



## **56<sup>TH</sup> Ordinary Session of the Africa Commission on Human and Peoples' Rights**

**Delivered by Patrick Mutahi**

### **ARTICLE 19**

Madame Chair,

ARTICLE 19 notes with appreciation Djibouti's inaugural report to the ACHPR covering the period from 1993 to 2013.

Article 15 of the constitution of the Republic of Djibouti Constitution guarantees everyone the right to express and disseminate their opinions freely either in speech, writing or images. However, ARTICLE 19 has over the years noted that media practitioners, journalists and those perceived to be critical of the government are subject to constant harassment from the authorities. Since the year, 2011, there has been an increase in the use of legal and extra-legal repression in the form of arrest, detention, malicious prosecution and torture of members of the opposition, reporters and activists.

ARTICLE 19 has observed that a climate of intolerance towards freedom of expression persists in Djibouti, and that practices of intimidation against journalists continue. This includes instances of arbitrary detention, torture and malicious prosecution where journalists are charged under very broad and vague provisions such as 'encouraging illegal demonstrations', 'supporting Eritrea plot to invade Djibouti', 'inciting public order disturbances' and 'insulting a police officer'. These instances constitute clear violations of Djibouti's regional and international human rights obligations; most notably of the right to freedom of expression and information, as well as the prohibitions on arbitrary detention, torture and other cruel, inhuman or degrading treatment or punishment.

Peaceful assemblies have also been brutally suppressed, with the right to freedom of peaceful assembly suspended entirely during election campaigns. A case in point would be 18<sup>th</sup> February, 2011 when security forces used tear gas and rubber bullets to disperse young protestors who remained following a peaceful demonstration. One civilian and one police officer were killed, and numerous demonstrators were injured. The subsequent security crackdown resulted in numerous arrests, detentions, and criminal proceedings against demonstrators. Soon after, the government imposed a blanket ban on opposition rallies between 25<sup>th</sup> March and 8<sup>th</sup> April, 2011.

The Criminal Code and Communications Law retain criminal prohibitions on false news and defamation that continue to threaten the right to freedom of expression and information contrary to ACHPR Resolution 169 of 2010 which underpins that '***criminal defamation laws constitute a serious interference with freedom of expression and impedes the role of the media as a watchdog.***'

ARTICLE 19 observes that people in Djibouti are not free to establish their own media or use it freely to seek, impart or receive information. The state continues to dominate the media in Djibouti.

Madam Chair,

Through the Radio Television of Djibouti (RTD), the Ministry of Culture and Communications runs 2 national FM stations and 2 national AM stations. It also runs the sole national TV national station. The ministry oversees media licensing including accreditation of foreign journalists and the RTD holds near monopoly of the airwaves. As such, editors, media outlets and journalists rarely report on shortcomings of the state.

Despite provisions in Article 3 of the Freedom of Information Act guaranteeing freedom of information, Djibouti does not have legislation to implement the right of access to information, and therefore this right cannot be practically exercised. The country needs to demonstrate its commitment to right to access of information by setting out a roadmap for ensuring the law is developed. Moreover, internet access in the country remains available to only 7 per cent of the population, thereby further limiting the right to freedom of expression and information.

We thus call upon Djibouti through your venerable Commission to:

- Repeal laws that prohibit publication of false news
- Repeal laws on Criminal deformation
- Repeal Article 14, 17 and 47 of the Organization Act No. 2-AN-92 to promote independence and plurality.
- Adopt legislation the right to access to information
- Fully respect the freedom of peaceful assembly; violations of rights should be investigated and victims should be afforded redress.