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1.6. Death penalty, arbitrary arrests and detentions, corporal punishments, prison conditions

The death penalty as a punishment is included in the Somalia Penal Code, under Article 90(1).[367] Crimes punishable by death penalty include 'intentional homicide, bearing arms against the State, war crimes and the misuse of State secrets.'[368]

The death penalty continues being used in Somalia, and can be imposed for offences that, according to the UN Human Rights Committee, 'do not meet the threshold of "the most serious crimes" within the meaning of article 6 (2) of the [International Covenant on Civil and Political Rights], understood to be crimes involving intentional killing'. The death penalty can reportedly be imposed by military courts on persons under 18 years old and on civilians.[369]

The UN noted allegations that in some cases executions were being carried out without legal representation for the accused or the possibility to appeal,[370] while USDOS reported that on occasion authorities executed those sentenced to death very closely to the verdict, especially in cases where defendants confessed to being members of Al-Shabaab in court or in televised videos.[371] Children recruited and used by Al-Shabaab continued being held in both official and unofficial detention locations and in some cases were subjected to the death penalty for offences committed while associated with Al-Shabaab.[372]

In 2024, military courts were reported to continue sentencing people to death in Somalia.[373] In August 2024, the state of Puntland sentenced and executed 10 Al-Shabaab fighters by firing squad, after they were tried by a military court,[374] four of whom were reportedly underage at the time the alleged crime was committed.[375] According to UNICEF, the Puntland Age Verification Committee met with the young people and determined that they were minors at the time of arrest and that they should not be subjected to the death penalty.[376] Between October 2023 to January 2024, 14 executions were performed by the Somali authorities, which included nine former members of the security forces and five civilians, while three individuals, two former soldiers and one civilian, were sentenced to death. On 10 November 2023, authorities executed a soldier on the same day that he was convicted and sentenced to death by the First Instance of the Military Court in Baidoa, without the opportunity to appeal the verdict and sentence.[377] In 2023, according to Amnesty International (AI), Somalia was the only country in sub-Saharan Africa that carried out death penalties.[378] Sources reported between more than 38 and at least

55 executions having taken place in 2023.379 According to AI, more than 31 death sentences were recorded in 2023, with recorded death sentences increasing and the number of executions more than tripling from the previous year.380 According to a report on the death penalty in Somalia, 23 out of the at least 55 executions that took place in 2023 were carried out by military authorities in Puntland and in Mogadishu. Out of the individuals executed, at least 16 were civilians who were considered to be members of Al-Shabaab and Islamic State, and at least seven soldiers convicted of killing civilians.381

In areas under Al-Shabaab control, the de facto authorities carry out executions for crimes such as adultery and consensual same-sex sexual relations.382 Allegedly, some 'Islamic "courts"', under Al-Shabaab control have imposed the death penalty for consensual same-sex sexual relations based on sharia law.383 For more information on corporal punishment as well as forms of sanctioning of Al-Shabaab opponents or perceived opponents, see EUAA COI Report Somalia: Country Focus (May 2025), Section 1.3. Individuals contravening Sharia (and customary) laws/tenets and Section 1.6. Individual supporting or perceived as supporting the FGS/the International Community, and/or as opposing Al-Shabaab.

Corporal punishment. There is no mention in either Somalia's Provisional Constitution or in the Penal Code on corporal punishment.384 The Prison Commander of Mogadishu Central Prison stated that no corporal punishment is imposed to any prisoner either for a minor or aggravated offence.385 However, according to the Child's Rights International Network, there is no legal prohibition of corporal punishment as a judicial sentence for children who have committed offences. The possibility of children being sentenced to corporal punishment under Islamic law has been reported.386 Experts of the Committee Against Torture had noted that corporal punishment was broadly accepted in Somalia and not prohibited either at home, in the school and care settings, or as a sentence for a crime in penal institutions.387 For more information on corporal punishment, see EUAA COI Report Somalia: Country Focus (May 2025), Section 1.3. Individuals contravening Sharia (and customary) laws/tenets.

Arbitrary arrests and detentions. In the period from February to June 2023, a 76 % increase in arbitrary arrests and detention of journalists was reported.388 Arrests and arbitrary detentions of journalists and media workers were reported in the period from July 2023 to June 2024.389 Arbitrary arrests and killings allegedly also took place perpetrated by both state actors and Al-Shabaab forces against human rights defenders, media workers and journalists, including a high number of attacks against female journalists,390 while in the period from May to September 2024, reports of incidents of arbitrary arrests and detentions of journalists by law enforcement and intelligence officials continued.391 For more information on the arbitrary arrest and detention of journalists, see section 1.7. Journalists from the EUAA COI Report Somalia: Country Focus, (May 2025).

Prison conditions. As of July 2024, there were fourteen operational prisons in Somalia, with the conditions described as 'substandard'392 and 'below internationally recognized standards'.393 Issues include inadequate infrastructure, lack of steady food and water supplies, limited medical facilities, inadequate separation of prisoners by gender and age, and insufficient rehabilitation and reintegration programs.394 Medical facilities within prisons were described as rare, and prisoners have restricted access to external medical care.395

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