



# MAURITANIA

SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE  
126<sup>TH</sup> SESSION, 1-26 JULY 2019

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First published in 2019

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: AFR 38/0378/2019

Original language: English

**amnesty.org**

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INTERNATIONAL**



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# 1. INTRODUCTION

Amnesty International submits the following briefing to the United Nations (UN) Human Rights Committee (the Committee) in advance of its consideration of second periodic report of Mauritania on its implementation of the International Covenant on Civil and Political Rights. Mauritania's review by the Committee provides an important opportunity for a public examination of the country's human rights record.

Mauritania has taken steps to strengthen human rights guarantees, including by recognising cultural diversity in the Constitution in 2012 and ratifying the Optional Protocol to the Convention against Torture (OPCAT) in October 2012, and enacting the law to establish the National Prevention Mechanism in 2015. Despite these steps, the Mauritanian authorities regularly undermine human rights and there is prevailing impunity for past human rights violations, including violations of the right to life, excessive use of force, acts of torture and other ill-treatment, racial discrimination, restrictions of the rights to freedom of opinion and expression, freedom of peaceful assembly, freedom of association and attacks against journalists and human rights defenders. This submission is not an exhaustive account of Amnesty International's human rights concerns in Mauritania.

## 2. THE FIGHT AGAINST IMPUNITY AND PAST HUMAN RIGHTS VIOLATIONS (ARTS. 2, 6, 7 AND 14)

The Mauritanian authorities have failed to fully address gross violations of human rights against members of the Afro-Mauritanian community between 1989 and 1991 and which continue to affect them and their descendants. According to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 300,000 people were made refugees, displaced or repatriated over this period, more than 3,000 were arrested and 500 unlawfully killed, predominantly in the Afro-Mauritanian community, at the height of inter-ethnic tensions.<sup>1</sup> In 2000, the African Commission on Human and Peoples' Rights (ACHPR) found the Mauritanian authorities responsible for grave or massive violations of human rights, including discrimination on the ground of ethnicity, torture, illegal detention, unlawful killings and mass expulsion of Afro-Mauritanians and made recommendations including the setting up of an independent enquiry and prosecutions; the rehabilitation and reintegration of those expelled; compensation of widows and beneficiaries and the eradication of slavery.<sup>2</sup> The recommendations have still not been fully implemented. No prosecution has been initiated against suspected perpetrators, as Law No. 92 of 1993 granted amnesty to members of the armed and security forces who had committed offences during that period. The return of those expelled from Mauritania has also been slow and marred with difficulties.<sup>3</sup> Many do not have the required identification documents for civil registration, as their identification cards were lost or confiscated at the time of their expulsion, or as they were not provided death certificates following the killings of their parents.<sup>4</sup>

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<sup>1</sup> *Report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Mauritania*, A/HRC.11/36/Add.2, 16 March 2009, paras 5-7.

See also: Amnesty International, *Mauritania: Human rights violations in the Senegal River Valley* (Index: AFR 38/010/1990).

<sup>2</sup> African Commission on Human and Peoples' Rights, *Malawi Africa Association, Amnesty International, Ms Sarr Diop, Union interafricaine des droits de l'Homme and RADDHO, Collectif des veuves et ayants droit, Association mauritanienne des droits de l'Homme / Mauritania*, 2000.

<sup>3</sup> IHRDA, *Updates on Implementation of African Commission's Recommendations in the case 'Malawi African Association & others v. Mauritania'*, [www.ihrda.org/2015/12/updates-on-implementation-of-african-commissions-recommendations-in-the-case-malawi-african-association-others-v-mauritania/](http://www.ihrda.org/2015/12/updates-on-implementation-of-african-commissions-recommendations-in-the-case-malawi-african-association-others-v-mauritania/)

<sup>4</sup> *Report of the Special Rapporteur on extreme poverty and human rights on his mission to Mauritania*, A/HRC/35/26/Add.1, 8 March 2017, para. 46.

*Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on his mission to Mauritania*, A/HRC/26/49/Add.1, 3 June 2014, para. 33.

## RECOMMENDATIONS:

- Repeal Law No. 92 of 1993 which granted amnesty to members of the armed and security forces , and ensure thorough, effective, independent and impartial investigation of allegations in order to bring to justice suspected perpetrators of human rights violations committed in the context of the events of 1989-1991;
- Fully implement the African Commission on Human and Peoples' Rights (ACHPR) decision and recommendations on the events of 1989-1991 and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) decision and recommendations on Said Ould Salem and Yarg Ould Salem.<sup>5</sup>

# 3. NON-DISCRIMINATION (ARTS. 2, 25 AND 26)

## 3.1 POSITIVE DEVELOPMENT: RECOGNISING MAURITANIA'S CULTURAL DIVERSITY IN THE CONSTITUTION

In line with the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Constitution was amended in 2012, to reflect Mauritania's cultural diversity, stating: "the people of Mauritania, united throughout history by shared moral and spiritual values and aspiring to a common future, recognize and proclaim their cultural diversity, the basis of national unity and social cohesion, and its corollary, the right to be different."

However, as noted by various analysts and human rights experts, including UN Special Procedures and UN Committee Against All Forms of Discrimination (CERD)<sup>6</sup> as well as by the World Bank, deeply entrenched discriminatory practices against Haratines and Afro-Mauritians continue to this day.<sup>7</sup>

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<sup>5</sup> African Commission on Human and Peoples' Rights, Malawi Africa Association, Amnesty International, Ms Sarr Diop, Union interafricaine des droits de l'Homme and RADDHO, Collectif des veuves et ayants droit, Association mauritanienne des droits de l'Homme / Mauritania, 2000.

<sup>6</sup> "The Committee is concerned that certain traditional social structures and cultural prejudices continue to stoke racial discrimination and to marginalize the Haratine community, particularly in terms of access to education, employment, housing, health care and social services.", concluding observations on the combined eight to fourteenth periodic report of Mauritania adopted by the Committee at its ninety-fifth session (23 April-11 May 2018), CERD/C/MRT/CO/8-14, para 11.

<sup>7</sup> "Social cohesion in Mauritania is precarious and risks derailing economic and social progress. The difficulties involved in cultivating a strong shared national identity are deeply rooted in ethno-racial divisions, sociopolitical tensions, historical grievances over discriminatory state practices, and the slow pace of integration of marginalized groups excluded from social and economic opportunity." World Bank, *Islamic Republic of Mauritania: turning challenges into opportunities for ending poverty and promoting shared prosperity – Systemic country diagnostic*, 2017, para. 41. "While the practice of slavery is illegal, deeply embedded discriminatory attitudes form part of the basis of slavery in Mauritania." *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, 16 August 2010, A/HRC/15/20/Add.2, para. 51. See also: Francis de Chasse, 'Vers une histoire anthropologique et sociologique de l'ethnie en Mauritanie', in Abdel Wedoud Ould Cheikh (ed.), *Etat et société en Mauritanie : Cinquante ans après l'Indépendance*, Karthala, 2014, pp. 157-226; Zekeria Ould Ahmed Salem, *Prêcher dans le désert: Islam politique et changement social en Mauritanie*, Karthala, 2013. E. Ann McDougall, 'Life in Nouakchott is not true liberty, not at all': *living the legacies of slavery in Nouakchott, Mauritania*, 19 July 2016, [www.opendemocracy.net/author/e-ann-mcdougall](http://www.opendemocracy.net/author/e-ann-mcdougall)

## 3.2 THE 2018 LAW ON DISCRIMINATION: OVERLY BROAD AND REPRESSIVE

On 18 January 2018, the National Assembly passed a law criminalizing discrimination.<sup>8</sup> While the law was developed in response to a recommendation of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance<sup>9</sup>, it contains imprecise and overbroad provisions and could be used against the activists who speak out about groups which perpetuate the practice of slavery in Mauritania. Article 10 punishes anyone who “promotes inflammatory speech that is contrary to the official doctrine of the Islamic Republic of Mauritania”, with a sentence of up to five years imprisonment. Article 12 provides for sentences of up to three years in prison and a fine of up to MRO300,000 (approximately €710) for “anyone who publishes, diffuses, supports or communicates terms which may reveal an intent to hurt or an incitement to hurt morally or physically, to promote or incite hatred”. The crimes defined under this law are imprescriptible (Article 7) and sentences can also include the loss of civic, civil and family rights for up to five years which could be used to ban people from voting or running for elections.

In the Mauritanian context - where courts and public officials have described anti-slavery and anti-discrimination activists, including members of Initiative pour la Résurgence du mouvement Abolitionniste (Initiative for the Resurgence of the Abolitionist Movement, IRA), as using “racist expressions”<sup>10</sup>, “inciting hatred”<sup>11</sup> and where a blogger has been sentenced for apostasy for criticizing the instrumentalization of religion to legitimize discriminatory practices<sup>12</sup>- this law could in fact be used against those fighting discriminatory practices.

### RECOMMENDATIONS:

- Repeal the legislation criminalizing discrimination to ensure that it fulfils its objectives and remove the possibility that the legislation may be used to repress human rights defenders;
- Eliminate barriers in the registration process faced by Afro-Mauritians and Haratines so that individuals, and consequently their children, are not unduly deprived of their right to identity and nationality.

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<sup>8</sup> Agence Mauritanienne de l'Information, *L'Assemblée nationale adopte un projet loi portant incrimination de la discrimination*, 18 January 2018, <http://fr.ami.mr/Depeche-43463.html> According to the information provided to Amnesty International, the draft law 17/124 regarding the criminalization of discrimination was adopted with the amendments suggested by the Justice, Interior and Defence Committee regarding articles 10(1), 17 and 18. Amnesty International has copies of the draft law and the suggested amendments.

<sup>9</sup> *Report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Mauritania*, A/HRC.11/36/Add.2, 16 March 2009, para. 80.

<sup>10</sup> Trarza Court of First Instance, Decision 01/2015 against Biram Ould Dah Ould Abeid, Brahim Ould Bilal et Djibi Sow, 15 January 2015.

<sup>11</sup> El Mouritaniya TV, Interview with President Aziz, Nouadhibou, November 2015, [www.youtube.com/watch?v=QCmwLYT1DzI](http://www.youtube.com/watch?v=QCmwLYT1DzI)

<sup>12</sup> Nouadhibou Court of First Instance, Decision 71/2014 of 24 December 2014.

# 4. RIGHT TO LIFE AND EXCESSIVE USE OF FORCE (ARTS. 6 AND 7)

## 4.1 RIGHT TO LIFE

Amnesty International believes that the death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.

Although no executions have been carried out in Mauritania since 1987, the courts continue to hand down death sentences. At least 115 people were on death row in Mauritania at the end of 2018.<sup>13</sup>

The National Assembly passed a law on April 2018 that replaces article 306 of the Criminal Code and makes death penalty mandatory for anyone convicted of “blasphemous speech” and acts deemed “sacrilegious”. The new law eliminates the possibility under article 306 of substituting prison terms for the death penalty for certain apostasy-related crimes if the offender promptly repents. The law also extends the scope of application of the death penalty to “renegade acts.”

The adoption of the law making the death penalty mandatory for certain apostasy related crimes is a huge step backward on the abolition of the death penalty.

### RECOMMENDATIONS:

- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Establish an official moratorium on executions, with a view to abolishing the death penalty.

## 4.2 EXCESSIVE USE OF FORCE AGAINST PEACEFUL DEMONSTRATORS

Security forces have used excessive force on scores of peaceful demonstrators, including women human right defenders, causing serious injuries ranging from fractured limbs to head trauma. These repressive practices stem, amongst other factors, from serious flaws in the legal framework on assemblies and use of excessive force in Mauritania, particularly blanket bans on certain assemblies and vague and overly broad legal provisions that can be used to prohibit peaceful protests and allow the use of excessive force against demonstrators. Examples of peaceful assemblies that were prohibited and violently dispersed are the November 2017 march of relatives of victims of the events of 1989-1991 in Kaédi and April 2017 youth march in Nouakchott. 41 activists were arrested in the context of these protests.<sup>14</sup>

### RECOMMENDATIONS:

- Amend the Criminal Code and any other regulatory instruments relating to the use of force, and ensure they meet international standards, particularly the 2017 African Commission on Human and Peoples’ Rights Guidelines for the Policing of Assemblies by Law Enforcement and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including by revising the

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<sup>13</sup> Amnesty International, Global report: Death sentences and executions 2018 (Index: ACT 50/9870/2019) p.40.

<sup>14</sup> For more information on the legal framework on peaceful assembly, the banning of peaceful protests and excessive use of force against demonstrators, see: *A sword hanging over our heads’: The repression of activists speaking out against discrimination and slavery in Mauritania* (Index: AFR38/7812/2018), pp. 22-27.

legal basis for the use of force and establishing clear rules for the use of force by the security forces in the context of policing of demonstrations in accordance with the principles of legality, necessity, proportionality and accountability;

- Ensure thorough, prompt, independent and effective investigations into all reports of excessive use of force, particularly in cases where complaints were submitted to the police and bring suspected perpetrators to justice in trials that meet international fair trial standard and ensure effective remedies for victims.

## 5. PROHIBITION OF TORTURE AND OTHER ILL -TREATMENT (ART. 7)

Mauritania acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2004 and ratified its Optional Protocol in 2012. Similarly, the Constitution of Mauritania guarantees the right to liberty, with its Article 13 providing that: “No one may be prosecuted, arrested, held or punished except in the cases specified by law” and its Article 91 that “no one can be arbitrarily detained”. Article 13 also prohibits torture and other ill-treatment which is categorized as a crime against humanity. Torture and other ill-treatment are also criminalized under Law No. 2015.033 on torture, with a penalty of up to life imprisonment (Article 11).

However, detainees reported that they were tortured during pre-trial detention in order to extract confessions and to intimidate them. People held in police stations including the Commissariat in Nouakchott were routinely placed in prolonged solitary confinement – a type of detention condemned by the UN Human Rights Committee as a violation of the prohibition of torture and other ill-treatment.

Since 2014, Amnesty international has documented over 168 cases of arbitrary arrests of human rights defenders, at least 20 of which were subjected to torture and other-ill treatment. In the most high-profile cases, they have been transferred to remote prisons. Between June and July 2016, 13 members of the IRA were arrested after a protest against forced eviction in the slum area of Bouamatou, in the capital Nouakchott. Some of the IRA’s leaders, including Balla Touré, Hamady Lehbouss, Moussa Biram, Abdallahi Mattalah, Khatri Mbareck and Amadou Tidjane Diop, were taken blindfolded and handcuffed to the Anti-Terrorism Brigade in Nouakchott where they were detained incommunicado for over 10 days. During that period, they were beaten, chained, subjected to death threats and deprived of food, water and sleep.

As well as being tortured to force confessions, the IRA members were asked to sign statements which they did not understand and were denied access to a lawyer before their court hearing in August 2016. Although they all denied attending the protest, they were convicted on charges including incitement and participation in an unarmed gathering, membership of an unauthorized association, rebellion, and use of violence.<sup>15</sup> The court refused to examine allegations of torture made by the accused.<sup>16</sup> In September 2016, a neuro-surgeon examined Moussa Biram and Abdallahi Mattalah and wrote a report on the injuries they sustained while they were in detention.<sup>17</sup>

### RECOMMENDATIONS:

- Publicly instruct security forces and remind them that the use of torture and other ill-treatment will not be tolerated and will be treated as a criminal offence;
- Establish an effective system to monitor the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including complaints, investigations, prosecutions, conviction of cases of torture and other ill-treatment, and reparations, including rehabilitation for the victims.

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<sup>15</sup> Court of First Instance of West Nouakchott, Decision No. 094/2016, 18 August 2016.

<sup>16</sup> Court of First Instance of West Nouakchott, Decision No. 105/2016, 17 August 2016.

<sup>17</sup> Interview with the lawyer of IRA, Nouakchott, June 2017. Amnesty International holds a copy of this medical report on file.

- Ensure thorough, prompt, independent and effective investigations into all reports of arbitrary detention, torture and other ill-treatment and bring to justice those suspected of criminal responsibility for such crimes, including superior officers.

## 6. FREEDOM OF OPINION AND EXPRESSION (ART.19)

The 2018 law on apostasy that provides for the mandatory death penalty for apostasy related offenses was promulgated and published in the Journal Officiel (Gazette) on 30 May 2018. Mauritania did not repeal or amend other laws which restrict the right to freedom of expression, such as the 1964 law on association, the 1973 law on public assemblies, the Criminal Code and the 2018 law on discrimination.

Article 10 of 2018 law punishes anyone who “promotes inflammatory speech that is contrary to the official doctrine of the Islamic Republic of Mauritania” with a sentence of up to five years imprisonment. Article 12 provides for sentences of up to three years in prison and a fine of up to MRO300,000 (approximately €710) for “anyone who publishes, diffuses, supports or communicates terms which may reveal an intent to hurt or an incitement to hurt morally or physically, to promote or incite hatred”. The crimes defined under this law are imprescriptible (Article 7) and sentences can also include the loss of civic, civil and family rights for up to five years which could be used to ban people from voting or running for elections.<sup>18</sup>

The law also provides for a sentence of up to two years in prison and a fine of up to 600,000 Ouguiyas (approximately EUR 13,804) for “offending public indecency and Islamic values” and for “breaching Allah’s prohibitions” or assisting in their breach.

### RECOMMENDATIONS:

- Repeal the law on apostasy related crimes making the death penalty mandatory for “blasphemous speech” and “sacrilegious act”;
- Repeal provisions of the Criminal Code which restrict the right to freedom of expression, including the provisions related to apostasy, defamation and disrupting public order.

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<sup>18</sup> Mauritania: Submission to the United Nations Committee on the Elimination of Racial Discrimination, 95th session, 23 April-11 May 2018 (Index: AFR 38/8125/2018), pp. 6-7.

# 7. RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY, FREEDOM OF ASSOCIATION AND PROTECTION OF JOURNALISTS AND HUMAN RIGHTS DEFENDERS (ARTS. 21 AND 22)

## 7.1 RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

The Mauritanian authorities continue to use laws from the 1970s to crackdown on peaceful protests organized by human rights groups, including by refusing to authorize peaceful assemblies and using excessive force against peaceful demonstrators. Weaknesses in Mauritania's legal framework facilitate the regular violation of the rights to freedom of peaceful assembly and freedom of association. For example, the 1973 law on public assemblies prohibits assemblies on public roads (Article 7), assemblies taking place after 11pm (Article 4) and vaguely defined and overly broad "political circles" and "secret societies" (Article 8).<sup>19</sup> Further, while the law technically requires only prior notification of an assembly, the procedures set out are unduly cumbersome and put too many responsibilities on the organizers of protests.<sup>20</sup>

For instance, the law requires an assembly to have a committee of at least three elected members responsible, amongst other things, for maintaining law and order, ensuring the assembly remains within the character defined in the declaration and forbidding any speech contravening public order or morals or inciting to commit crimes (Article 5).<sup>21</sup>

In a growing number of cases, because of the history of banning assemblies or because the authorities fail to recognize the human rights of human rights defenders, associations have decided to organize peaceful protests without notifying the authorities nor seeking prior authorization. This is something they should be able to do, according to international standards, without rendering the assembly unlawful. However, in such cases, the authorities have resorted to the use of excessive force to disperse peaceful demonstrators.

On 16 April 2017, in Nouakchott, the security forces violently dispersed a peaceful protest of about 100 young activists calling on the authorities to end the marginalization of young people, including by simplifying the civil registration process and making education policies more inclusive. The organizers notified the Hakem (prefect) of the protest on 10 April. The Hakem on 14 April informed them over the phone that the assembly was not authorized, and a police commissioner asked the organizers to call off their protest. Despite the organizer's request, the authorities failed to provide them with a written explanation on the decision. On 16 April, the police were deployed at the demonstration site, the BMD roundabout in Nouakchott's city centre, early in the day, in full anti-riot gear, as youth groups started gathering. Without any prior warning, they fired tear gas on the demonstration site and, armed with batons, charged the protesters who were beaten, including on their necks and on their backs.<sup>22</sup>

### RECOMMENDATIONS:

- Amend the 1973 law on public assemblies, its decree of implementation and the provisions of the Criminal Code relating to assemblies, and ensure that they meet international and regional human rights standards, including by allowing spontaneous peaceful protests, simplifying the prior

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<sup>19</sup> Law No. 73.008 of 23 January 1973 on public assemblies.

<sup>20</sup> The Special Rapporteur on freedom of peaceful assembly and of association indicated that "blanket restrictions shall not be considered lawful".

<sup>21</sup> Decree No. 73.060 of 16 March 1973 on the implementation of Law No. 73.008 of 23 January 1973 on public assemblies.

<sup>22</sup> Amnesty International obtained copies of medical certificates established at the time.

notification process, removing prison terms for peaceful protesters and protest organizers and ensuring the effective enjoyment of the right to peaceful assembly, consistent with international standards;

- Refrain from banning or dispersing peaceful assemblies because they have not complied with prior notification requirements. Failure to comply with prior-notification requirements should not, on its own, lead to the arrest of organizers or participants.

## 7.2 FREEDOM OF ASSOCIATION

The Mauritanian authorities routinely interfere in the operations of associations, authorized and non-authorized, including by intimidating and harassing them, and undermining their public activities, subjecting them to unlawful surveillance or limiting their interactions with other activists. A circular dated 11 February 2016 and distributed to the hotels and conference centre of Nouakchott states that it is “prohibited to organize any show, conference, ceremony”.

Amnesty International has documented the cases of more than 43 associations working for the promotion and protection of human rights, including more than a dozen international non-governmental organizations, who have never received authorization to operate despite repeated requests, meaning that they can be declared unlawful.

The Mauritanian authorities have failed to adopt a declaratory system for the registration of non-governmental organizations and associations. Lately, Amnesty International has documented continued unlawful interference by the authorities in the activities of non-governmental organizations and associations.

- On 3 April 2019, four policemen informed the leadership of the association *Main dans la Main* (Hand in Hand) that they had to close their premises in Nouakchott. The policemen made an inventory of the association’s property, took the office keys, failed to provide the legal grounds for the closure of the association and told the association’s leadership that they did not have a written order. The association was created in 2006 and received a formal authorization to operate in Mauritania. It aims at promoting the values of fraternity, justice and diversity and to foster inter-communal dialogue. The association subsequently had to cancel its 6<sup>th</sup> Conference for Fraternity which was due to take place on 4 April 2019 with activities planned in Nouakchott and five other regions.
- On 22 July 2018, the Mauritanian authorities blocked the departure for Geneva of five human rights defenders who represent organizations of widows and orphans that demand accountability for the state-sponsored repression that targeted Afro-Mauritanians between 1989 and 1991 and oppose the amnesty that the government decreed for those events in 1993. They were due to participate in the UN Committee Against Torture’s review of Mauritania and had valid visas.

### RECOMMENDATIONS:

- Amend the 1964 association law and its amendments and ensure they meet international standards, including by removing the mandatory authorization requirement; eliminating grounds used to not authorize or dissolve associations; removing prison terms for the leaders, members or participants to the association’s activities for lack of registration; and ensuring the decision to dissolve an association is taken by a court of law rather than an administrative authority;
- Refrain from unduly interfering with the activities of associations, including by repealing the circular requiring authorization for meetings in hotels and conference venues; and by ending the practice of not allowing the international partners of human rights defenders into the country.

## 7.3 PROTECTION OF JOURNALISTS AND HUMAN RIGHTS DEFENDERS

Human rights defenders, including those who combat slavery and racial discrimination, continue to face reprisals.

- Bloggers Cheikh Jiddou and Abderrahmane Weddady were arbitrarily arrested on 22 March 2019 in Nouakchott after posting Facebook comments on a corruption case involving several Mauritanian officials on Facebook condemning corruption. Their comments came after media articles were published, accusing several Mauritanian officials of corruption. The two bloggers have been charged with ‘malicious accusation’. On 27 March, they were transferred to the Central prison of Nouakchott where they remain in detention.
- On 17 March 2019 a delegation of Amnesty International was denied access to the country upon arrival at the Nouakchott–Oumtounsy International Airport. The members of the airport police who notified the delegation that it did not have authorization to enter the country refused to identify themselves, to provide a motive or to clarify which authority was responsible for the decision. It is the second time Amnesty International has been barred from entering Mauritania since 2017.
- Mohamed Mkhaitir, the 36-year-old blogger who was arrested and charged with apostasy in 2014 after he published a blog criticising those who use religion to discriminate against minorities, remains in arbitrary detention in an undisclosed location. The Appeal Court quashed his death sentence on 9 November 2017 and sentenced him to two years in prison. Having already spent more than three years in detention, he should have been released immediately. Mohamed Mkhaitir is a prisoner of conscience solely detained because of his peaceful exercise of his right to freedom of expression. His health continues to deteriorate.<sup>23</sup>
- Poet and activist Abdallahi Salem Ould Yali was arrested on 24 January 2018 after he spoke out against discrimination against members of the Haratine community on social media. He was charged with incitement to violence and racial hatred. The Nouakchott tribunal sentenced him to one-year in prison on 27 December 2018.

### RECOMMENDATIONS:

- Immediately and unconditionally release all human rights defenders held solely for peacefully exercising their human rights, including Cheikh Jiddou, Abderrahmane Weddady and Mohamed Mkhaitir;
- End unlawful arrests and detention of human rights defenders, incommunicado detention and not to detain people beyond the 48-hour period as provided in Mauritanian Criminal Procedural Code;
- Allow human rights NGO representatives to visit the country to document the human rights situation;
- Publicly recognize the importance of the work of Human Rights Defenders for the promotion and the protection of human rights guaranteed by international, regional and national standards;
- Make the declaration under article 34(6) of the Protocol to the African Charter on Human and Peoples’ Right on the establishment of the African Court on Human and Peoples’ Rights to allow individuals and NGOs direct access to the Court.

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<sup>23</sup> The Prisoners of Conscience you won’t hear about at the 2019 Arab League Summit ([Press-release](#), 29 March 2019).

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FOR HUMAN RIGHTS.  
WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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# MAURITANIA

## SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE

126<sup>TH</sup> SESSION, 1-26 JULY 2019

Amnesty International submits the following briefing to the United Nations (UN) Human Rights Committee (the Committee) in advance of its consideration of second periodic report of Mauritania on its implementation of the International Covenant on Civil and Political Rights. Mauritania's review by the Committee provides an important opportunity for a public examination of the country's human rights record.

Mauritania has taken steps to strengthen human rights guarantees, including by recognising cultural diversity in the Constitution in 2012 and ratifying the Optional Protocol to the Convention against Torture (OPCAT) in October 2012, and enacted the law to establish the New Prevention Mechanism in 2015. Despite these steps, the Mauritanian authorities regularly undermine human rights, and there is prevailing impunity for past human rights violations, including violations of the right to life, excessive use of force, acts of torture and other ill-treatment, discrimination, restrictions of the rights to freedom of opinion and expression and peaceful assembly, freedom of association and attacks against journalists and human rights defenders. This submission is not an exhaustive account of Amnesty International's human rights concerns in Mauritania.