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Mauritania: Three juveniles sentenced to death in violation of national and international law

Amnesty International deplores the death sentences pronounced on 15 May 2011 against three young men, all under the age of 18 when the crimes were committed. Amnesty International calls on the Mauritanian judicial authorities to commute these death sentences, which were imposed in violation of national and international law.

Mohamed Yahya ould Salem, Seydina Aly Ould Ahmed, both now aged eighteen, and Zeine Ould Abédine Ould Ahmed, aged seventeen, were sentenced to death on 15 May 2011 by the Criminal Court in Nouakchott. The three men were tried for murders committed when they were still juveniles.

These sentences are contrary to Mauritanian legislation applicable to juvenile offenders. Ordinance 2005-015 on the protection of the child charged with criminal offences, adopted in 2005, does not provide for the death penalty for juvenile offenders and establishes a maximum penalty of twelve years' imprisonment for minors convicted of a criminal offence.

These sentences are also contrary to the Convention on the Rights of the Child, which Mauritania ratified in 1991 and whose Article 37 states: "*neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.*" Capital punishment for minors is also prohibited under Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR), which Mauritania ratified in 2004.

Appeals have been filed in these three cases and the three young men are detained in Nouakchott, the capital, while waiting for their appeals to be heard.

During a research mission to Mauritania in September 2010, Amnesty International delegates met, among the prisoners sentenced to death and detained in the Dar Naïm civil prison, a man sentenced to death for murder in 1999, when he was aged seventeen.

To Amnesty International's knowledge, these sentences raise the number of death sentences pronounced since the beginning of the year to six and the total number of people under sentence of death and detained in various prisons in the country to 40. In March 2011, three people were sentenced to death for offences under the law against terrorism. These three people and ten others, five of whom were sentenced to death, were transferred to an unknown place of detention, apparently located in the north of the country. Amnesty International, which raised this question with the Mauritanian authorities, reiterates its appeal to the authorities to make their place of detention public so that their family and lawyers can have unrestricted access to them.

Although Mauritania has not carried out any executions since 1987, Amnesty International is concerned about the many death sentences pronounced in recent years by Mauritanian courts, usually following trials that do not conform to international standards of fairness.

Amnesty International met prisoners under sentence of death in the country during several research missions carried out since 2008. The great majority of the prisoners interviewed had been convicted of murder and the rest of acts of terrorism. At least one of them was mentally ill. Another said he had been convicted only on the basis of confessions extracted under torture.

Several of those sentenced to death denounced the unfairness of their trial, explaining that they had not been given adequate opportunity to defend themselves or that they had not received the assistance of a lawyer. One of them said he had been convicted on the basis of a statement that he had been forced to sign and that was written in a language that he did not understand. Another one described how he had been tortured by the police during interrogation. The use of torture and the imposition of the death penalty after trials that do not meet international standards of fairness are prohibited under international law and are contrary to Mauritania's obligations as a State Party to the International Covenant on Civil and Political Rights.

As part of the campaign to abolish the death penalty in member countries of the Economic Community of West African States (ECOWAS), Amnesty International launches a new appeal to the Mauritanian authorities to abolish the death penalty in all cases and without exception. The death penalty is the ultimate denial of human rights. This punishment violates the right to life as recognized in the Universal Declaration of Human Rights.