

**THE NATIONAL ASSEMBLY HAS ADOPTED**  
**THE PRESIDENT OF THE REPUBLIC PROMULGATES**  
**THE FOLLOWING LAW:**

Having regard to the Constitution of 15 September 1992;

Having regard to Constitutional Law No. 92/AN/10/5th L of 21 April 2010 revising the Constitution;

Having regard to Law No. 59/AN/94 of 5 January 1995 establishing the Penal Code; Having regard to Law No. 60/AN/94/3rd L establishing the Code of Criminal Procedure of 5 January 1995;

Having regard to Law No. 196/AN/02/4th L of 29 December 2002 on money laundering, confiscation and international cooperation in matters of proceeds of crime;

Having regard to the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 ratified on 13 March 2006 cited in Article 1, paragraph a;

Having regard to Law No. 96/AN/05/5th L ratifying the United Nations Convention against Corruption;

Having regard to Law No. 104/AN/24/9th L relating to the fight against the financing of terrorism;

Having regard to Law No. 106/AN/24/9th L relating to the fight against money laundering and the financing of terrorism and the proliferation of weapons of mass destruction;

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Having regard to Decree No. 2006-0083/PR/MJAPM of March 27, 2006, concerning the organization and operating procedures of the Financial Intelligence Unit established within the Central Bank of Djibouti;

Having regard to Decree No. 2023-083/PRE of March 30, 2023, concerning the reorganization of the institutional framework responsible for the fight against terrorism;

Having regard to Decree No. 2021-105/PRE of May 24, 2021, appointing the Prime Minister;

Having regard to Decree No. 2021-106/PRE of May 24, 2021, appointing the Government;

HAVING REGARD TO Decree No. 2021-114/PRE of 31 May 2021 establishing the responsibilities of the Ministries;

HAVING REGARD TO Decree No. 2022-001/PRE of 2 January 2022 concerning the ministerial reshuffle;

HAVING REGARD TO Circular No. 67/PAN of 3 March 2024 convening the National Assembly in public session;

The Council of Ministers having been heard at its meeting of February 27, 2024.

ADOPTED, AT ITS FIRST PUBLIC SESSION OF 06/03/2024, THE FOLLOWING LAW:

**TITLE** **I:**  
**ON TERRORISM**

**Chapter 1: Acts of Terrorism**

Article

1:

1- A terrorist act committed on the territory of the Republic of Djibouti or abroad is either:

a) any act that constitutes an offense under the definition of one of the conventions listed in the annex to the International Convention for the Suppression of the Financing of Terrorism as criminalized by the laws of the Republic of Djibouti; or

b) any intentionally committed act intended to cause death or serious bodily harm to a civilian or any other person not directly participating in hostilities in a situation of armed conflict, when that act, by its nature or context, aims, exclusively or not, to intimidate a population or to compel a government or an international organization to perform or refrain from performing any act.

This definition of a terrorist act includes complicity, attempt, incitement to commit, and threats.

The knowledge, intent, or motivation necessary as an element of the offense may be inferred from objective factual circumstances.

2- A terrorist or terrorist group, as the case may be, is defined as either

a) a person or a group of two or more persons whose purpose or activity is to engage in or facilitate terrorist acts; or

b) a person or group designated as a terrorist or associated with terrorism by one of the Resolutions of the Security Council of the United Nations, including, as the case may be, on the basis of Resolution 1373, and whose designation is affirmed by the Technical Committee as defined in Article 9 of the Law relating to the fight against the financing of terrorism.

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Article 2: The following also constitute acts of terrorism when they are related to an individual or collective undertaking whose purpose is to seriously disrupt public order through intimidation or terror, or which aim to compel a government or an international organization to perform or refrain from performing any act whatsoever, resulting in the commission of a number of the following crimes or offenses:

1. Intentional attacks on the life and physical integrity of persons;
2. Kidnapping and abduction, as well as the hijacking of aircraft, ships, or any other means of transport;
3. Theft, extortion, destruction, damage, and deterioration, as well as computer-related offenses;
4. The manufacture or possession of machinery, lethal devices, or explosives;
5. The production, sale, import, or unlawful export of explosive substances;
6. The unlawful acquisition, possession, transport or carrying of explosive substances or devices manufactured using such substances;
7. The possession, carrying and transport of weapons and munitions of mass destruction;
8. Any criminal act directed against a State and whose purpose or nature is to provoke terror.

Article 3: The introduction into the atmosphere, onto the ground, into the subsoil or into the waters, including those of the territorial sea, of a substance likely to endanger human or animal health or the natural environment, also constitutes a terrorist act when it is related to an individual or collective undertaking aimed at seriously disturbing public order by intimidation or terror.

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## **Chapter 2: Sanctions**

Article 4: Terrorist acts are punishable by 20 years' imprisonment and a fine of 5,000,000 FD. If the terrorist act results in the death of one or more persons, it is punishable by life imprisonment and a fine of 10,000,000 FD. Participation in a group formed or an agreement established with a view to preparing, as evidenced by one or more material acts, one or more crimes against persons or property is punishable by 20 years' imprisonment and a fine of 10,000,000 FD.

Article 5: Organising, directing, facilitating, encouraging or promoting by means of aid or advice the commission of a serious offence involving a group as defined in this paragraph is punishable by 20 years of criminal imprisonment and a fine of 10,000,000 FD.

Article 6: Abduction and sequestration and offences against persons enjoying international protection and hostage-taking committed with the aim of compelling a third party, namely a State, an international, intergovernmental organisation, a natural or legal person or a group of persons, to perform any act or to refrain from doing anything as an explicit or implicit condition of the release of the hostage are punishable by 20 years imprisonment and a fine of 10,000,000 FD.

Article 7: Any person who has attempted to commit an act of terrorism shall be exempt from punishment if, having notified the administrative or judicial authority, he has made it possible to prevent the commission of the offence and to identify the guilty parties.

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Article 8: Legal persons may be declared criminally responsible for acts of terrorism as defined in Chapter 1.

**TITLE**

**II:**

## **CORRUPTION AND INFLUENCE TRAVELLING**

### **Chapter 1: On Corruption**

Article 9:

#### **Definitions:**

a) The term "public official" means: i) any person who holds a legislative, executive, administrative or judicial mandate in the Republic of Djibouti, whether appointed or elected, on a permanent or temporary basis, whether remunerated or unremunerated, and regardless of their hierarchical level; ii) any other person who performs a public function, including for a public body or public enterprise, or who provides a public service, as defined in the law of the Republic of Djibouti and applied in the relevant branch of the law of the Republic of Djibouti; iii) any other person defined as a "public official" in the law of the Republic of Djibouti.

b) The term "foreign public official" means any person who holds a legislative, executive, administrative or judicial mandate in a foreign country, whether appointed or elected; and any person who performs a public function for a foreign country, including for a public body or a public enterprise;

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(c) The term "official of a public international organization" means an international official or any person authorized by such an organization to act on its behalf.

Anyone who intentionally promises, offers or grants, directly or indirectly, to a foreign public official or to an official of a public international organization, an undue advantage, for himself or any person, including a member of his family, or any entity, in order to perform or refrain from performing an act in the exercise of his official functions, with a view to obtaining contracts or other undue advantage in connection with international trade activities, is guilty of corruption and punishable by one year of imprisonment up to 15 years of imprisonment and a fine of 8,000,000 FD.

A foreign public official or an official of a public international organization who intentionally solicits or accepts, directly or indirectly, an undue advantage for himself or another person, including a member of his family, or an entity, in order to perform or refrain from performing an act in the exercise of his official functions, is guilty of corruption and punishable by one year of imprisonment up to 15 years of imprisonment and a fine of 8,000,000 FD.

Article 10: Anyone who, without right, solicits or accepts offers or promises, solicits or receives gifts, presents or other undue advantages is guilty of corruption and punishable by imprisonment for 10 years and a fine of 7,000,000 FD.

Promising, offering or granting to a foreign public official or an official of a public international organization, directly or indirectly, an undue advantage, for himself or for another person or entity, in order to perform or refrain from

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performing an act in the exercise of his official functions, with a view to obtaining or retaining a market or other undue advantage in connection with international trade activities, is punishable by 15 years of criminal imprisonment and a fine of 8,000,000 FD.

The act by a foreign public official or an official of a public international organization of soliciting or accepting, directly or indirectly, an undue advantage for himself or for another person or entity, in order to perform or refrain from performing an act in the exercise of his official functions, when committed intentionally, is punishable by 15 years of criminal imprisonment and a fine of 8,000,000 FD.

Any public official who intentionally removes, misappropriates, or unlawfully uses property, as the case may be, for his own benefit or for the benefit of another person, including a member of his family, or an entity, any property, funds or securities, public or private, or anything else of value entrusted to him by reason of his duties, is guilty of misappropriation, embezzlement, or unlawful use of property, as the case may be, and is punishable by one year up to 15 years imprisonment and a fine of 7,000,000 FD.

## **Chapter 2:** Abuse of Power and Illicit Enrichment

Article 11: The act by a public official of abusing his functions or position, that is to say, of carrying out, in the exercise of his functions, an act in violation of the laws in order to obtain an undue advantage for himself or for another person, is punishable by 10 years imprisonment and a fine of 5,000,000 FD.

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Article 12: The failure of a public official to reasonably justify a substantial increase in his assets in relation to his legitimate income is punishable by 15 years imprisonment and a fine of 5,000,000 FD.

### **Chapter 3:** Corruption in the Private Sector

Article 13:  
Promising, offering or granting, directly or indirectly, an undue advantage to any person who manages a private sector entity or works for such an entity, in any capacity whatsoever, for themselves or for another person, so that, in violation of their duties, they perform or refrain from performing an act, is punishable by 10 years imprisonment and a fine of 7,000,000 FD when this act has been committed in the context of economic, financial or commercial activities. Any person who manages or works for a private sector entity, in any capacity whatsoever, who solicits or accepts, directly or indirectly, an undue advantage, for themselves or for another person, in order to perform or refrain from performing an act in violation of their duties, is punishable by 10 years imprisonment and a fine of 7,000,000 FD, when this act has been committed in the context of economic, financial or commercial activities.

### **Chapter 4:** On the theft of goods in the private sector

Article 14: The act by a person who manages or works for a private sector entity, in any capacity whatsoever, of removing any property, funds or private securities or anything else of value which has been entrusted to him by reason of his functions is

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punishable by 10 years imprisonment and a fine of 7,000,000 FD when the act has been committed in the context of economic, financial or commercial activities.

### **Chapter 5: On Receiving Stolen Goods**

Article 15: The act of concealing or continuously retaining property knowing that said property comes from one of the offences provided for in the articles below, is punishable by 5 years imprisonment and a fine of 6,000,000 FD, when the act was committed after the commission of these offences and without the perpetrator having participated in said offences.

Article 16: Legal persons may be held criminally liable under the conditions provided for in Article 21 of the Penal Code.

## **TITLE**

## **III:**

### **ON HOSTAGE-TAKING, KIDNAPPING AND SEQUEST**

Article 17: Threatening to kill a hostage, to injure or to continue to detain him in order to compel a third party, namely a State, an international, intergovernmental organization, a natural or legal person or a group of persons, to perform any act or to refrain from performing any act as an explicit or implicit condition of the release of the hostage shall be punished by 20 years of criminal imprisonment and a fine of 15,000,000 FD.

Article 18: Any person who commits murder, kidnapping or other attack against the person or liberty of a person enjoying international protection, commits, by resorting

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to violence, against the official premises, private residence or means of transport of a person enjoying international protection, an attack likely to endanger their person or liberty or threatens to commit such an attack, shall be punished by life imprisonment and a fine of 20,000,000 FD.

Article 19: For the purposes of the preceding article, "person enjoying international protection" means:

Of any Head of State, including each member of a collegial body fulfilling the functions of Head of State under the Constitution of the State concerned, of any Head of Government or of any Minister for Foreign Affairs, when such a person is in a foreign State, as well as members of his or her family who accompany him or her; of any representative, official or other personhood official or agent of an intergovernmental organization, who, at the date and place where an offense is committed against his or her person, his or her official premises, his or her private residence or his or her means of transport, is entitled under international law to special protection against any attack on his or her person, liberty or dignity, as well as members of his or her family who form part of his or her household.

**TITLE**

**IV:**

**ON THE HIJACKING OF AIRCRAFT, SHIPS OR ANY OTHER MEANS OF TRANSPORT**

Article 20: Any person who commits an act of violence against a person on board an aircraft in flight, if that act is likely to compromise the safety of that aircraft; who destroys an aircraft in service or causes such an aircraft damage that renders it unfit

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for flight or that is likely to compromise its safety in flight; who places or causes to be placed on an aircraft in service by any means whatsoever, a device or substance capable of destroying said aircraft or causing it damage that renders it unfit for flight or that is likely to compromise its safety in flight; who destroys or damages air navigation facilities or services or disrupts their operation, if any of these acts compromises or is likely to compromise the safety of an aircraft in flight; shall be punished by 20 years of criminal imprisonment and a fine of 20,000,000 FD.

Article 21: Any person who commits an act of violence against a person at an airport serving international civil aviation, causing or likely to cause serious injury or death, or destroying or seriously damaging facilities or aircraft not in use but located at the airport, or disrupting the services of an airport serving international civil aviation, shall be punished by 20 years' imprisonment and a fine of 15,000,000 FD if any of these acts compromises or is likely to compromise security at that airport.

Article 22: Any person who commits an act of violence against a person on board a ship or fixed platform:

- Destroys or causes serious damage to a ship, its cargo, or a fixed platform;
- Placing or causing to be placed on a ship or fixed platform, by any means whatsoever, a device or substance capable of destroying the ship or fixed platform or of causing damage to the ship, its cargo or the fixed platform;
- Destroying or seriously damaging maritime navigation facilities or services or seriously disrupting their operation shall be punished by 20 years' imprisonment and a fine of 20,000,000 FD if any of these acts compromises or is likely to compromise the safety of the ship or fixed platform;

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– Any person who threatens to commit any of the offenses provided for in the paragraphs above aimed at compelling a natural or legal person to perform or refrain from performing any act whatsoever shall be punished by 10 years' imprisonment and a fine of 10,000,000 FD.

Article 23: For the purposes of this section, an aircraft is considered to be in flight from the moment when, boarding having been completed, all its external doors have been closed; until the moment when one of these doors is opened for disembarkation; in the event of a forced landing, the flight is deemed to continue until the competent authority takes charge of the aircraft and the persons and property on board;

An aircraft is considered to be in service from the time when ground personnel or crew begin to prepare it for a specific flight until the expiry of a period of twenty-four hours following any landing; the period of service extends in any event to the entire time during which the aircraft is in flight within the meaning of subparagraph (a) of this paragraph.

**TITLE**

**V:**

## **ON HUMAN TRAFFICKING AND MIGRANT SMUGGLING**

Article 24: Committing any of the following acts, for the purpose of exploiting, recruiting, transporting, transferring, harboring or receiving persons, by the threat of recourse or the use of force or other forms of coercion, by abduction, fraud, deception, abuse of authority or of a situation of vulnerability, or by the offering or

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acceptance of payments or advantages to obtain the consent of a person having authority over another, is punishable by 10 years imprisonment and a fine of 10,000,000 FD.

The purposes of exploitation include, among others, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

The consent of a victim of one of the offences provided for in this article to exploitation is irrelevant when any of the means set out in paragraph 1 have been used.

The offences provided for in this article, when committed for the purpose of exploiting minors, are punishable by 15 years of criminal imprisonment and a fine of 10,000,000 FD regardless of the use of any of the means mentioned in the first paragraph of this article.

Organizing the commission of an offense established in accordance with this article, or instructing others to commit it, is punishable by 15 years of criminal imprisonment and a fine of 15,000,000 FD.

Article 25: Committing any of the following acts in order to obtain, directly or indirectly, a financial or other material advantage is punishable by 5 years' imprisonment and a fine of 3,000,000 FD.

– facilitating the illegal entry into a State of a person who is neither a national nor a permanent resident of that State;

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– manufacturing, procuring, providing, or possessing a fraudulent travel or identity document in order to facilitate the illegal entry described in paragraph 1;

– to allow a person, who is neither a national nor a permanent resident, to remain in the State, without meeting the conditions necessary for legal residence, by all illegal means, in order to allow illegal entry as described in paragraph 1.

The offences provided for in this article are aggravated and punishable by 10 years imprisonment and a fine of 5,000,000 FD:

– when they are committed in such a way as to endanger or risk endangering the life or safety of the migrants concerned; or

– when inhuman or degrading treatment of migrants is committed, including for exploitation.

Article 26: Legal persons may be declared criminally liable, under the conditions provided for in Article 21 of the Penal Code.

## **TITLE**

## **VI:**

### **TRAFFICKING IN FIREARMS, THEIR PARTS, COMPONENTS AND AMMUNITION**

Article 27: Committing any of the following acts is punishable by 5 years' imprisonment and a fine of 3,000,000 FD:

– manufacturing or assembling firearms, their parts, components, or ammunition;

– without marking firearms at the time of their manufacture;

in accordance with the provisions on marking; or having been the subject of illicit trafficking; or without a license or authorization from the competent authority of the State;

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- importing, exporting, acquiring, selling, delivering, transporting, or transferring firearms, their parts, components, or ammunition from the territory of the State or through it to the territory of another State, either without legal authorization or if the firearms are not marked in accordance with the provisions on marking;
  - anyone who intentionally falsifies, erases, removes, or illegally alters the marking(s) that a firearm must bear in accordance with the provisions on marking is punishable by 5 years' imprisonment and a fine of 5,000,000 FD.
  - Organizing, directing, facilitating, encouraging, or aiding and abetting, through assistance or advice, the commission of an offense defined in this article is punishable by five years' imprisonment and a fine of 3,000,000 FD.
- Article 28: Legal entities may be held criminally liable under the conditions stipulated in Article 21 of the Penal Code.

TITLE

VII:

CRIMES AND OFFENCES AGAINST PROPERTY

Article 29: The intentional destruction, degradation or deterioration of movable or immovable property belonging to another by means of an explosive substance, fire or any other means likely to create a danger to persons is punishable by ten years of criminal imprisonment and a fine of 5,000,000 FD.

Article 30: Any person who delivers, places or detonates in or against a public place, government facility or other public facility, public transport system or infrastructure, an explosive, an incendiary weapon or a device designed to cause death, serious bodily injury or significant property damage, or who has the capability to do so, or a

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weapon or device designed to cause death, serious bodily injury or significant property damage, or who has the capability to do so, by the emission, dissemination or impact of similar toxic chemicals or radiation or radioactive materials, with the intention of causing mass destruction of that place, facility, system or infrastructure, likely to result in economic losses, shall be punished by life imprisonment and a fine of 20,000,000 FD.

The same penalty applies to any person who:

– Orders other persons to commit one of the offences referred to in paragraph 1 or otherwise contributes to the commission of one or more of the offences referred to in paragraph 1 by a group of persons acting in concert, if his contribution is deliberate and made either to facilitate the general criminal activity of the group or to serve its purposes, or with full knowledge of the group's intention to commit the offence or offences referred to.

Article 31: Any person who commits one of the following acts shall be punished by 20 years' imprisonment and a fine of 20,000,000 FD.

a) The concealment, possession, use, transfer, alteration, alienation or dispersal of nuclear materials, without authorization, resulting or likely to result in death or serious injury;

b) Simple or aggravated theft of nuclear materials;

c) The diversion or any other undue appropriation of nuclear materials;

d) Demanding nuclear materials by threat, use of force or any form of intimidation;

e) Threatening to use nuclear materials to kill or seriously injure another person or

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cause considerable damage to property or to commit one of the offenses described in paragraph b) in order to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

**TITLE**

**VIII:**

**FINAL PROVISIONS**

Article 32: This law repeals and replaces the provisions of Law No. 111/AN/11/6th L.

Article 33: This Law shall be published in the Official Gazette of the Republic of Djibouti and shall enter into force upon its promulgation.

Done in Djibouti, on March 6, 2024

The President of the Republic,  
Head of Government

ISMAÏL OMAR GUELLEH