

MAURITANIA

- MRT-02 - Mohamed Ould Ghadda
- MRT03 - Biram Dah Abeid



Inter-Parliamentary Union
For democracy. For everyone.

Mauritania

Decision adopted unanimously by the IPU Governing Council at its 203rd session (Geneva, 18 October 2018)



Mohamed Ould Ghadda

MRT-02 - Mohamed Ould Ghadda

Alleged human rights violations:

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

A. Summary of the case

The complainants allege that Mr. Mohamed Ould Ghadda, opposition member of the Senate, was arbitrarily arrested on 10 August 2017 and detained for 10 days, with no access to his family or lawyer. He was allegedly only informed of the charges against him on 1 September, when his detention was officially converted into pretrial detention in the context of a judicial investigation into corruption.

The complainants consider that the charges against Mr. Ould Ghadda are unfounded and that his defence rights were violated. According to the complainant, the senator is being punished by the current government for having galvanized the opposition to vote against draft amendments to the Constitution, and against the referendum held on 5 August 2017, one of the aims of which was to abolish the Senate. In their view, he is also being punished for reporting, during a parliamentary inquiry, acts of corruption implicating persons close to the Head of State.

Case MRT-02

Mauritania: Parliament affiliated to the IPU

Victim: Male, former opposition member of the Senate

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

Submission of complaint: January 2018

Recent IPU decision: [March 2018](#)

IPU mission: - - -

Recent Committee hearing: - - -

Recent follow-up

- Communication from the authorities: - - -
- Communication from the complainants: September 2018
- Communications from the IPU: Letter to the President of the National Assembly (April and July 2018)
- Communications from the IPU to the complainant: October 2018

Several international organizations have expressed their concern at Mr. Ould Ghadda's arbitrary detention. The case has also been referred to the United Nations Working Group on Arbitrary Detention, which regarded Mr. Ould Ghadda's detention as arbitrary and called on the Mauritanian authorities to release him immediately.

Having been charged in another defamation case, Mr. Ould Ghadda was sentenced on 13 August 2018 to six months' imprisonment. The complainant refutes the accusations of defamation, considering it simply to be an attempt to silence the former senator. However, on 1 September 2018, Mr. Ould Ghadda was released pending trial under court supervision. Owing to his prolonged detention, Mr. Ould Ghadda was not able to participate in the legislative elections held in September 2018, which were won by the ruling party.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Regrets* the lack of response from the parliamentary authorities and *invites* the new authorities elected in the legislative elections of September 2018 to provide their observations and the information requested as soon as possible; *hopes to be able to count on* the assistance of the National Assembly in relaying its concerns to the relevant executive and judicial authorities and to provide it with their views on the case;
2. *Notes with concern* that the prosecution of Mr. Ould Ghadda for corruption appears to be stalled and that he has been held for over a year in pretrial detention without any apparent progress in the proceedings, which are reportedly still at the preliminary investigation stage, according to the complainant;
3. *Calls on* the Mauritanian authorities to either close the file without further action, or to hold a public, impartial and fair trial as soon as possible, in compliance with the relevant national and international standards; *decides* to send an independent observer to attend the trial; and *wishes* to be kept informed of the hearing dates;
4. *Considers* that the rejection of Mr. Ould Ghadda's candidacy for the recent parliamentary elections without valid legal reason and the fact that he was released on a date that would no longer allow him to take part in the elections, giving even more weight to the complainant's allegation that the proceedings appear to be the consequence of the political positions taken by the senator criticizing the current government; *is further concerned* that Mr. Ould Ghadda remains under court supervision, continues to be subject to a judicial investigation and faces a 10- to 20-year prison term in the event of a conviction;
5. *Considers* that Mr. Ould Ghadda's parliamentary immunity was not respected, as his arrest on 10 August 2017 had not been authorized by the Senate, which was not abolished until 15 August 2018; and *highlights* that the United Nations Working Group on Arbitrary Detention had concluded that the arrest and detention of the senator was arbitrary, in particular given his initial incommunicado detention without arrest warrant or access to his family and lawyer, and the excessive duration of his police custody, in violation of Mauritanian law;
6. *Wishes* to receive a copy of the reasoned decision in the defamation case in order to understand the facts and the legal basis that led to the conviction of Mr. Ould Ghadda; *also wishes* to know whether Mr. Ould Ghadda has appealed this decision;
7. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information, and to take the necessary measures to organize the trial observation requested by the Committee;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.



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Mauritania

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 158th session (Geneva, 8 February 2019)



Mauritanian politician and advocate for the abolition of slavery Biram Dah Abeid gestures during a press conference in Dakar on September 29, 2016 © SEYLOU / AFP

MRT03 - Biram Dah Abeid

Alleged human rights violations:

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

A. Summary of the case

Mr. Biram Dah Abeid, President of the *Initiative de la Résurgence du Mouvement Abolitionniste* (Initiative for the Resurgence of the Abolitionist Movement, IRA) and former candidate in the 2014 presidential elections, was arrested at his home on 7 August 2018. He was charged on 13 August 2018 for “causing harm to others, inciting violence and threatening to use violence”, following a complaint filed by a journalist.

According to the complainant, the militant campaigning of Mr. Dah Abeid – and of his party, IRA – to combat slavery in Mauritania is reportedly the root cause of the political and judicial harassment towards him, in an attempt to exclude him from the political scene. The complainant alleges that the charges against Mr. Dah Abeid are not supported by evidence. According to the complainant, it was the victim's political alliance with the ESSAWAB political party that triggered his prosecution, the aim of which was to invalidate Mr. Dah Abeid's candidacy in the September 2018 legislative elections and prevent him from conducting his campaign freely. However, Mr. Dah Abeid's candidacy was validated by the Independent

Case MRT03

Mauritania: Parliament affiliated to the IPU

Victim: Male opposition member of the Senate

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

Submission of complaint: October 2018

Recent IPU decision: - - -

IPU mission: - - -

Recent Committee hearings: - - -

Recent follow-up

- Communication from the complainant: November 2018;
- Communication addressed to the complainant: December 2018;
- Communication addressed to the authorities: Letter to the Speaker of the National Assembly and the Minister of Justice: November and December 2018.

National Electoral Commission (CENI), which also confirmed his election.

The complainant believes that Mr. Dah Abeid's detention was arbitrary as it continued in violation of his parliamentary immunity and without trial. On 5 December 2018, the investigating judge referred the case to the Criminal Court. Mr. Dah Abeid's lawyers appealed that decision on 13 December 2018. On 31 December 2018, the Criminal Court sentenced Mr. Dah Abeid to six months' in prison, two of which to be non-suspended. He was therefore released, since the duration of his pre-trial detention was that of his sentence. Mr. Dah Abeid's lawyers appealed his conviction.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Considers* the complaint concerning Mr. Dah Abeid's situation to be admissible under its Procedure for the Examination and Treatment of Complaints and *declares itself* competent to examine the case with regard to the alleged violations following his election;
2. *Deeply regrets* the lack of response from the Mauritanian authorities; *stresses* that the Committee attaches great importance to dialogue and cooperation with the Mauritanian authorities, particularly with the National Assembly of Mauritania; *recalls* that it is essential for the Committee to receive the official version of the facts from both parties in order to be able to assess the situation in the light of all available information; *points out* that the lack of response from the Mauritanian authorities could give weight to the complainant's allegations that Mr. Dah Abeid's prosecution is motivated by political reasons; *hopes*, therefore, to receive a response from the National Assembly as soon as possible in order to clarify the view of the authorities;
3. *Takes note* of Mr. Dah Abeid's conviction at first instance and of the appeal lodged by his lawyers in December 2018; *invites* the complainant to forward a copy of the reasoned judgment in order to understand the legal reasoning on which the conviction is based; *invites* the Mauritanian authorities to ensure impartiality and due process in the appeal proceedings, in line with the relevant national and international standards; and *wishes* to be kept informed of the dates of the appeal hearings;
4. *Notes with concern* that Mr. Dah Abeid's parliamentary immunity was allegedly violated, since his detention continued after his election as a member of parliament, despite the fact that the National Assembly had not lifted his immunity; *notes* that Mr. Dah Abeid resumed his legislative duties following his release and that he is currently a member of the National Assembly; *hopes* that he will be able to exercise his parliamentary mandate without hindrance;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining the case.