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<http://www.fidh.org/Conviction-of-the-former-Mauritanian-President>

Mauritania

Conviction of the former Mauritanian President and of 8 members of his board

- [english] - Africa - Mauritania -

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Description :

FIDH/Association mauritanienne des droits de l'Homme (AMDH)

FIDH > Les Droits de l'Homme pour Tous / Human Rights for All

The International federation for human rights (FIDH) and the Association mauritanienne des droits de l'Homme (AMDH) are extremely concerned by the conviction of Mohamed Khouna Ould Haïdalla, former President of Mauritania, and of 8 of his relatives and collaborators, on 28 December 2003, which clearly looks like a political conviction.

On 23 November 2003, two weeks after the highly contested victory in the presidential election of Mauritania, of Maaouya Ould Sid'Ahmed Taya, the outgoing president, 15 members of the opposition had been charged with « attack aiming at destroying or changing the constitutional regime, actions exposing Mauritania to war declaration and to retaliations, secret contacts with a foreign power ».

Their trial, which opened on 1 December 2003, was characterised by many violations of the right to a fair trial: refusal of the families' visits before and during the trial, refusal to hear the 35 witnesses for the defence, refusal to raise pleas, refusal to the defendants to have the floor after the speech for the defence, restriction of the defence lawyers' time of speech and more, eviction of those same lawyers during the hearing. Thus, the defence lawyers left the Court during the hearing of 15 December, following the eviction, using force, of one of them. The FIDH and the AMDH were represented at the hearing through the « Collectif des avocats étrangers pour la défense du Président Ould Haïdallah et ses compagnons », constituted on 28 November by a group of human rights organisations, among which those two organisations and also the ONDH and the RADDHO, members of the FIDH in Senegal, as well as the Collectif des familles de détenus.

The Prosecution called for sentences from 10 to 20 years of forced labour against the 15 prisoners. On 28 December 2003, the Criminal Court of Noukchott convicted Mohamed Khouna Ould Haïdallah, Ismail Ould Amar, Ely Ould Sneiba, Devaly Ould Cheine and Sidi Mohamed Ould Haïdallah to a 5-year suspended prison sentence and a binding fine of 400,000 UM, and deprived them of their civic and political rights for 5 years according to Article 36 of the criminal code. It also convicted Mohamed Yedhhih Ould Breidileil, Haba Mohamed Vall, Sidi El Moctar Ould Horam Ould Babana and Mohamed El Hacem Ould Lebate to a 2-year suspended prison sentence and a binding fine of 200,000 UM. The six other prisoners were acquitted. The Prosecution immediately lodged an appeal, followed, on 30 December, by the group of lawyers defending the accused.

The FIDH and the AMDH recall that the persons sentenced according to Article 36 of the criminal code depriving them of civic and political rights are ineligible and that the double-sentence is applied for the first time by the Mauritanian justice. Our organisations consider that those sentences, occurring in obvious contradiction to the international norms guaranteeing the right to a fair trial, only aim at hushing up the right to take part freely to political life, guaranteed notably by Article 13 of the African charter for human and peoples' rights, ratified by Mauritania, and by Article 10 of the 1991 Mauritanian Constitution.

The FIDH and the AMDH consider those sentences as witnesses of a deficiency in the Administration of justice and particularly of an obvious lack of independence on part of the judicial power, which characterised once more the distance between Mauritania and the Rule of law.