

# **DJIBOUTI: Political stalemate and increased repression four months from the presidential elections**

Position paper – 15 January 2016 -

## **December 2014 – December 2015: A year of failed political dialogue**

On a political level, Djibouti has seen a deep crisis played out since the legislative elections of 22 February 2013. The results of these elections, in which the opposition party took part for the first time in a decade, were largely disputed by the opposition's activists and supporters. The quashing of demonstrations by police saw at least 6 demonstrators shot and killed on 23 and 24 February 2013, increased arbitrary arrests and detentions, harassment and other forms of intimidation of opposition leaders and activists and members of civil society as well as months of political instability and insecurity in the country.

On 30 December 2014, a framework agreement was signed between the UMP, the coalition in power, and the USN, the coalition of opposition parties formed during the 2013 legislative elections. In particular, this agreement provides for the implementing of regular consultations between the majority party and the opposition to promote "peaceful and democratic national politics", the reform of CENI and the creation of a shared parliamentary commission responsible for organising the presidential election. It also provides for the strengthening of "national mechanisms for regulating and guaranteeing issues relating to respect for human rights and public freedoms".

A year after the signing of the agreement, the dialogue between the presidential party and the opposition coalition has stalled and the opposition condemns the refusal of the government to put in place the democratic reforms set out in the agreement. Indeed, apart from immediate measures such as the amnesty for three opposition members, the payment of outstanding compensation to USN members of parliament and the reinstatement of certain civil servants, which all seem to have been effected following the signing of the agreement with the aim of temporarily appeasing the opposition, no provision of the framework agreement has yet been implemented. On 26 August 2015, the Djibouti authorities announced there would be no reform of CENI to create a shared national independent electoral commission as set out in the agreement. Similarly, the work which should have taken place in the context of the joint parliamentary commission on the organisation of the 2016 presidential election has not begun. This fact generates serious concerns as to the organising of the presidential election in a transparent, representative, inclusive, pluralistic, free and peaceful manner.

On 7 December 2015, President Ismael Omar Guelleh, in power since 1999, announced that he would be a candidate in the 2016 presidential election, officially indicating his intention to seek a fourth term in office. Mr Guelleh had, however, declared in April 2014 that he would not be putting himself forward in 2016.<sup>1</sup> This reversal of his decision, coupled with the policy of suppressing any form of opposition mobilised against the Djibouti authorities, has further fuelled the climate of violence already prevailing in the country.

Our organisations are concerned at the lack of will on the part of the Djibouti authorities to stimulate

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<sup>1</sup> Ismael Omar Guelleh: « Encore deux ans et je m'en irai, mission accomplie » [Just two more years and then I go, mission accomplished], Jeune Afrique, 1 April 2014, <http://www.jeuneafrique.com/134015/politique/ismael-omar-guelleh-encore-deux-ans-et-je-m-en-irai-mission-accomplie/>

inclusive and effective political dialogue, particularly on the subject of organising the presidential election, and fear that resorting to violence rather than embarking on dialogue cannot but accelerate a deterioration in the pre-election climate, increase serious human rights violations and result in violence aimed at quelling any challenge to the disputed and disputable election of Ismael Omar Guelleh.

## Human rights defenders and the opposition both in the regime's sights

The Djibouti authorities, which seem to have definitively renounced dialogue with the opposition and civil society, have at the same time engaged in a policy of suppressing all voices raised against the regime, including **human rights organisations**.

[Mr Omar Ali Ewadi, one of the founding members of LDDH, was arrested on 29 December 2015](#) near Bouffard Hospital. He [was taken away in a National Gendarmerie vehicle to the Gendarmerie's Documentation and Research Section \(SRD\) and detained \*incommunicado\*](#). On 30 December, M. Ewado was escorted by armed police to his home, where he also has his office, as part of a search. Documents and his computer hard drive were seized. On 31 December, he was finally placed under a detention order in Gabode central prison and, under a *flagrante delicto* procedure, was charged with "public defamation" (Article 425 of the Penal Code) and with "attempting to pervert the course of justice" (Article 420 of the Penal Code) for having published a list of those who were dead, injured or missing in the wake of the massacre carried out by the security forces on 21 December 2015 in Balbala. He appeared on 10 January 2016 before the Criminal Division of the Djibouti Court of First Instance, which set a date of 17 January 2016 to hear the case. The Advocate General is calling for Mr Ewado to be unconditionally sentenced to 12 months in prison.

Likewise, Mr Ali Zakaria Abdillahi, lawyer and president of LDDH, has for many years been subjected to regular police harassment. This is the result of his human rights activities and the legal support he provides to political opponents who are also subject to judicial harassment. On 16 January 2014, Mr Abdillahi declared: "*Every day I go to detention centres and court to try to legally assist those arrested and detained for their opinions, but I am never allowed access to those held in custody, in flagrant breach of Article 10 of the Constitution which guarantees the assistance of a lawyer.*" [On 23 January 2014, he was arrested by elements of the Gendarmerie and held for 5 days](#) at Djibouti City Documentation and Research Section (SRD). During the weeks leading up to his arrest, Mr Abdillahi had received death threats and had come under pressure as a result of his human rights activities.

For several months, the constraints placed on the defence activities of Mr Ali Zakaria Abdillahi have increased to the extent that he can no longer exercise his profession as a lawyer. According to information gathered from Mr Abdillahi, he has until now found himself systematically unable to assist those arrested and prosecuted for political reasons. He can neither visit them while they are in custody nor defend them in court, as he no longer has access to his clients' files and cannot gain admittance to the hearings. Mr Abdillahi is one of the last Djibouti lawyers still seeking to provide legal assistance to individuals who are subject to politically motivated harassment, prosecution and/or imprisonment by the regime. The harassment he suffers threatens to remove the last chances these individuals have of accessing justice. Our organisations condemn these practices which constitute flagrant violations of the right to a defence and of civil and political rights.

**The political opposition** is also the target of a campaign of arbitrary arrests and detentions and constant harassment, particularly police and judicial, aimed at limiting their political activities and stifling any voice raised against the regime, in violation of the framework agreement of 30 December 2014, which envisaged respect for public freedoms.

The police and the gendarmerie do not hesitate to arbitrarily arrest and detain members of the opposition, repress demonstrations and forcibly prevent their meetings and gatherings. Daily between 4 and 8 September 2015, five opponents were arrested in Ali-Sabieh, in the southwest of the Republic of Djibouti by members of the gendarmerie for allegedly having participated in an "illegal" demonstration and for disturbing public order. Mr Mohamed Mohamoud Dalieh was arbitrarily arrested on Friday 4 September, Mr Ali Hassan Rirache on Sunday 6 September, Mr Abdo Abdillahi Dalieh on Monday 7 September and Mr Idriss Aden Djamaa ka Benbi on Tuesday 8 September, Mr Mohamed Moussa Warsama, bus

driver in Ali-Sabieh and member of the opposition was arrested by a brigade of the gendarmerie in Djibouti City a few hours after the gendarmes had confiscated his bus in Quartier 6/7, Ali-Sabieh. During their detention they were deprived of their right to the legal assistance of a lawyer despite their requests to the investigators in charge of the preliminary inquiry into the case opened on 4 September. After several weeks of detention, the Djibouti court released them early in October 2015.

On 18 September 2015, a major operation of repression was carried out by the Dikhil police cracked down on a peaceful demonstration to contest President Ismail Omar Guelleh's plan to run for a fourth term, in the south-west region of the Republic of Djibouti, and arrested some fifty young members of the USN and the Youth Opposition Movement (MJO), including Abdoukarim Djama Guedi, Mohamoud Robleh Mireh, Hamze Raye Hassan and Yahye Elmi Yonis. That same day, Ibrahim Hassan Abdi, a USN member of parliament, and Saïd Ali Miguil, head of USN in Dikhil, were arrested in one of the USN branch offices in Dikhil. The gendarmes searched the premises of another local USN member. Most of the demonstrators were released, on 21 and 22 September, after several days of detention. They reported being deprived of their right to legal and medical aid, or visitors. Some of them reported that they were ill-treated during their detention.

The 5 aforementioned men cited in the paragraph above however, were kept in detention and were deferred to the Djibouti public prosecutor on 22 September 2015 who issued the ordinance of committal to the Gabode prison. They appeared before the Djibouti court under the procedure for cases of *flagrante delicto* on 4 October for "illegal demonstration". Five of them were given a suspended one-year prison, while the Court released Mohamoud Robleh Mireh. Their request for provisional release was turned down. They appealed to the Djibouti Court of Appeal which granted the release of the six opposition activists on 11 October 2015. However, in spite of this decision, they are still being held in the Gabode prison at the time of the writing of this memo. Their detention violates not only the Court of Appeal's decision, but also to the provisions of the Djibouti Penal Procedure Code which in Article 362, call for the immediate release of anyone who the courts have released or given a suspended sentence even in the court of appeal. The arbitrariness of detaining these six activists is therefore evident and is intended to silence these opposing voices and to dissuade opposition members from freely and peacefully expressing their criticisms.

Furthermore, despite repeated requests, the six detainees were deprived of their right to legal and medical aid, or visitors throughout their long detention period. Their right to a fair trial, which is guaranteed by the 1992 Constitution, the penal code, and international conventions ratified by Djibouti, was also violated since they were denied access to legal aid during the judicial proceedings. They also remain under the purview of the Court of Djibouti given that the Court has not yet ruled on the grounds for the case. The 4 October decision by the Court of first Instance, and the 11 October decision of the Court of Appeal have still not been made available.

On Sunday, 1 November 2015, some fifty young people from the Youth of the Opposition Movement (*Mouvement des jeunes de l'opposition*, MJO) were arrested while preparing their meetings for the African Youth Day. Around 2 pm, police entered two USN offices, in the districts of Balbala Hayabley and Cheik Moussa of Djibouti City and fired tear gas grenades. According to reports obtained by our organisations, they used excessive and disproportionate force and intense brutality as they beat up most of the young activists. Police also arrested some passers-by on the streets around the MJO head office. The offices were ransacked and most of the material was destroyed. The activists were detained in various police headquarters in the working class district of Balbala. Most of them were released a few hours later; now they have all been released. According to the USN, the police proceeded with more arrests on 2 and 3 November 2015. The Djibouti prosecutor issued a detention order for seven young activists, including six minors on 4 November. On Tuesday 3 November, Mr Ali Zakaria Abdellahi, lawyer and president of LDDH, went to several police headquarters to provide legal assistance to the young activists, but the police would not let him meet with them. According to information obtained by our organisations, most of the activists were not treated for their injuries, some of which were serious. Meanwhile, on Sunday 1 November, a demonstration in support of a fourth mandate for President Ismail Omar Guelleh was held in Djibouti City. According to reports, the majority of the demonstrators were civil servants and military staff. They were able to demonstrate freely and without incident.

The last police attack on USN leaders reached an unprecedented level of violence. On 21 December

2015, 7 USN leaders met at the home of Mr Djama Amareh Meidal, the USN secretary for external affairs, to discuss the massacre that had occurred a few hours earlier in Buldugo in the district of Balbala, on the outskirts of Djibouti City. This is where at least 27 worshippers of the Yonis Moussa community were killed during the attack on their religious ceremony by security forces, (see below). The USN leaders' meeting was interrupted when hooded police stormed in and fired 6 mm rubber bullets and tear gas. Several of the leaders were severely beaten or otherwise injured. Saïd Houssein Robleh, a young USN member, received a serious throat injury. Mr Robleh, and USN president Ahmed Youssouf Houmed who suffered a broken hip and Mr Hamoud Ali Souldan, former Minister of Muslim Affairs, who was injured by several rubber bullets, were taken to the Bouffard French Military Hospital where they were treated in the emergency ward.

French military doctors performed emergency surgery on Mr Saïd Houssein Robleh but were not able to remove one of the bullets lodged near his jugular vein. While this was happening, Djiboutian Forces surrounded the military hospital and set up an entry guard to prevent anyone but the father of the victim from entering. As he was leaving the hospital, he was arrested by the Djiboutian police along with Mr Omar Ali Ewado, one of the founding members of LDDH, who was waiting for him in front of the hospital. Their personal belongings were seized, including cell phones and Mr Robleh's medical record. Mr Ewado was transferred to the central prison in Gabode on 31 December, where he remains in detention awaiting his trial on 17 January 2015. Saïd Houssein Robleh has been threatened and harassed for a long time by government, and has been arrested several times. In November 2015, he was prevented from going to Tunisia to complete his medical internship, after his passport, student bursary, and plane ticket were confiscated by the Minister for Higher Education and the President of the University of Djibouti. The latter two had asked him to sign a letter saying he would refrain from all political activities in return for his documents. This, he refused to do. He was arrested again on 10 December 2015. He had been incarcerated for 10 days in December 2013.

The police arrested Mr Hamoud Ali Souldan as he was leaving the hospital on 30 December 2015 and took him directly to the Djibouti public prosecutor who ordered that he be detained in the Gabode central prison. His detention is interspersed with short stays in the hospital to treat his poorly healing wounds. In another case, Mr Ahmed Youssouf Houmed was discharged from the hospital on 9 January but still has very reduced mobility.

The USN Secretary General and President of the RADDE party, Abdourahman Mohamed Guelleh known as TX, was arrested on 21 December 2015, and detained at the central police headquarters of Djibouti City before being transferred on 24 December to the police headquarters at the Djibouti *Port Autonome International*. He appeared before a public prosecutor that same night and was taken to the Gabode prison. He appeared before the Criminal Division of the Djibouti District Court on 3 January 2016 at his first hearing for charges of "inciting an armed assembly". At the time of this publication, he remains in custody at the central prison in Gabode, awaiting trial.

The violent attack against USN officials that started in the afternoon on 21 December 2015 is just one of many attacks and acts of harassment against the members of the opposition movement and their leaders. Daher Ahmed Fara, aka "DAF", President of the *Mouvement pour le Renouveau démocratique et le Développement* (MRD) and USN spokesperson has been harassed by the law enforcement officers since 14 December 2015. The police confiscated his vehicle on 14 December 2015 after a routine traffic check close to his home. The vehicle is still being held at the police station and a complaint has been lodged<sup>2</sup>. On 18 December, Mr Farah was placed under house arrest, then from 19 to 27 December he had to appear at the police station every morning and was interrogated, although there were no legal grounds for it. At the time of the events in Balbala and until Wednesday 23 December, he was held at the police station, a detention that could be classified as illegal confinement according to Article 381 of the Djiboutian Penal Code. Since his return from exile, Mr Daher Ahmed Farah has been arrested several times (e.g. four times just in January and February 2013) and continues to be subjected to legal and police harassment.

The Guelleh regime continues to arrest members of the opposition On 1 January 2016, two female USN activists, Mrs Saada Ahmed Houssein, Second Vice President of the USN Permanent Secretariat

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<sup>2</sup> Mr Daher Ahmed Farah's mother filed a complaint on 17 December 2015.



and Mrs Nima Barkat Houdon, wife of Mr Guireh Medial, President of the *Mouvement pour la démocratie et la liberté* (MODEL), a USN movement) were arrested and held at the Ambouli police department in the outskirts of Djibouti City and at the 3-4-5 police department of Djibouti-city. Mrs Saada Ahmed Houssein was released during the evening of 2 January while information is contradictory as to the continued detention or the release of Mrs Nima Barkat Houdon.

Mr Mohamed Ibrahim Waiss, a journalist and USN official, was arrested on Monday 11 January 2016 around 10 am by gendarmes who took him to the *Section de recherches et de documentation* (Research and Documentation Section, SRD) of the gendarmerie without allowing him to contact his lawyer, Mr Ali Zakaria Abdillahi. He was taken on Wednesday 13 January 2016 to the Public Prosecutor; the gendarmes prevented his lawyer from entering the court. He was then placed under an ordonnance of committal at the Gabode central prison, where he still is being held.

On 14 January 2016, three more USN members were arrested. Towards the end of that day, Kadar Abdi Ibrahim, a journalist, co-director of the USN monthly "*Aurore*", senior official at USN and mathematics teacher at the University of Djibouti was questioned by gendarmes who came to his home. Since that time he has been held at the SRD of the north brigade of Djibouti City. Shortly afterwards, Zakaria Rirache Miguil, a member of USN and former head of the young opponents movement, was questioned by the police on a street in Balbala. Mohamed Robieh Farah, a teacher and USN activist was arrested on the same day on his way home from school where he teaches in Balbala.

This list of examples is not complete but it does show that the government is systematically repressing and stifling the opposition while the government is not interfering with gatherings that support President Guelleh. Furthermore, President Ismaïl Omar Guelleh organised a major rally on 8 January 2016 following the official announcement that he would run for a fourth term. The event was held without any difficulties.

## **The 21 December 2015 Massacre**

The events of 21 December 2015 and the harassment of human rights defenders and members of the opposition which followed, and which is still ongoing, are indications of the regime growing tougher, and the escalation of violence and repression as the date of the presidential elections get closer. On 21 December 2015, the authorities entered a new phase of violence as a tool of repression, by using deadly weapons to prevent a religious assembly from taking place, causing 27 deaths and 150 injured civilians. The massacre of civilians shows the increase in the gravity of human rights violations which is part of a desperate attempt of an increasingly authoritarian regime as its social base is falling apart and repression is becoming a tool used to gain full control.

At dawn on 21 December, as several hundred worshippers from the Yonis Moussa community of the Issa clan were celebrating a religious ceremony in memory of Cheik Yonis Moussa in Buldugo, in the Balbala neighbourhood, on the outskirts of Djibouti City, the police and the Djiboutian army came to disperse the crowd and the procession. The faithful resisted the intervention by throwing stones at the security officers, who responded with live bullets. These first confrontations resulted in two deaths among the worshippers and several police being injured by machetes, knives, etc. Faced with this situation, the police apparently requested re-enforcement from the Presidential Guard, headed by Mohamed Djama. As soon as they arrived, the members of the Presidential Guard and other armed forces began firing at the crowd, killing at least 25 people and injuring at least 150, thus raising the toll of the strike by security forces that morning to 27 deaths and more than 150 injured. Some witnesses say that soldiers were firing on worshippers who were trying to flee while others spoke about the military taking aim at worshippers who were trying to run away from the massacre area.

Djiboutian authorities, represented by Djiboutian Foreign Affairs Minister and government spokesperson, Mahmoud Ali Youssouf, reported 7 deaths, one of whom was a young girl, and 50

police injured in this police operation against the religious demonstration. For his part, the Djiboutian Minister of the Interior Hassan Omar, denounced the demonstration as “orchestrated by malicious individuals acting on instructions from relatives abroad”, clearly intended to “destabilise” the Djiboutian nation and to “sow seeds of division” in our national community.

The precise count of the 21 December 2015 massacre has not been exactly verified by independent sources because the bodies of the victims were collected by security services immediately after the massacre. Some of the bodies were returned to their families, but most of them are listed as “disappeared”; they apparently have been buried in a mass grave or secretly disposed of. The locations of the massacre, as of 15 January 2015, were still being guarded by the military who allegedly shot at anyone trying to come near. All of this information indicates that the victim count and exact circumstances of these serious crimes are sensitive issues for the government.

The police’s attempt to disperse the ceremony of the Yonis Moussa community, a sub-clan of the Issa majority in Djibouti, was motivated by the fact that the community refused to reschedule its ceremony to clear the way for the visit by the Head of State, Ismael Omar Guelleh, who was running for his fourth presidential term of office.

Our organisations are extremely concerned about the excessive and indiscriminate force, as well as the level of violence, used by Djiboutian security forces in Balbala on 21 December 2015. Furthermore, the Djiboutian justice has not opened any inquiry or legal proceedings to shed light on the circumstances surrounding the 21 December 2015 massacre or of the security forces’ responsibility. In light of the impunity enjoyed by security forces who violate human rights in Djibouti and probably conceal evidence, our organisations call on the United Nations Human Rights Council and the African Commission on Human and Peoples’ Rights to appoint an international commission of enquiry to establish the circumstances and individual criminal responsibilities of the 21 December 2015 massacre.

## **Enhancing anti-terrorist legislation: another means for the regime to violate human rights with impunity...**

The use of extreme violence against civilians is an indication that the government has been faltering with its indiscriminate use of repression, thereby creating a deplorable climate of fear and insecurity, aggravated by the introduction of exceptional security measures and the adoption of laws that since November 2015 have been destroying freedom and further endangering human rights in Djibouti.

In effect, on 24 November 2015, the Djibouti Council of Ministers adopted decree no. 2015-3016 PR/PM (attached), establishing exceptional security measures, following the Paris attacks on 13 November 2015; these measures, moreover, are meant to prevent possible acts of terrorism in Djibouti. Prime Minister Abdoukader Kamil Mohamed, spoke on national television and radio on 25 November 2015, to declare, in application of this decree, a ban on assembly and gatherings in public areas. This is an indication that the measure is intended to stifle any type of demands and protests during the pre-election period. Since the promulgation of the decree, some thirty members and leaders of the USN coalition have been arrested, but they have not been able to prove that the decree was not used as the legal basis for these arrests.

On 28 December 2015, the Djiboutian parliament met to review a draft law on the state of emergency. This parliamentary session was held in the absence of eight USN members of parliament (MPs) in a chamber guarded by the police. On 31 December 2015, Djiboutian MPs adopted the law after having excluded all the USN members from the parliamentary debate, on the order of the President of the National Assembly, who had asked the police not to let them enter the

parliamentary chamber.

The text enhanced the powers of the regional prefects and the Minister of the Interior, who, according to Article 7 of the said law, can, “*order the temporary closure of any area available for meetings of any sort*” and ban “*all meetings that may instigate or cause disorder*”. Article 6.1 also states that “*associations or assemblies that de facto participate in the commission of acts or that seriously disturb public order or whose activities facilitate or incite the commission of such acts shall be closed down by a decree of the Council of Ministers*”. The decree also makes it easier for police to conduct searches, day or night, on no legal grounds, and authorises house arrests and the imposition of curfews. President Guelleh has not yet declared a state of emergency, however, our organisations are extremely concerned that this law could in fact be adopted and applied in the last few months preceding the presidential elections. Declaring a state of emergency would make it completely legal for the Djiboutian authorities to arrest, incarcerate, harass, and to prevent all forms of assembly and demonstrations. Our organisations urge the Djibouti authorities to respect freedom of assembly, expression and association, and call on them to refrain from using anti-terrorist laws to prevent the exercise of public liberties and political and civil rights.

### **... against a background of low-intensity war in the northwest**

The aforementioned human rights violations are taking place against a background of low-intensity war between the armed FRUD and Djibouti security forces. In the northwest, since August 2015, our organisations have collected information indicating a sharp upsurge in fighting between the two warring parties, having generated a campaign of retaliation by Djibouti authorities against civilians suspected of being family members and / or supporters of the armed FRUD movement.

Clashes between the Djibouti army and armed FRUD, in fact, took place in mid-August in the Goda and Mablās Mountains in the region of Tadjourah and north of Obock. On 30 September 2015, armed FRUD fighters burned three vehicles belonging to a construction company that was helping transport troops and supplies for the Djiboutian armed forces on the road from Tadjoura to Randa. No casualties were reported in the attack. Clashes also took place on 3 and 4 October 2015 in the Mablās Mountains, in Sismo, and Goula. Beginning on 3 October and following these events, a wave of arrests, clearly resembling a retaliatory operation, befell civilians having family ties with members of the armed FRUD movement. The arrests began at Lake Assal, 55 km from Djibouti City on the road to Tadjourah on Saturday 3 October, during which two men were arrested by members of the army.<sup>3</sup> They remain detained at the Gabode prison in Djibouti City. These arrests continued in the Tadjourah Region, before spreading to the region of Obock and subsequently to the capital, Djibouti City.

In Tadjourah, two siblings,<sup>4</sup> relatives of an armed FRUD member, and two men,<sup>5</sup> relatives of an armed FRUD leader, were arrested on 8 October. The woman was released while the three men were transferred to the gendarmerie of Djibouti City on 9 October. They are still in custody. On 11 October, a woman<sup>6</sup> was arrested at Ardo, in the Tadjourah Region. On 12 October, the wife of an armed FRUD fighter<sup>7</sup> was arrested in Tadjourah and transferred to the gendarmerie of Djibouti. She was released on 15 October. On 16 October, two women and two men<sup>8</sup> whose close relations were presumed to be armed FRUD fighters were arrested in Syarou, northwest of Tadjourah, and on 17

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3 Mr Houmed Badoul Gohar et Mr Badoul Youssouf Moussa, respectively brother-in-law and brother of an armed FRUD fighter.

4 Mr Mohamed Daoud Aboubaker and Mrs Madina Mohamed, family members of Abdoukader Omar Daoud, a FRUD fighter.

5 Mr Ibrahim Mohamed Daoud and Mr Ali Gaditto Mohamed, family members of Aboubaker Mohamed, an armed FRUD leader.

6 Mrs Dahelo Abdallah Dahelo.

7 Mrs Oumma Mohamed Deberkeleh

8 Mrs Aicha Ali Kamil, daughter of a city notable, and Mr Hamadou Mohamed.

October, two close relations<sup>9</sup> of armed FRUD fighters were arrested in Guirori. They were detained by the Djiboutian armed forces and the whereabouts of their detention remain unknown. On 21 October, two other civilians were arrested in Syarou, northwest of Tadjourah and transferred on the same day to the barracks in Balho, 16 km from the Ethiopian border, where they were held until 29 October. They were released late November in Tadjourah. They were allegedly subjected to torture during their detention. On 23 October, still in Syarou, one of the notables of the city, Gohar Badoul Badoul, 72, father of a armed FRUD fighter, was arrested and transferred to the Garabtissan military camp. He is still in detention. The same day, Mr Dabale Hassan was arrested by soldiers in Debné in the Tadjourah Region and detained incommunicado until 29 November, the day on which our organisations learned that he was detained in the SRD of Djibouti City. He is still in detention.

In Adgeno in the northernmost area of the Tadjourah Region, 23 civilians, including five women, were arbitrarily arrested on 20 December for their alleged link with the armed FRUD movement. They seem to have been subjected to violence by the security forces. According to our own information, in this region where access to water is difficult, Djiboutian armed forces prevented farmers and their livestock from reaching water sources. The head of this community, Gaber Mohamed Gaber, trying to intervene, was violently attacked by Djibouti troops. Those arrested are presumed held in the Assaguaila military barracks.

Djibouti gendarmerie forces have also carried out arrests of relatives of the armed FRUD movement in Obock, one of the bastions of the organization, and the surrounding area. On 10 October, approximately ten civilians were arrested by a detachment of the army in Garabtino, 35 km from Obock. According to information collected by our organisations, eight of them were subjected to abuse at the army and gendarmerie local of Obock. An unknown number of them were released on 15 October. Three men<sup>10</sup> were also arrested by the army in the Obock Region on 11 October and are still detained in the Gabode prison. In Medeho, in the Mabla Mountains, on 21 October, three men, Kako Hassan Moussa, brother of an armed FRUD fighter, Osman Mohamed Ahmed, and the village nurse were arrested by elements of the army and transferred to the Obock military camp. Four days after the arrest, Mr Kako Moussa was transferred to the gendarmerie of Obock, where he remains in custody, while the two others were released. Friday, 23 October, Mohamed Omar Adan was arrested in Waddi in Obock District, and held incommunicado until 29 November when news reached our organisations that he was detained in SRD facilities in Djibouti City. He wound up imprisoned in the central prison of Gabode.

Arrests also took place in Djibouti City. On 11 October, two women<sup>11</sup> were arrested - one over 70 years of age. A woman and a man<sup>12</sup> with close ties to armed FRUD leaders were also arrested by gendarmes. The three women were released on 15 October while the man is still being held at the Gabode prison.

According to the non-exhaustive report made by our organisations, at least 20 persons with family ties or considered to be supporters of armed FRUD combatants, arrested in Djibouti City or transferred to the capital, were detained in the gendarmerie's SRD, until 15 among them<sup>13</sup> were transferred to the Gabode prison on 15 October. The 5 others, 3 women and 2 men, were charged on that same day<sup>14</sup>, and were granted provisional release. They have yet to be brought before a

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9 The son of Ado Mohamed, Mr Okal Haissamalé, and the son of Elehateh Mohamed.

10 Houmad Hassan, Mohamed Ahmed Hassan et Hassan Hamad.

11 Mrs Oumma Haroun Aboubaker (sister of a armed FRUD fighter), Haroun Issa Ali (her mother and member of the National Council of the LDDH).

12 Mr Mohamed Abdallah, family member of armed FRUD leader Mohamed Kadamy, and Mrs Fatouma Chehem Ali, sister of Ali Chehem, a armed FRUD leader.

13 Badoul Youssouf Moussa, Houmed Badoul Gohar, Aboubaker Mohamed Daoud, Mohamed Youssouf Mohamed, Ali Abakari, Omar Mohamed Daoud, Mohamed Abdallah Mohamed, Hassan Houmed Hamadou, Mohamed Ahmed Hassan, Hamad Hassan, Houssein Houmed Mohamed, Omar Abdoukader Daoud, Aboubaker Abdoukader Daoud, Hassan Mohamed Ali, Abdo Hamadou Dabaleh.

14 Haroun Issa Ali, Oumma Mohamed Deberkaleh, Oumma Aboubaker Haroun, Assia Houmed Aras and Ado Mohamed.



judge. These 15 civilians are still objects of an ordinance of committal at the Gabode prison and, according to corroborating reports, those being held have still not been allowed to receive visits or benefit from legal or medical assistance. In a 16 October radio and televised statement broadcast from Djibouti, Public Prosecutor Maki Omar Abdoukader declared that these persons were being detained for criminal acts that they had committed and that a judicial inquiry had been opened in their case.

On 5 November 2015, the Vizier of Tadjourah, Chehem Ahmed Houmed was arrested in Djibouti City at about 11 am. On the previous day, Mr Houmed had made a statement calling on the Djiboutian authorities and armed FRUD to hold a dialogue to bring the fighting to an end. On 3 November, the Vizier's nephew Mr Abdo Mohamed Ali and Mr Kassim Mohamed Chehem, a close supporter, were arrested by Tadjourah gendarmes. They have all been released.

The current wave of arbitrary arrests and detentions constitutes retaliation and intimidation against civilians. These measures violate Djibouti's national laws and international obligations and contribute to heightening the climate of fear and insecurity that is reigning in the country. Our organisations urge the Djiboutian authorities to comply with the national and international legal texts in force in the Republic of Djibouti and to prosecute and try the perpetrators of these violations in competent, independent, impartial courts.

## **Violation of current national and international law**

Arbitrary arrests and detentions, acts of harassment including legal harassment, excessive and disproportionate use of force by the police, the gendarmerie and the army, violations of freedom of expression, assembly and the freedom to hold demonstrations as well as the rights of those in detention are serious violations of the laws in force in Djibouti. Article 10 of the Constitution stipulates: "No one may be detained in a prison except upon a warrant issued by a magistrate of the judiciary," that "The right to defence, including the right to be assisted by the lawyer of one's choice, is guaranteed at all stages of the proceedings," and that "Any person subject to deprivation of liberty has the right to be examined by a doctor of his choice." Article 15 adds: "Everyone has the right to freely express and disseminate his opinions in speech, writing and image." Article 16 stipulates: "No one shall be subjected to torture or ill-treatment or cruel, inhuman, degrading or humiliating acts," and that "Any individual, any public official, public authority that is guilty of such acts either on its own initiative or on orders shall be punished according to law." It is incumbent upon the Djiboutian authorities to conduct independent, impartial inquiries and to prosecute and try the alleged perpetrators of the ongoing violence as soon as possible. Our organisations also call on the Djiboutian authorities to respect their international obligations, including the provisions of the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

Furthermore, the arbitrary arrests and detentions as well as the acts of violence and harassment inflicted by the security forces on opposition activists violate the provisions of the framework agreement concluded by the ruling party and the opposition party in December 2014. The Agreement stipulates that the parties to the Agreement commit to "*putting an end to all acts that can lead to a situation of high tension between the government and the opposition*" and to "*ensuring the implementation [...] of the fundamental laws and freedoms in order to guarantee and strengthen democracy together.*" Nevertheless, the harassment, the violent crack-down on demonstrations, and the interventions of the security forces to prevent opposition activists from holding meetings is still going on and contributes to the sense of impunity that may have detrimental effects on the forthcoming electoral process. Unless the Djiboutian authorities stop this abusive use of their power, it will not be possible to hold an inclusive, effective national dialogue that can lead to the organisation of a credible, transparent, pluralistic and safe election process.

## Signatories:

- **FIDH**
- **Iteka League**

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FIDH is an international human rights NGO federating 178 organizations from close to 120 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration for Human Rights. FIDH's headquarters are in Paris and the organization has offices in Abidjan, Bamako, Brussels, Conakry, Geneva, The Hague, New-York, Pretoria and Tunis.