



Submission to the UN Universal Periodic Review

23rd Session of the UPR Working Group

Republic of Mauritania

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**Submission by CIVICUS: World Alliance for Citizen
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Contact details for CIVICUS: World Alliance for Citizen Participation

Mr David Kode, Email: david.kode@civicus.org

Ms Renate Bloem, Email renate.bloem@civicus.org

Tel +27 11 833 5959,

Web www.civicus.org

1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS strives to promote marginalised voices, especially from the Global South and has members in over 100 countries throughout the world.
- 1.2** In this document, CIVICUS outlines urgent concerns relating to the operating environment in which civil society activists, human rights defenders and journalists have been systemically targeted by the government of the Republic of Mauritania since 2011. We outline concerning examples, which are illustrative of a pattern of systemic threats faced by Mauritanian activists in the exercise of the rights to freedom of expression, association and assembly. Moreover, we illustrate more generally the failure on the part of the government of the Republic of Mauritania to uphold and implement the recommendations accepted during its initial examination under the Universal Periodic Review (UPR) that relate to human rights defenders, and civil society.
- 1.3** During its initial examination under the Universal Periodic Review (UPR) in November 2010, Mauritania fully accepted 92 recommendations including commitments to ensure that security forces obtain clear guidance and training so they can act at all times in conformity with international standards in the area of respect for the rights of peoples in particular with regard to the right to life, the prohibition of torture and other inhumane and degrading treatment. Sadly peaceful protests are consistently disrupted and in some cases the protesters are physically assaulted and prisoners of conscience are attacked while in detention.
- 1.4** Mauritania also agreed during its last UPR to continue efforts to further accelerate the process of developing a comprehensive mechanism to further promote and protect human rights and freedoms. Again, the authorities including security forces and the judiciary continue to intimidate, harass, arbitrarily persecute and threaten human rights defenders and civil society activists for engaging in their activities.
- 1.5** In 2011, the Government of Mauritania liberalised the environment for the media and licences were given to private media outlets. In 1981 the government adopted a law that bans slavery and this was bolstered by additional legislation in 2007 which criminalises slavery. Despite these positive developments, perpetrators of acts of slavery enjoy impunity while human rights defenders and anti-slavery activists are subjected to arbitrary arrests, detention, threats and are assaulted. Despite guarantees of freedom of expression and media, journalists practice self-censorship and

independent newspapers risk closure for publishing information which the government claims threatens the security of the state.

1.6 We are concerned about the judicial persecution of journalists, civil society activists and human rights defenders for simply doing their job. Most of the human rights defenders and civil society activists who are currently in jail for their human rights activities are members of the *Initiative pour la Resurgence du Mouvement Abolitionniste en Mauritanie* (IRA) or the Initiative for the Resurgence of the Abolitionist Movement in Mauritania. The movement which leads anti-slavery campaigns and advocates for the human rights of Mauritians is not recognised by the government. Other non-state actors and individuals not only openly threaten activists but call on others to attack them.

- In section B CIVICUS expresses concerns regarding threats, intimidation, arrests and persecution of civil society activists and human rights defenders.
- In Section C, CIVICUS expresses concerns over restrictions on freedom of assembly.
- In section D, CIVICUS expresses concerns over restrictions on freedom of expression and media freedoms.
- In Section E, CIVICUS makes recommendations to the government of Mauritania.

2 (B) Concerns regarding threats, intimidation, arrests and persecution of civil society activists and human rights defenders

2.1 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. The International Covenant on Civil and Political Rights (ICCPR) to which Mauritania is a party guarantees the freedoms of expression, association and assembly. The African Charter on Human and People's Rights provides states with the responsibility to protect human rights and respect fundamental freedoms. Contrary to these provisions, human rights defenders are subjected to threats, intimidation, harassment, judicial persecution and detention while engaging in their legitimate human rights activities. While the state and security forces are the main perpetrators of violations of the rights of human rights defenders, worryingly religious leaders also threaten the defenders and have on occasion, called on communities to attack and harm them.

2.2 On 5 June 2014 Aminetou Mint El-Moctar, a human rights defender and President of the *Association des Femmes Chef de Famille* (AFCF) or Women's Association of Heads of Households was threatened with death through a "fatwa" issued by Yehdhis Ould Dahi, the head of a radical Islamist organisation Anbab Errassoul (Friends of the Prophet). He

called on fellow Mauritians to “gouge” her eyes out, noting that “anyone who kills Aminetou will be rewarded.” Her personal and official contact details were revealed when the proclamation was made including the registration number of her car. The threats were made following the publication of an article in a newspaper in which Aminatou requested that Cheikh Ould Mkheitir who was in prison in Nouadhibou in the North West of the country and facing a charge of “apostasy” should be given a fair trial. Aminatou had made the request because no lawyer was willing to defend Cheikh due to the nature of the charges against him. On 6 June she lodged a complaint with the police who rejected her plea for protection. AFCF focuses on campaigns against discriminatory practices and advocates against violence targeting women and girls and child trafficking. The police refused to protect her and instead provocatively asked her to talk to Yehdhish, the person who had issued the call for her to be killed. She lives in fear and her family was forced to relocate in another part of the country.

2.3 On 16 February 2014, human rights defender Cheikh Ould Vall was arbitrarily arrested while assisting his mother in court during a case in which his mother contested attempts by a neighbour to expropriate her lands. Cheikh had spoken out in court against the forceful seizure of the lands and the judge ordered his arrest but did not notify him of the reasons why he was arrested. His arrest was related to his activities as a member of the human rights group IRA. He was detained for three days before he was rearrested and sentenced to one year in prison on unspecified charges. The sentence was later reduced to six months. He was later accused of threatening state security. Cheikh Ould was due for release on 25 August 2014 but was kept in prison without any justification from the authorities. Prior to his detention, he was monitored by the intelligence services for his human rights activities and while in prison he was denied access to medical services despite legitimate concerns about his health.

2.4 On 5 February 2014, human rights defender Fatma Jemal was arrested after voicing concerns over the discriminatory manner in which aid from Saudi Arabia was distributed in communities. She had confronted officials responsible for the registration of beneficiaries of the aid and questioned why they favoured ‘Bidhanes’ over other poor families in communities. She demanded that the officials concerned register all poor families without discrimination. The police later arrested and detained her in Nouakchott on charges of assaulting an officer on duty.

3 (C) Concerns over restrictions on freedom of assembly

3.1 Article 10 of the Mauritanian Constitution provides for freedom of assembly and the African Charter on Human and Peoples Rights through Article 11 guarantees the right of individuals to assembly freely. Article 2 of Act No 73-008 notes that “public meetings shall be free, provided they comply with the conditions established by the law.” Despite

these provisions and in spite of the peaceful nature of protests and caravans organised mostly to raise awareness about the scourge of slavery and human rights abuses in Mauritania, security forces often repress demonstrations, sometimes violently and arrest and detain activists.

- 3.2** On 15 January 2015, Biram Dah Abeid, President of the IRA, Brahim Bilal Ramdhane IRA's Vice President and Djiby Sow, President of the NGO Kawtal were sentenced to two years imprisonment on charges of working for an unauthorised organisation, violating public order and inciting violence. The three activists were initially arrested on 11 November 2014 together with 6 others as they took part in peaceful demonstrations denouncing slavery, raising awareness about the practice in Mauritania and calling on the government to effectively implement anti-slavery laws. The demonstrations were part of the "Caravan of Liberty", a campaign launched by anti-slavery activists calling for an end to slavery. Some of the activists arrested were physically assaulted and they were detained in different areas of the city of Rosso in the south of Mauritania. At the same time, security officers shut down the headquarters of IRA-Mauritania and accused the group of promoting hatred.
- 3.3** On 30 September 2013, security officers violently disrupted peaceful protests in Boutilimit led by the IRA and arrested five activists. They were all charged with participating in an unlawful assembly. The protests had begun on 9 September 2013 as demonstrators protested in solidarity with an 18 year old girl who had been held captive as a slave since she was 4 years old. The protesters condemned the ambivalence of the police towards perpetrators and called for an end to impunity enjoyed by persons involved in slavery in Mauritania. On 18 November 2013, security forces violently dispersed peaceful demonstrations that called for a boycott of the parliamentary and local elections. Most of the protesters were youth and were physically assaulted by security officers and many were taken to hospital.
- 3.4** On 12 January 2012, four members of the IRA, Lehbous Ould Omar, Ely Ould Ravaa, Eil Mehdy Ould Lemrabott and Abdallahy Abou Diop were arrested and detained after taking part in peaceful demonstrations at a Police Station in Ain Farba. On 4 August 2011, Tourad Ould Zeid, and nine other activists, all members of the IRA were arrested and charged with unauthorised assembly, rebellion and membership in a non-registered organisation. They were protesting against the provisional release of a woman who had been charged with enslaving a ten-year old girl. The whereabouts of the girl remained unknown. Several protesters were injured as police dispersed the crowd and arrested the activists. They were detained at the Dar Naim prison and on 22 August sentenced to six months in jail. The sentences were suspended but the implication is that they could be sent to jail if they protest in the future.

4 (D) Concerns over restrictions on freedom of expression and media freedoms

4.1 Article 10 of the Constitution of Mauritania guarantees freedom of expression and Article 2 Order No 091023 stipulates that “the press, printing works and bookshops throughout the territory of the Republic shall be free.” To liberalise the space for independent and private media, the government granted licenses to two private television channels and five radio stations in November 2011. Despite these positive developments, journalists often resort to self-censorship and refrain from commenting on sensitive issues like slavery, corruption, application of Sharia and on military issues. On 2 January 2014 blogger Mohamed Cheikh Ould Mohammed was arrested after publishing an article on 31 December criticising the country’s caste system and noting that Mauritians subjectively interpreted Islam based on circumstances. He was sentenced to death on 26 December 2014 on charges of apostasy.¹ He apologised in court following rejection from his family and after his lawyer recused himself from the case. He remains in detention.

5 (E) Recommendations to the Government of Mauritania

CIVICUS urges the government of Mauritania to create an enabling environment for journalists and civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate and the state’s duty to protect. In light of this, the following specific recommendations are made.

5.1 Concerns regarding threats, intimidation, arrests and persecution of civil society activists and human rights defenders

- All civil society activists, human rights defenders and anti-slavery campaigners currently in prison for their legitimate human rights work should be released immediately and unconditionally.
- Law enforcement officials should thoroughly investigate all threats to civil society representatives and human rights defenders and ensure that perpetrators are brought to justice to deter others from doing the same.
- Government officials should protect human rights defenders and activists against retaliation by state and non-state actors.

¹ “Mauritania condemns man to death for insulting the Prophet,” *Standard Digital Newspaper*, <http://www.standardmedia.co.ke/entertainment/pulse/article/2000145976/mauritania-condemns-man-to-death-for-insulting-the-prophet>, accessed 16 March 2015.

- Senior government officials should publicly condemn calls by religious leaders to harm human rights defenders and should take steps to ensure that the judiciary is independent and not influenced by the executive and other non-state actors.

5.2 Regarding restrictions on freedom of assembly

- Government officials should carry out systematic and thorough investigations in cases where protests are repressed and hold the perpetrators accountable for their actions.
- Best practices on freedom of peaceful assembly should be adopted by the Mauritian Government.
- Security forces in charge of crowd control should be equipped with non-lethal weapons and provided training across the board on humane means of crowd control as well as on the UN Basic Principles on the use of Force and Firearms.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

5.3 Restrictions on freedom of expression and media freedoms

- Threats to journalists and representatives of the media should be fully investigated with a view to bringing the perpetrators to justice.
- Attacks on and threats to journalists and government critics should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.

5.4 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.