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Ms. Zonke Zanele MAJODINA  
Chairperson, Human Rights Committee

Office of the High Commissioner for Human  
Rights - UNOG-OHCHR  
CH 1211 Geneva 10  
Switzerland

28 December 2012

Dear Ms Majodina

### **107<sup>TH</sup> SESSION OF THE HUMAN RIGHTS COMMITTEE – PRE-SESSIONAL MEETING ON MAURITANIA**

I am writing in light of the pre-sessional meeting on Mauritania during the forthcoming session of the Human Rights Committee from 11 to 28 March 2013.

Please find below a brief summary of Amnesty International's key concerns in relation to the state party's implementation of the International Covenant on Civil and Political Rights (ICCPR). For further information see also the enclosed entry on Mauritania from the Amnesty International Annual Report 2012 (covering developments from January to December 2011) as well as the recent publications referred to in the text below.

#### **Right to life (Article 6)**

Although Mauritania is abolitionist in practice and no executions have taken place in the country since 1987, Amnesty International is concerned that death sentences continue to be pronounced.

According to information received by Amnesty International and gathered during several missions to the country since 2008, the trials of a number of those who were sentenced to death did not comply with international fair trial standards. Several prisoners sentenced to death claimed that they were not allowed to defend themselves properly or that they did not have a lawyer; some reported that they had been tortured during interrogation or sentenced solely on the basis of confessions obtained under torture.<sup>1</sup>

Several individuals accused of being members of a terrorist group and of participating in terrorist attacks have been sentenced to the death penalty in the past years. In April 2012, at least three people, Mohamed Saleck Ould Cheikh, Youssouf Galissa and Mohamed Lemine Ould Mballé, were sentenced to death after an unfair trial. They were charged with attempting to commit a terrorist offence and being members of a terrorist group, following a failed terrorist attack in Nouakchott in February 2011.

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<sup>1</sup> See for example *Mauritania: Three juveniles sentenced to death in violation of national and international law*, Public Statement, AI Index: AFR 38/001/2011, 9 June 2011, <http://www.amnesty.org/en/library/info/AFR38/001/2011/en>; and *Mauritania: Submission to the UN Universal Periodic Review: Ninth session of the UPR Working Group of the Human Rights Council, November-December 2010*, AI Index: AFR 38/001/2010, 12 April 2010, <http://www.amnesty.org/en/library/info/AFR38/001/2010/en>.

**AMNESTY  
INTERNATIONAL**



**AMNESTY INTERNATIONAL** INTERNATIONAL SECRETARIAT

Peter Benenson House, 1 Easton Street  
London WC1X 0DW, United Kingdom

T: +44 (0)20 7413 5500

F: +44 (0)20 7956 1157

E: [amnestyis@amnesty.org](mailto:amnestyis@amnesty.org)

W: [www.amnesty.org](http://www.amnesty.org)

The death sentence given to Mohamed Abdellahi Ould Ahmednah Ould Mohamed Salem in 2011 was confirmed in April 2012. He was accused of and sentenced to death for being a member of a terrorist group and being involved in the death of an American national in Mauritania. Mohamed Abdellahi Ould Ahmednah Ould Mohamed Salem is one of the fourteen men who were forcibly disappeared in May 2011 from central prison in Nouakchott and are currently held at an undisclosed location (for further details see the section on Articles 9 and 14 below).

Amnesty International remains concerned that several death row prisoners sentenced to capital punishment for terrorist activities between 2009 and 2011 have been subjected to enforced disappearances since May 2011. The organization repeatedly called for the Mauritanian authorities to commute all death sentences and to make the places of detention of all persons sentenced to death known to the public so that their family and lawyers can have access to them.<sup>2</sup>

Amnesty International also remains concerned about provisions in Mauritania's criminal law that provide for the imposition of the death penalty for offences which are not recognized as the "most serious crimes" and are therefore in contravention of Article 6 of the ICCPR. For example, under the Mauritanian Penal Code, the crime of apostasy is punishable with the death penalty, unless the person repents within three days of committed the crime.

### **Prohibition of torture and other ill-treatment (Article 7)**

The evidence Amnesty International collected during various research missions to the country in recent years (the most recent one being in June and July 2012) suggests that the authorities have failed to make substantive progress since the organization published in 2008 a detailed report documenting the systematic use of torture by security forces in Mauritania. The concerns and recommendations Amnesty International raised in this report therefore largely remain.<sup>3</sup> As background information a copy of the report is enclosed with this letter.

While Mauritania ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in October 2012, Amnesty International continues to receive information suggesting that torture and other ill-treatment are regularly used in Mauritania.<sup>4</sup> Torture and other ill-treatment are widely reported in police stations and prisons, including the Women's prison in Nouakchott, the Dar Naïm prison in Nouakchott, and the Ksar police station. Torture is often used to extract confessions while detainees are being held in custody, and to humiliate and punish prisoners.

During its most recent research mission, cases of ill-treatment of several women in detention at the Women's prison in Nouakchott were reported to Amnesty International delegates, including cases of women being severely beaten when they were arrested and while they were being interrogated at the police station.

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<sup>2</sup> See for example, *Amnesty International statement to African Commission on Human and Peoples' Rights on the situation of human rights in Africa*, AI Index: IOR 63/005/2011, 11 October 2011, <http://www.amnesty.org/en/library/info/IOR63/005/2011/en>.

<sup>3</sup> See Mauritania: *Torture at the heart of the State*, AI Index: AFR 38/009/2008, 3 December 2008, <http://www.amnesty.org/en/library/info/AFR38/009/2008/en>. For Amnesty International's longstanding concerns about torture and other ill-treatment in Mauritania see also the organization's publications issued in the context of the UPR: *Mauritania: The Human Rights Council cannot ignore the systematic use of torture*, AI Index: AFR 38/003/2010, 3 November 2010, <http://www.amnesty.org/en/library/info/AFR38/003/2010/en>; and *Mauritania: Submission to the UN Universal Periodic Review: Ninth session of the UPR Working Group of the Human Rights Council*, November-December 2010, AI Index: AFR 38/001/2010, 12 April 2010, <http://www.amnesty.org/en/library/info/AFR38/001/2010/en>.

<sup>4</sup> *Mauritania: Amnesty International calls on Mauritania to live up to their obligations after the ratification of two key international instruments*, AI Index: AFR 38/009/2012, 11 October 2012, <http://www.amnesty.org/en/library/info/AFR38/009/2012/en>.

After the demonstrations at the University of Nouakchott in January and February 2012 (see also section on freedom of expression below), which were violently repressed by police forces and at which several students were arrested, a young man who had been detained at the Ksar police station told Amnesty International how his hands and feet were tied together with a rope, and how he was beaten and stamped on while he was interrogated by the police.

Amnesty International is also concerned that individuals detained in relation to terrorism-related charges are almost systematically subjected to torture and other ill-treatment. For several detainees in this category there are concerns that their judgment and sentence were based on information obtained after torture and other ill-treatment.

The torture techniques documented by Amnesty International research missions include sleep deprivation, cigarette burns, the suspension of detainees from a metal bar (position known as the “jaguar”), blows and psychological torture. Complaints of torture and other ill-treatment are very rarely effectively investigated and perpetrators of such offences go unpunished.

### **Liberty and security of person and right to a fair trial (Articles 9 and 14)**

At least 35 men were tried and sentenced to prison terms or sentenced to death for terrorism-related offences since the beginning of 2011. Amnesty International is concerned that some of these trials did not comply with the international standards of fair trial including in that they involved long periods of pre-trial detention, they failed in being based on solid evidence and they often lacked to respect the rights of people in custody more generally (including the right to receive visits). In addition, Amnesty International received information that some of the judgments were based on information obtained following torture and other ill-treatment.

Some individuals were kept in detention for months after they had served their prison terms or after a court had ordered their release. For example, at least three detainees, including Assad Abdel Khader Mohamed Ali, accused of being members of a terrorist group and charged under the anti-terrorism legislation remained in detention for several months despite being due for release. They were finally released in 2012 after delays of four, 10 and 12 months.

As mentioned above, the authorities also failed to disclose the whereabouts of 14 men sentenced for terrorism-related offences, some of them to death, thereby placing them outside the protection of the law, which amounts to enforced disappearance. The 14 men were abducted from the central prison in Nouakchott in May 2011 and transferred to an undisclosed location where they are still being detained. The Mauritanian authorities have refused to disclose their place of detention in spite of several attempts by families and human rights organizations to get the authorities to reveal the men’s whereabouts. The Mauritanian authorities have maintained for over a year that their transfer to a secret location was a temporary measure for security reasons.<sup>5</sup>

### **Freedom of expression and assembly (Articles 19 and 21)**

Throughout the past year, there were further restrictions to freedom of expression and freedom of assembly in Mauritania. In February 2012, peaceful demonstrations organised by four student unions of the University of Nouakchott were violently repressed. Following the demonstrations more than 30 students were arrested. Some were released after a few days, while others were detained for more than

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<sup>5</sup> See Open Letter *Mauritania: The families of 14 prisoners subjected to enforced disappearance for over a year have the right to know their relatives’ whereabouts*, AI: Index: AFR 38/008/2012, 26 September 2012, <http://www.amnesty.org/en/library/info/AFR38/008/2012/en>; Public Statement *Mauritania: 14 prisoners have been subjected to enforced disappearance for nine months*, AI Index: AFR 38/001/2012, 22 February 2012, <http://www.amnesty.org/en/library/info/AFR38/001/2012/en>; Public Statement *Mauritania: Thirteen people convicted of terrorism subjected to enforced disappearance*, AI Index: AFR 38/002/2011, 23 June 2011, <http://www.amnesty.org/en/library/info/AFR38/002/2011/en>.

a week without charge or trial. Some of the students also reported that they were subjected to torture and other ill treatment while in detention.

Several members of an anti-slavery organisation, the Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie (IRA Mauritania), were arrested and are facing prosecution for exercising their right to freedom of expression and peaceful protest.<sup>6</sup> Eleven members of the organisation were arrested in April 2012 after burning of several books written by Islamic scholars. The burning was to protest against references made in these books, which according to the activists offered a justification for slavery. Some of the members of the anti-slavery organisation were released and seven of them were later on charged with "threatening state security", "affronts to common decency" and "administration of an unauthorized organization".

The president of the anti-slavery organization, Biram Ould Dah Ould Abeid, was also charged with apostasy, although the organization apologized to the Mauritanian society during a press conference after the book-burning, and through a press release. As mentioned above, under the Mauritanian Penal Code, the crime of apostasy is punishable with the death penalty, unless the person repents within three days of committing the crime.

The seven activists who were charged were detained at the Central Prison in Nouakchott for over four months before being provisionally released. At the time of writing, the seven activists are still awaiting their trial. Biram Ould Dah Ould Abeid and other members of IRA Mauritania had been targeted before for their work on slavery in Mauritania.<sup>7</sup>

We hope this information will be useful for the members of the country report task force in view of the preparation of the list of issues regarding Mauritania.

Yours sincerely



Tania Baldwin-Pask  
International Advocacy Programme

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<sup>6</sup> See Amnesty International Urgent Actions *Mauritania: Activists held in unknown location*, AI Index: AFR 38/002/2012, 4 May 2012, <http://www.amnesty.org/en/library/info/AFR38/002/2012/en>; Further information: *Four activists released; seven charged*, AI Index: AFR 38/004/2012, 31 May 2012, <http://www.amnesty.org/en/library/info/AFR38/004/2012/en>; Further information: *Anti-slavery activists continue to be detained*, AI Index: AFR 38/005/2012, 1 Aug 2012, <http://www.amnesty.org/en/library/info/AFR38/005/2012/en>; Further information: *Anti-slavery activists released*, AI Index: AFR 38/007/2012, 5 September 2012, <http://www.amnesty.org/en/library/info/AFR38/007/2012/en>.

<sup>7</sup> See for example Amnesty International Press Releases *Mauritania urged to revoke anti-slavery activists' sentencing*, 23 August 2011, <http://www.amnesty.org/en/for-media/press-releases/mauritania-urged-revoke-anti-slavery-activists%E2%80%99-sentencing-2011-08-23>; and *Anti-slavery activists jailed in Mauritania*, 7 January 2011, <http://www.amnesty.org/en/news-and-updates/anti-slavery-activists-jailed-mauritania-2011-01-07>.