
DJIBOUTI

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010-2011, the field of action of civil society remained restricted by almost constant repression by the authorities in the run-up to the presidential election in April 2011. Several hundreds of union members were arrested, including two members of the Djibouti League of Human Rights (*Ligue djiboutienne des droits humains - LDDH*). An international organisation working for the proper functioning of the election process was also expelled.

Political context

Not surprisingly, the Djiboutian President Ismaïl Oumar Guelleh, in power since 1999, won the presidential elections on April 8, 2011. This candidature for a third term, which was possible due to the modification of Article 23 of the Constitution, amended by Parliament on April 19, 2010 to lift the restriction on presidential terms, sparked strong reactions from the opposition and civil society, creating a violent and tense pre-election climate. In 2010-2011, popular demonstrations that were unprecedented in the country's history, were organised to contest the opaque conditions of the organisation of the vote and the legality of the constitutional amendments. The Government responded to the protests by banning all demonstrations and with arrests, detentions and arbitrary criminal proceedings against peaceful demonstrators. On February 5 and 18, 2011, the security forces used violence to break up two demonstrations using tear gas, rubber bullets and live bullets, and causing at least nine deaths and hundreds of injured and arrests¹. This situation drove the opposition parties to boycott the presidential election once again.

In this context, the field of action of civil society representatives, including the one of international organisations, remained restricted in 2010-2011.

1/ On February 5, 2011, several demonstrators were arrested and taken to the Gabode prison and the Nagad detention centre, whose official function is for holding persons who are due to be escorted to the border but which is regularly used for the arbitrary detention of people who are critical of the Government. Around one hundred people were also arrested the day after the demonstrations on February 18, including three opposition leaders. On February 27, 2011, forty defendants were acquitted and, on May 6, 2011, 39 other defendants were released. At the end of April 2011, 45 people were still being held in the context of these two demonstrations. See LDDH.

Attacks on freedom of peaceful assembly and judicial harassment of two human rights defenders who supported imprisoned demonstrators

In 2010, the Government illustrated its refusal to implement the recommendations of the Human Rights Council relating to guarantees of trade union freedom² by repressing social protest movements. For example, on March 7, 2010, during a peaceful demonstration organised in front of the Ministry of Transport in the city of Djibouti by the Djiboutian Labour Union (*Union djiboutienne du travail* - UDT) and the General Union of Djiboutian Workers (*Union générale des travailleurs djiboutiens* - UGDT) to claim payment of three months' wage arrears due to railway workers by the authorities, ninety union members were arrested by the police force of the Interior Ministry. They were all taken to the Nagad detention centre before being released the same day without charge. In the morning of March 6, a demonstration making similar demands had already been held around Djibouti station and had also ended with police arresting over one hundred union members. The latter were jailed at the Nagad detention centre and released the same day without charge.

Furthermore, in the context of the muzzling of any dissident voice that accompanied the election campaign, two members of LDDH were the target of judicial harassment for having supported protesters arrested during the demonstration by school and college students against the education policy of the Government on February 5, 2011. Mr. **Jean-Paul Noël Abdi**, the President of LDDH, who has for several years been subjected to constant harassment by the Government³, was prevented by the authorities from visiting people held at the Gabode prison following the arrests that took place during the demonstration on February 5, 2011. He had also denounced the arrest on the same day of his colleague, Mr. **Farah Abadid Heldid**⁴. On February 9, 2011, after visiting the Prosecutor to enquire about his colleague's situation, Mr. Noël Abdi was in turn arrested, without any arrest warrant being presented to him by the agents of the Gendarmerie who were acting under the orders of the same Prosecutor. On the same day, Messrs. Noël Abdi and Abadid Heldid were brought

2/ See Annual Report 2010.

3/ As of the end of April 2011, legal proceedings for "defamation" were pending against Mr. Noël Abdi after he stated in 2007 that the security forces were accomplices in the murders of seven people in 1994. Further proceedings remained pending against him for "public insult to the judiciary authorities", for having criticised in 2009 the lack of independence of the judiciary.

4/ Members of the Gendarmerie arrested Mr. Abadid Heldid without a warrant when he was at the headquarters of the Movement for Democratic Renewal and Development (*Mouvement pour le renouveau démocratique et le développement* - MRD), a party member of the main opposition coalition. Taken to the premises of the investigation division of the Gendarmerie in the city of Djibouti, he was the victim of acts of torture and ill-treatment for four days without access to his lawyer nor a doctor.

before the Court of Djibouti and accused of “participating in an insurgency movement” under Articles 145 and 146.4 of the Criminal Code, which provides up to fifteen years of imprisonment and a fine of 7,000,000 Djiboutian francs (about 27,222 euros)⁵. They were then placed under a committal order and imprisoned at the Gabode prison. After a malaise on February 17, Mr. Noël Abdi, who suffers from diabetes and heart problems, was released on probation on February 21, on grounds of ill health. On March 22, 2011, the Examining Magistrate agreed to his lawyer’s request to lift probation. On March 27, the Prosecutor appealed against this ruling, compromising then Mr. Noël Abdi’s participation in the work of the General Assembly of the East and Horn of Africa Human Rights Defenders Network held from March 29 to 30, 2011 in Kampala, Uganda. On March 31, 2011, the Court of Appeal finally confirmed the lifting of his probation. However, Mr. Farah Abadid Heldid was still detained in the Gabode prison at the end of April 2011, since the indictment Chamber of the Court of Appeal had rejected his application for provisional release.

Expulsion of an international organisation working for the proper functioning of the election process

In the run-up to the election, an international organisation that was working for the proper functioning of the election process was expelled from Djibouti. On March 4, 2011, after sending several pre-election observation missions and publishing several reports, Democracy International (DI), an organisation financed by the United States Agency for International Development (USAID), which had provided the Djiboutian administration with experts to help with preparing the election, was accused by the Government of Djibouti of partiality and of being an “illegal organisation” supporting “seditious” opposition activities as it had called on the Government to respect the rights of its citizens, including the right to freedom of peaceful assembly and freedom of expression and the opportunity of taking part in a free and fair election. On March 5, 2011, the Djiboutian Government expelled DI, which was obliged to leave the country one month before the presidential election⁶.

5/ These accusations were apparently mainly due to unreliable and contradictory evidence that tried to prove their support for the demonstration on February 5, 2011.

6/ See LDDH.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Jean-Paul Noël Abdi	Judicial harassment	Open Letter to the authorities	January 15, 2010
	Arbitrary detention	Urgent Appeal DJI 001/0211/OBS 016	February 9, 2011
Messrs. Jean-Paul Noël Abdi and Farah Abadid Heldid	Arbitrary detention / Judicial harassment	Urgent Appeal DJI 001/0211/OBS016.1	February 10, 2011
	Arbitrary detention / Deterioration of health	Urgent Appeal DJI 001/0211/OBS 016.2	February 18, 2011
	Provisional release / Arbitrary detention / Judicial harassment	Urgent Appeal DJI 001/0211/OBS 016.3	February 22, 2011
Djiboutian Labour Union (UDT) and General Union of Djiboutian Workers (UGDT)	Obstacles to freedom of peaceful assembly	Urgent Appeal DJI 001/0310/OBS 039	March 16, 2010