

Submission by the Society for Threatened Peoples



2015-03-22

Universal Periodic Review
Mauritania

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Society for Threatened Peoples (STP) is an international human rights organisation which campaigns with and on behalf of threatened and persecuted ethnic and religious minorities, nationalities and indigenous peoples. We stand side by side with the victims of crimes against humanity, identifying the individual perpetrators of such crimes and their accomplices by name. And we have no hesitation in speaking out when victims become perpetrators. Because the principle that inspires all our activities is expressed in the slogan "Not Turning a Blind Eye".

Slavery in Mauritania

1. Mauritania routinely ranks among the states in the world where the prevalence of slavery is the highest. With between 4 percent and 20 percent – depending estimations – of its 3.8 million population in slavery, Mauritania's judiciary has only prosecuted one slave owner for the crime of slavery since the 2007 anti-slavery law was passed. The Mauritanian authorities did demonstrate willingness to eradicate slavery when they adopted the Slavery Act criminalizing and punishing slavery and slavery-like practices on 3 September 2007. Since then however, the Slavery Act has had yet to be fully enforced. There is a strong reluctance on the part of the administrative and police authorities as well as on the part of Prosecutors and judges to enforce the law.

2. Most cases are closed without proper investigation, violating Article 12 of the Slavery Act, according to which those who do not follow up or investigate a report of slavery brought to their attention are liable to a prison sentence and a fine. However, as prosecutions under this provision rest with the same authorities responsible for acting on slavery complaints, this provision has never been implemented. In cases where a slavery claim is referred to the Prosecutor, it is common for the latter to file it under other less serious charges or propose an informal settlement, circumventing the application of the Slavery Act. In other cases claims are left pending before the Prosecutor or the investigating judge for months or years without explanation.

3. Since 2007, the Slavery Act has only been invoked before a court twice. In the first case the trial date was set only three days after the defendants' first appearance in court to enter their pleas on the charges brought against them, so neither the prosecution nor the civil party lawyers had enough time to prepare their case. In contrast, the appeal brought against the acquittal of the accused has been pending since April 2011. In the second case, the slave-owner was found guilty but released on bail less than four months after his conviction. The appeal filed against the release decision has also been pending until the time of writing.

4. It should be recalled that according to the Slavery Act, an investigation cannot be pursued unless a slave files a complaint. The reluctance and resistance of the authorities to enforce the law makes it less likely that a victim will want to come forward. Indeed, in most cases known to human rights organisations, victims of slavery do not want to report crimes committed against them by their masters to the authorities. Fears of retribution, lack of awareness of rights, shame and stigmatisation, as well as the deeply rooted legacy of submission to masters mean it is unlikely that victims will speak out. Overall, people of slave descent are well aware that the police and judicial system are not in their favour and they cannot rely on those institutions for assistance. In several cases, human rights defenders faced acts of intimidation such as police violence and arbitrary arrests when trying to denounce slavery situations. Not only have the Mauritanian authorities failed to enforce the Slavery Act, there are often active attempts to prevent slavery cases from being reported.

5. In her 2010 Report on Mauritania, the Special Rapporteur on contemporary forms of Slavery urged the Minister of Justice to consider incorporating a civil cause of action for victims into the 2007 Slavery Act. According to Ms Shahinian, this would give victims of slavery and human rights organizations acting in their interests the right to appeal directly to the courts against an act of slavery rather than relying on police or other authorities to bring criminal charges in such cases. Such a measure is regarded as absolutely necessary and would constitute a first step towards a real enforcement of the Slavery Act. However, as long as the Mauritanian President continues to deny the existence of slavery in his country, the Slavery Act will remain meaningless.

6. 2013 UN Human Rights Prize Laureate and 2014 Mauritanian Presidential Election runner up Biram Dah Abeid was arrested on 11 November alongside Brahim Ramdhane and Djiby Sow, and seven other human rights defenders (who were later acquitted). A further seven are awaiting their own trials on separate dates. All belong to the anti-slavery NGO Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritanie) except Djiby Sow, who belongs to another human rights NGO, called Kawtal. The three individuals were sentenced on charges of "racism", "working in an unauthorised organisation", "violating public order", "inciting violence" and "offending the authorities". Since their sentencing, the three convicted individuals have been sent to the largest prison in Mauritania, situated in the southern-centre of the country, some 260km from Nouakchott, in the sparsely-populated Aleg. This is reportedly one of Mauritania's most notorious and dangerous prisons with frequent unrest due to the conditions of detention (e.g., being "brutally" woken in the night, inadequate healthcare, and denials thereof). Neither their families, nor their lawyers or colleagues were informed of this transfer. Partners and lawyers have however been granted visits since.

7. The three anti-slavery activists have been kept in detention since their arrest on 11 November 2014, in *substandard conditions of detention, according to information received from the prison. The poor conditions of detentions in Mauritanian jails, in term of health, sanitation, over-crowdedness and poor air ventilation, are widely documented, and have been confirmed by a UN fact-finding mission in 2014.*¹ In this regard, a 12 December 2014 press release by the UN High Commissioner for Human Rights regarding its preliminary fact-finding mission noted that, “in general, the conditions of detention in the places that were visited do not comply with the minimum international standards, most particularly the detention units and their ventilation.” At the time of their arrest, the human rights defenders had been undertaking a roving movement called *La Caravane Contre l’Esclavage*, in which the participants moved from location to location arranging various forms of peaceful protests, sit-ins and awareness-raising activities to highlight the problems of modern day slavery in Mauritania. Mr Abeid and his colleagues were therefore seeking to empower marginalised communities to know and defend their rights through awareness-raising. They aimed to challenge the societal status quo in which the Arabo-Berber ethnic group – the traditional slave-owning class - accounting for around 20-25 percent of the Mauritanian population - hold most positions of power; in the police, judiciary, politics, religion and education.

8. IRA-Mauritanie has been particularly targeted on numerous occasions in the past, and especially its President, Mr Abeid. He has been frequently arrested, harassed and subjected to reprisals, including smear campaigns. Having a widely recognised important role in the fight against slavery in Mauritania, Mr Abeid previously held a position on the Mauritanian National Human Rights Commission. He was subsequently removed from this position allegedly for his outspokenness on the failure of the government to tackle contemporary forms of slavery. Despite repeated attempts to legally register the organisation, IRA-Mauritanie is also constantly denied the right to operate legally in Mauritania by the authorities in spite of widespread international recognition – including by the listed NGOs herein - for the important and successful role that it is playing in the fight for the eradication of slavery in Mauritania. In this latest incident, IRA-Mauritanie’s office has been closed since 13 November 2014. There are reasons to believe that the defendants were not granted a fair trial. There was only a period of 3 months between the defendants’ arrests and their convictions, which has not given their lawyers sufficient time to build their defence.

9. The Islamic Republic of Mauritania should uphold international law as it relates to the rights of human rights defenders and to combatting slavery. The Mauritanian Government should step up efforts to eradicate the continued practice of slavery through fostering a healthy environment in which NGOs may work, including seeking international guidance, working in collaboration with both international and national NGOs, and training of law enforcement and the judiciary. The Mauritanian government should extend an open invitation to the UN Special Rapporteur on Human Rights Defenders. The Mauritanian government should undertake extensive action to render the 2007 Anti-Slavery Law more robust and effective in its application so as to ensure justice for slavery victims and the end of impunity for slave owners.

1 <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=15414&LangID=F>

