



MFWA Submission to the Second UPR of Mauritania

DEVELOPMENTS SINCE FIRST UPR

1. Since Mauritania's UPR in 2010, it has made some commendable efforts in improving freedom of expression. However, people in Mauritania have continued to face challenges in enjoying their right to freedom of expression and the closely interrelated rights to freedom of peaceful assembly and of association. Over the last five years, people in Mauritania have been subjected to killings, physical attacks, arbitrary arrests and detention, court sentences, bans or censorship, and other types of harassment to stifle their expression.

METHODOLOGY

2. The information in this submission is based on reports of violations by Media Foundation for West Africa's (MFWA) trained correspondents. MFWA also collated reports of violations issued by members of the global IFEX network, of which MFWA is a member, and by other international and local freedom of expression and human rights groups.

NATIONAL FRAMEWORK FOR FREE EXPRESSION RIGHTS

3. The rights to freedom of expression, freedom of assembly, and freedom of association are guaranteed under Mauritania's Constitution and international and regional human rights treaties ratified by Mauritania.

4. Article 10 of Mauritania's Constitution guarantees to all citizens the public and individual freedoms, including:
 - freedom of expression.
 - freedom of assembly.
 - freedom of association and the freedom to adhere to any political or syndical organisation of their choice.

The liberties in Article 10 cannot be limited except by law.

5. In 2011, the Mauritanian Parliament amended the 2006 Press Freedom Law and decriminalised slander and defamation, including speech about heads of state and ambassadors. Courts can no longer imprison people for these offenses, but they may still impose fines. Although journalists remain concerned about the application of this law—as it could be loosely interpreted in order to penalise journalists for their reporting—cases against journalists are rare. Since 2013, there have been no reports of civil suits.
6. The government does not generally restrict internet access; however, internet penetration in the country is very low. Although the use and reach of online media has expanded, laws do not address or protect digital rights and internet-based journalism.
7. Finally, Mauritania has no law guaranteeing access to information.

CONTEXT OF THE MEDIA

8. On July 2, 2010, the National Assembly adopted a new media bill, liberalising the airwaves and insulating state-owned media from governmental control. The effects of this liberalisation can be seen in recent years.
9. In 2011, the 51-year-long state monopoly on broadcast media ended and was followed by the emergence of independent radio and TV stations. In March 2013, the Ministry of Communications opened media spaces and granted more broadcasting licenses to radio and TV stations.
10. The Information Ministry has made recent efforts to capacity build Mauritanian journalists, including women. In 2012, 60 women attended a journalistic training. Additionally, before the 2013 municipal and parliamentary elections, the Information Ministry collaborated with the High Authority for the Press and Audiovisual Sector (HAPA), international donors, and Mauritanian media workers to organise workshops on best practices for election coverage.

11. While plurality of views among media outlets exists, journalists have practiced self-censorship in covering controversial or sensitive issues, particularly those concerning the government, military, slavery, and Sharia law. Both local and foreign journalists face obstacles to reporting on such topics.

SITUATION OF FREEDOM OF EXPRESSION ON THE GROUND

12. Since Mauritania's first UPR, there were 29 distinct reported incidents of violations of freedom of expression, including violations of the interrelated freedoms of assembly and association. All but one of these incidents were perpetrated by state actors: 23 by police or security forces, 3 by courts, or 2 by government agencies. The remaining incident was perpetrated by a private company.
13. 2 incidents were reported in 2010; 12 in 2011; 9 in 2012; 3 in 2013, 2 in 2014; and 1 in 2015.
14. An incident may contain one or more types of violations. 2 of the 29 reported incidents included killings; 14 included physical attacks; 14 included arbitrary arrests and detention; 3 included court sentences; 2 included bans or censorship of media; 1 included a digital rights violation; and 3 included other types of harassment. 7 of the total reported incidents included violations of the rights to freedom of peaceful assembly and of association.

FOLLOW UP ON ACCEPTED RECOMMENDATIONS FROM THE 2010 UPR

Journalists are Unable to Instill a Culture of Democracy and Human Rights.

15. Mauritania accepted recommendations to “[e]xplore ways and means aimed at instilling democratic norms, standards and principles in the country, including through continuous awareness-raising and education”¹ and “accord greater importance to the spreading of the culture of human rights through the media and educational institutions.”²
16. Despite this, state actors have continued to attack, harass, and arrest journalists for covering sensitive issues or demonstrations around such topics. Self-censorship has already been a problem in Mauritania, and attacks by state actors are likely to exacerbate the chilling effect on expression. Due to the failure by police and security

¹ Report of the Working Group on the Universal Periodic Review, A/HRC/16/17, ¶ 90.14 (by Malaysia).

² A/HRC/16/17, ¶ 90.58 (by Saudi Arabia).

forces to respect the freedom of expression, the media cannot raise awareness on issues critical to improving democracy and human rights in the country.

Physical Attacks

17. In August 2012, members of the presidential guard attacked 2 journalists covering youth protests that happened during a speech by President Abdel Aziz in Atar. They also confiscated the journalists' equipment.

Arbitrary Arrests and Detention

18. On July 18, 2010, police detained Mohammed Ould Abdel Latif, a reporter with the privately-owned *El Hayat*, for several hours before releasing him without charge. Latif's arrest likely resulted from his investigations into tax collection by the Arafat Municipal Authorities.
19. On August 15, 2011, police arrested Fatim Cissé, Mansour, and Alioune Fall Dieng, a crew from the privately-owned, Senegal-based TV station *Africa 7*, as well as their local guide, Sow Fatimetou Deyna, also a journalist. The *Africa 7* crew went to Mauritania to interview both the leader of the opposition party and the president of IRA-Mauritania. Police arrested them at their hotel before interrogating them for nearly 7 hours at a police station in Tevragh-Zeina. Police confiscated their recording equipment, passports, and press cards but eventually returned everything, except a VCR.
20. During a September 24, 2011 demonstration by the anti-racist, pro-equality Do Not Touch My Nationality movement in Kaedi, police arrested and beat *Al-Hurriya* reporter Cheikh Ould Nouah while he was covering clashes between police and protesters. Police also arrested and detained another journalist, Djibril Diallo, who was covering the protests.
21. On April 18, 2012, police assaulted and arrested the editor of the French version of *Al-Akhbar*, Abou Ould Abdoul Kader, while he attempted to cover a youth demonstration.
22. On April 29, 2012, police arrested journalist and activist Obeid Ould Amegn for participating in a news programme on the Dubai-based satellite station *Al-Arabiya* on burning religious books.
23. On December 24, 2012, police arrested and detained 2 journalists from *El-Sahal* TV station who were covering a sit-in by teachers.
24. On August 7, 2013, security forces arrested *Mourasiloun* blogger and correspondent Babbah Weld Abidine after he inquired about a rape case in which the victim's relatives accused the prosecutor's office of releasing the rapist without charges.

Court Sentences

25. On August 19, 2009, Hanevy Ould Dah, editor of *Taqadoumy*, was sentenced to 6 months in prison. He was sentenced for “offending public decency” and committing acts “contrary to Islam and decent behaviour” following an article he wrote about a former presidential candidate’s expensive land purchase. After completing his sentence, he was illegally kept in prison and subjected to another trial because of “procedural flaws in the first trial.” He was finally released on February 26, 2010 along with 100 ordinary offenders under a presidential pardon in honour of the Prophet Mohammed’s birthday.
26. On December 24, 2014, Mohamed Cheikh Ould Mohamed was sentenced to death for apostasy for an article he wrote in December 2013, which criticised Mauritania’s caste system and the way Muslims interpret religion. Local news reports indicated political and religious motives behind the case and his sentence, such as nationwide demonstrations against him and even a fatwa issued to kill him.

Bans or Censorship of Media

27. The Emirati company hosting the website of the Mauritanian newspaper *El Badil Al Thalith*’s blocked it following pressure and threats from Emirati authorities after the website published articles criticising Arab leaders, including the United Arab Emirates government. The website was blocked inside and outside Mauritania from June 13–21, 2011.
28. On December 21, 2011, the government expelled Moroccan journalist Abdelhafiz al-Baqali from the country without disclosing any reasons for this action.

Other Types of Harassment

29. In 2012, a team of CNN journalists had to exercise caution while conducting interviews on slavery in order to avoid government minders.

Practices of Police and Security Forces Fail to Conform to International Principles.

30. During its first UPR, Mauritania accepted the recommendation to “[e]nsure that the security forces receive clear guidance and, if needed, training, so that 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 inhuman and degrading treatment.”³ At the time of this acceptance, Mauritania considered that it had implemented or had been implementing this recommendation.
31. However, the frequency of police violence—including killings—against journalists and other individuals exercising free expression rights has remained high (nearly 80% of

³ A/HRC/16/17, ¶ 91.13 (by Canada).

incidents over the last five years were perpetrated by police). Furthermore, actions by police and security forces have not conformed to international principles on crowd control, which say the use of force must be strictly necessary. Before resorting to force, police must apply non-violent methods insofar as using them is possible.⁴

32. Police are restricted in their use of violence to disperse even unlawful and/or violent assemblies. If assemblies are unlawful but non-violent, police must avoid the use of force or, if absolutely necessary, restrict force to the minimum extent necessary to disperse the crowd.⁵ If assemblies are violent, police must still restrict the use of force and firearms to the minimum extent necessary and may only use firearms when less extreme means are insufficient.⁶
33. At the time of acceptance, Mauritania also considered that it had implemented or had been implementing a recommendation to “[e]nd torture and inhuman and degrading treatment, and ensure that allegations of torture, ill-treatment or excessive use of force by police and security forces are investigated, prosecuted and convicted in line with international standards”⁷ and “[c]arry out an effective and independent investigation into allegations of torture and ill-treatment as promptly as possible, with a view to bringing to justice those responsible for such acts.”⁸ But the evidence on the ground indicates a situation of impunity in which excessive use of force by police and security forces goes un-investigated and unpunished.

Killings

34. During a September 27, 2011 protest by the Do Not Touch My Nationality movement in Maghama, police shot and killed 1 protester while dispersing the demonstration.
35. In July 2012, security forces arrested and beat a union leader, Mohamed Wals El-Mashozafy, to death during the violent dispersion of a sit-in at the headquarters of a foreign copper company, Mauritanian Copper Mines (MCM).

Physical Attacks

36. In March and April 2011, police beat with batons and tear-gassed stone-throwing Youth of February 25 protesters.
37. On September 24, 2011, police violently dispersed a demonstration by the Do Not Touch My Nationality movement in Kaedi, after protesters set fire to a government building.
38. On September 27, 2011, police violently dispersed a Do Not Touch My Nationality protest in Maghama.

⁴ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, ¶ 4.

⁵ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, ¶ 13.

⁶ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, ¶ 14.

⁷ A/HRC/16/17, ¶ 90.33 (by Sweden).

⁸ A/HRC/16/17, ¶ 90.35 (Switzerland).

39. On September 29, 2011, in response to the Maghama violence, demonstrators burned tires and a vehicle in Nouakchott, before police violently dispersed them.
40. On November 28, 2011, police injured 2 protesters during a demonstration in Nouakchott. Police attacked protesters when they attempted to assemble in an unauthorised location.
41. In January and February 2012, hundreds of students at the High Institute for Islamic Studies and Research (ISERI) demonstrated against the government's decision to move ISERI from the capital. Meanwhile, students at the University of Nouakchott protested high tuition and poor quality instruction. Police dispersed these different protests and sit-ins by using batons and teargas.
42. On June 29, 2012, police violently dispersed a sit-in by University of Nouakchott students, resulting in 1 injury requiring medical evacuation to Senegal for surgery.
43. In July 2012, security forces beat, tear-gassed, and arrested MCM workers during their sit-in at the company's headquarters in Akjoujt.

Arbitrary Arrests and Detention

44. On February 4, 2012, Wan Biran, an activist who coordinates the Do No Touch My Nationality movement, was detained while visiting his brother in the hospital.

Other Types of Harassment

45. In July 2010, the Ministry of the Interior ordered the National Democratic Institute (NDI), an international NGO, to suspend its operations because it lacked formal accreditation. NDI resumed some activities later in the year, but was unable to receive formal accreditation by the end of 2011 despite its attempts to obtain accreditation since 2005.

Anti-Slavery Activists are Attacked by Police and Security Forces.

46. Mauritania accepted all 18 recommendations by States to the UPR Working Group on increasing efforts to eliminate slavery and to hold perpetrators of slavery accountable. In particular, it accepted a recommendation to “[d]evelop a national strategy on slavery, including ways to reinforce and expand public awareness-raising campaigns against traditional and modern forms of slavery.”⁹ Accordingly, respecting the rights to freedom of peaceful assembly and of association would provide individuals with invaluable opportunities to express their views¹⁰ on slavery and thus contribute to raising awareness about slavery as an unlawful and dehumanising institution.

⁹ A/HRC/16/17, ¶ 90.14 (by the United States).

¹⁰ This has been recognized in resolution 15/21, which was adopted by the U.N. Human Rights Council. Resolution adopted by the Human Rights Council, The rights to freedom of peaceful assembly and of association, A/HRC/RES/15/21, Oct. 6, 2010.

47. Instead, police and security forces have brutally silenced anti-slavery activists by violently dispersing demonstrations (violating international principles on crowd control) and arresting and detaining protesters (violating their assembly and association rights). They have also attacked, harassed, and arrested journalists covering issues related to slavery, thus hampering the watchdog role of journalists in educating the public on the problems of traditional and modern slavery.

Physical Attacks

48. On August 4, 2011, police violently dispersed Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritania) campaigners, who were demonstrating against the enslavement of a 10-year-old girl. Police attacked protesters with batons and teargas.

Arbitrary Arrests and Detention

49. On August 4, 2011, police arrested and detained IRA-Mauritania campaigners. 4 men were charged with “unauthorised gathering” and “rebellion” and handed 6-month suspended sentences.
50. Around March 10, 2013, police tear-gassed, arrested, and detained 9 anti-slavery activists from an NGO in Kaedi, which is unrecognised by the government, because they failed to petition the local prefect, known as hakim, for the right to hold a large meeting or assembly. The activists were detained for 9 days.
51. On September 29, 2013, police beat and arrested 5 members of the above unrecognised NGO for demonstrating against the government’s refusal to criminally charge a family accused of enslaving an 18-year-old girl in Boutilimit.
52. On November 11, 2014, police beat, arrested, and detained Biram Dab Abeid, president of IRA-Mauritania, and other activists for participating in an anti-slavery protest.

Court Sentences

53. On January 15, 2015, a court sentenced 3 anti-slavery activists—Biram Dah Abeid; Brahim Bilal Ramdhane, IRA-Mauritania’s vice president; and Djiby Sow, president of the NGO Kawtal—to 2 years in prison.

MFWA'S RECOMMENDATIONS TO THE GOVERNMENT OF MAURITANIA

To Law Enforcement

- Sensitise police and security forces to the role journalists play in instilling democratic norms, standards, and principles and in fostering a culture of human rights.
- Sensitise police and security forces to the role anti-slavery activists play in helping to reinforce and expand public awareness-raising campaigns against slavery.
- Develop and implement national guidelines for police and security forces prohibiting violence against journalists and others exercising the right to freedom of expression.
- Develop and implement national guidelines for police and security forces on crowd control that conform to international principles, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Guidelines must clearly indicate when it is and is not permissible to use force and/or firearms, including teargas, to disperse demonstrations.
- Hold police and security forces accountable for using excessive force.

To the Judiciary

- Commute the death sentence of Mohamed Cheikh Ould Mohamed and maintain a de facto moratorium on the death penalty.

To Parliament

- Enact laws to protect digital rights and internet-based journalism from violations by state and non-state actors, such as companies.
- Enact laws guaranteeing access to information.
- Introduce a de jure moratorium on the death penalty for speech-related offenses.
- Reconsider abolishing the death penalty.