

MAURITANIA

**ACTIONS SPEAK LOUDER THAN
WORDS**

*Amnesty International
Submission to the UN Universal
Periodic Review, November 2015*

**AMNESTY
INTERNATIONAL**



CONTENTS

Executive summary	2
Follow up to the previous review	2
International human rights instruments.....	2
Cooperation with the UN treaty bodies and Special Procedures.....	3
The national human rights framework.....	3
Promotion and protection of human rights on the ground	4
Torture and other ill-treatment at arrest and in detention	4
Prisoners of conscience	5
Restrictions on freedom of assembly and expression.....	5
Slavery	6
Human rights defenders	6
Enforced disappearances.....	6
The death penalty.....	7
Recommendations for action by the State under review.....	7
Annex.....	10

EXECUTIVE SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Mauritania in November 2015. In it, Amnesty International evaluates the implementation of recommendations made in the previous UPR, raises a number of concerns regarding the situation of human rights on the ground, and makes recommendations to the government of Mauritania on addressing these.

Amnesty International welcomes Mauritania's ratification of outstanding human rights treaties, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance. Amnesty International regrets, however, that Mauritania has failed to submit overdue reports, such as to the Committee on Enforced Disappearances.

With respect to the human rights on the ground, Amnesty International raises concerns about widespread use of torture and other ill-treatment to extract "confessions" from detainees and to punish prisoners. Harassment and intimidations against human rights defenders continue and anti-slavery activists have been imprisoned for their work. The rights to freedom of assembly and expression continue to be restricted and enforced disappearances have yet to be resolved.

Amnesty International regrets that despite accepting a recommendation to consider removing the death penalty from its legislation, Mauritania continue to hand down death sentences.

FOLLOW UP TO THE PREVIOUS REVIEW

Since Mauritania's first UPR in 2010 and despite its open discourse on human rights and good governance,¹ the human rights situation has not improved in reality, and progress appears slow.

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

In line with recommendations made during the 2010 review, Mauritania has ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,² the International Convention for the Protection of All Persons from Enforced Disappearance,³ and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.⁴

¹ Official statement made by President Mohamed Ould Abdel Aziz on 26 May 2014 during an African Union celebration, and Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Mauritania*, A/HRC/16/17, 4 January 2011, paragraph 6.

² A/HRC/16/17, recommendations 92.1 (France), 92.6 (Switzerland), 92.9 (Turkey), 92.12 (Ecuador).

³ A/HRC/16/17, recommendation 92.2 (France).

⁴ A/HRC/16/17, recommendations 92.3 (Spain), recommendation 92.10 (Argentina).

COOPERATION WITH THE UN TREATY BODIES AND SPECIAL PROCEDURES

The Special Rapporteur on contemporary forms of slavery visited Mauritania in February 2014 to follow-up on the mission conducted in 2009.⁵ Mauritania has also accepted requests to visit by the Special Rapporteurs on contemporary forms of racism, and on freedom of religion or belief. The UN Working Group of Experts on People of African Descent requested a visit on 15 December 2014, which is yet to be agreed.

The government has submitted overdue reports to the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee against Torture, and the Committee on Economic, Social and Cultural Rights.⁶ However, other overdue reports remain to be submitted, including to the Committee on Enforced Disappearances and the Committee on the Rights of the Child.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Despite the adoption of laws criminalizing slavery and the creation of a special tribunal to judge crimes related to slavery in December 2013, there is a significant gap between the letter of the law and its implementation in practice. Moreover, cases related to alleged slavery brought before domestic courts are not being processed in a timely manner. In 2014, at least 15 cases of alleged slavery were brought before the courts; however, these cases are still under investigation.

Mauritania has failed to address the recommendations made by the Special Rapporteur on contemporary forms of slavery, including to address the causes and consequences of slavery, to use legislative action to ensure enforcement of anti-slavery laws, and to issue orders to the police and the judiciary to ensure that allegations of slavery and slavery-like practices are effectively investigated and prosecuted.⁷

A roadmap to eradicate slavery, adopted by the government in March 2014, makes 29 recommendations, notably that the 2007 law against slavery should be amended to include different forms of slavery, such as hereditary slavery, debt bondage or early marriage.⁸ It also recommends that provisions for reintegration programmes be included in the law and that measures be undertaken to raise awareness of the criminalisation of slavery.⁹ Since 2010, at least six cases of alleged crimes of slavery have been brought to the Prosecutor; however, decisions are still pending.

The prohibition of torture is enshrined in the Mauritanian Constitution: Article 13 provides that "Any form of moral or physical violence is prohibited".¹⁰ However, this

⁵ Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian*, 26 August 2014, A/HRC/27/53/Add.1.

⁶ A/HRC/16/17, recommendations 90.15 (Norway), 90.16 (Azerbaijan), and 91.10 (Senegal).

⁷ A/HRC/27/53/Add.1

⁸ Roadmap for the eradication of the legacy of slavery, 1st recommendation.

⁹ Roadmap for the eradication of the legacy of slavery, 23rd recommendation.

¹⁰ Mauritanian Constitution of 12 July 1991, Article 13.

provision is regularly flouted by both the police and the gendarmerie. Furthermore, national legislation does not define the crime of torture, contrary to what is required by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Mauritania ratified in 2004.¹¹

Amnesty International is also concerned that prison facilities, such as Dar Naïm and the civil prison in Nouakchott, are not under the effective control of the Ministry of Justice. The National Guard, which reports to the Ministry of Defence, is currently responsible for running the detention centres.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

TORTURE AND OTHER ILL-TREATMENT AT ARREST AND IN DETENTION

Despite Mauritania's acceptance of the recommendation to end torture and other ill-treatment and to investigate and prosecute such allegations, prisoners are not safe from torture and other ill-treatment.¹²

In 2012 and 2013, Amnesty International collected testimonies from women, homosexuals, political prisoners, alleged Islamists and common law criminals who all claimed to have been subjected to torture and other ill-treatment. This included three minors, held alongside adults.

Reported torture methods included:

- cigarette burns
- electric shocks
- sleep deprivation
- pulling out hair
- forcing the prisoners into contorted positions, sometimes with the aid of a metal bar
- threatening their families

The security forces use such practices to extract "confessions" from detainees, and torture and ill-treatment are also used as a punishment in prison. The systematic use of torture is facilitated by detention procedures, which allow those suspected of crimes against national security to be held for up to 45 days.¹³ This period is regularly exceeded and the detainees are often not informed of the charges against them. When a person is not brought before a judge in a timely manner, this violates Article 9(3) of the International Covenant on Civil and Political Rights, to which Mauritania is a party.

A student, accused of being a member of a terrorist group in January 2013, was taken to the Nouakchott First District police station and held there for 42 days. During questioning, police officers handcuffed his hands and feet and beat him with a baton. He was forced to sign a statement without having read it. In May

¹¹ Committee against Torture, *Consideration of reports submitted by State Parties under article 19 of the Convention - Mauritania*, 13 March 2012, CAT/C/MRT/1.

¹² A/HRC/16/17, recommendation 90.33 (Sweden).

¹³ Law no. 2010-035 of 21 July 2010 revoking and replacing law no. 2005-047 of July 2005 regarding the War on Terror, Article 23.

2013, he was sentenced to five years in prison in an unfair trial in which the state-appointed counsel for the accused did not ask any questions nor present any witnesses and where the judge did not respond when the accused said he had been tortured.

A minor, accused of theft, was arrested in June 2013. He was tortured for a week at the police station of the Sixth District of Nouakchott. He was made to sit in a squatting position, and then tied up, attaching one hand to one foot with a pair of handcuffs. An iron bar was placed between his knees and he was suspended from two water barrels. He was beaten with batons and fainted three times. He was then asked to confess to being responsible for several robberies in the Sixth District. A police officer made him sign a statement without having read it. No action was taken when he reported the torture he had undergone.

Amnesty International also met with people who had been arrested for their perceived sexual orientation and who reported having been tortured and abused. In some cases, they were tortured to force them to confess that they were homosexuals.

Amnesty International also met women, at the women's prison in Nouakchott, who said that they had been tortured and ill-treated. Some were tortured to denounce their suspected accomplices. One woman who had stolen tunics (*boubous*) – which she admitted – was then beaten at the police station. It also appears that only male guards were present in the detention centre both during the day and in the evening.

PRISONERS OF CONSCIENCE

There are currently eight prisoners of conscience in Mauritania, most of whom are members of the Resurgence of the Abolitionist Movement (IRA), an anti-slavery organization. They were sentenced to between five months and two years in prison for raising concerns about slavery. In the past, other IRA members have also been sentenced to prison terms.

On 15 January 2015, the court of Rosso in southern Mauritania, sentenced three anti-slavery activists to two years in prison for belonging to an unrecognised organization, participation in an unauthorised assembly and offenses against law and order officials. Brahim Bilal Ramdane, Djiby Sow and Biram Dah Abeid, a former Presidential candidate and President of IRA, were arrested on 11 November 2014 while leading a peaceful campaign against slavery and raising awareness among the local population about the land rights of people of slave descent.

RESTRICTIONS ON FREEDOM OF ASSEMBLY AND EXPRESSION

Attacks on the rights to freedom of assembly and expression continue. In March 2014, the government closed down several Muslim health and education charity organizations and sealed their offices. No official explanation was provided although the government had previously accused these organizations of working outside the bounds of their mission.

On 24 December 2014, Mohamed Mkhaitir, a 29 year old blogger who had been held in pre-trial detention for almost one year, was sentenced to death for apostasy,¹⁴ at the Nouadhibou Court in northwest Mauritania. One year earlier, he had posted an online article on the *Aqlame* newspaper's website, which was later taken down because it was deemed blasphemous towards the prophet Mohamed.

¹⁴ The abandonment and criticism of one's religious faith, belief or cause.

The article was addressed to the members of his *Moualamine* (blacksmith) social category and criticised the use of religion to marginalise certain groups in Mauritanian society. Although Article 306 of the Penal Code provides for leniency in case of repentance, none was shown to Mohamed Mkhaitir despite the fact that he repented during his pre-trial hearing at the gendarmerie station.¹⁵ This is the first death sentence imposed for apostasy in Mauritania since its independence in 1960.

SLAVERY

In May 2014, a complaint was filed against a slave-owner in the Echemim region, for the enslavement of 15 year-old MBeirika Mint M'Bareck. The slave-owner was charged with "exploitation of a minor", however, human rights organizations wrote to the Public Prosecutor to request that the charges be changed to "slavery".

HUMAN RIGHTS DEFENDERS

Human rights defenders and other activists face harassment and intimidation in Mauritania, including death threats. Police and judicial authorities have failed to bring the perpetrators of such acts to justice.

In June 2014, Aminetou Mint El Moctar, President of the Women's Association of Heads of Household (*Association des femmes chefs de familles*, AFCF), faced a *fatwa* with death threats. This came after she had demanded a fair trial for the blogger Mohamed Mkhaitir. No action is known to have been taken by authorities to investigate these threats.

ENFORCED DISAPPEARANCES

In 2009 and 2010, 14 men sentenced for terrorism-related offences and in May 2011 were the victims of enforced disappearance for more than three years at the hands of the authorities. By May 2014, one of them had died in detention and four were transferred to Nouakchott central prison. In July 2014, the remaining nine detainees were transferred to the central prison.

In May 2014, Maarouf Ould Haiba, who had been sentenced to death in 2010 for the murder of French tourists in December 2007 and then subjected to enforced disappearance, died in the unofficial detention centre Salah Eddin. He had reportedly been sick and had been transferred to a military hospital several times. The circumstances of his death remain unclear and there has been no investigation. An Amnesty International delegation met him several times before he disappeared. He said that he had been regularly tortured while in police custody, including being blindfolded and taken to an unknown place where he was subjected for ten days to various forms of torture, including having his hands and feet tied behind his back, and being subjected to electric shocks on his eyes and body with an electric baton, which was then forced into his anus.

¹⁵ Article 306 of the Mauritanian penal code provides that, "any Muslim guilty of the crime of apostasy ... will be asked to repent within a period of three days...if he does not repent within this time; he shall be sentenced to death as an apostate." This article also states that "Any person guilty of the crime of apostasy (Zendagha), shall be sentenced to death, unless he repents beforehand," and also that, "...if he repents before the execution of this sentence, the prosecutor will seize the Supreme Court, to the effect of his/her full rehabilitation, without prejudice to any sentence provided in the first paragraph this article [3 months to 3 years in prison and a fine of 5000 to 60000 UM]."

THE DEATH PENALTY

Despite its acceptance of a recommendation to consider “remov[ing] the death penalty and corporal punishment from Mauritanian laws”,¹⁶ the courts are still imposing death sentences for murder, terrorism and apostasy.

On 18 November 2014, the Nouakchott Appeal Court sentenced Sidina Ould Sidi and Mohamed Ould Chebarnou to death for the murder of French tourists in 2007. Their co-accused Maarouf Ould Haiba died in custody on 12 May 2014. The circumstances of his death remain unclear and to date there has been no investigation.

In March 2015, the Appeal Court in Nouakchott confirmed the death sentence, handed down initially in December 2013, of Sidi Ould Dendenni who was found guilty of murder.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Mauritania to:

Cooperation with the UN treaty bodies and the Special Procedures

- Extend a standing invitation to the UN Special Procedures and accept their requests to visit, in particular the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions;
- Submit all overdue reports to the Human Rights Committee and other treaty bodies;
- Fully and effectively implement the recommendations of the Human Rights Committee,¹⁷ the Committee on the Elimination of Discrimination against Women,¹⁸ the Committee against Torture,¹⁹ the Committee on Economic, Social and Cultural Rights,²⁰ and the Special Rapporteur on contemporary forms of slavery.²¹

¹⁶ A/HRC/16/17, recommendation 92.30 (Ecuador).

¹⁷ Human Rights Committee, *Concluding observations on the initial report of Mauritania*, 21 November 2013, CCPR/C/MRT/CO/1.

¹⁸ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined second and third periodic reports of Mauritania*, 24 July 2014, CEDAW/C/MRT/CO/2-3.

¹⁹ Committee against Torture, *Concluding observations on the initial report of Mauritania adopted by the Committee at its fiftieth session (6-13 MAY 2013)*, 18 June 2013, CAT/C/MRT/CO/1.

²⁰ Committee on Economic, Social and Cultural Rights, *Concluding observations on the initial report of Mauritania, adopted by the Committee at its forty-ninth session (12-30 November 2012)*, 30 November 2012, E/C.12/MRT/CO/1.

²¹ Report of the Special Rapporteur on contemporary forms of slavery - Mission to Mauritania, A/HRC/27/53/Add.1.

Torture and other ill-treatment

- End torture and other ill-treatment, including by promptly carrying out investigations into all such allegations, ensuring that confessions obtained through torture are not admitted in court, holding those responsible to account in fair trial procedures, and providing all victims with reparations;
- Incorporate a definition of torture in domestic law in line with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure that the bill adopted in February 2015 by the Council of Ministers establishing a national preventive mechanism, as required by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, fully complies with international standards, and that the mechanism is provided with the necessary resources and means to carry out its work;
- Ensure that all detainees are given a fair trial before a civilian judge and allowed access to a lawyer of their own choice;
- Place the management of Dar Naïm and Nouadhibou prisons and other penal institutions under the control of the Ministry of Justice.

Slavery

- Implement the 2007 anti-slavery law and open prompt, thorough, impartial and effective investigations into all allegations of crimes of slavery and ensure that those found guilty of the practice of slavery are held to account in fair trial procedures, as recommended by the Special Rapporteur on contemporary forms of slavery;
- Ensure that all victims of crimes of slavery receive justice, truth and reparation;
- Continue to implement the national programme to eradicate the legacy of slavery, adopted in March 2014, including by amending the 2007 anti-slavery law to include further forms of slavery, such as hereditary slavery, debt bondage and forced marriage;
- Expand public awareness campaigns against all forms of slavery and adopt the necessary measures to abolish the caste system;
- Implement the recommendations by the Special Rapporteur on contemporary forms of racism,²² including tackling the issues in Mauritanian society which give rise to discrimination, including slavery and caste.²³

Freedom of expression

- Immediately and unconditionally release all prisoners of conscience, including blogger Mohamed Mkhaitir, sentenced to death for apostasy, and anti-slavery activists and human rights defenders, Brahim Bilal, Djiby Sow and Biram Ould Dah Ould Abeid, sentenced to two years in prison for

²² Annex 1, selected recommendations by UN human rights mechanism which previously examined human rights in Mauritania, Human Rights Council, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere*, 3 June 2014, A/HRC/26/49/Add.1.

²³ Human Rights Council, *Racism, Racial Discrimination, Xenophobia and related intolerance, Follow-up to and implantation of the Durban declaration and program of action*, 16 March 2009, A/HRC/11/36/Add.2.

membership of an unrecognized organization and for taking part in an unauthorized assembly;

- Ensure that journalists, human rights defenders and other civil society activists are able to seek, receive and impart information, and to carry out their legitimate activities without intimidation, hindrance, or harassment;
- Remove the crime of apostasy from national legislation and enable Mauritians to fully enjoy their right to freedom of religion, including to change religion.

Enforced disappearances

- Open prompt, thorough, independent and impartial inquiries into all allegations of enforced disappearances and extrajudicial executions and to bring to trial those responsible for these crimes;
- Ensure that state officials suspected of involvement in extrajudicial executions and enforced disappearances are immediately relieved of their functions for the duration of the investigation;
- Open an investigation into the enforced disappearance and death of Maarouf Ould Haiba, who was sentenced to death for terrorism offences in 2011, and who died in the unofficial detention centre of Salah Eddin in May 2014.

The death penalty

- Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and pending abolition, to maintain a de facto moratorium on executions;
- Commute without delay all death sentences to terms of imprisonment, including for blogger Mohamed Mkhaitir, who was sentenced to death for apostasy;
- Ensure full compliance in all death penalty cases with international standards for fair trials;
- Ensure that the death penalty is not under any circumstances imposed in violation of the guarantees provided for in Article 6 International Covenant on Civil and Political Rights.²⁴

Detention of women and minors

- Ensure that all children in detention are held separately from adult detainees;
- Ensure that women detainees are not detained in facilities with male guards.

²⁴ "Every human being has right to life. This right shall be protected by law. No one shall be arbitrarily deprived of life." Article 6 of the ICCPR.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE²⁵

Mauritania: the families of 14 prisoners subjected to enforced disappearance for over a year have the right to know their relatives' whereabouts (Index: AFR 38/008/2012).

Mauritanian authorities must guarantee the protection of human rights defender Aminetou Mint El Moctar (Index: AFR 38/001/2014).

Mauritania must end clamp down on anti-slavery activists, 12 November 2014.

Mauritania: Jailed presidential candidate and anti-slavery activists must be released, 15 January 2015.

Mauritania must immediately release Mohamed Mkhaitir, blogger sentenced to death for apostasy (Index: AFR 38/002/2015).

²⁵ All of these documents are available on Amnesty International's website:
<https://www.amnesty.org/en/countries/africa/mauritania/>