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**Submission by Human Rights Watch  
to the UN Human Rights Committee: Mauritania**  
*June 2019*

We write in advance of your upcoming review of the Mauritanian government's compliance with the International Covenant on Civil and Political Rights. This submission relates to the death penalty and torture or cruel, inhuman or degrading treatment or punishment, freedom of expression, freedom of assembly and association, and the freedom to travel abroad.

**Death Penalty and Cruel Treatment (Articles 6, 7)**

Mauritanian law imposes the death penalty from crimes including, under certain conditions, blasphemy, adultery, and homosexuality. Human Rights Watch opposes the death penalty in all circumstances as a matter of principle.

On April 27, 2018, Mauritania's National Assembly passed a law making execution mandatory for anyone convicted of "blasphemous speech" and acts deemed "sacrilegious."

A court sentenced Mohamed Ould Cheikh Mkhaitir to death for "blasphemy" in 2016 (?). When an appeals court on November 7, 2017, reduced his sentence to a fine and two years in prison, which he had by then served, authorities should have freed him. Instead, authorities have continued to detain Mkhaitir in solitary confinement at an undisclosed location, denied him medical care even though his untreated glaucoma could damage his vision permanently, and deprived him of human contact except for with his guards and for occasional visitors. His detention is arbitrary and its conditions are cruel and inhuman.

Recommendations:

- Mauritania should amend its laws to eliminate the death penalty as a punishment, eliminating it first for those offenses like homosexuality and acts of speech that do not involve bodily harm to other persons.
- Authorities should release Mohamed Ould Cheikh Mkhaitir without delay and ensure his well-being upon release.

**Freedom of Expression (Article 19)**

In January 2014 authorities arrested Mohamed Cheikh Ould Mkhaitir days after he published an article online denouncing what he described as the misuse of Islam to justify Mauritania's social castes. He was sentenced to death for apostasy, later requalified as the offense of non-belief by an appeal court, which on November 7, 2017 reduced his death sentence. Authorities continue to detain him in solitary confinement.

Article 10 of an anti-discrimination law passed in 2017 mandates one to five years in prison those convicted of engaging in “incendiary discourse” about Islam.

In 2018 the National Assembly voted to make death penalty mandatory for those convicted of engaging in “blasphemous speech” or acts deemed “sacrilegious.”

Bloggers Abderrahman Weddady and Cheikh Ould Jiddou, known for writing critically about Mauritania’s leaders and alleged corruption, were arrested on 22 March and jailed on charges of defamation for writing about claims of allegedly ill-gotten wealth of Mauritanian origin in a Dubai bank. A court in Nouakchott ordered them provisionally released on June 3, but the charges against them are pending. They still face up to five years in prison if convicted.

Activist Abdallahi Yali, jailed in January 2018, was tried on October 29, 2018, on charges of violence and racial hatred based on WhatsApp messages urging fellow Haratines – dark-skinned Mauritians descended from slaves - to resist discrimination and demand their rights. Yali was convicted, and then released on February 1, 2019.

### Recommendations

- Authorities should remove all legal provisions that criminalize the expression of opinion and belief, prioritizing any that mandate prison terms, the death penalty, or other forms of severe punishment.
- Authorities should remove laws criminalizing other forms of non-violent speech, including defamation, which should be a matter for civil rather than criminal judgments..
- Authorities should release Mohamed Ould Cheikh Mkhaitir without delay and ensure his well-being upon release.

### **Freedom of Assembly and Association (Articles 21, 22)**

In July 2018, Resurgence of the Abolitionist Movement activists Abdallahi Saleck and Moussa Bilal Biram completed two-year prison terms after an unfair trial for their purported role in violence when police tried to dismantle an informal settlement in Nouakchott in 2016. An appeal court had convicted the men of incitement to an unlawful gathering and administering an unrecognized association.

The 1964 Law of Associations requires associations to obtain permission to operate legally and allows the Ministry of Interior to refuse such permission on vague grounds such as “anti-national propaganda” or exercising “an unwelcome influence on the minds of the people.” The ministry has withheld recognition from several associations that campaign on controversial issues, such as IRA and “Hands Off My Nationality,” which accuses the government of discriminating against blacks in the national civil registration process.

### Recommendations:

- Authorities should revise the 1964 Law of Associations to eliminate all arbitrary and politically motivated grounds on which to deny legal recognition to associations.

### **Arbitrary and Unwarranted Detention (Article 9)**

In January 2014 authorities arrested Mohamed Cheikh Ould Mkhaitir days after he published an article online denouncing what he described as the misuse of Islam to justify Mauritania's social castes (see above).

Bloggers Abderrahman Weddady and Cheikh Ould Jiddou, known for writing critically about Mauritania's leaders and alleged corruption, were arrested on 22 March and jailed on charges of defamation for writing about claims of allegedly ill-gotten wealth of Mauritanian origin in a Dubai bank (see above).

#### Recommendations

- Authorities should hold no suspect in pre-trial detention unless there is a compelling reason to do so, relating to their posing a clear danger to themselves or others or there is significant reason to believe they will flee or disturb evidence. Laws should require frequent court review of decisions to hold suspects in pre-trial detention.
- Authorities should release Mohamed Ould Cheikh Mkhaitir without delay and ensure his well-being after his release.

#### **Freedom to travel abroad (Article 12)**

On July 22, 2018, authorities barred the departure for Geneva of five activists whose organizations oppose a 1993 amnesty for perpetrators of state-sponsored repression of Afro-Mauritanians between 1989 and 1991. Maimouna Alpha Sy, Aïssata Mamadou Anne, Aïssata Alassane, Diallo Yaya Sy, and Baba Traoré were to participate in the UN Committee Against Torture's periodic review of Mauritania.

Since January 2019, authorities appear to have arbitrarily denied the right to travel abroad to Mohamedou Ould Slahi, a Mauritanian former detainee at Guantanamo Bay and author of an acclaimed memoir. U.S. authorities returned Ould Slahi to his native Mauritania in October 2016 after fourteen years at Guantanamo. According to Ould Slahi, he suffers back pain and pain from the emergency removal of his gall bladder while at Guantanamo, and seeks medical care that is unavailable in Mauritania. He holds no other nationality, and there are no criminal charges against him. On January 2, 2019, he submitted a written request for a passport. Authorities have so far declined to act on his request, and have not responded to a petition filed on his behalf by his lawyer.

#### Recommendations:

- Authorities should ensure that Mauritanians can exercise their right to leave the country freely and without arbitrary restrictions. They should issue Mohamedou Ould Slahi a passport or explain clearly the legal grounds and any other reason for which authorities have not done so to date.