

Somalia



Death Penalty

Submitted by: The Advocates for Human Rights, the Coalition of Somali Human Rights Defenders, and the World Coalition Against the Death Penalty

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Summary: Somalia has not abolished the death penalty and Somali courts continue to sentence people to death. Somalia does not limit application of the death penalty to the most serious crimes, and Somalia actively carries out executions. Islamic courts in Somalia can impose death sentences for consensual same-sex sexual conduct, and authorities are increasingly carrying out arrests and sentences for such conduct. Somali authorities continue to sentence child-offenders to death.

Somalia continues to use the death penalty.

- Somali courts continue to hand down death sentences and executions continue. The number of known executions increased from 6 in 2022 to 38 in 2023 and 34 in 2024. Civil society organizations in Somalia believe that the actual number of executions is significantly higher, estimated at around 1,000-1,700 per year, including executions pursuant to convictions by courts in Al-Shabaab-controlled regions.
- In an effort to silence dissent and sow fear among the population, authorities have targeted journalists and human rights defenders with fabricated terrorism charges that are eligible for the death penalty.
- Clans in the majority use the threat of execution—typically by making accusations of Al-Shabaab affiliation—to displace minority clans or to eliminate competition.

Authorities sentence juvenile offenders to death and execute children.

- Authorities frequently falsely claim that juvenile offenders are adults, resulting in death sentences. In August 2024, Puntland authorities accused four children—all under 18 years of age—of Al-Shabaab affiliation and executed them.

Somalia has not decriminalized consensual same-sex conduct between adults.

- Islamic courts throughout the country can impose death sentences for *hadd* crimes, including consensual same-sex sexual conduct, and arrests are increasing for such conduct.

Authorities endanger indigenous cultural heritage.

- In a coordinated operation reportedly involving Al-Shabaab, businesspeople, and complicit state actors, people removed the El Ali meteorite, a culturally significant artifact of indigenous heritage, to China.

State-sponsored militias engage in grave human rights violations.

- State-supported militias in the Yaaqbiroweyne district have reportedly engaged in widespread sexual violence, torture, and extrajudicial killings of civilians. Investigations have not resulted in accountability.

Human rights defenders face extreme risks.

- Human rights defenders face targeted violence, death threats, arbitrary arrest, and ongoing harassment. Threats come from non-state actors such as Al-Shabaab, as well as state and state-aligned actors such as armed forces, intelligence services, and pro-government militias who perceive independent human rights reporting as a threat.

Recommendations

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim, amend the Penal Code and the Military Penal Code to limit the death penalty to offenses in which the person to be sentenced to death both killed and intended to kill, and direct state authorities to follow suit.
- Ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.
- Implement the Human Rights Committee's 2024 recommendations concerning the death penalty and administration of justice.
- Decriminalize consensual same-sex conduct between adults at the federal and state levels.
- Immediately commute the death sentences of any persons whom the prosecution did not prove were at least 18 years of age at the time of the alleged offense.
- Direct all courts overseeing capital cases, including federal, state, and customary courts, to ensure that prosecutors bear the burden of proving that any defendant who alleges they were under the age of 18 at the time of the offense was in fact at least 18 years of age at the time.
- Request technical assistance from OHCHR with a view to creating a safe and enabling environment for journalists and human rights defenders.
- Take urgent measures to rescue and preserve the El Ali meteorite in a secure museum until it can be safely returned to its indigenous custodians.
- Commission an independent investigation into alleged grave human rights violations in the Yaaqbiroweyne district.
- Support Somali human rights defenders, accounting for their work in an armed conflict setting.