The Piracy Prisoner Transfer Programme was initially established to facilitate the re-transfer of consenting convicted pirates from the State in which they had been prosecuted back to Somalia, complimenting the regional prosecution model for prosecuting piracy.

Re-transferring convicted pirates has the benefit of relieving the prosecuting State of the burden of providing for their continued detention while they serve their sentence. It also has the greater benefit of bringing convicted persons back to their own cultural environs and closer to their families, where efforts can be made to promote their rehabilitation and prepare them for reintegration into society.

A core component of the PPTP's mandate is providing safe, secure and humane detention conditions for convicted pirates. Thus far, this has involved the construction, restoration and rehabilitation of detention facilities in some of the most challenging environments on earth. Beyond the physical infrastructure, the PPTP has invested significant resources in training correctional administrators and overhauling detention practices, with a focus on modern correctional administration and an overarching respect for the human rights of detainees. Detainee welfare, vocational training, education and rehabilitation of prisoners forms a major part of the PPTP's activities.

Formation of the PPTP

As early as 2010 UNODC started working with national authorities in the Republic of Somaliland, the Puntland State of Somalia and countries in the Indian Ocean to promote counter-piracy legal reforms and prison infrastructure work. At this time, counter-piracy operations were well underway in the Indian Ocean region, but it was recognized that a sustainable, long-term solution to piracy would require not only a military response, but also a criminal justice one. The lack of legal agreements allowing for prisoner transfer, together with a lack of secure and humane detention facilities in Somalia constituted two of the major obstacles to the transfer of convicted pirates to Somalia, thus favoring "catch and release" practices and hampering regional prosecutions.

In 2011 the Special Advisor to the Secretary General on Legal Issues Related to Piracy off the Coast of Somalia issued a formative report, addressing the need to continue and expand counter-piracy efforts in the region. Proposals 23 and 24 of that report recommended a range of measures, including:

1. Adoption of missing legislative provisions to complete the Somali counter-piracy laws, including a law organizing transfer of persons found guilty of acts of piracy in third prosecuting countries and a correctional law;
2. Construction of two prisons in Puntland and Somaliland;
3. Monitoring of detention conditions;

Building on the recommendations set out in the Special Advisor’s Report, the UNODC MCP developed the PPTP. The transfer of convicted pirates to the Somali region, coupled with the setting up vocational training programmes, as acknowledged in the report, aims to foster the prisoners’ rehabilitation and subsequent reintegration into society.

Legal reform: establishing the legal basis for the transfer of convicted pirates to their country of origin
Consistent with the fundamental tenets of criminal law and existing international practice on the matter, there are basic requirements that must be met in order to authorize the transfer of convicted persons from prosecuting to administering countries (see UNODC, Handbook on the International Transfer of Sentenced Persons (2012)).

1. The judgment/sentence convicting the individual must be final;
2. There must be a minimum period of the sentence still to be served at the time of the request;
3. The principle of dual-criminality must be respected;
4. Sentenced persons must have a link to the State they are transferred to;
5. States involved in the transfer must consent to it;
6. The prisoner must consent to the transfer;
7. The human rights of the person have to be safeguarded in the recipient country.

To meet these requirements, on the legislative front the PPTP provided legal assistance to Somaliland and Puntland and promoted the adoption of key pieces of legislation:

a) Criminal laws criminalizing piracy and acts of piracy
b) Prisoner transfer laws
c) Prison laws
d) Supplementing regulations to the above laws when needed.

As a result of UNODC assistance, Somaliland and Puntland passed the following laws:

**Somaliland**

1. The Law for Combating Piracy Law (or the Piracy Law) - Law No. 52/2012
2. Somaliland Transfer of Prisoners Law - Law No. 53/2012

**Puntland**

1. Puntland Piracy Law - No 18, 19 November 2012
2. Law on Transfer of Convicted Prisoners of the State of Puntland - 15 November 2012
3. Amendment of Law on Transfer of Convicted Prisoners of the State of Puntland 17 November 2012

**Correctional component: infrastructure and vocational training programmes**

Consistent with the recommendations outlined in the Special Advisor's report, and to address shortfalls in the correctional systems, the PPTP worked towards three goals:

1. Creating physical prison capacity by constructing or refurbishing correctional facilities to meet international detention standards;
2. Providing full-time mentoring and ad-hoc training in the prisons where transferred pirates are being held to ensure the respect and protection of their human rights, while creating enhancing the Somaliland and Puntland Custodial Corps capacity;
3. Promoting the rehabilitation of convicted pirates, and detainees generally in UNODC monitored facilities by setting up robust vocational training programmes.
Activities towards achieving the goals have been implemented in the following prisons:

**Hargeysa**

Hargeysa Central was the first prison where the PPTP started its operations, in 2010. The prison has been fully refurbished and physical capacity has been enhanced by building additional room for prisoners, in particular for transferred pirates.

Pilot vocational training programmes have also been developed at the Hargeysa Central prison in the areas of masonry, welding, carpentry and tailoring. These were introduced in mid-2012 with a view to providing detainees with life skill training. Through the vocational training programmes, inmates contribute to maintaining and improving living conditions for themselves while reducing the running costs of the prison. Some of the training courses are certified by local educational institutions which puts detainees in a stronger position to find employment upon their release. Detainees who have undertaken vocational training programmes are also provided with a toolkit related to their newly-developed skill set upon release. Educating detainees and instilling them with new skills so that they can find meaningful employment upon release is an integral part of breaking a continuing cycle of crime and disempowerment. One of the more tangible outcomes of this up-skilling is the construction of a recreation area inside of the prison, which includes a basketball court. The detainees prepared and laid the concrete that today allows them to play sport in the open air. The possibility for detainees to engage in vocational training and recreation constitutes a solid step towards their rehabilitation, thus diminishing the chances that detainees re-offend while in detention and after they have served their prison term.

**Mandhera**

In late 2013 the PPTP started a comprehensive vocational training programme at the prison in Mandhera to replicate the success of the training delivered in Hargeysa Central prison. The mayor outcomes of the vocational training include the refurbishment of the juvenile section, kitchen facilities and the construction and equipping of three new prison dormitories, two of which are still underway. The first of the prison dormitories, also built through vocational training, was officially inaugurated by members of the donor community on 1 April 2014. The foundation stone for the second dormitory was laid on that same day.

The impact of such robust vocational training is twofold. On the one hand, vocational training programmes promote the rehabilitation of prisoners while in detention and decrease the likelihood that violent acts, including acts against premises and other prisoners and officers, be committed. On the other hand, engaging prisoners in trade capacity-building programmes favours the reintegration into society of former offenders by increasing the chances that detainees engage in meaningful employment after their prison term. Rehabilitated and reintegrated former offenders, in turn, significantly contribute to improving the security situation and stability of their society by diminishing the likelihood that criminal behaviour be further perpetrated.

**Bosasso**

In Bosasso, UNODC has constructed a new 200 male bed block and a 40 bed female block. Capacity for humane and secure imprisonment was urgently needed in Puntland to house piracy prisoners transferred out of Seychelles and while the new Garowe prison was being built. Along with the construction of the new blocks, the prison perimeter wall has also been extended to include a new large exercise area. A new gatehouse was installed to improve security and allow better receiving and release of prisoners. This
allowed the prison to repel two sustained attacks by Al Shabaab in 2013. Additional enhancements of the facility include an armory, new kitchens, new toilets, better sanitation and improvements to water quality through a new borehole.

**Garowe**

On 2 April 2014, UNODC, together with the President of Puntland State of Somalia, officially inaugurated a 500 bed-prison. Construction had been underway for two years and the project was, until the opening, the biggest construction project in Somalia. This new prison provides humane and secure detention conditions in line with international human rights standards. It currently holds piracy prisoners transferred from abroad as well as other detainees from within the region. It has been commended by various stakeholders as one of the best detention facilities in East Africa.

The facility comprises: four 125-bed blocks, a workshop area and an administration building, an intake/release area, four control towers, a kitchen and laundry. It also features a secure courtroom where cases are heard on a regular basis.

In Garowe, the PPTP has also constructed a Prison Academy adjacent to the prison where members of the Puntland Custodial Corps undergo regular training. The Prison Academy hosts also the Puntland Custodial Corps Headquarters.

**Human investment: mentoring and training**

As part of the measures put in place to address existing shortcomings in the correctional systems in Somaliland and Puntland, the PPTP has deployed full-time international mentors in Garowe, Bosasso and Hargeysa.

The mentors monitor on a daily basis the prisons where UNODC is operating with a view to increasing the capacity of the correctional staff, to ensure that prisoners are treated in accordance with human rights standards. The promotion of human rights oriented practices in prison management substantially reduces the risks of abuse within the prison and misbehavior by detainees. Also, the mentors provide ongoing training and support in all aspects of prison management including security, handling of prisoners, operational tasks and on-the-job training.

At the Garowe training academy, training curricula include the following:

- Trainer of trainers