



## Djibouti

### Country Reports on Human Rights Practices - [2000](#)

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On April 9, 1999, Djibouti elected its second president since gaining independence from France in 1977. Ismael Omar Guelleh, the candidate of the ruling party, the People's Rally for Progress (RPP), won the election with 74 percent of the vote. Opposition candidate Moussa Ahmed Idriss, of the Unified Djiboutian Opposition (ODU), received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the election. The ODU later challenged the results based on election "irregularities" and the assertion that "foreigners" had voted in various districts of the capital; however, international and locally-based observers considered the election to be generally fair and cited only minor technical difficulties. Guelleh took the oath of office as President in May 1999, with the support of an alliance between the RPP and the government-recognized section of the Afar-led Front for the Restoration of Unity and Democracy (FRUD). The RPP has been the ruling power since independence in 1977. Two main ethnic groups hold most political power: Somali Issas (the tribe of the President), and Afars. Citizens from other Somali clans (Issak, Gadabursi, and Darod), and those of Yemeni and other origins, are limited unofficially in their access to top government positions. In 1994 the Government and a faction of the FRUD signed a peace accord, ending 3 years of civil war. In the accord, the Government agreed to recognize the FRUD as a legitimate political party. The Government named two FRUD leaders to Cabinet positions in 1995. On February 7, the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. Since April the two sides have been negotiating many issues, including a role for this faction of the FRUD in the Government. Two other legal political parties have existed since 1992, the National Democratic Party (NDP) and the Party for Democratic Renewal (PRD); neither holds a parliamentary seat or a cabinet level post. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. The judiciary is not independent of the executive.

The 8,000-member National Police Force (FNP) is responsible for internal security and border control, and is overseen by the Ministry of Interior. The Ministry of Defense oversees the army. The Gendarmerie Nationale, a police force responsible for the President's security, is an autonomous unit under the presidency. A small intelligence bureau also reports directly to the President. Civilian authorities generally maintain effective control of the security forces, but there were instances in which the security forces acted independently of the Government's authority. Some members of the security forces committed human rights abuses.

The country has little industry and few natural resources. Services provide most of the national income. Minor mineral deposits remain mostly unexploited. Only a tenth of the land is arable and only 1 percent is forested. Outside the capital city, the primary economic activity is nomadic subsistence. Citizens are free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community, which includes some 8,000 French citizens, is estimated at no more than \$250 per capita annually. Unusually low rainfall caused drought conditions that negatively impacted some of the population. The Government did not pay the salaries of teachers, security forces, and civil servants for the 5 months prior to the end of the year.

The Government's human rights record remained poor; although there were a few improvements in some areas, serious problems remain. Although the 1999 presidential elections were considered generally fair, the 1997 parliamentary elections took place amid claims of massive fraud, and the RPP continues to control the political system to suppress organized opposition. Members of the security forces committed extrajudicial killings. There were credible reports that security forces beat, otherwise abused, and at times tortured detainees, and raped female inmates. There were credible reports that police beat protesters. Prison conditions remained harsh. The Government continued to harass and intimidate political opponents, and to arrest and detain persons arbitrarily. Prolonged detention and incommunicado detention remained problems.

The judiciary is not independent of the executive and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government at times restricted freedom of the press. The Government limited freedom of assembly, and restricted freedom of association. While the Government respected freedom of religion in general, it discouraged proselytizing. There were some limits on freedom of movement. The Government remained antagonistic to the formation of human rights groups. Violence and discrimination against women persisted, and the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor exists.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

Security forces committed several extrajudicial killings. On June 24, in a market in Balbala, police shot and killed Daher Guedi Fourreh, the nephew of Moumin Bahdon Farah, the leader of the opposition party Groupe pour la Democratie et Republique (GDR), because they mistook him for a smuggler. Police admitted he was shot by mistake and were investigating the shooting at year's end.

On October 13, while forcibly dispersing an unruly crowd demonstrating in support of Palestinians, police fired into the crowd, killing one person and injuring several others (see Section 2.b.).

On December 7, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government (see Sections 1.c., 1.d., and 3); as many as 9 persons were killed and over 10 injured during clashes in front of the presidential offices between the police and the gendarmerie, who were supporting the President. A stray bullet also killed a person praying at a nearby Mosque.

The Government has not used landmines since signing the Mine Ban Treaty in 1997; however, the armed wing of the FRUD used landmines during its conflict with the Government. Both parties signed a peace accord in February, and efforts have begun since to demine the areas in which the FRUD operated. FRUD was cooperating with the Government to locate landmines laid in northern areas of the country. Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord (see Section 2.d.), and there were several deaths and injuries from landmine explosions during the year. On February 8, a military vehicle hit a landmine in Obock, killing one soldier and injuring four others. In March in Obock a landmine explosion seriously injured two children.

There were no reports of any action or investigation into the following 1999 cases of extrajudicial killings: The March death of a political detainee in the main prison; the April killings of Abdallah Ahmed Mohamed Rebeh, Moussa Abdallah, Ahmed Yagouri, and Ali Mohamed Ali "Derbi"; the August killing of eight persons in Tadjourah district when an army helicopter exploded; and the September killing of one person by police attempting to arrest Moussa Ahmed Idriss.

There were no reports of any action or investigation into the following 1998 cases of extrajudicial killings: The killing of one man when police shot into a crowd while attempting to make an arrest in downtown Djibouti and the killing of two Afar community elders near Assa Gueyla.

In March 1999, the Paris-based Association for the Respect of Human Rights in Djibouti (ARHRD), and an unidentified citizen presented a complaint in a French court against former President Gouled and President Guelleh alleging human rights violations, including summary executions. The complaint listed a series of human rights abuses and judicial abuses dating back to 1995. No action was known to have taken place by year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances.

In May 1999, police detained an Ethiopian guard at a private residence, allegedly because he was an illegal immigrant. The guard's whereabouts still were unknown at year's end.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides that no one shall be subjected to torture or to other inhuman, cruel, degrading, or humiliating punishments, and torture is punishable by 15 years' imprisonment; however, there continued to be credible reports that police and gendarmes beat, otherwise physically abused, and at times tortured prisoners and detainees.

On October 13, while forcibly dispersing an unruly crowd demonstrating in support of Palestinians, police fired into the crowd injuring several persons (see Sections 1.a. and 2.b.).

On December 7, at least 10 persons were injured during clashes in front of the presidential offices between the police and the gendarmerie (see Sections 1.a., 1.d., and 3).

There were widespread, although unconfirmed, reports that gendarmes and police beat, raped, or stole personal property from some of approximately 5,000 undocumented foreigners arrested and detained on December 21; most of those arrested were Ethiopian (see Sections 1.d., 1.f., 2.d., and 5).

Unlike in the previous year, there were no reports during the year that government security forces in the northern districts denied access to food and water to citizens who refused to declare loyalty to the Government and renounce the FRUD.

Landmine explosions resulted in at least one death and several injuries during the year (see Section 1.a.).

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The April case of Saleh Mohamed Dini who reportedly was tortured while in custody; the April case of approximately 20 Afars reportedly subjected to physical violence while in detention in Obock district; and the May case of a civilian who reportedly was beat after he refused to walk on a landmine. In March 1999, an unidentified citizen in conjunction with the ARHRD presented a claim in a French court against President Guelleh and former President Gouled, alleging that he had been detained arbitrarily and tortured, and had suffered physical and psychological damage as a result. There were no reported developments in the case at year's end.

In previous years, there have been credible reports that security force personnel raped at least 120 Afar women in the northern districts of Obock and Tadjourah (see Section 5). In almost all of the cases, the victims did not press charges due to shame and fear. There were no reported cases of rape during the year, and there were no developments in the 1999 rape case of Zenaba Agoden.

Unlike in the previous year, there were no reports of clashes between unemployed citizens and Ethiopians in various parts of the capital.

In April unknown persons beat and robbed the cousin of Ali Dahan, a FRUD official, several days after the delegation of FRUD leaders returned to the country (see Sections 2.d. and 3); Dahan was residing at his cousin's residence. It still was unknown who the perpetrators were at year's end.

Prison conditions are harsh, and prisons are overcrowded severely. Gabode prison, built for 350 persons, at times housed nearly twice that number. The Government sometimes shortens prison terms to reduce overcrowding. The Ministry of Justice estimates that 60 percent of prisoners are illegal Ethiopian immigrants who have committed crimes in the country, but that the majority of the approximately 200 prisoners in Gabode prison at year's end were citizens. Children of female inmates under the age of 5 sometimes are allowed to stay with their mothers; authorities say that milk is provided for them. Prisoners reportedly must pay authorities to obtain food. Health care sources reported that prison guards raped female inmates. Women and men are detained separately. Several prisoners were reported to be suffering from untreated illnesses or gunshot wounds received during arrest. Medical care is inadequate, and the prison infirmary lacks sufficient medication. There are no educational or rehabilitation facilities within the prison. The lack of funding hampers the ability of Ministry of Justice officials to provide even minimal services. In principle juveniles are housed separately from adult prisoners; however, in practice this is not always the case.

In March 1999, Abdi Houfaneh Liban, a 35-year old political prisoner arrested in April 1998, died under unexplained circumstances. Djiboutian human rights groups in France asserted that Abdi's death was caused by harsh living conditions in the Gabode prison. Some opposition supporters believe that Abdi's death might have been due to poisoning. A foreign journalist who visited the prison shortly after Abdi's death believes that Abdi died after taking incorrect medication. The journalist noted that the prison infirmary was stocked poorly and prisoners often were given incorrect medications.

Conditions at Nagad detention center, where Ethiopians and Somalis are held prior to deportation, also are

extremely harsh. Detainees at Nagad are held in unsanitary conditions and often are not fed for several days before their deportation.

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. In March a visiting delegation from the Organization of African Unity (OAU) Human Rights Committee visited Gabode prison. OAU observers stated that the conditions at the prison were desperate. The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison during the year.

#### d. Arbitrary Arrest, Detention, or Exile

Despite legal protections, arbitrary arrest and detention remained problems. The 1995 Penal Code stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment. Nevertheless, the police occasionally disregarded these procedures, typically arresting persons without warrants, and sometimes detaining them for lengthy periods without charge. The penal code provides for bail and expeditious trial. Incommunicado detention is used.

On February 22, police detained and questioned for 7 hours

Jean-Paul Abdi Noel, president of the LDDH, regarding a December 20, 1999, communique in which Abdi alleged government indifference to the populations of the Tadjourah and Obock districts. In March police again detained for 2 hours Abdi in conjunction with the same matter; he was not charged.

On March 6, Abdoufatah Moussa Ahmed, the son of opposition leader Moussa Ahmed Idriss, was sentenced to 3 years' imprisonment and a fine of \$129,980 (23 million DF) for misappropriation of public funds. He had been in provisional detention since June 22, 1999. He was released in April, and his appeal of the sentence was pending at year's end.

On May 30, police arrested five bus union leaders for organizing a strike to protest fuel price increases (see Section 6.a.). On May 31, police arrested 15 bus drivers and owners in connection with the strike. All were released after 2 days following an agreement to raise bus fares.

On June 3, police detained approximately 160 persons, mostly women and children, for blocking traffic in Djibouti City to protest the increased bus fares (see Section 2.b.). All were released after 1 or 2 days.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.f., 2.d., and 5). There were widespread, although unconfirmed, reports that gendarmes and police beat, raped, and stole personal belongings from some of those detained. Many of those detained were deported from the country by year's end.

In April 1999, authorities arrested more than 20 Afars in the Obock district for expressing support for the FRUD. After 4 days in detention in a military camp at Medeho, five men were released, one was detained further, and nine were transferred to a police prison near the capital. The remaining nine were released as a result of an amnesty granted in February (see Section 1.e.).

There were no developments in the 1999 cases of: Abdoufatah Moussa Ahmed, who was rearrested in June 1999 and charged with an economic crime; and Saleh Mohamed Dini, chief of Mabila, who was arrested in April 1999 allegedly for insulting the President. Both remained in detention pending trials at year's end.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent of the executive. Constitutional provisions for a fair trial are not respected universally, even in nonpolitical cases, because of interference from the executive branch. The Minister of Justice officially is responsible for human rights.

The judiciary, based on the French Napoleonic code, is composed of a lower court, appeals courts, and a

Supreme Court. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings are not always respected.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Shari'a law, and nomadic traditions. Urban crime is dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a law is restricted to civil and family matters. The Government promulgated a new law on judicial organization in August, which included the establishment of a National Committee for the Promotion and Protection of Human Rights and provided for the separation of the court system from the Ministry of Justice. The law was not implemented by year's end.

Traditional law (Xeer) often is used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials are public officially, in politically sensitive cases security measures effectively prevent public access. Legal counsel is supposed to be available to the indigent in criminal and civil matters; however, defendants often do not have representation. Court cases are heard in public before a presiding judge and two accompanying judges. The latter receive assistance from two persons, assessors, who are not members of the bench, but who are thought to possess sufficient legal sophistication to comprehend court proceedings. The Government chooses assessors from the public at large, but credible reports indicate that political and ethnic affiliations play a role in the selection.

Human rights attorney Aref Mohamed Aref and his colleague Djama Amareh Meidal remained disbarred for alleged irregularities in their representation of a client in a 1994 commercial transaction.

On November 29, in honor of Ramadan, the Government announced that the President had signed a decree approved by the Council of Ministers, which granted a general amnesty to all prisoners serving sentences of 2 years or less, and reduced the sentences by 6 months of all prisoners serving sentences of more than 2 years. By year's end, the Government had released 201 prisoners in accordance with the amnesty.

From November 11 to 15, the Government sponsored a series of judicial assessment workshops to analyze the judicial system and to propose recommendations for strengthening the judiciary. The Government invited representatives from all opposition parties (see Section 3); however, some opposition leaders refused to participate because they had been invited in their personal capacity, not as political party leaders. Approximately 150 persons participated in the workshops, and the government-owned media provided coverage of the event. The final workshop report and recommendations had not been completed by year's end.

In February 1998, the Committee for the Support of Political Prisoners (CSPP) was created. In 1999 the CSPP reported that the Government held 52 political prisoners, including 12 relatives of former cabinet director Ismael Guedi Hared who were arrested in October 1998, allegedly for hoarding weapons, and 40 FRUD dissidents who had been handed over by Ethiopian authorities or were FRUD rebels captured in clashes with the army. In March the Council of Ministers approved a law granting amnesty for political crimes committed by the FRUD prior to the signing of the peace accord. In February the Government released all FRUD political prisoners as a condition of the February peace accord; on February 10, the Government released 29 political prisoners, all members of the FRUD, and on February 12, the Government released an additional 18 political prisoners, including 11 followers of Ismael Guedi Hared. There were no remaining political prisoners at year's end.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the family, home, correspondence, and communications; however, the Government infringed on these rights. The law also requires that the authorities obtain a warrant before conducting searches on private property; however, in practice the Government does not always obtain warrants before conducting such searches, and it reportedly monitors and sometimes disrupts the communications of some Government opponents. On April 16, authorities searched the home and office of the Somaliland representative to Djibouti without a warrant and gave him 3 hours to gather his belongings and leave the country (see Section 2.d.). Unlike in the previous year, there were no reports that authorities harassed the family members of opposition leaders.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented

foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 2.d., and 5). Unlike previous searches, police and gendarmes conducted a house to house search for these persons. Traffic into and out of entire neighborhoods was prohibited during the searches. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, at times the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owns the principal newspaper, La Nation, which expanded publication from weekly to biweekly printings in 1999. There are several opposition-run weekly and monthly publications that circulate freely and openly criticize the Government.

On June 22, the Government deported Abdirazak Hadji Soufi and Muridi Aboubaker Mahdi, two delegates attending the Somalia Peace and Reconciliation Conference, after they criticized the Government for allegedly interfering in the conference process (see Section 2.d.).

In March the opposition newspapers Le Renouveau and Le Temps began publishing again following a 6-month ban imposed in 1999 following charges of distributing false information. The newspapers' editors had been arrested in August 1999 after Le Temps and Le Renouveau reprinted a letter in which the

Paris-based FRUD leader Ahmed Dini claimed responsibility for the downing of an army helicopter. Both were released in December 1999 as part of a presidential amnesty.

In April the Government banned the importation and sale of the Somaliland newspapers Jamhuuriya and The Republican. The ban remained in effect at year's end.

The Government also owns the radio and television stations. The official media generally are uncritical of government leaders and government policy. On May 28, the British Broadcasting Corporation (BBC) began "World Service" in the country in conjunction with Radio-Television Djibouti (RTD), the official government station. The BBC and RTD plan to broadcast 24 hours a day in four languages on the radio. Radio France Internationale also broadcasts in the country.

In May the Government allegedly restricted the activities of BBC journalists covering the Somali Conference.

The country has one Internet service provider, which is owned by the Government.

There are no specific laws or criminal sanctions that threaten academic freedom. In general teachers may speak and conduct research without restriction, provided that they do not violate sedition laws.

### b. Freedom of Peaceful Assembly and Association

The right to free assembly is provided for in the Constitution; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally are approved, the Government commonly uses a show of police force and threatening tactics to intimidate and discourage would-be demonstrators. Some opposition leaders effectively practiced self-censorship and, rather than provoke a Government crackdown, refrained from organizing popular demonstrations.

In June the Government refused a request by the ODU to organize a march for peace and democracy in celebration of Independence Day.

On June 3, police detained approximately 160 persons, mostly women and children, for blocking traffic in Djibouti City to protest increased bus fares (see Sections 1.d. and 6.a.).

On October 13, police used teargas to disperse an unruly crowd demonstrating in support of Palestinians in

Djibouti City. A few police also fired into the crowd, killing one person and injuring several others.

The Constitution provides for freedom of association provided that certain legal requirements are met; however, the Government restricts this right in practice. A referendum held in 1993 approved limiting the number of political parties to four; however, this result has not yet been codified into law.

Nonpolitical associations must register and be approved by the Ministry of Interior. The Ministry has delayed registering the Djiboutian Human Rights League, which has been trying to register since May 1999. By year's end, it still was not registered.

#### c. Freedom of Religion

The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respects this right in practice; however, proselytizing is discouraged.

The Qadi is the country's senior judge of Islamic law and was appointed by the Minister of Justice in June 1999. His predecessor was named Minister of State for Charitable and Religious Affairs under the Ministry of Justice--a position that was created in May 1999, when President Guelleh formed his Cabinet and declared that Islam would be a central tenet of his Government. Although Islam is the state religion, the Government imposes no sanctions on those who choose to ignore Islamic teachings, or practice other faiths. Over 99 percent of the population is Sunni Muslim.

The Government requires that religious groups be registered. There were no reports that the Government refused to register any religious groups.

There is no legal prohibition against proselytizing, but proselytizing is discouraged. On a few occasions, police have questioned members of the Baha'i faith for possible proselytizing activities, but there have been no arrests.

Islamic law based on the Koran is used only with regard to family matters, and is administered by the Qadi. Civil marriage is permitted only to non-Muslim foreigners. Muslims are required to marry in a religious ceremony, and non-Muslim men only can marry a Muslim woman after converting to Islam.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution allows freedom of movement; however, there were instances in which authorities limited this right. In general citizens may travel or emigrate without restriction or interference; however, a judge may order a passport seized for those under judicial surveillance or awaiting trial. In March the Embassy of Djibouti in Paris refused to issue a passport to Ali Dahan, Permanent Representative of the FRUD to the Americas, prior to the return of exiled FRUD leaders to the country. On June 5, the Government refused to issue a passport to Aden Robleh Awaleh, president of the PND, to attend an African Leadership Forum in Nigeria (see Section 3); no passport was issued by year's end. On June 30, airport police prevented Bogor Abdillahi Bogor Moussa, a participant in the Somalia Peace and Reconciliation Conference, from boarding a plane for Puntland, in Somalia. In July the Government returned Aref Mohamed Aref's passport, which authorities had seized in December 1998. In August the Government returned the passport of GDR leader Moumin Bahdon Farah, which it had seized and kept in October 1998 despite a court order to return it.

Customary law, which is based on Shari'a (Islamic law), discriminates against women (see Section 5). Women are not permitted to travel without the permission of an adult male relative.

On April 15, after the Administration of Somaliland, in Somalia, prevented a delegation from the Djiboutian Government to deplane in Hargeisa, the Administration closed its border with Djibouti. On April 16, the Government closed its border with Somalia and expelled the Somaliland representative to Djibouti and his staff in retaliation. On June 22, the Government deported Abdirazak Hadji Soufi and Muridi Aboubaker Mahdi, two delegates attending the Somalia Peace and Reconciliation Conference (see Section 2.a.).

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord, and landmines laid in Tadjoura and Obock districts restricted freedom of movement (see Section 1.a.).

The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government offers first asylum; however, the

government committee responsible for determining refugees' status has not met since 1995. While the Government officially does not recognize those refugees under the protection of the U.N. High Commission for Refugees (UNHCR) absent this approval, the refugees are permitted to remain in the country.

The country hosts up to 100,000 refugees and illegal immigrants from neighboring countries, equal to approximately one-fifth of the population. These numbers have increased since January due to the drought in Ethiopia and the Ethiopian-Eritrean war in May. The UNHCR assists 21,000 Somali and 1,000 Ethiopian residents of the two remaining refugee camps. Approximately 2,500 Ethiopian and Somali urban refugees are registered with the UNHCR office in Djibouti City. In May and June, approximately 1,100 Somali refugees, who were living in a camp in Eritrea, fled to a temporary camp in Obock to escape the Ethiopian-Eritrean war. In October UNHCR began a facilitated repatriation of these refugees back to Somalia. All remaining refugees in Obock camp were repatriated, and the camp was closed by year's end.

In May UNHCR repatriated over 1,700 Ethiopian refugees who had fled to the country in 1984-85 and ceased to register Ethiopians as refugees. In previous years, the Djiboutian National Office for the Assistance of Refugees and Displaced Persons reported that it deported up to a thousand Ethiopians each week. Although the number of deportations still is believed to be high, no figures were available during the year.

There are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 5). Police and gendarmes cordoned off entire neighborhoods and conducted house to house searches for these persons. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. Many of those detained were deported from the country by year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government, and citizens exercised this right through a democratic process in presidential elections held in April 1999. RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. ODU candidate Moussa Ahmed Idriss received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities. All five of the districts were visited by at least 1 of the 22 international observers on election day. Observers representing the Arab League, the International Organization of Francophone States (La Francophonie), and the OAU issued a joint communique that expressed satisfaction with the transparency of the election, citing only minor technical problems. Representatives of both candidates were present in virtually all voting stations, and there was no ethnic strife among Afars, Yemenis, and Somalis. Large numbers of persons of all communities supported both candidates.

In the December 1997 legislative elections, the RPP alliance with the legal FRUD party won all 65 seats. The elections took place without international observers amid opposition claims of fraud.

The RPP, which has been in power since independence in 1977, continues to rule the country. The RPP also continues to control carefully the implementation of the four-party system to suppress any organized opposition. Previous efforts by both the legal and unrecognized opposition parties to unify also floundered due to disagreements among their leaders over who should lead a unified opposition. There is no independent election commission.

The 1994 peace agreement between the Government and the FRUD required that FRUD members be included in senior government positions. Two FRUD members were named to the Cabinet in June 1995, and in May 1999, two new FRUD members were appointed to the Cabinet: A former FRUD military commander was appointed to the Defense portfolio and another FRUD member assumed the Health portfolio. The government-recognized faction of the FRUD was registered as a political party in 1996. On February 7, the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. The two sides were negotiating many issues at year's end, including the role of this branch of the FRUD in the government.

Government harassment of opposition leaders continued to be a problem; however, the number of incidents reportedly decreased during the year. On June 5, Aden Robleh Awaleh, president of the PND, was refused a passport to attend an African Leadership Forum in Nigeria (see Section 2.d.).

On December 7, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government. As many as 9 persons were killed and over 10 others were injured during clashes in front of the presidential offices between the police and the gendarmerie, who were supporting the President (see Sections 1.a. and 1.c.). The coup followed months of nonpayment of police salaries by the Government and rumors that the President had fired Yacin (see Section 6.e.). On December 9, police arrested and detained Yacin and 12 others for attempting to overthrow the President (see Section 1.d.). On December 13, the magistrate in charge of the investigation charged the 13 with conspiracy and breach of state security and cited them with calling on citizens to take up arms illegally, carrying and making use of weapons of war, and damaging public property. The 13 remained in detention at Gabode Prison pending trials at year's end. On December 14, the President replaced Yacin as Police Chief with Colonel Ali Hassan.

Women are underrepresented in government and politics and have been excluded from senior positions in government and in the political parties even though they legally are entitled to participate in the political process. No women served in the legislature. In May 1999, the President announced the appointment of the first female minister to his cabinet. Hawa Ahmed Youssouf serves as Minister of State for the Promotion of Women's, Family, and Social Affairs, and reports to the Prime Minister. Khadija Abeba, President of the Supreme Court, is the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

The President's subclan, the Issa Mamassans, wields disproportionate power in affairs of state. Afars hold a number of high Ministerial posts; however, they are not well represented at lower levels. Somali clans other than the Issa and Djiboutians of Yemeni origin are limited unofficially to one ministerial post each, which they hold. There also are informal limits on the number of seats for each group in the Parliament.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not support the formation of local human rights groups. The Association for the Defense of Human Rights and Liberties (ADDHL), which ceased operations in 1997, briefly resumed activity as a progovernment organization in 1998; however, it has not resumed its investigations into, or criticisms of, human right abuses.

The Committee in Support of Political Prisoners (CSPP) was formed in February 1998. The Committee's goal is to publicize the plight of political prisoners and mobilize support for the improvement of prison conditions and for the release of political prisoners.

The Djiboutian Human Rights League (LDDH) operated without government interference during the year.

The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children.

The ICRC maintains a small office that is staffed with locally-hired personnel. The ICRC regional representative, who is based in Nairobi, makes quarterly visits.

In March the Government permitted a visit by a delegation of the OAU Human Rights Committee for the first time. The delegation met with senior government officials and had free access to prisons and human rights groups.

In October 1999, a presidential decree created the post of government ombudsman, and in November 1999, the first incumbent took office. In August the Government promulgated a new law on judicial organization, included the establishment of a National Committee for the Promotion and Protection of Human Rights; however, the Committee was not established by year's end.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of language, race, sex, or religion; however, discrimination against women and ethnic minorities persists. In particular the Government's enforcement of laws to protect women and children is weak.

## Women

Violence against women exists but reported cases are few. The Government remained concerned about the problem of rape, and the 1995 revised Penal Code includes sentences of up to 20 years' imprisonment for rapists. More than 80 such cases were tried during the year, but only a few led to conviction. Violence against women normally is dealt with within the family or clan structure rather than in the courts. The police rarely intervene in domestic violence incidents, and the media report only the most extreme examples, such as murder. In almost all the cases of the rape of Afar women by soldiers in recent years, the victims did not press charges due to shame and fear (see Section 1.c.).

Women legally possess full civil rights, but custom and traditional societal discrimination in education dictate that they play a secondary role in public life and have fewer employment opportunities than men. Few women work in managerial and professional positions; women largely are confined to trade and secretarial fields. Customary law, which is based on Shari'a (Islamic law), discriminates against women in such areas as inheritance, divorce, and travel (see Section 2.d.). Male children inherit larger percentages of an estate than do female children. Women are not permitted to travel without the permission of an adult male relative. The few women who are educated increasingly turn to the regular courts to defend their interests.

## Children

The Government devotes almost no public funds to the advancement of children's rights and welfare. A few charitable organizations work with children. Primary education is compulsory; however, the Government does not monitor compliance. The Government provides public education for free; however, there are extra expenses that may be prohibitive to poorer families, such as transportation, book fees, and chalk. Many schools are in poor condition and need upgrading. The number of classrooms for secondary students is inadequate, and only approximately 20 percent of children who start secondary school complete their education. More than 53 percent of the population is illiterate: Only 32 percent of girls are literate compared with 60 percent of boys. Only 62 percent of girls attend primary school compared with 73 percent of boys, and only 23 percent of girls attend secondary school compared with 33 percent of boys. Girls made up only 36 percent of all secondary students. In November 1999, the Government reaffirmed its 1998 commitment to increase the number of female students in the educational system to 50 percent; however, there was no change in the number of female students or the literacy rate by year's end.

It is believed that as many as 98 percent of females age 7 or older have undergone FGM, which is condemned widely by international health experts as damaging to both physical and psychological health. FGM traditionally is performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign only has had a limited impact on the prevalence of this custom, particularly in rural areas, where it is pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The Penal Code states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of over \$5,650 (1 million DF). However, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many believe that the incidence of infibulation has decreased, although no systematic data was available on the problem. U.N. and other experts believe that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Child abuse exists; however, except for FGM, it is not thought to be common. The Government has not addressed child abuse, which often is punished lightly; for example, when a child is raped or abused, the perpetrator usually is fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the Penal Code to deal with child abuse more severely.

Child labor persisted (see Section 6.d.).

## People with Disabilities

The Government does not mandate accessibility to buildings or government services for the disabled. Although disabled persons have access to education and public health facilities, there is no specific law that addresses the needs of the disabled, and there are no laws or regulations that prevent job discrimination against disabled persons. The disabled have difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population is underemployed or jobless.

## National/Racial/Ethnic Minorities

The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas are the majority ethnic group and control the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans, particularly the Afar minority ethnic group, in government and politics.

The Government conducted periodic roundups of undocumented foreigners, which usually targeted Ethiopians and non-Djiboutian Somalis. On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 2.d.). Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. The Government blames undocumented foreigners for the country's economy, unemployment rate, and rising crime.

## Section 6 Worker Rights

### a. The Right of Association

Under the Constitution, workers are free to join unions and to strike provided that they comply with legally prescribed requirements; however, the Government limited these rights. In 1999 the Government took control of the two largest labor unions, the General Union of Djiboutian Workers (UGTD) and the Union of Djiboutian Workers (UDT). In May 1999, police broke into UDT offices and confiscated banners and the public address system that were to have been used in Labor Day ceremonies. At a July 1999 meeting, the Government elected its supporters to head the UDT and UGTD, and in September 1999, the Government took possession of union offices. The International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) criticized the Government's actions. On December 1, 1999, the ILO reported that the situation of the country's unions had "gravely deteriorated." The ILO rejected the credentials of Government officials claiming to represent the UDT and UGTD at several international conferences.

At its June meeting, the ILO demanded the Government enact the labor resolutions it had signed in 1998. The ILO noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. Prior to the Government takeover, approximately 70 percent of workers in the small formal economy were members of the UDT or UGTD; however, since the takeover, there have been almost no independent union activities. The Djiboutian Labor Congress (CIDJITRA), composed of Ministry of Labor officials, created by the Government to counter the UDT and UGTD, did not appear to exist any longer.

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. The Government did not pay the salaries of teachers, security forces, and civil servants for the 5 months prior to the end of the year (see Section 3). Teachers' strikes continued during the year, primarily to protest delays in salary payments. Beginning in May, there were periodic demonstrations by teachers and other civil servants protesting salary arrears (see Section 6.c.). The demonstrations generally took place on Thursday mornings and peacefully dispersed after 1 or 2 hours. Kamil Hassan, a schoolteacher, who previously had been detained in February 1997 as a leader of a teacher's strike, still was not permitted to teach in public schools. On May 30, police arrested five bus union leaders for organizing a strike to protest fuel price increases, which increased 33 percent on May 31 (see Section 1.d.). On May 31, police arrested 15 bus drivers and owners in connection with the strike, which ended on June 3.

The law permits unions to maintain relations and exchanges with labor organizations abroad. The UDT has been a member of the International Confederation of Free Trade Unions (ICFTU) since 1994.

### b. The Right to Organize and Bargain Collectively

Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurs. Relations between employers and workers are informal and paternalistic. Wage rates generally are established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encourages direct resolution by labor representatives and employers. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claim that the service suffers from poor enforcement, due to its low priority and inadequate funding. The law prohibits antiunion discrimination, and employers found legally guilty of discrimination are required to reinstate workers fired for union activities; however, the Government does not appear to enforce the law.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ are exempt from the Government's social security and medical insurance programs. Instead they must provide either government or private accident insurance. Employers within the EPZ have authority to pay less than minimum wage, offer

less annual leave than the rest of the country, and in the EPZ the work week is longer (see Section 6.e.). However, plans for the EPZ largely have failed; and it does little business and employs few people.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forced or compulsory labor, including by children; however, while the law generally is observed, there are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation. There were no reports of forced child labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits all labor by children under the age of 14, but the Government does not always enforce this prohibition effectively, and child labor, although not common, exists. A shortage of labor inspectors reduces the likelihood of investigation into reports of child labor. Children generally are not employed for hazardous work. Children may and do work in family-owned businesses, such as restaurants and small shops, at all hours. The law prohibits forced or compulsory labor, including by children, and there were no reports of forced child labor (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

Only a small minority of the population is engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor is charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, is approximately \$90 (15,840 DF). Most employers pay more than the minimum wage. Some workers also receive housing and transportation allowances. The minimum wage for unskilled labor does not provide adequate compensation for a worker and family to maintain a decent standard of living. The Government owed 5 months worth of salary arrears to teachers, security forces, and civil servants at year's end (see Sections 3 and 6.a.).

By law the workweek is 40 hours, often spread over 6 days. Some employers ask employees to work up to 12 hours per day and pay them an additional wage. Workers are provided daily and weekly rest periods and paid annual leave. The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement is ineffective, workers sometimes face hazardous working conditions, particularly at the port. Workers rarely protest, mainly due to fear that others willing to accept the risks may replace them. There are no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardy to continued employment.

f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports of persons being trafficked to, from, within, or through the country.

[End.]