



Plenary sitting

B8-0594/2016

10.5.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Djibouti
(2016/2694(RSP))

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on behalf of the Verts/ALE Group

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**European Parliament resolution on Djibouti
(2016/2694(RSP))**

The European Parliament,

- having regard to its previous resolution of 4 July 2013 on the situation in Djibouti;
 - Having regard to the statements of the spokesperson of the European external Action Service of 12 April 2016 and of 23 December 2015 on the political situation in Djibouti;
 - Having regard to the Rome Statute of the International Criminal Court to which Djibouti is a State party since 2003;
 - having regard to the African Charter of Human and Peoples' Rights, which Djibouti has ratified,
 - Having regard to, a framework agreement signed on 30 December 2014 between the UMP, the coalition in power, and the USN, the coalition of opposition parties aimed at promoting "peaceful and democratic national politics";
 - Having regard to decree no. 2015-3016 PR/PM 24 November 2015, adopted by the Djibouti Council of Ministers establishing exceptional security measures, following the Paris attacks on 13 November 2015
 - Having regard to the Cotonou agreement and in particular to its Art. 8 on the Political Dialogue and art. 96 on consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law
- A. whereas the incumbent President Ismail Omar Guelleh, who came to power in 1999, was re-elected in 2005 with 100 % of the votes and announced that he would not stand again for election in 2016;
- B. whereas President Guelleh was re-elected in April 2011 with close to 80 % of the votes in elections after Parliament changed the constitution removing the term limit;
- C. whereas the framework agreement signed on 30 December 2014 between the ruling party and the coalition of opposition foresaw a reform of the Electoral committee ", as well as the creation of a shared parliamentary commission responsible for organising the presidential election; whereas in August 2015 the Government announced that no reform of CENI;
- D. whereas in December 2015 President Guelleh announced his intention to run for a fourth term;

- E. whereas President Guelleh was elected last 8 April for the fourth time as President, with 86,68 % of ballots cast, according to the Ministry of interior.
- F. whereas three contenders to the Presidency, Omar Elmi Khaireh, Mohamed Moussa Ali and Djama Abdourahman Djama, rejected the results as false;
- G. Whereas last 21 December Djibouti security forces repressed in blood a religious celebration and a meeting of the opposition and killed, according to Djibouti's Human Rights League, 28 people while 52 were injured and 34 disappeared;
- H. whereas during the assault, several opposition leaders were wounded; whereas Abdourahman Mohamed Guelleh, the secretary general of the USN, the coalition of opposition parties, was arrested on the 21 December 2015 and released on bail the 5 April 2016, but still faces criminal charges, linked to his political activities;
- I. Whereas media and journalists are not allowed to operate freely in Djibouti and are often intimidated, as in the case of the BBC team covering the election that was arrested in Djibouti-city for more than 17 hours without explanation and expelled immediately on 6 April 2016, or as in the case of the journalist Mohamed Ibrahim Wais who was arrested and tortured in jail; whereas the only opposition newspaper "l'Aurore" was shut down by court order on 19 January 2016;
- J. whereas antiterrorist legislative taken after the November attack in Paris were invoked by Djibouti Prime Minister Abdoukader Kamil Mohamed, to declare a ban on assembly and gatherings in public areas. whereas since the promulgation of these measures, thirty members and leaders of the USN coalition have been arrested; whereas Article 6.1 of the decree 2015-3016 PR/PM 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".
- K. whereas the 1992 Djibouti Constitution recognises fundamental liberties and basic principles of good governance;
- L. whereas Djibouti has a very high rate of female genital mutilations despite a legal framework forbidding such practices;
- M. whereas Djibouti is a state party to the Rome Statute of the International Criminal Court; whereas Djibouti has extended an invitation to the President of Sudan, Omar Al-Bashir, to participate at the inauguration ceremony of President Guelleh despite the latter facing an arrest warrant from the International Criminal Court;

- N. whereas the EU is supporting Djibouti in the security sector due to its perceived importance in contributing to regional stability,
- O. whereas according to the World Bank more than 23% of the population in Djibouti lives in extreme poverty. whereas Djibouti's economy is dependent on foreign financing, Foreign Direct Investments, rents from foreign countries' military bases, and port services, which capitalize on both the strategic position at the southern entrance to the Red Sea and the fact it is Ethiopia's main import-export route;
- P. whereas Djibouti is a signatory to the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights;
- Q. whereas the European Union should launch without delay a regular political dialogue with Djibouti under art. 8 and art. 96 of the Cotonou Agreement;
1. Takes note of the reelection of President Guelleh, but underlines allegations of widespread fraud during the electoral process; calls on the Djibouti authorities to investigate all reported cases of fraud;
 2. recalls that respect for human rights and the rule of law are crucial to the EU's policies to promote development in Djibouti and throughout the Horn of Africa;
 3. Strongly condemns the use of violence by the security forces at Buldhuqo the 21 December 2015 and calls for an investigation and persecution of those responsible;
 4. welcomes the last release of political prisoners, urging the immediate release of any other individual jailed for exercising the right to peaceful assembly and freedom of expression
 5. Calls the government and the opposition to continue to dialogue and work together on the implementation of the framework agreement on political reforms which they signed end of 2014.
 6. Insists on the importance to launch democratic reforms to set up a robust system of governance, guaranteeing inclusiveness and respect of Human rights;
 7. Calls on the Government of Djibouti to respect the Universal Declaration of Human Rights and the African Charter, including the right to peaceful assembly, freedom of expression and association;
 8. Urges the Government of Djibouti to immediately invite the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and other UN human rights experts to visit Djibouti to report on the situation;
 9. Requests the EEAS to act with utmost care in its support to Djibouti in the field of security in order not to contribute to acts of repression;

10. Strongly condemns the acts of sexual violence against women, and points out that the Government of Djibouti has a responsibility to put an end to impunity by bringing those responsible for sexual violence against women to justice;
11. Welcomes the existing legal framework on banning female genital mutilation; regrets however that despite this, female genital mutilation is still widespread in Djibouti; urges the Djibouti authorities to take the necessary step in order to implement the respective legislation;
12. Invites the Djiboutian authorities to stop using state of emergency legislation to repress political opponents, dissidents, human rights defenders, other civil society actors and independent journalists and to review this emergency legislation bringing it in line with international human rights law and principles;
13. Calls on the Office of the Prosecutor of the International Criminal Court (ICC) in The Hague (OTP) to monitor events in Djibouti and to take all the necessary initiatives to ensure that any crime committed as part of a widespread or systematic attack directed against civilian population, and therefore to be considered "crime against humanity", be investigated thoroughly and punished according to the International law;
14. Reminds the Djibouti authorities of its obligations under the Rome Statute of the International Criminal Court, in particular its obligation to arrest and hand over persons prosecuted by the ICC like Sudanese President Al-Bashir;
15. Calls on international community, to put pressure on the Djibouti government to ensure the establishment of the legal and institutional basis for the respect of human rights and the respect of the rule of law;
16. Calls 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.
17. Instructs its Co-Presidents to forward this resolution to the Djibouti Government, the Institutions of the African Union (Commission, - Executive Council, and Pan-African Parliament), the EEAS High Representative/Vice President of the EU Commission, the EU Council of ACP Ministers, the European Commission, the EU-ACP Joint Parliamentary Assembly, the Secretary General of the United Nations, the Office of the Public Prosecutor of the International Criminal Court.