

EXTERNAL (for general distribution)

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Legal Concern/Fear of Torture

4 December 1990

MAURITANIA: Biri Aly DIOUM, customs inspector in Nouadhibou
Hamedine KANE, military doctor
Samba BATHILY, director of air-traffic control at
Nouakchott airport
+ many others

The three men named above are among at least 50 people holding posts in government service, either in the civilian administration or in the armed forces, who have been arrested in Nouakchott and Nouadhibou in the past three weeks. Most are believed to be members of the Peul or Pulaar-speaking ethnic group (known as Hal-pulaar). No reasons for their arrest has been given by the government.

However, some military personnel from the Peul-speaking ethnic group arrested in Rosso, on Mauritania's southern border with Senegal, in October 1990 are reported by government sources to be accused of giving information to anti-government rebels, allegedly entering Mauritania from Senegal to attack the town of Rosso.

Since news of the arrests in mid-November, those detained have been denied access to their families who do not know where they are held. They appear to be held outside the terms of Mauritania's law and to be at risk of torture and prolonged arbitrary imprisonment. Under the terms of Mauritania's laws, particularly the Code of Penal Procedure, suspects arrested by the police or security forces have to be referred to the Procuracy (parquet) within 48 hours of their arrest, to be remanded in custody formally and to have their cases investigated. This period of detention (garde à vue) can be renewed once only by written authorization from the Procureur de la République or the President of a Regional court. It may be extended up to 30 days if suspected offences involve the security of the state.

BACKGROUND INFORMATION

Since April 1989, following intercommunal disturbances between Senegalese and Mauritians when hundreds of people were killed in some Mauritanian cities, thousands of black Mauritians, mostly villagers, have been expelled from their own country to neighbouring Senegal. Many have been detained in Mauritania for two or three weeks before being expelled and some are reported to have been tortured or killed in custody. In more recent months, many black Mauritians, particularly Hal-pulaar, have chosen to flee Mauritania to avoid becoming victims of persecution.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters, in French or Arabic if possible:

- expressing concern at reports that Biri Aly DIOUM, Hamedine KANE, Samba BATHILY, and many others have been arrested recently and are being held without charge;
- inquiring as to reasons for their detention and its legal basis and urging that they should not be detained unlawfully outside the framework of the law;
- requesting assurances that they are not being subjected to torture and that they have access to all necessary medical attention;

- urging the authorities to allow these detainees and others arrested in recent weeks immediate access to legal counsel, to relatives and medical facilities;
- expressing concern that those held may be imprisoned on account of their ethnic origin and urging that if this is the case they should be released unconditionally and immediately.

APPEALS TO:

Son Excellence Monsieur le Colonel Maaouiya Ould Sid'Ahmed TAYA
 Président du Comité militaire de salut national, et Chef de l'Etat
 La Présidence
 B.P. 184
 Nouakchott
 République Islamique de Mauritanie

Faxes: + 222 2 52636
 Telegrams: President Ould Taya, Nouakchott, Mauritania
 Telexes: 580 PRIM MTN

Monsieur Adama Samba Sow
 Ministre de la Justice
 Ministère de la Justice
 Nouakchott
 MAURITANIE

Faxes: + 222 2 52860 (via Ministry of Foreign Affairs)
 Telegrams: Ministre Justice, Nouakchott, Mauritania
 Telexes: 585 MINAF MTN (via Ministry of Foreign Affairs)

Monsieur le Lieutenant-Colonel Mohamed Lemine Ould N'Diayane
 Secrétaire permanent du Comité militaire de salut national
 La Présidence
 BP 184
 Nouakchott
 MAURITANIE

Telegrams: Secrétaire Comité militaire Ould N'Diayane, Nouakchott,
 Mauritania
 Telexes: 566 MINDEF MTN (via Ministry of Defence)

COPIES TO:

Son Excellence Monsieur Hasni Ould Didi
 Ministre des Affaires étrangères et de la Coopération
 Ministère des Affaires étrangères
 BP 230
 Nouakchott
 MAURITANIE

and to diplomatic representatives of MAURITANIA in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 January 1991.