

MAURITANIA

Serious attack on freedoms of expression and association

Five human rights defenders convicted and at least five others restricted without charge

Convicted on 12 February 1998

Boubacar Ould Messaoud, President of *SOS-Esclaves*, a non-governmental organization called SOS Slaves,

Maître Brahim Ould Ebetty, *Secrétaire général du Conseil de l'ordre des avocats*, Secretary General of the Bar Association Council, member of *SOS-Esclaves* and member of *Groupe d'études et de recherche sur la démocratie et le développement économique et social en Afrique*, GERDDES-MAURITANIE

Professeur Cheikh Saad Bouh Kamara, President of the *Association mauritanienne des droits de l'homme* (AMDH), Mauritanian Human Rights Association, and Trustee of the United Nations Voluntary Trust Fund for Contemporary Forms of Slavery

Maître Fatimata M'Baye (f), Vice President of the AMDH

Abdel Nasser Ould Ethmane, *Secrétaire aux relations extérieures*, Secretary for Foreign Relations for SOS Slaves (Convicted *in absentia*)

Restricted in their movements without charge since 5 February 1998

Mohamed Ould Borbousse

Samory Ould Beye

Sidi Mohamed Ould Mahjoub

Semetta Ould Bilal

Oumar Ould Yali

All members of *Action pour le Changement*, Action for Change political party

Summary: In January 1998, three human rights defenders were arrested and were awaiting trial on account of their non-violent human rights work. On 5 February, three days before their trial, an opposition party organized a demonstration to demand their release. Several members of the party were arrested and at least five remain restricted

without any charges being brought against them. Also on 5 February, a lawyer and leading human rights defender, who was to have been one of the defence lawyers in the trial, was also arrested. On 12 February 1998 the three human rights defenders, the lawyer and another colleague tried *in absentia* were sentenced to 13 months in prison. Amnesty International believes they are all prisoners of conscience and is calling for their immediate and unconditional release.

Boubacar Ould Messaoud, Maître Brahim Ould Ebetty and Professeur Cheikh Saad Bouh Kamara, all prominent human rights defenders were arrested at their homes in the capital, Nouakchott, in the afternoon of Saturday, 17 January 1998. They were held incommunicado without access to families or lawyers for four days and were charged solely on account of their work in defence of human rights. A fourth person, Abdel Nasser Ould Ethmane, who is based in France, was charged *in absentia*. Maître Fatimata M'Baye was part of a team of defence lawyers for the four when she was arrested on 5 February 1998.

All five were convicted on 12 February 1998 and sentenced to 13 months' imprisonment for their activities within non-authorized organizations. An appeal has been lodged against both the conviction and the sentences. They were found guilty under a 1973 law regulating associations which allows for up to three years' imprisonment for "those who administer or continue to administer associations which are functioning without authorization"¹. This law seems to contradict Mauritania's 1991 Constitution Article 10 of which clearly guarantees the rights to freedom of expression and freedom of association. The arrest of Maître M'Baye, one of the defendants' lawyers, also contravenes the United Nations' Basic Principles on the Role of Lawyers which states in Article 16 that: "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference... and c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics."

More than six other people were arrested on 5 February 1998 during a demonstration organised by *Action pour le Changement* (AC), Action for Change, to call for the release of the human rights defenders who were awaiting trial. It seems to

¹"*ceux qui ... assument ou continuent à assumer l'administration d'associations fonctionnant sans autorisation...*"

have started as a peaceful demonstration until the police arrested Ladjji Traore, *Secrétaire général adjoint responsable des relations extérieures de l'AC*, Deputy Secretary General responsible for external relations of AC. He was reportedly severely beaten in front of the crowd and there followed a confrontation with the police resulting in several demonstrators being injured. Ladjji Traore was released, but at least five other people remain restricted in their movements without any charges against them. They are reported to have been sent to their home areas under a form of house arrest.

The trial opened on 8 February 1998. At first the defendants were forced to stand during long sessions some of which lasted into the early hours of the morning. After a complaint by the defence counsel, they were allowed to sit on the floor, but still denied chairs. It became evident during the trial that they had been arrested and charged solely on account of their non-violent activities defending human rights; the questioning focused on issues related to freedom of expression and freedom of association. Amnesty International is calling for the immediate and unconditional release of the four human rights activists currently in custody.

Most of the trial proceedings were observed by a French lawyer representing the *Fédération internationale des ligues des droits de l'homme*, FIDH, International Federation of Human Rights Leagues - one of its affiliates is the AMDH. In their report, the State Prosecutor is quoted as saying:

“ The Universal Declaration of Human Rights is not an international covenant. Nothing obliges Mauritania to apply it². ”

Yet, Mauritania's attachment to the UDHR is prominently stated in the country's constitution and all UN member states have pledged themselves to the promotion of universal respect for and observance of human rights and fundamental freedoms. This year, 1998, marks the 50th anniversary of the adoption of the UDHR.

The arrest of Boubacar Ould Messaoud, Maître Brahim Ould Ebetty, and Professeur Cheikh Saad Bouh Kamara, appeared to have been prompted by a French cable television news item on 15 January 1998 on slavery in Mauritania which was later the same day transmitted to Mauritania and which featured an interview with Boubacar Ould Messaoud. It seems the authorities have used this program as an excuse to curb the freedom of association and expression of leading human rights activists in Mauritania.

²*"La Déclaration Universelle des Droits de l'Homme n'est pas une convention internationale. Rien n'oblige la Mauritanie à l'appliquer."*

Although the AMDH, GERDDES-Mauritanie and SOS-Slaves are affiliated to the Organization of African Unity's African Commission on Human and Peoples' Rights, their applications for registration in Mauritania have never been processed. They have nevertheless maintained a high level of activity both within Mauritania and internationally. The AMDH and GERDDES-Mauritanie were created in 1991 and SOS-Slaves was formed in 1995. The AMDH works on a wide range of human rights issues and has a promotional role. At the African Commission meeting held in Nouakchott in April 1997, a group of non-government organizations in this same situation of "awaiting authorization" faced exclusion by the Mauritanian authorities. It was only after protests by some international non-governmental organizations that they were allowed to attend.

None of those arrested are known to have advocated or used violence and Amnesty International believes that they are prisoners of conscience solely detained because of their work in defence of human rights. Slavery has become a sensitive political issue in Mauritania. Although abolished in legislation in 1905, 1960 and 1980, slavery practices are reported to be continuing. In the last four years there has been a concerted effort by some opposition politicians, trade unionists, students and human rights activists to expose these practices to the international community. Their campaign has been forcefully condemned by the Mauritanian Government. In a speech delivered on 10 January 1997, the President of Mauritania, Maaouya Ould Sid'Ahmed Taya, stated that those who campaign against slavery are enemies of his government who want to tarnish the image of the country. In the February 1998 court hearings, the President of the court stated the problem had been solved once and for all and that it was legally forbidden to speak of slavery as if it was a current practice.

These events follow a pattern of violations of the rights to freedom of expression and association. In mid-January 1998 a new three months' ban was ordered against *Mauritanie-Nouvelles*, an independent weekly which had just been allowed to reopen upon the expiry of a previous three months' ban which prevented it from covering the election period. On hearing this news, the editor of *Nouvelles Mauritanie* said he feared this further suspension could result in the paper's closure. The same week another independent newspaper *Le Calame* had all copies of its 12 January 1998 edition seized by the authorities.

What needs to be done:

- **The rights to freedom of opinion and expression and the right to freedom of peaceful assembly and association must be respected. These are guaranteed in Mauritania's Constitution as well as being promoted in articles 19 and 20 of the United Nations Universal Declaration of Human Rights and recognized by the African Charter on Human and Peoples' Rights, articles 9 and 10;**
- **All the prisoners of conscience mentioned in this document must be released from all restrictions immediately and unconditionally;**
- **The legal status of these and other non-governmental organizations should be clarified without delay, so that the leaders and other human rights defenders can continue their work without hindrance in defence of the human rights of others.**

KEYWORDS: HUMAN RIGHTS DEFENDERS1 / LAWYERS 1 /
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