] Unlikely [2] Very unlikely [1] No answer [ ] Comment: \_\_\_\_\_

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32. How likely are judges to impose different punishments for the same type of crime, for an example, an armed assault, based on the defendant's or the victim's personal or ethnic characteristics? Very unlikely [4] Somewhat unlikely [3] Likely [2] Very likely [1] No answer [ ] Comment:

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33. Does the law provide for special procedures designed specifically for children in conflict with the law? (This question is a prerequisite for question 34.) Yes [ ] No [ ] No answer [ ] If yes: Please explain what the main procedures are.

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34. To what extent do judges who adjudicate cases involving children as defendants apply procedures designed specifically for children? Always [4] Sometimes [3] Rarely [2] Never [1] No answer [ ] Comment:

\_\_\_\_\_

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35. How often are children who are accused of a criminal offence represented in court by an advocate or legal counsel? Always [4] Sometimes [3] Rarely [2] Never [1] No answer [ ] Comment: \_\_\_\_\_

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35.1. If rarely or never: Why are children not represented in court by an advocate or legal counsel?

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36. Would you agree that detention is used only as a measure of last resort and for the shortest possible period of time in all cases involving children as defendants? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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37. How frequently do the courts make use of professional medical assessments of mentally ill defendants? Always [4] Sometimes [3] Rarely [2] Never [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

38. With respect to the courts across most of the country (not just the capital), to what extent do you agree that

courts have the material resources they need to consult the law, record proceedings, schedule cases, and store and maintain records? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

\_\_\_\_\_

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38.1. What are the specific challenges faced by the courts in terms of their access to the material resources they need? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

39. To what extent do you agree that courts have the means and resources to protect judges from threats, harassment, assault, assassination or intimidation? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

\_\_\_\_\_

\_\_\_\_\_

39.1. What are the specific challenges faced by the courts in terms of their ability to protect judges?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

40. To what extent do you agree that prosecutors have the means and resources to record testimonies, store and maintain evidence, and keep track of pending cases and hearing dates? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

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40.1. Are there specific aspects of that capacity that are particularly lacking? \_\_\_\_\_

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41. To what extent do you agree that prosecutors have the professional skills, legal training and knowledge required to conduct successful and lawful prosecutions? Fully agree

[4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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\_\_\_\_\_

42. To what extent do you agree that judges have the professional skills, legal training and knowledge required to properly adjudicate criminal cases? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

43. To what extent do you agree that defence counsels have the professional skills, legal training and knowledge required to effectively counsel, assist and represent defendants in criminal cases? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

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44. To what extent do you agree that judges' salaries are sufficient to attract and retain qualified judges, enabling them to live in a reasonably secure environment without having to resort to other sources of income? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

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45. To what extent do you agree that entry-level prosecutors' salaries are sufficient to recruit and retain qualified professionals? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

46. How would you rate the courts' capacity to plan their operations strategically and to budget efficiently? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

47. How would you rate the public prosecution office's

capacity to plan its operations strategically and to budget efficiently? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

48. How would you rate the administrative systems on which the courts rely to perform key management functions such as the management of finances, assets, procurement and human resources? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

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48.1. What are the main strengths and weaknesses of these administrative systems?

\_\_\_\_\_

\_\_\_\_\_

49. How would you rate the administrative systems on which prosecutors rely to perform key management functions such as the management of finances, assets, procurement and human resources? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

49.1. What are the main strengths and weaknesses of these administrative systems?

\_\_\_\_\_

\_\_\_\_\_

50. How frequently do judges experience delays in receiving their salaries? Very rarely [4] Sometimes [3] Often [2] Very often [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

51. How frequently do prosecutors experience delays in receiving their salaries? Very rarely [4] Sometimes [3] Often [2] Very often [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

52. How frequently do publicly funded defense counsels experience delays in receiving their salaries or professional fees? Very rarely [4] Sometimes [3] Often [2] Very often [1] No answer [ ] Comment:

\_\_\_\_\_

\_\_\_\_\_

Prisons - The following questions are about prisons.

53. How would you rate the level of safety which generally prevails in the prisons? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

54. To what extent do you agree that prisons generally provide prisoners with food of sufficient nutritional value to remain healthy and strong? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

\_\_\_\_\_

\_\_\_\_\_

55. How would rate the prisons' supply of clean water and sanitation facilities? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

56. Do you agree that families of prisoners are generally allowed to visit their imprisoned relatives without paying any kind of official or unofficial fee? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

\_\_\_\_\_

\_\_\_\_\_

56.1. Is this is also true of family visits in the case of children in detention? How is it different? Yes [ ] No [ ] No answer [ ]

\_\_\_\_\_

\_\_\_\_\_

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57. How adequate is the professional health care generally available to prisoners? Very adequate [4] Adequate [3]

Inadequate [2] Very inadequate [1] No answer [ ] Comment:

\_\_\_\_\_

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57.1. Is the availability of health care the same for women? Yes [ ] No [ ] No answer [ ] If not, how is it different?

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58. How common is it for people to be held in prison without a valid judicial order (or warrant), or beyond the expiration of such an order? Almost never [4] Rarely [3] Commonly [2] Very commonly [1] No answer [ ] Comment:

\_\_\_\_\_

\_\_\_\_\_

59. To what extent do you think that corrections officers use excessive force (e.g., use of excessive physical force, use of restraints as punishment) against prisoners? Almost never [4] Rarely [3] Commonly [2] Very commonly [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

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60. To what extent do you agree that human rights organizations or mechanisms are generally able to visit the country's prisons to monitor prison conditions? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

\_\_\_\_\_

\_\_\_\_\_

60.1. Do prison inspections also take place regularly in juvenile detention institutions? Yes [ ] No [ ] No answer [ ] How are they different? \_\_\_\_\_

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61. To what extent do you agree that there exist adequate mechanisms for hearing complaints registered by prisoners about their treatment in prison? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment:

\_\_\_\_\_

61.1. Do adequate complaint mechanisms exist in juvenile detention facilities?

Yes [ ] No [ ] No answer [ ]

61.2. If yes: How could these mechanisms be improved?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

62. How would you rate the prison service's system for measuring performance and holding officers accountable for infractions of prison regulations, absenteeism or poor performance? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

63. To what extent do you agree that prisoners of all faiths and denominations are permitted to freely practice their religion in prison? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

64. How would you rate the quality of the mental health care available to prisoners? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

65. How serious is the problem of overcrowding in the country's prisons? Not a problem [4] A minor problem [3] A serious problem [2] A very serious problem [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

65.1. If it is a serious problem, where is the problem most severe (region, type of institution)?

\_\_\_\_\_  
\_\_\_\_\_

66. How adequate are the facilities used to detain children? Very adequate [4] Mostly adequate [3] Poor [2] Very poor [1] No answer [ ]Comment: \_\_\_\_\_

66.1. What are the main issues with respect to the conditions of detention of children?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

67. How adequate are the facilities used to detain women and girls? Very adequate [4] Mostly adequate [3] Poor [2] Very poor [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

67.1. What are the main issues with respect to the conditions of detention of women and girls?

\_\_\_\_\_  
\_\_\_\_\_

68. To what extent do you agree that prisons have adequate resources to transport inmates to court hearings? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

68.1. What are the main issues with respect to the transportation of prisoners to courts?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

69. How adequate are entry-level salaries for prison officers in terms of recruiting and retaining qualified professionals? Very adequate [4] Barely adequate [3] Inadequate [2] Grossly inadequate [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

70. To what extent do you agree that prison officers generally have the necessary skills and training to respond to various prison situations without excessive use of force? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ]Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

71. How adequate is the human rights training received by prison staff? Very adequate [4] Mostly adequate [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

71.1. How should it be improved?

\_\_\_\_\_

\_\_\_\_\_

72. How would you rate the prison service's resources and capacity to properly train new recruits? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

73. To what extent do you agree that an efficient mechanism is in place for regular prison inspections and for following up on the issues identified during such inspections? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

74. To what extent do you agree that prisons are managed in compliance with human rights standards? Fully agree [4] Partly agree [3] Disagree [2] Strongly disagree [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

30.1. Which aspects of prison management are particularly problematic from the point of view of human rights and children's rights? \_\_\_\_\_

\_\_\_\_\_

30.2. Is there a difference with respect to compliance with children's rights? \_\_\_\_\_

\_\_\_\_\_

75. How frequently do prison staff experience delays in receiving their salary? Very rarely [4] Sometimes [3] Often

[2] Very often [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

76. How would you rate the prison service's capacity to plan its operations strategically and to budget efficiently? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

77. How would you rate the administrative systems on which the prison service relies to perform key management functions such as the management of finances, assets, procurement and human resources? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

77.1 What are the main strengths and weaknesses of these administrative systems?

\_\_\_\_\_

\_\_\_\_\_

78. How would you rate the prison service's record keeping and information management capacity? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

79. How would you rate the ability and determination of prison leaders/managers to improve the performance of the prison service? Very good [4] Good [3] Poor [2] Very poor [1] No answer [ ] Comment: \_\_\_\_\_

\_\_\_\_\_

Thank You

*Annex III: Focus Group Discussion Questionnaire*  
**KAALO AID and Development**

Baseline Survey for the Project “Enhancing the Role of Non-State Actors in Monitoring Human Rights Delivery Within the Criminal System Justice Value Chain In Puntland”

Non-State Actors Focus Group Discussion Guide / Questionnaire

Interviewer: \_\_\_\_\_

Location of interview (name of city/village, province): \_\_\_\_\_

Enumeration area (EA) name and number: \_\_\_\_\_

Language of interview: \_\_\_\_\_

Date (dd/mm/yy): \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time: \_\_\_\_\_

Pre-amble:

Read this text to your potential respondent and sign the consent form above once you receive oral consent from her/him. “Hello. We are conducting a public opinion survey as part of a KAALO Aid and Development EU Funded Project called Enhancing the Role of Non-State Actors in Monitoring Human Rights Delivery Within the Criminal System Justice Value Chain In Puntland and would like to ask you to participate. I am from the [organization name]. I don’t represent the Government or any political party. We would like to ask you about your views and experiences with the police, courts and prisons in the country. The survey will take approximately 20 minutes. “We don’t need to know your name and we will not be recording anything that will identify you. You don’t have to answer any of the questions and you may stop the interview at any time.

“Would you like to participate?”



## Focus Group Guide

1. Are non-state actors involved in the Justice System in Puntland?

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2. In what ways are they involved / engaged in the justice system / value chain in Puntland?

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3. Does the Justice System Actors in the Government and the Non-State Actors Engage in Consultative and Dialogue Forums?

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4. Is the ADR mechanism responsive to the human rights and justice needs of victims, the accused and the community?

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5. Are NSA actors engaged in monitoring justice system institutional effectiveness in safeguarding the human rights of the accused? What to the NSA actors Monitor? \_\_\_\_\_

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6. What services do NSA actors in Puntland Provide to the accused and detained individuals within the formal justice system in Puntland? \_\_\_\_\_

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7. What services do NSA actors in Puntland provide to the victims of crime in Puntland?

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8. Are there challenges that hinder NSA actor engagement in the justice value chain in Kismayo? Which are the key challenges?

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9. Which capacity gaps exist among NSA actors in justice value chain programming and engagement?

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KAALO AID AND DEVELOPMENT ORGANISATION  
ISLAN MOHAMMED STREET,  
GAROWE – PUNTLAND, SOMALIA  
Telephone: +252 – 5 – 844247  
Website: [www.kaalo.org](http://www.kaalo.org)  
E-mail: [kaaloorg@yahoo.com](mailto:kaaloorg@yahoo.com)  
[program@kaalo.org](mailto:program@kaalo.org)  
[operations@kaalo.org](mailto:operations@kaalo.org)  
[finance@kaalo.org](mailto:finance@kaalo.org)