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Mauritania

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164th session (virtual session, 8 to 20 March 2021)



© Mohamed Ould Ghadda

MRT-02 – Mohamed Ould Ghadda

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

The complainant alleges that Mr. Mohamed Ould Ghadda, former opposition member of the Senate, was arbitrarily arrested on 10 August 2017 and detained for a period of 10 days without being allowed to receive visits from his family or consult with his lawyer. He was allegedly only informed of the charges against him on 1 September 2017, when his detention was officially converted into pretrial detention in the context of a judicial investigation into corruption.

According to the complainant, the charges against Mr. Ould Ghadda were unfounded and his rights to defence and parliamentary immunity were not respected. The request, filed by Mr. Ould Ghadda's lawyers, to drop the proceedings against him on the grounds of his parliamentary immunity

Case MRT-02

Mauritania: Parliament affiliated to the IPU

Victim: Former opposition member of the Senate

Qualified complainant(s): Section I.1(a), (b) and (d) of the [Committee Procedure](#) (Annex I)

Submission of complaint: January 2018

Recent IPU decision: October 2018

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities: Letters from the Minister of Justice (February, May and June 2019)
- Communication from the complainant: March 2021
Communications addressed to the authorities: Letters to the Speaker of the National Assembly and to the Minister of Justice (January 2021 and July 2020)
- Communication addressed to the complainant: March 2021

guaranteed under Article 50 of the Constitution of Mauritania, was rejected in October 2017 by the Indictments Chamber of the Court of Cassation, which declared that it had no jurisdiction to decide on this request. In addition, Mr. Ould Ghadda's parliamentary immunity was not respected, as he had been arrested before the effective abolition of the Senate on 15 August 2017 following a presidential decree. In his letters of 9 May and 25 June 2019, the Minister of Justice dismissed this argument, pointing out that Mr. Ould Ghadda had ceased being a senator from the moment the results of the referendum were known, relating to the dissolution of the Senate, on 7 August 2017.

Having also had Mr. Ould Ghadda's case referred to it, the United Nations Working Group on Arbitrary Detention adopted an opinion in 2018 (Opinion No. 33/2018) in which it considered that Mr. Ould Ghadda's detention was arbitrary, given the provisions of Article 50 of the Mauritanian Constitution and the effective abolition of the Senate that had taken place on 15 August 2017. The working group called on the Mauritanian authorities to release Mr. Ould Ghadda immediately.

Having been charged in another defamation case, Mr. Ould Ghadda was sentenced on 13 August 2018 to six months' imprisonment. On 1 September 2018, Mr. Ould Ghadda was released pending trial under judicial supervision, and in November 2019 the complainant reported that the judicial supervision had been lifted. The former senator's lawyer appealed the conviction.

The complainant refuted all the accusations against Mr. Ould Ghadda in the two corruption and defamation cases, arguing that the former senator had been the victim of the repression of the former regime because he had strongly opposed the plans for a constitutional review aimed primarily at abolishing the Senate and had denounced, in connection with a parliamentary commission of inquiry, acts of corruption involving relatives of the former Head of State.

In March 2021, the complainant reported that the judicial investigation into corruption charges against Mr. Ould Ghadda had resulted in the charges being dropped and the case being finally closed. Regarding the appeal against the former senator's conviction in the defamation case, the complainant reported that he did not appear to want to re-activate his case.

B Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Minister of Justice for his cooperation in 2019 and the information provided in his letters regarding Mr. Ould Ghadda's case, in particular concerning the court ruling handed down in the defamation case;
2. *Notes with satisfaction* that Mr. Ould Ghadda has not been under judicial supervision since 2019 and that the corruption proceedings against him have been dropped, thus signifying the final closure of the case; *decides*, therefore, to close this case under section IX, paragraph 25, of its Procedure for the examination and treatment of complaints, insofar as a satisfactory solution has been reached given the positive outcome of this case, not least its final closure by the relevant authorities and the absence of any threats against Mr. Ould Ghadda;
3. *Deplores*, nevertheless, the lack of dialogue with the parliamentary authorities, which have failed to respond to any of its requests for information since the case was referred to it in 2018; *considers* that this situation is all the more regrettable given that Mr. Ould Ghadda's arrest took place in violation of the parliamentary immunity that he enjoyed under the provisions of Article 50 of the Constitution of Mauritania, as he was not arrested in *flagrante delicto* and remained a senator until 15 August 2017, the date of the effective abolition of the Senate; *recalls* that the United Nations Working Group on Arbitrary Detention reached similar conclusions; and *calls on* the National Assembly to do everything possible to avoid the recurrence of this type of situation and to ensure that the parliamentary immunity of its members is duly respected at all times;
4. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.