



Djibouti
Submission to the Universal Periodic Review
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Reprive

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Reprive is a non-profit human rights NGO based in the United Kingdom that delivers justice and saves lives. We work to help individuals who are on death row and those that have been victimised by illegal and unjustifiable acts undertaken as part of the “war on terror.”

Our organization has helped expose the U.S.’ rendition programme and assist individuals who have been unjustly detained Guantánamo Bay and “black sites.” More recently, we have become working on issues related to drone strike operations in Pakistan, Somalia, and Yemen, which have had a devastating effect on entire communities within these States.

I. Summary

As an ally in the United States’ amorphous “war on terror,” Djibouti has assisted the US in carrying out policies that violate basic human rights. In the past, the State has assisted the U.S.’s Central Intelligence Agency (CIA) in carrying out kidnappings and incommunicado detentions as part of its extraordinary rendition program by allowing black sites to be operated within its borders. Currently, it is providing the U.S. government a base from which it is able to launch Predator and Reaper drones. These drones have resulted in the deaths of a number of civilians in Somalia and Yemen, including children. They also present a constant overhead threat that terrorise communities over which they operate.

The U.S.’s targeted killing policy violates both international human rights law and international humanitarian law. There is no declared armed conflict between the U.S. Government and the Governments of Yemen or Somalia, other than the “war on terror” which is being waged against an ever-changing enemy across multiple borders, and can only be supported through ever more specious legal claims. Djibouti’s support for the U.S. in this errant adventure is, at the very least, a violation of the fundamental guarantees provided for in Article 75 of the First Additional Protocol to the Geneva Conventions¹.

¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3

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Additionally, Djibouti has ratified a number of human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the African (Banjul) Charter on Human and People's Rights (Banjul Charter). By facilitating the U.S.'s targeted killing policy, Djibouti is acting inconsistently with the obligations it has undertaken by ratifying these instruments.

II. Background

Djibouti, a Human Rights Council member since the Council's inception in 2006, has assisted successive U.S. administrations in carrying out their policies related to the "war on terror." In the past, Djibouti participated in the U.S.'s rendition programme and allowed black sites to be operated within its country. Today, Djibouti allows the U.S. to operate a base within its State that is used to house Predator and Reaper drones that are used as part of the Obama Administration's targeted killing programme.²

A. Djibouti's Involvement in Renditions

A U.S. military base, Camp Lemonier, is located in Djibouti.³ Litigation currently before the African Commission alleges that the base at Camp Lemonier operated as a "black site" for the U.S.'s extraordinary rendition programme.⁴ Individuals would be temporarily rendered to Camp Lemonier, where they were detained and subjected to torture and cruel, inhumane and degrading treatment, before being transferred to other "black sites" abroad.⁵

² BBC News, *Somalia Air Strike 'Kills Foreign al-Shabab Militants*, 24 Feb. 2012, available at <http://www.bbc.co.uk/news/world-africa-17152158>.

³ A number of other countries also have operated or currently operate military bases in Djibouti. Reprieve, Djibouti, <http://www.reprieve.org.uk/cases/djibouti/> (last visited 7 Oct. 2012); BBC News, Djibouti Country Profile, <http://www.bbc.co.uk/news/world-africa-13231761> (last visited 7 Oct. 2012).

⁴ Sudarsan Raghavan and Julie Tate, *African Commission Asked to take Case Challenging CIA Rendition Program*, WASH. POST, 28 Feb. 2011; see also The Rendition Project, News 2012, Djibouti could be First African Country tried for Complicity in CIA Secret Detention and Rendition Programme, 28 Feb. 2012, available at <http://www.therenditionproject.org.uk/news/index.html>.

⁵ See CHRGI & Interights, *African Commission Urged to Take on Groundbreaking Extraordinary Rendition Case*, available at http://www.chrgi.org/press/docs/110227-ACHPR%20PR_FINAL.pdf; Reprieve, Djibouti, <http://www.reprieve.org.uk/cases/djibouti/> (last visited 7 Oct. 2012).

Djibouti's involvement in the U.S.'s extraordinary rendition programme was described in a joint study produced by two Special Rapporteurs and two UN Working Groups. Joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the

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B. Djibouti's Involvement in U.S. Drone Operations

Recently, Djibouti has become a base from which the CIA can launch its deadly drone strikes on suspected militants in the Arabian peninsula.⁶ Drones that the U.S. launches from Djibouti have been used to conduct operations in Somalia and Yemen.⁷ The Bureau of Investigative Journalism noted that, as of 30 September 2012, between 357 and 1,026 individuals had been killed by U.S. drone strikes in Yemen. Between 60 and 163 of these deaths were reported to be civilians and 24 to 34 were reported to be children. In addition, the Bureau noted that U.S. drone strikes in Somalia had killed between 58 and 179 individuals. It had been reported that between 11 and 57 of these individuals were civilians and up to three of the deaths were children.⁸

The deaths which result from Djibouti's complicity in U.S. drone operations are in violation of international legal obligations. In addition, the rights violations which result from drone operations have extensive negative ramifications on civilians.

Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, A/HRC/13/42, 19 Feb. 2010, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>.

⁶ See, e.g., Craig Whitlock & Greg Miller, *U.S. Building Secret Drone Bases in Africa, Arabian Peninsula, Officials Say*, WASH. POST, 21 Sept. 2011, available at http://www.washingtonpost.com/world/national-security/us-building-secret-drone-bases-in-africa-arabian-peninsula-officials-say/2011/09/20/gIQAJ8rOjK_story.html; See for example Julian Barnes, "US Expands Drone Flights to Take Aim at East Africa," *The Wall Street Journal*, 21 Sept 2011, available at: <http://online.wsj.com/article/SB10001424053111904106704576583012923076634.html>; Craig Whitlock & Greg Miller, "U.S. assembling secret drone bases in Africa, Arabian Peninsula, officials say," *The Washington Post*, 21 Sept 2011, available at: http://www.washingtonpost.com/world/national-security/us-building-secret-drone-bases-in-africa-arabian-peninsula-officials-say/2011/09/20/gIQAJ8rOjK_story.html.

⁷ Whitlock & Miller, *supra* note 5; Greg Miller, *In Interview, Yemeni President Acknowledges Approving U.S. Drone Strikes*, Wash. Post, 29 Sept. 2012, available at http://www.washingtonpost.com/world/national-security/yemeni-president-acknowledges-approving-us-drone-strikes/2012/09/29/09bec2ae-0a56-11e2-afff-d6c7f20a83bf_story.html (noting that "U.S. Special Operations drones patrol Yemen from a base in Djibouti"); Craig Whitlock, *Drone Operations over Somalia Pose Danger to Air Traffic, U.N. Report Says*, WASH. POST, 25 Jul. 2012, (noting that the U.S. operates drones from bases in Somalia, Ethiopia, and Djibouti, with Djibouti serving as the largest base); Joe Wolverton II, *U.S. Drones Spotted over Somalia; Pres. Obama Issues Executive Order*, THE NEW AMERICAN, 27 Jul. 2012, available at <http://www.thenewamerican.com/world-news/africa/item/12229-us-drones-spotted-over-somalia-pres-obama-issues-eo>; Nick Turse, *Inside our Drone Base Empire*, CBS News, 17 Oct. 2011, available at http://www.cbsnews.com/2100-215_162-20121271.html.

⁸ Jack Serle & Chris Woods, *September 2012 Update: US Covert Actions in Pakistan, Yemen, and Somalia*, The Bureau of Investigative Journalism, 1 Oct. 2012, available at <http://www.thebureauinvestigates.com/2012/10/01/september-2012-update-us-covert-actions-in-pakistan-yemen-and-somalia/>.

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As yet, an in-depth study on the violations arising out of drone operations in Somalia and Yemen has not yet been undertaken. However, a recent human rights report that was recently published by Stanford and New York University law schools regarding the operation of drones in Pakistan showed how drones terrorise the communities over which they operate.⁹ The constant overhead presence of drones, and the U.S. Administration's refusal to describe its policy for choosing when and where drone strikes will occur, leaves communities in a constant state of fear. This fear has resulted in individuals being unable to sleep and a rise in mental health problems among affected communities. Additionally, individuals in affected communities are scared to gather in groups due to the fact that they may be identified as possible threats and become the subjects of a drone attack. Pakistani parents are terrified of sending their children to school, individuals have not been able to gather in order to celebrate or mourn, and traditional cultural practices have been dismantled.

Like their brethren in Pakistan, who have done nothing more than have the misfortune to live amongst those the U.S. has designated as its enemy, it can be reasonably hypothesized that Yemeni and Somali communities are similarly terrorized by the presence of drones in the air space overhead.

C. Conclusion

Djibouti's support for the U.S. drones program is in violation of international humanitarian law, as detailed above. Moreover, by providing essential assistance that allows the U.S. to carry out drone operations in both Yemen and Somalia, Djibouti is contributing to violations of the civil, political, economic, social and cultural rights of civilians in Yemen and Somalia.¹⁰ Individuals living in targeted communities are being deprived of a number of rights that are recognized in the international and regional human rights instruments to which Djibouti is a party. These rights include: the fundamental right to life, the right to mental and physical health, the right to an education, the right to assemble, the right to a cultural life, the right to work, and the

⁹ Living Under Drones, *Living Under Drones: Death, Injury and Trauma to Civilians from US Drone Practices in Pakistan*, available at <http://livingunderdrones.org/report/> [hereinafter "*Living Under Drones*"].

¹⁰ Some of the rights violations that result from the U.S.'s drone policy have been discussed by successive UN Special Rapporteurs on Extrajudicial, Summary and Arbitrary Executions as well as in *Living Under Drones*. See Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, Addendum, Study on Targeted Killings, A/HRC/14/24/Add.6, 28 May 2010, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>; Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns, Addendum, A/HRC/20/22/Add.3, 30 Mar. 2012, available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-22-Add3_en.pdf; *Living Under Drones*, *supra* note 8.

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right to self-determination. Djibouti's support for the U.S. drones program is also in violation of the voluntary pledges it made when submitting its candidature to the Human Rights Council, including its general assurance that it would "place human rights at the heart of its national concerns and to spare no effort to promote and protect human rights at both the regional and international levels."

III. Recommendations

Reprieve calls on Djibouti to end its material support for the CIA's illegal drone attacks in Somalia and Yemen.

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