



Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998

The following submission has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders in Mauritania.

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Introduction and summary of key concerns

1. Mauritania's civil society actors and human rights defenders (HRDs) face a range of restrictions as a result of their work in the defense of human rights. HRDs working on sensitive issues, particularly those campaigning for the eradication of slavery, have become the target of the state, in particular when adopting visibility and public demonstrations as part of their strategy. Those participating in protests, sit-ins and marches have on several occasions been the subject of intimidation by police and have suffered judicial harassment.

2. The work of human rights defenders has also been undermined by the enforcement of religious laws as well as the use of fatwas against persons suspected of flouting those laws. Although the country's media environment is widely seen as one of the most open in the region, self-censorship is an issue of concern. Journalists and bloggers have at times faced arrest and prosecution for discussing sensitive matters.

Restrictions on freedom of association and assembly

3. The 1991 Constitution guarantees freedom of assembly and association. However, the exercise of these rights has been limited in practice. Human rights defenders advocating on sensitive issues have faced particular difficulties.

4. Registration is required by law. However, there have been reports of registration being denied, which exposes NGOs to charges of operating illegally. In certain cases, applicant organisations have not obtained registration five years after filing the request, as in the case of the *Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie* (Initiative For The Resurgence Of The Abolitionist Movement In Mauritania – IRA).

5. There have been reports of frequent dispersals of protests and sit-ins, including at times through use of excessive force.

Detention and prosecution of anti-slavery campaigners

6. Mauritania officially abolished slavery in 1981 and criminalised it in 2007, and is reported to have taken steps to eradicate the practice. However, the practice persists and the authorities have failed to investigate, arrest and prosecute slave-owners in the cases brought to their attention by anti-slavery organisations. By contrast, HRDs who campaign against persisting forms of slavery and slavery-like practices, lack state support and are often forced to conduct their campaigns in a hostile environment marked by intimidation, disruption of events, and police and judicial harassment.

7. The targeting of anti-slavery HRDs has increased since the emergence of the IRA-Mauritania, a new movement that has made of mass mobilisation, high visibility and protests its main campaigning tools.

8. In February 2014, Mr **Cheikh Ould Vall**, a member of IRA-Mauritania was arrested without a warrant. He was held for three days, released and rearrested a week later, reportedly for assisting his mother in a court case over a land dispute. He was subsequently sentenced to one year in prison in April 2014, with six months suspended. He was released in September 2014, but re-arrested in November 2014 during a wave of arrests against IRA members.

9. In September and November 2014, at least 10 anti-slavery activists, were arrested in Nouakchott and Rosso on charges of “illegal assembly and rebellion”, “encouraging rebellion” and “refusing to comply with the orders of administrative authorities”. They included Mr **Biram Dah Abeid**, President of IRA, Mr **Djiby Sow**, president of the NGO *Kawtal Yellitare - Agir pour l'Education et le Travail pour le Progrès* as well as several IRA members. They were arrested in connection to a caravan organised by IRA, Kawtal Yellitare and other civil society organisations with the aim of sensitising the population on land rights, land-related exploitation and slavery.

10. In January 2015, Biram Dah Abeid, Djiby Sow, and Mr **Brahim Bilal Ramdhane**, a IRA member also arrested in November 2014, were sentenced to two years' imprisonment. The appeals remain pending at the time of writing. On 12 March 2015, human rights defenders Dr **Saad Louleyd**, Ms **Mariem Cheikh** and Mr **Yacoub Moussa**, IRA members who had also been arrested in connection to the caravan and detained for five months, received a one year's suspended sentence by the Criminal Court of Nouakchott.

11. There are reports that some of the imprisoned IRA members were denied appropriate medical care in detention and suffered acts of torture. On 14 February 2015, Saad Louleyd was admitted to hospital for aggravated diabetes due to the lack of adequate medical care in prison. Mariem Cheikh was the victim of acts of **torture** in the Sebkhya women's prison on 14 January 2015. She was reportedly subjected to the position known as 'chauve-souris': both her hands were handcuffed and hung from the ceiling with her feet barely touching the ground, from 6pm to 1am. After that, one of her hands was released, leaving the other one hanged, causing further suffering.

12. The government suppressed **solidarity initiatives** organised by human rights organisations to demand justice for persecuted anti-slavery activists. Since November 2014, many demonstrations calling for the release of Biram and his colleagues were violently disrupted by police and some human rights defenders were injured. On 19 January 2015, a sit-in protest organised by IRA-Mauritania and Kawtal following the announcement of the verdict against Biram and his two fellow HRDs, was violently disrupted by police using tear gas. Several activists were beaten, forcibly apprehended and dropped off dozens of kilometers away from the location of the protest. Among the people injured was Mr **Boubacar Messaoud**, President of the anti-slavery organisation SOS Esclaves, who required hospitalisation.

13. In November 2014, IRA members **Sabar Houssein**, **Brahim Jidou** and **Yacoub Inalla** were also arrested for denouncing land exploitation and slavery during prayers by the mufti of the Grand Mosque in Nouakchott. They were charged with disruption of prayer, incitement to hatred, and rebellion against authority. On 19 March 2015, they were sentenced to periods ranging from five to seven months' imprisonment.

Targeting of HRDs by religious authorities

14. There have been repeated calls for the murder of prominent human rights defenders. The authorities appear to have taken no action to curb those calls or to provide protection.

15. In June 2014, the leader of a radical Islamic group Ahabab Errassoul ("Friends of the Prophet") issued a fatwa calling for the death of Ms **Aminetou Mint El-Moctar**, a prominent advocate for gender equality and human rights and chair of the *Association des femmes chefs de famille* – AFCF (Association of female heads of household). The fatwa stated that "whoever kills her or tears out her eyes will be rewarded by Allah". Her personal information, including contact details, workplace address and her vehicle's registration number, were subsequently publicised. She was forced to temporarily relocate with her family.

16. Aminetou Mint El-Moctar started facing threats from Ahabab Errassoul after a series of meetings with them to discuss women's rights to education, equal consideration in society and political participation. The group later rejected her ideas as sinful. The fatwa was eventually issued against her when she took a clear position calling for a fair trial in the case of a young man charged with apostasy. Her attempts to file a report with the police failed, reportedly because the police deemed the threats not serious. The police suggested that the human rights defender addresses the issue directly with the leader of Ahabab Errassoul. The public prosecutor also reportedly refused to help and investigate the complaint.

17. Calls for the murder of human rights defenders, including Aminetou Mint El-Moctar and Biram Ould Abeid, were repeated by Ahabab Errassoul on Wataniya Television in November 2014. This

followed a similar call made by Ahmedou Habibourahman, the Imam of the Grand Mosque of Nouakchott, who called for the murder of Biram Ould Abeid during a sermon delivered on 24 October 2014. In April 2012, the same Imam denounced Biram Dah Abeid as an apostate, a capital offence in Mauritania, after he burnt Islamic legal texts that codified slavery. Following this incident, the IRA President was charged with apostasy and jailed. He was eventually released after international pressure.

Arrest and prosecution of journalists and bloggers

18. Independent journalists and bloggers have also suffered intimidation, threats, accusations of apostasy, charges and detention in relation to their writing on human rights or other societal issues.

19. In December 2014, Mr **Cheikh Ould Mkheitir**, a blogger, was sentenced to the death penalty for apostasy. He was prosecuted after criticising on social media inequalities in the Mauritanian society and its caste system, challenging its conformity with the Coran. The President of Mauritania stated publicly that the government would take “all necessary measures to defend Islam and the Prophet” adding that religion is “above everything, above democracy and freedom”. The religious group Ahbab Errassoul issued a fatwa against him. The case of Cheikh Ould Mkheitir is the first conviction for apostasy since the country’s independence, and shows the extent to which the caste system, religion, slavery and democratic governance remain taboo topics. As his conviction comes after repeated calls for the death of other prominent civil society leaders, it is likely to have a chilling effect on civil society.

20. In December 2014, Mr **Abeh Ould Mohammad Lafdal**, the manager of the al-Layl newspaper and the independent news website Akhbar al-Watan, was arrested and detained following an argument that ensued when he tried to hand a file to President Ould Abdul Aziz during his visit to the headquarters of state agency Tadamoun. When the file was refused, he accused the government of corruption. He was held in detention for several days, during which he was reportedly denied visits by his family and colleagues, before being eventually released without charges.

21. Independent journalist Mr **Hanevy Ould Dehah**, has also received threats and suffered assaults. He is the founder and manager of a leading news website www.taquadoumy.com, which won substantial popularity partly for denouncing the lack of rule of law and exposing corruption in the country. In January 2015, Ould Dehah was physically assaulted by a group of unidentified persons when he was on his way home. The group trailed him and intentionally bumped their vehicle into his. When the journalist stopped and alighted from the car to find out what had just happened, they lashed out at him and started beating him. The assailants fled when passers-by intervened leaving the journalist with wounds on his face and lips. Ould Dehah also suffered harassment in the past and was detained for eight months before his release without charges in February 2010.

Recommendations

22. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge Mauritania's authorities to prioritise the protection of human rights defenders and in doing so to:

- a) Guarantee in all circumstances that all human rights defenders in Mauritania are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment and physical violence and ensure full respect for the UN Declaration on Human Rights Defenders;
- b) Ensure that an immediate, thorough and impartial investigations into all reported cases of attacks against human rights defenders is carried out, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;

- c) Ensure in particular that anti-slavery activists are able to carry out their work and that the alleged cases of slavery brought to the attention of the authorities are effectively investigated;
- d) Revise the practical application of legislation pertaining to freedom of assembly and association and ensure that the exercise of these rights is fully guaranteed; in particular, ensure the timely issuance of registration and of permits to assemble.
- e) Make public and frequent statements on the important role played by human rights defenders and journalists in Mauritania, recognising the level of risk of attack that they face in carrying out their legitimate and peaceful activities, and the government's responsibility to protect both groups through an effective protection mechanism;
- f) Immediately start a dialogue with religious leaders with a view to ensure that fatwas issued against human rights defenders in relation to their legitimate human rights work are withdrawn;
- g) Drop the charges currently pending against human rights defenders, and quash the convictions of those who have already been sentenced as their prosecution appears to be solely related to their peaceful and legitimate human rights work and the exercise of their fundamental freedoms;
- h) Fully investigate the allegations of mistreatment and torture in detention made by human rights defenders, and take urgent measures to prevent the re-occurrence of instances of mistreatment and torture;
- i) Accept and fully implement UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels.