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Somalia's Compliance with the Convention Against Torture: The Death Penalty

Submitted by The Advocates for Human Rights

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and

The World Coalition Against the Death Penalty

**for the 75th Session of the Committee Against Torture
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

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

EXECUTIVE SUMMARY

1. This report outlines human rights violations in Somalia in the context of the death penalty and persons charged with capital crimes. As explained in further detail below, torture is prevalent in detention facilities and impunity persists. The Government of Somalia, and other actors within the jurisdiction of Somalia, continue to impose and carry out death sentences, including for offenses that do not constitute the “most serious crimes.” In addition, military courts often pronounce death sentences against civilians, and civilian courts lack independence and impartiality. Minors continue to be subject to the death penalty.

Somalia fails to uphold its obligations under the Convention Against Torture

I. Torture (List of Issues Prior to Reporting (LOIPR), para. 1)

2. In its 2018 List of Issues Prior to Reporting, the Committee asked for information from the State Party on measures taken “to adopt a definition of torture in domestic criminal law” and “explicitly criminalize attempts to commit torture and acts constituting complicity or participation in torture.”¹
3. In its State Party Report, Somalia pointed to articles 15(2) and 15(4) of the Constitution’s Bill of Rights, which guarantee the right to from torture and inhumane treatment as a form of violence and prohibit “traditional practices that amount to torture.”² The report also described efforts to comprehensively review the 1962 Somali Penal Code, which the government expects to be revised to include a definition of torture.³ A bill drafted through the Ministry of Women and Human Rights Development that features a definition of torture awaits its first reading.⁴
4. Despite these efforts, torture and cruel, inhuman, or degrading treatment by government agencies and government-affiliated clan militias remain frequent, and a culture of impunity persists.⁵ The National Intelligence and Security Agency has held people in detention for lengthy periods and there are reports of ill-treatment during interrogations, including a case in which authorities repeatedly beat a 16-year-old for days.⁶ Multiple reports suggest that government agents, including security forces, raped and sexually abused individuals.⁷

II. Legal safeguards, due process, military courts, and the death penalty (LOIPR paras. 2, 4)

5. In its List of Issues Prior to Reporting, the Committee asked the State Party to provide information on measures taken to ensure that “all detainees enjoy in law and in practice all

¹ Committee Against Torture, *List of issues prior to the initial report of Somalia* (Jan. 9, 2018), U.N. Doc. CAT/C/SOM/QPR/1, ¶1

² Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶15

³ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶17

⁴ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶15

⁵ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 4, 6

⁶ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 6

⁷ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 6.

legal safeguards from the outset of their deprivation of liberty.”⁸ The Committee further requested clarification as to if and how military courts can try civilians and asked for information on measures taken to transfer cases in military courts back to civilian courts.⁹

6. Responding in its State Party Report, Somalia pointed to its Constitution as the guarantee of legal safeguards for suspects and detainees.¹⁰ The State Party also stated that although military courts are authorized to try civilians, the government uses them in that capacity only in special cases regarding national security, and even in those circumstances, military courts must adhere to strict due process safeguards.¹¹ The government asserts that the new Mogadishu Prison and Court Complex, built in 2019, will likely provide the judiciary a secure environment to try civilians, leading to a gradual transfer of cases back to civilian courts.¹²
7. Authorities continue to impose and carry out death sentences in Somalia. In 2019, authorities carried out at least 12 executions and handed down at least 24 new death sentences, a substantial increase over the 15 death sentences pronounced in 2018.¹³ In 2021, Somalia carried out at least 21 executions, up from 11 in 2020.¹⁴ All of the 2021 executions took place on the same day in Puntland.¹⁵ Over 27 new death sentences were also handed down in 2021.¹⁶ These death sentences emanated not from a single judicial system, but from all of the myriad systems that continue to operate due to the lack of a strong federal government.¹⁷ Approximately 150 persons are believed to be under sentence of death in Somalia.¹⁸
8. Federal and regional military courts continue to sentence individuals to death despite due process concerns,¹⁹ and sometimes execute people sentenced within days of the court’s verdict.²⁰ Both the unrecognized Republic of Somaliland and the federal government have

⁸ Committee Against Torture, *List of Issues prior to the submission of the initial report of Somalia*, (Jan. 9, 2018) U.N. Doc CAT/C/SOM/QPR/1, ¶2.

⁹ Committee Against Torture, *List of Issues prior to the submission of the initial report of Somalia*, (Jan. 9, 2018) U.N. Doc CAT/C/SOM/QPR/1, ¶4.

¹⁰ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶18.

¹¹ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶24.

¹² Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶24.

¹³ Amnesty International, *Global Report: Death Sentences and Executions 2019*, (London, UK: Amnesty International Ltd, 2020) 44, <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>.

¹⁴ Amnesty International, *Death sentences and executions 2021*, (London, UK: Amnesty International Ltd., 2022), 11, available online at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

¹⁵ Amnesty International, *Death sentences and executions 2021*, (London, UK: Amnesty International Ltd., 2022), 58, available online at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

¹⁶ Amnesty International, *Death sentences and executions 2021*, (London, UK: Amnesty International Ltd., 2022), 11, available online at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

¹⁷ Mohamed Olad Hassan, *Executions Increase in Somalia*, Voice of America, May 15, 2017, <https://www.voanews.com/africa/executions-increase-somalia> (accessed October 1, 2020).

¹⁸ Death Penalty Worldwide, “Somalia,” *supra*.

¹⁹ Human Rights Watch, *Somalia: Events of 2021*, <https://www.hrw.org/world-report/2022/country-chapters/somalia> (accessed Aug. 26, 2020)

²⁰ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 4.

carried out executions by shooting.²¹ During 2019, separate military courts in Mogadishu and in Somaliland issued death sentences in murder cases.

9. Civilian courts of the Federal Government of Somalia (FGS) are not functional in many areas of Somalia. The FGS has made efforts, in cooperation with the United Nations Development Programme, to increase the number and geographic reach of federal courts, including into recently liberated territories.²² In 2017, the FGS also initiated the training of over 350 judicial officers across Somalia in order to bolster the institutional capacity of the judiciary.²³ Although there have also been some efforts to increase the provision of legal aid, there remains a substantial gap in the availability of legal representation.²⁴
10. Judicial authorities in many areas are subject to improper external influences and corruption, especially in areas controlled by powerful clans. There are reports that the judiciary is not able to hold judges accountable, enabling them to abuse their power.²⁵ The separately operated court systems in Puntland and Somaliland are more functional, but lack sufficient and adequately trained judges and, in individual cases, face interference by their respective governments.²⁶ There is no formal judicial system in Al-shabaab controlled areas, and defendants there often do not have legal representation or adequate due process safeguards.²⁷
11. Civilians continue to be tried in military courts, including cases involving juvenile offenders and other cases in which military courts do not have jurisdiction.²⁸ Official reports have raised questions regarding whether military courts adequately enforce procedural safeguards.²⁹ Military courts generally do not provide defendants with legal representation and their proceedings lack transparency.³⁰ Defendants in FGS military courts do not have a right to appeal.³¹
12. In its Mid-Term Universal Periodic Review Report, the FGS stated that it was working to strengthen the judiciary so that it will have the ability to handle all cases that should be categorized as civilian. The FGS reported that the new Mogadishu Prison and Courts Complex,

²¹ Death Penalty Worldwide, *Somalia*, <https://deathpenaltyworldwide.org/database/#/results/country?id=67> (accessed Aug. 26, 2020)

²² Human Rights Council, *Report of the Independent Expert on the situation of human rights in Somalia*, (August 24, 2020), U.N. Doc. A/HRC/45/52, 13.

²³ Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Somalia*, (Feb. 26, 2021) U.N. Doc A/HRC/WG.6/38/SOM/1, ¶25.

²⁴ Human Rights Council, *Report of the Independent Expert on the situation of human rights in Somalia*, (August 24, 2020), U.N. Doc. A/HRC/45/52, 13.

²⁵ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 12

²⁶ U.S. Department of State, *2019 Country Report*, *supra*, 8.

²⁷ United Kingdom Home Office, *Country Background Note: Somalia* (December 2020), ¶12.4.1

²⁸ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 3, 12.

²⁹ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 3.

³⁰ *Report of the Independent Expert*, *supra*, 13; U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 12-13

³¹ Legal Action Worldwide, *Due Process and the Rule of Law in Somalia: Preliminary Key Findings and Recommendations*, February 2018, 4, <http://www.legalactionworldwide.org/wp-content/uploads/2018/02/Key-Findings-and-Recommendations-Final-For-Printing-1.pdf> (accessed October 6, 2020); U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 12-13

then under construction, would “mean the end of trying civilian cases in military courts.”³² As noted in paragraph 6, the complex opened in February 2019.³³

13. The death penalty is not limited to “the most serious crimes” in Somalia. In addition to crimes in which the defendant committed an intentional killing, Somalia’s existing penal code permits the use of the death penalty for a host of political crimes, including espionage and many other acts deemed hostile to the State, as well as a number of crimes that involve endangering public safety, even if they do not result in death.
14. A draft penal code completed in 2017 would reduce the number of capital crimes, but would nonetheless retain the death penalty for at least four crimes, including taking up arms against the State,³⁴ genocide,³⁵ first degree murder,³⁶ and using a weapon of mass destruction.³⁷ In addition, the draft leaves open the question of whether unlawful sexual intercourse should be punishable by death.³⁸ The current status of the draft penal code is unclear. In its Mid-Term Universal Periodic Review Report, the FGS reported that the new penal code was under review and expected to be ready in early 2020, but it did not specifically address the 2016 recommendations that had called for the penal code to exclude the death penalty.³⁹

III. Conditions of Detention (LOIPR para. 18)

15. In its 2018 List of Issues, the Committee asked the State Party to “describe measures taken to reduce overcrowding” and “provide information on the impact of the measures taken to improve the conditions of detention.”⁴⁰ The Committee asked for information regarding efforts to ensure that the special needs of minors, women, and persons with disabilities are met in detention.⁴¹ The Committee also asked for updated statistical data from the State Party on the

³² Federal Republic of Somalia, *Mid-Term Review Report*, *supra*, ¶ 3.3.6, 10–11

³³ United Nations Office on Drugs and Crime, *UNODC inaugurates Mogadishu prison, court complex in latest support to Somalia*, February 25, 2019, <https://www.unodc.org/unodc/en/frontpage/2019/February/unodc-inaugurates-mogadishu-prison--court-complex-in-latest-support-to-somalia.html> (accessed October 6, 2020)

³⁴ *Draft Report of the Somali Criminal Law Recodification Initiative*, Art. 1101 (March 2017), <https://www.law.upenn.edu/live/files/6310-vol-1-and-2-somali-recodification>.

³⁵ *Id.*, Art. 2101.

³⁶ *Id.*, Art. 3101.

³⁷ *Id.*, Art. 7303.

³⁸ *Id.*, Art. 6402, note 22.

³⁹ Federal Republic of Somalia, *Mid-Term Review Report on Progress Made by Somalia on the Implementation of Accepted Recommendations from the Second Cycle Review in January 2016 Under the Universal Period Review (UPR) Mechanism of the United Nations Human Rights Council*, ¶ 3.3.1, 9. Also available online at <https://lib.ohchr.org/HRBodies/UPR/Documents/Session24/SO/Somalia.pdf>

⁴⁰ Committee Against Torture, *List of issues prior to the initial report of Somalia* (Jan. 9, 2018), U.N. Doc CAT/C/SOM/QPR/1, ¶ 18

⁴¹ Committee Against Torture, *List of issues prior to the initial report of Somalia* (Jan. 9, 2018), U.N. Doc CAT/C/SOM/QPR/1, ¶ 19

number of deaths in custody, the causes of such deaths, and whether authorities have investigated these deaths.⁴²

16. In its State Party Report, Somalia pointed to measures taken to ensure adequate prison conditions such as regular visits to detention facilities by the Attorney General's Office.⁴³ The Report also described efforts to investigate torture by both the Attorney General's Office and the Somali Police Force's Police Oversight Committee.⁴⁴
17. Despite these efforts, overcrowding and harsh prison conditions remain significant problems in some Somali prisons, especially in urban prisons following mass arrests.⁴⁵ Most prisons feature inadequate sanitation, hygiene, medical care, food, and water. These conditions force people in detention to rely on family members to supplement their diet⁴⁶ and pay for health services.⁴⁷ Prison conditions in areas controlled by al-Shabaab were reported as life-threatening, with people detained in inhuman conditions while having committed only minor offenses.⁴⁸
18. The new Mogadishu Prison and Courts Complex opened in February 2019.⁴⁹ The inclusion of a newly constructed 250 bed high-security prison⁵⁰ is likely to be helpful in alleviating overcrowding and other infrastructure problems, assuming that other needed court reforms prevent an increase in the rate of new incarcerations.
19. There have been reports that prisons occasionally did not separate minors from adults during their detention.⁵¹ Minors in detention have also been executed since the Committee's last review of Somalia. For example, in April 2017, authorities in Puntland executed five boys aged 14 to 17 after a military court convicted them of participating in killings carried out by al-

⁴² Committee Against Torture, *List of issues prior to the initial report of Somalia* (Jan. 9, 2018), U.N. Doc CAT/C/SOM/QPR/1, ¶21

⁴³ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶47.

⁴⁴ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶47.

⁴⁵ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 7.

⁴⁶ U.S. Department of State, *2019 Country Reports on Human Rights Practices: Somalia*, 5–6.

⁴⁷ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 7.

⁴⁸ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 7.

⁴⁹ United Nations Office on Drugs and Crime, *UNODC inaugurates Mogadishu prison, court complex in latest support to Somalia*, accessed October 6, 2020, <https://www.unodc.org/unodc/en/frontpage/2019/February/unodc-inaugurates-mogadishu-prison--court-complex-in-latest-support-to-somalia.html>.

⁵⁰ United Nations Assistance Missions in Somalia, *Somalia Inaugurates a New Prison and Court Complex*, accessed October 6, 2020, <https://unsom.unmissions.org/somalia-inaugurates-new-prison-and-court-complex>.

⁵¹ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Somalia*, 7.

Shabaab.⁵² Two other boys who had also been convicted in the case told their families they were coerced through torture into confessing to the crimes.⁵³

IV. Violations of human rights in the context of anti-terrorism (LOIPR, para. 32)

20. In its 2018 List of Issues, the Committee requested further information on antiterrorism measures and how they have affected human rights safeguards.⁵⁴ The Committee also requested information on “the relevant training given to law enforcement officers; the number of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to antiterrorism measures in law and in practice; whether there have been any complaints of non-observance of international standards; and the outcome of those complaints.”⁵⁵
21. In its State Party Report, Somalia stated that its measures to strike a “balance between human rights and legitimate security concerns” are a work in progress.⁵⁶ It also emphasized that it is difficult to obtain exact numbers of cases of non-observance of international standards in the context of antiterrorism.⁵⁷
22. As mentioned above, Somalia retains the death penalty for terrorism-related offenses. In November 2019, an FGS military court sentenced a person to death for an alleged terrorist attack.⁵⁸ Military courts in Somalia carried out many executions of alleged terrorists in 2020.⁵⁹ In September 2020, a Puntland military court sentenced to death a person accused of terrorism offenses.⁶⁰ In 2021, courts in Puntland sentenced at least six individuals to death, and officials executed 21 individuals by firing squad.⁶¹ As recently as July 2022, the al-Shabaab militant group executed seven individuals accused of spying.⁶² The military also continues to carry out executions, particularly in terrorism-related cases,⁶³ and carries out death sentences at a higher

⁵² Amnesty International, *Somalia: Halt execution spree of children in Puntland*, accessed August 25, 2022, <https://www.amnesty.org/en/latest/news/2017/04/somalia-halt-execution-spree-of-children-in-puntland/>.

⁵³ Amnesty International, *Somalia: Halt execution spree of children in Puntland*, accessed August 25, 2022, <https://www.amnesty.org/en/latest/news/2017/04/somalia-halt-execution-spree-of-children-in-puntland/>.

⁵⁴ Committee Against Torture, *List of issues prior to the initial report of Somalia* (Jan. 9, 2018), U.N. Doc CAT/C/SOM/QPR/1, ¶32.

⁵⁵ Committee Against Torture, *List of issues prior to the initial report of Somalia* (Jan. 9, 2018), U.N. Doc CAT/C/SOM/QPR/1, ¶32.

⁵⁶ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶58.

⁵⁷ Committee against torture, *Initial report submitted by Somalia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 1991*, (Mar. 13, 2020), U.N. Doc. CAT/C/SOM/1, ¶59.

⁵⁸ Garowe Online, *Somalia’s military court sentences man to death for role in attack*, Nov. 21, 2019, <https://www.garoweonline.com/en/news/somalia/somalias-military-court-sentences-man-to-death-for-his-role-in-attack> (accessed October 6, 2020)

⁵⁹ See, Hands Off Cain, *Somalia*, accessed October 6, 2020, www.handsoffcain.info.

⁶⁰ Hands Off Cain, *Somalia: Puntland military court sentences activists to death and jail terms*, Sept. 29, 2020, <http://www.handsoffcain.info/notizia/somalia-puntland-military-court-sentences-activists-to-death-and-jail-terms-60315127> (accessed October 6, 2020)

⁶¹ Amnesty International, *Death Penalty 2021: Facts and Figures* (May 24, 2022), 58.

⁶² Mohamed Dhaysane, “Al-Shabab Militants Execute 7 by Firing Squad in Somalia,” *VOA*, (accessed Aug. 26, 2022), <https://www.voanews.com/a/al-shabab-militants-executes-7-by-firing-squad-in-somalia-/6681012.html>

⁶³ Mohammed Dhaysane, *Somalia: Military court sentences policeman to death*, Anadolu Agency, Sept. 2, 2019, <https://www.aa.com.tr/en/africa/somalia-military-court-sentences-policeman-to-death/1570825> (accessed October 6, 2020); Somaliland.com, *Military Court hands down death sentence to Somaliland police officer*, Feb. 3, 2020,

rate than that of civilian courts.⁶⁴ Somali military authorities have reportedly carried out public executions.⁶⁵

V. Suggested recommendations for the Government of Somalia

23. The coauthors suggest the following recommendations for the Government of Somalia:

- Thoroughly and impartially investigate allegations of torture by security forces in detention facilities, particularly cases of rape and sexual abuse.
- Provide a definition of torture in the amended penal code that includes sexual abuse and rape as forms of torture.
- Adopt a moratorium on executions, with a view to the abolition of the death penalty.
- Commute all existing death sentences to penalties that are fair, proportionate, and in compliance with international human rights standards.
- Issue an immediate decree prohibiting the execution of any person who was under the age of 18 at the time of the alleged offense.
- Amend the penal code to ensure that no person may be sentenced to death or executed for a crime committed when the person was under the age of 18.
- Ratify the Second Optional Protocol to the ICCPR and the Optional Protocol to the Convention Against Torture.
- Finalize the transfer of all civilian criminal cases from military courts to civilian courts, bar military courts from trying civilians, restrict the jurisdiction of the military courts to offences of an exclusively military nature, and ensure that military and state security courts comply with the fair trial standards set forth in Article 14 of the ICCPR.
- Adopt a new penal code that does not provide for the death penalty or, at a minimum, reserves the death penalty only for the “most serious crimes” involving intentional killing by the person charged with the death-eligible offense, and work to promote the adoption of this penal code as a unified model for any other court system that continues to operate within the territory or jurisdiction of the Government of Somalia.
- Ensure that individuals charged with capital crimes are provided with free, effective, and adequately funded legal representation.
- Prohibit the introduction of evidence obtained under duress, torture, or cruel, inhuman or degrading treatment, and issue guidelines on the steps judges must take when a defendant alleges torture or ill-treatment, including investigating all

<https://www.somaliland.com/news/somaliland/military-court-hands-down-death-sentence-to-somaliland-police-officer/> (accessed October 6, 2020)

⁶⁴ Interview with expert on Somali law and court systems, September 25, 2020. Notes of the interview are on file at The Advocates for Human Rights.

⁶⁵ Mohamed Olad Hassan, *Executions Increase in Somalia*, Voice of America, May 15, 2017, <https://www.voanews.com/africa/executions-increase-somalia> (accessed October 1, 2020)

credible allegations and taking immediate steps to protect individuals alleging torture or ill-treatment from retaliation.

- Ensure that the judiciary is provided with adequate resources and is protected from improper influences from other branches of government and from external sources.
- Establish an independent monitoring mechanism to visit all places where persons may be deprived of their liberty, including military and national security facilities, and extend an open invitation to international observers such as the International Committee of the Red Cross to visit and inspect detention facilities.
- Ensure that detention conditions comply with the Nelson Mandela Rules.