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REFERENC: CAT/follow-up/reminders

7 July 2014

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the initial report of Mauritania (CAT/C/MRT/1) by this Committee, at its 50<sup>th</sup> session, held from 6 to 31 May 2013. At the end of that session, the Committee's concluding observations (CAT/C/MRT/CO/1) were transmitted to your Permanent Mission. In paragraph 30 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 31 May 2014, further information regarding areas of particular concern identified by the Committee in paragraphs 10 (c), 18 (a) and 22 (a) and (b) (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture ([cat@ohchr.org](mailto:cat@ohchr.org)). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Mauritania on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Jens Modvig  
Rapporteur for Follow-up on Concluding Observations  
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/MRT/CO/1)*

**MAURITANIA**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Fundamental legal safeguards**

10. The Committee is particularly concerned about the fact that article 57 of the Code of Criminal Procedure states that a person may be held in police custody for a period of 15 days in connection with terrorist crimes or crimes that threaten national security, and that this period may be extended twice for a further 15 days each time if authorization to do so is received from the public prosecutor, especially since persons in police custody have no means of challenging the legality of their detention. The Committee is also particularly concerned by the fact that article 3 of Act No. 2010-043 of 21 July 2010 on combating terrorism defines terrorism in broad and vague terms (art. 2).

**The State party should:**

**(c) Abolish the provision under which people may be held in police custody for a 15-day period in connection with terrorist offences or crimes that threaten national security, and establish a maximum 48-hour period instead;**

(...)

**Investigations**

18. The Committee is deeply concerned by the fact that information on the prosecution of persons who have committed acts of torture has not been made available. It is also concerned about the conspicuous absence of statistics on the number of criminal charges of torture that have been brought, the investigations undertaken into complaints of torture and the convictions obtained in such cases, inasmuch as this suggests that no court has as yet been able to apply the provisions of the Convention because there is no law that defines torture as a criminal offence or that sets out punishments for acts of torture. The Committee is also concerned by the reports it has received that the State party's authorities have been slow to investigate claims that acts of torture were committed in 2011 and 2012 in Nouakchott, Kaédi and

Ould Yengé. The Committee is also deeply concerned by the scant information on the case of Hassane Ould Brahim, who was being held in the Dar Naïm prison in Nouakchott and who is said to have died in October 2012 after having been tortured by prison guards (arts. 12 and 13).

**The State party should:**

**(a) Put an end to torture and to inhuman and degrading treatment, and ensure that allegations of torture, ill-treatment or excessive use of force by police or security forces are promptly investigated, that the persons concerned are prosecuted and convicted, as applicable, and that the penalties imposed are commensurate with the gravity of the offences committed, in line with the commitment made by the State party during the universal periodic review in November 2010;**

(...)

**Conditions of detention**

22. While noting the efforts made by the State party to renovate its prisons, the Committee remains concerned by reports that conditions in all its detention centres are below international standards, in particular because of a lack of hygiene, ventilation, lighting, bedding, food and medical care. The Committee is also concerned by reports it has received that in many cases prisoners are sick and that about 20 died in 2010, including 14 at the Dar Naïm Prison. Also, while taking note of the efforts made by the State party to reduce overcrowding at the Dar Naïm prison, the Committee is concerned that some of the inmates have been transferred to the Aleg Prison, where prisoners allegedly held protests in January 2013 about conditions of detention there (arts. 2, 11 and 16).

**The State party should:**

**(a) Redouble its efforts to bring living conditions in all prisons into line with international standards and with the Standard Minimum Rules for the Treatment of Prisoners (United Nations Economic and Social Council, resolutions 663 C (XXIV) and 2076 (LXII)) and increase the funding allocated for that purpose;**

**(b) Ensure all prisoners have access to drinking water, at least two meals per day, hygiene and basic necessities; make sure there is sufficient natural and artificial light and ventilation in cells; and provide medical and psychosocial care for prisoners with a view to preventing deaths in detention;**

(...)

30. The Committee requests the State party to provide information on the follow-up given to the recommendations formulated in paragraphs 10 (c), 22 (a) and (b), and 18 (a) of this document by 31 May 2014. These recommendations are as follows: (1) repeal the provision under which persons may be held in police custody for up to three

consecutive periods of 15 days in connection with terrorist acts or threats to national security and strengthen legal safeguards for detainees; (2) improve the conditions of detention in all of the State party's prisons; and (3) prosecute and punish perpetrators of acts of torture and ill-treatment.

(...)

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