



Fédération Internationale des Ligues des Droits de l'Homme
International Federation for Human Rights
Federación Internacional de Derechos Humanos
الفدرالية الدولية لحقوق الانسان

Mauritania: The Case of the “Islamists”: Torture in the Name of the Fight Against Terrorism

International Fact-finding Mission

Introduction	6
I- Context of the Mission	8
II- Analysis of the Anti-terrorism Legislation with Regard to International Law	12
III- Torture in the Case of the “Islamists”: Use with Impunity	16
Conclusions and Recommendations	30
Annexes	33



General Facts

Surface area: 1,030,700 km²

Population: 3.1 million (Source: United Nations, 2005)

Capital: Nouakchott

Official language: Arabic

Religion: Islam

Currency: Ouguiya

Life expectancy: 51 years (World Bank, 2003)

Literacy rate: 41% (World Bank, 2003)

Index of human development: 0.465 / 152nd out of 177 countries (UNDP, 2005)

Political Facts

Independence: 28 November 1960

Constitution: 2006

President of the Republic (since 19 April 2007): Sidi Ould Cheikh Abdallahi

International and regional treaties relative to the protection of human rights ratified by Mauritania

- International Covenant on Economic, Social and Cultural Rights (ratified in 2004)
- International Covenant on Civil and Political Rights (ratified in 2004)
- Convention against Torture and other cruel, inhuman or degrading treatment (ratified in 2004)
- International Convention on the Elimination of all form of Racial Discrimination (ratified in 1988)
- International Convention on the Elimination of all forms of Discrimination against Women (ratified in 2001)
- Convention on the Rights of the Child (ratified in 1991)
- African Charter on Human and Peoples' Rights (ratified in 1986)
- Protocol to the African Charter on Human and Peoples' Rights (ratified in 2005)
- OAU Convention on the Prevention and combating of terrorism (ratified in 2004)
- Arab convention for the suppression of terrorism (in process of ratification as of January 2006)

Summary

Introduction	6
A) Anti-Terrorism and Human Rights in Mauritania: a Troubling Past	6
B) FIDH's Mission	6
I- Context of the Mission.....	8
A) The End of the Transitional Period for the Conseil Militaire pour la Justice et la Démocratie (CMJD)	8
B) Ongoing Justice Reform.....	9
C) The Official Discourse of the CMJD on the Existence of Radical Islam and its Ties with Terrorist Groups in Mauritania.....	9
D) The Practice of Torture No Longer Exists in Mauritania According to Authorities	9
E) The Report of the United Nations' Special Rapporteur on Torture in 2006.....	11
II- Analysis of the Anti-terrorism Legislation with Regard to International Law	12
A) Mauritania's International Obligations	12
B) Internal Texts that are Imprecise and Contrary to the Rights of the Defense.....	13
1) An Imprecise Anti-terrorism Law	13
2) An Exceptional Regime Regarding Terrorism: Excessive Length of Custody with a Lack of Control	13
3) Absence of a Lawyer During Custody.....	14
4) Quasi-Reformation of the Legal Framework Regarding Custody: the Attorney is Still Absent During Custody.....	14
5) “Abusive” Use of Prohibition of Communication	15
III- Torture in the Case of the “Islamists”: Use with Impunity.....	16
A) Presentation of the Islamists' Files.....	16
1) 2005 File	16
2) 2006 File	17
3) 2007 File	18
a) Excessive Length of Custody	18
b) Abduction of a Detainee Outside the Boundaries of the Legal Framework.....	18
B) Torture and Inhuman Treatment During Custody: Systematic Practices in the Fight Against Terrorism	19
1) Custody: “Headquarters” for Confessions and Torture	19
a) Torture and Inhuman and Degrading Treatment During Custody: Systematic Practices	19
b) Testimony from the “Islamist” Detainees on the Conditions of Custody.....	20
c) Testimony from the Families of the Detainees.....	23
d) Clinical Analysis	23
2) The Locations of Custody	24
a) State Security Quarters.....	25
b) National School of Police.....	25
c) The Tevragzeina Station.....	25
d) The Ksar 1 station.....	25
e) The Ksar 2 Station.....	26
C) Unjustified Length of Provisional Detention	26
1) Protests by the Detainees and their Families	26
2) Difficulties Enrolling Files at the Nouakchott Criminal Court.....	26

Mauritania: The Case of the “Islamists”: Torture in the Name of the Fight Against Terrorism

D) Conditions of Detention at the Civil Prison in Nouakchott: Special Treatment for the “Islamist” Detainees	27
1) Daily Life in Civil Prison	27
2) Quarters for the Regular Detainees.....	27
3) Quarters for the “Islamist” Detainees.....	28
E) Judicial Epilogue: A Denial of the Use of Torture.....	28
Conclusions and recommendations	30
Annexes	33
Annex 1. Persons met during the mission.....	33
Annex 2. Law n°2005 047 of 26 July 2005 relating to the fight against terrorism.....	35

This document has been produced with the financial assistance of the European Union.
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Introduction

A) Anti-Terrorism and Human Rights in Mauritania: a Troubling Past

On 26 August 2002, in a report addressed to the United Nations Committee Against Torture,¹ Mauritanian authorities insisted that the terrorist phenomenon was “*well managed*,” because “*it was almost nonexistent in the country, in the sense that there are no terrorist organizations in Mauritania.*”

Nevertheless, from 18 to 22 May 2003 dozens of Mauritians were arrested by police forces. Among them were several judges, including the president of the regional tribunal of Gorgol; the judges were arrested while performing their duties, in violation of national rules relating to legal procedure. Also arrested were the director of the national library, a former ambassador, the director of the Akraa institute specializing in the professional training of students in Islamic schools, and the director of a charitable NGO from the United Arab Emirates. On 22 May 2003, several women were arrested in their homes without a warrant, among them a professor and a researcher. They were immediately and secretly detained without any charges filed against them and without the possibility to contact their families or lawyers. These events occurred just after the arrests, in the beginning of May 2003, of political representatives of the NOUHOUD party, the mayor of Arafat, and a dozen Mauritanian religious representatives, who were also illegally detained.

The Prime Minister of Mauritania at the time, Sheik El-Avia Ould Mohamed Khouna, justified these detentions by qualifying those arrested as “Islamic terrorists financed by foreign countries,” and by affirming that “*those arrested constitute a very real threat in the country.*”² On 25 May 2003 the ruling party PRDS (Parti Républicain Démocratique et Social) issued a statement accusing FIDH, who had condemned the arbitrary arrests, of hiding behind the defense of human rights while “defending the extremists and the free action of terrorists.”

All those arrested were released in August 2003 without any charge ever having been brought against them. The lack of evidence against the alleged terrorists was thus demonstrated, as was the authorities’ tendency to use the fight against terrorism as a pretext to muzzle all opposition to an authoritative and unstable regime.

The fight against terrorism surfaced once again in Mauritania when, on 2 September 2005, several days after the Conseil Militaire pour la Justice and Démocratie (CMJD) took power, a general amnesty liberated dozens of political prisoners but excluded freedom for “Islamists” imprisoned by the former regime as terrorists. FIDH met several times in 2005 and 2006 with the president of the CMJD, Colonel Mohamed Ely Ould Vall, and the highest-ranking judicial authorities, to inquire as to the implementation of their international obligations concerning the rights of the defense and the right to a fair trial.³

B) FIDH’s Mission

Concerned by the judicial situation of the 21 “Islamists” who had been in provisional detention for several months, FIDH, with the support of the Association mauritanienne des droits de l’Homme (AMDH), an affiliate organization, decided to send an international fact-finding mission to Mauritania. The objective of the mission was to examine the administration of justice, with particular regard to the files of the “Islamists,” and investigate suspicions of torture being used as a tool in the fight against terrorism.

The delegation, composed of Olivier Foks, lawyer (France), Sylvie Laurion, psychologist (Canada), and Farid Messaoudi, lawyer (Algeria), went to the city of Nouakchott from 10 to 17 February 2007. The mission was able to meet with high-level Mauritanian authorities, judicial authorities, civil society and a group of detainees who had been labeled “Islamists.”

FIDH would like to thank the Mauritanian authorities for their general cooperation and for the facilities provided, which permitted the mission to run smoothly. Most notably, the delegates were able to meet the group of detained “Islamists” in their cells at the Nouakchott civil prison, without any time limitation and in a strictly confidential manner.

However, the mission did encounter several difficulties when their visits were unexpected by the police commissioners in the Mauritanian capital. Although the delegation had all of the necessary ministerial agreements to access local police and gendarme premises, the national police refused to allow them to enter “companies

1 and 2,” buildings described by several presumed Islamists as being used for police custody. Similarly, they were refused access to the location for custody situated inside the building of the Security of the Territory.⁴

Furthermore, the delegates were especially surprised during visits to the commission by the extraordinarily low number of people placed in custody in the capital's largest police stations. They were also astonished that those in custody were not kept in the custodial cells, but rather in front of the cells.

The Mauritians delegates accompanying the mission (attorneys or members of the AMDH) were also surprised, as they had never seen the cells of the police station so clean or empty.

In short, the FIDH delegation was left with a strong impression that their visit had been anticipated and prepared for.

Finally, the mission was particularly astonished by the lack of training of the judges they met who had been handling the “Islamist” files. In fact, the judges in charge of handling two of the three files of the “Islamists” never even responded to the request for a meeting.

The mission was also not able to meet with the District Attorney or the general prosecutor, but only their deputies. This would not have been a problem if not for the fact that only those holding the job title could respond in detail to FIDH's questions concerning “sensitive” files, as the deputies had not personally handled them.

1. Committee created by resolution 1373(2001) by the United Nations Security Council.

2. FIDH Communication from 23/05/2003: Mauritanie: La lutte contre le terrorisme, prétexte au musellement de la société civile.

3. Cf. FIDH Report n° 447 “Mauritanie: l'établissement de la démocratie peut-il s'affranchir du règlement du passif humanitaire,” April 2006, http://www.fidh.org/article.php3?id_article=3300.

4. See infra.

I. Context of the Mission

The mission was carried out two months before the presidential elections of March 2007, which were expected to end the transitional period following the coup d'Etat of 3 August 2005.

A) The End of the Transitional Period for the Conseil Militaire pour la Justice et la Démocratie (CMJD)⁵

At 5:00am on 3 August 2005, in Nouakchott, soldiers led by Colonel Mohamed Ely Ould Vall took control of the presidential palace and the buildings of the national radio and television while the head of State was in Riyadh assisting with the funerals of King Fahd. Later that morning, several shots from heavy firearms emptied the streets of the Mauritanian capital.

During the day, those who had carried out the takeover claimed to be representing the *Forces armées et de sécurité* and published a statement announcing the creation of a Conseil militaire pour la justice et la démocratie (CMJD) to *“put an end to totalitarian practices from which our people have suffered these last few years.”* They announced the seizure of power for a period not exceeding two years with the intention to *“create conditions favorable to an open and transparent democracy in which civil society and politicians will be able to express their opinions freely.”*

The CMJD was composed of 17 members from different components of the national army. At the head was Colonel Ely Ould Mohammed Vall, former director of security under the regime of deposed president Ould Taya.

By a CMJD presidential decree on 10 August 2005, a new government of 24 members was inaugurated with the mandate of managing a smooth transition towards the establishment of a democratic regime.

The former regime was dismissed by a coup d'Etat without bloodshed, and the former president was forced to leave, exiled to Qatar.

At the *“National Day for Democratic Transition,”* which was held from 25 to 29 October 2005, the Mauritanian transitional authorities begin to implement an electoral framework for the establishment of a democratic regime.

The members of the CMJD had agreed beforehand that none of them would present themselves at the electoral mandate and had specified that the prohibition would also apply to the members of government.⁶

The CMJD respected the agreement, and free and democratic elections under the control of international observers were conducted the 11th and 25th of March 2007. No member of government was present.

The candidate of the parliamentary majority, Sidi Ould Cheikh Abdallahi, supported by the president of the CMJD, won the second round of the presidential election on 25 March 2007 with 52.85% of the vote.

The newly elected president stated his intention to change the country *“smoothly”* and included among his priorities the restoration of national unity and the state of law *“by strengthening democracy.”*⁷

International observers, dispatched by the African Union and the European Union, reported that the ballot had been conducted in an atmosphere of transparency and democracy.

The Mission of Electoral Observation (MEO) of the European Union, presided by Madame Marie Anne Isler Béguin, Head observer, reported positively as to the process on 11 March, in the same way that the Secretary of State of the United States described the ballot as *“satisfactory.”* *“It is an enormous success for a country among the poorest in the world, as well as a sign of encouragement for other states on the continent. With these first elections, Mauritania has made the first step towards democracy and the rule of law.”*⁸

The MEO did, however, draw attention to a few irregularities, noting that *“vote-buying and underhand arrangements remain a sad reality. Furthermore, the attack of a prefecture in the South resulted in one person’s death.”* But while *“the disqualification of identity cards for remuneration were reported in numerous rumors and accusations, they were not often proven.”*

Finally, the MEO observed that *“the vote count was conducted without irregularity and with transparency, even if the procedures were not always consistent, particularly*

with regard to the control of signatures, marginal deductions, reconciliation of the vote bulletins, and the use of the ballot sheets.”

The international observers unanimously declared the 2007 election to be “a remarkable democratic development accomplished in a small amount of time. This truly unique election marks a turning point in the history of the country and consecrates the establishment of democratic institutions.”

B) Ongoing Justice Reform

During their interviews with the president of the CMJD and the minister of Justice, Mahfoudh Ould Bettah, FIDH delegates persistently inquired as to the commitments taken by the transitional regime concerning justice reform.

According to the minister of Justice, the CMJD had immediately made justice reform one of its priorities. Three principal themes were designated for profound modifications: independence of the judiciary through reform of the statutes for judges, improvements in training judicial personnel, and modernization of the judicial infrastructure.

The minister insisted repeatedly on the effectiveness of the independence of the judiciary from the executive power since the CMJD took control. He reported to have handled the matter personally, and to have alerted the judges who were accustomed to taking orders from the government of this “new system.”

The minister also alerted the delegation to a new legal project to modify the code of criminal procedure, whose goal was to find a new balance of procedure more favorable to the rights of the defense.

C) The Official Discourse of the CMJD on the Existence of Radical Islam and its Ties with Terrorist Groups in Mauritania

A common theme reported to the mission, during discourse with authorities and with civil society, was that Mauritians, while all Muslims observing the “malikit” rite, have always practiced Islam in moderation, were very tolerant, and that the emergence of a radical form of Islam would be unlikely in the country.

The president of the CMJD thus responded in the negative to whether there existed a real risk of a radicalization of Islam in Mauritania, adding that “*I do not think that there was a rise of radical Islam, but Mauritania must be placed in a global context. Mauritania is probably one of the countries least concerned by this question, but it remains necessary to stay vigilant.*”

The minister of the Interior, Mr. Lemine, responded similarly that “*the situation of radical Islam is different here from other countries insofar as no terrorist act has ever taken place on Mauritanian territory. An Islamic movement exists in Mauritania, but it is still manageable here.*”

The minister of Justice – without readdressing the tolerant way in which religion is practiced in Mauritania – stated that: “*radical Islam has come to an end in our country... Certain groups are affiliated with organizations that preach violence, especially with the GSPC [Groupe Salafiste pour la Prédiction et le Combat] in Algeria. The people who were put in preventative detention after the August 2005 coup d’Etat and those who are still there today all belong to the Algerian GSPC.*”

These remarks differ with those made by the minister of the Interior on the perpetration of terrorist acts on Mauritanian soil, since the minister of Justice explained to the mission that the group arrested in 2005 had organized an attack that took the lives of 18 Mauritanian military troops in the desert. The government attributed the “attack” to the GSPC in Algeria, and it seems to be the only act ever qualified as terrorist by the Mauritanian authorities that took place on Mauritanian soil.

In their report presented to the United Nations’ Committee against Terrorism on 29 August 2002, in conformance with resolution 1373 (2001) of the United Nations’ Security Council, the Mauritanian authorities explained that “*the phenomenon of terrorism is almost nonexistent in their country insofar as there are no terrorist organizations in Mauritania.*”⁹

D) The Practice of Torture No Longer Exists in Mauritania According to Authorities

All officials met by FIDH delegates repeatedly stated the practice of torture had entirely disappeared since the CMJD took power in August 2005; the general mentality had immediately evolved after the coup d’Etat.

The minister of the Interior, Mr. Lemine, affirmed that: *“since August 2005, torture has never been used. [...] There are a certain number of people of Islamic obedience who have been incarcerated. They are not tortured and they will be judged. Psychologically, we understand the worries of their families. The truth must be refocused and things put in their context”*

The minister of Justice explained that *“there is no complacency in dealing with judicial police officers who do not respect procedure” and that, since the beginning of the transition, “not a single person has been tortured.”* When questioned about the particularly long delays in custody regarding State security and about the allegations that delays for the “Islamists” were systematically excessive, the minister first indicated that the legal project anticipated a new length of custody that would not exceed 15 days. He also assured the delegation that since the beginning of the transition *“the length of custody has always been respected.”*

Finally, the president of the CMJD firmly maintained that the use of torture had ceased to exist after the coup d'Etat of 2005, reminding the delegation that his country respected the United Nations' Convention against Torture and other cruel, inhuman or degrading treatment, which Mauritania had ratified in 2004: *“There are means put in place in Mauritania to combat terrorism.¹⁰ We act in accordance with international conventions and bilateral agreements which conform to national and international law...”*

The same position was confirmed during interviews with high-level officials, according to whom the locations where torture had ever taken place had been destroyed or renovated for a new use.

At least implicitly and in contradiction, every official that the delegation met knew that torture had been a practice regularly, if not habitually, employed by the police under the regime of president Taya. This awareness of the existence of torture before the coup d'Etat leads to two series of remarks.

First, this awareness gives credit to the allegations made by the group of “Islamists” arrested in April 2005, several months before the seizure of power by Colonel Ely Ould Mohamed Vall: all had complained of torture and inhuman or degrading treatment during their time in custody.¹¹ When questioned on this point, the minister of Justice said

that the current government could not *“be held responsible for acts committed by the previous government”* and that *“if these people had actually been subjected to torture during their time in custody, justice must, the day of their judgment, take into account all the consequences.”*

Secondly, it warrants mention that the CMJD had not taken any steps to replace the police officials since they had taken power. Those with the highest level of responsibility in the police force, who had been employed under the Taya regime, were still found present during the CMJD period of transition.

Nevertheless, FIDH delegates were repeatedly assured that all cases alleging torture, even older ones, would be denounced by judicial authorities and those responsible would be prosecuted and judged.

No representatives of the department of the public prosecutor were informed of the existence of complaints denouncing the practice of torture and inhuman or degrading treatment, even for acts committed under the former regime.

The reality seems far from the idyllic picture painted by authorities. Indeed, every person met who claimed to have been a victim of torture had refused to seek justice. They shared a feeling of fear – fear of reprisal if they filed a complaint – and a deep feeling of discouragement, as none believed that a fast and independent justice process was possible.

A number of lawyers and representatives of associations defending human rights complained of a lack of access to justice to condemn the torturers, who were primarily police officials.

“The inadequacies of the judicial system in Mauritania in repressing acts of torture most notably result in the non-integration in the national law of the United Nations' Convention against Torture, which Mauritania ratified on 17 November 2004.

Therefore, with the exception of a provision in the criminal and criminal procedure codes permitting a detainee to benefit from medical care, the Mauritanian criminal legislation does not criminalize torture and inhuman or degrading treatment.

Since the adoption of the Convention against Torture

commits Mauritania to combat these practices, the integration of these provisions in the national law would allow the public, as well as human rights organizations and legal professionals, to benefit from more adequate tools to combat effectively the practices that persist.”

E) The Report of the United Nations’ Special Rapporteur on Torture in 2006

The report¹² of the United Nations’ Special Rapporteur on Torture was presented during the 62nd session of the United Nations’ Economic and Social Council in March 2006; its stance was unequivocal regarding the use of torture in Mauritania.

Mr. Manfred Nowak, Special Rapporteur, reports the arrest of numerous people in Mauritania in 2005 and the existence of several cases of torture. According to the information received by the Special Rapporteur, the victims had been taken and *‘detained without access to their families or their lawyers in an unknown location in Nouakchott. These persons were not brought before a judge nor were they officially accused of any crime. However, a spokesperson of the police had accused the detainees of having planned terrorist acts and of having contact with a group linked to Al Qaeda. They were also accused of having links with a Salafist group.’*

Taking the case of one detainee as an example, the Rapporteur reports: *“Ismael Ben Abdalla was arrested on 29 May 2005, deferred to the public prosecutor’s office in Nouakchott on 12 July 2005 and transferred the same day to the Nouakchott civil prison after having been found guilty of “relations with Al Qaeda and sharing intelligence with foreign forces.” During the month of June, in a place*

situated approximately 20 minutes from the El Mina commission n° 2, he was tortured, with a whip attached to a club, on his feet and genital organs, until he lost consciousness. After having been completely undressed, his body was burned with lit cigarettes on his tibias, his chest, and the interior of his legs to the level of his penis. He was also tortured with an electronic device and hit with a metal bar on his back and on other parts of the body.”

When faced with the crushing facts disputing the methods of interrogation during custody, the Mauritanian government responded to the Special Rapporteur with the following: *“the time of custody was extended in conformance with the law, and the physical and moral integrity of the detainees was completely respected.”*

5. Cf FIDH Report n° 447 April 2006 “Mauritanie – L’établissement de la démocratie peut-il s’affranchir du règlement du ‘passif humanitaire,” http://www.fidh.org/article.php3?id_article=3300.

6. The agreement was reached on 9 August 2005 before a delegation from the African Union at Nouakchott: “none of the members who brought about the transition, meaning the President and members of the CMJD, the Prime Minister and the members of government, will be eligible for any of the posts; the CMJD will not cooperate with or favor any political party, nor will it create a political party or organization.”

7. Cf Afrik.com article from 19/04/07, <http://www.afrik.com/article11585.html>.

8. <http://www.euommauritania.org/mauritania/xxdefault.asp?id=1&show=59&m=0>.

9. Cf. Letter dated 29/08/02, addressed to the president of the Security Council by the president of the Committee against Terrorism created by resolution 1373, S/RES/1373 (2001).

10. While Mauritania is a party to the Treaty, they have stipulated one reservation: it does not recognize the competence of the Committee neither to examine communications relating to cases of torture nor to make an official investigation as to these cases.

11. See infra.

12. Cf Report Page 122 “Economic and Social Council, Commission on human rights, 62nd Session, Civil and political rights, including the questions of torture and detention,” March 2006, E/CN.4/2006/6/Add.1. http://ap.ohchr.org/documents/dpage_e.aspx?m=103.

II. Analysis of the Anti-terrorism Legislation with Regard to International Law

A) Mauritania’s International Obligations

Whatever the gravity of the accusations that weighed on the “Islamists” detained during the mission, it should be remembered that all those who are subject to the rights guaranteed by national and international provisions have the right to a fair trial.

Terrorism seeks to destabilize democracies and discredit their universal values of liberty and humanity. FIDH considers any derogation from these values, even in order to combat those who seek to destroy them, like falling into a trap undermining the fundamental underpinnings of democratic societies. As written by Kofi Annan, former Secretary General of the United Nations: *“We should all be clear that there is no trade-off between effective action against terrorism and the protection of human rights. On the contrary, I believe that in the long term we shall find that human rights, along with democracy and social justice, are one of the best prophylactics against terrorism.”*¹³

Mauritania is a party to numerous conventions, both regional and international, that create the obligation to respect and implement guarantees relating to the right to a fair trial, including those within the framework of the fight against terrorism.

The International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Right, both ratified by Mauritania, guarantee certain rights: respect for the physical and moral integrity of the person; prohibition of torture; prohibition of arbitrary arrest and detention; respect for the rights of the defense; judgment within a reasonable period of time, etc. All persons deprived of their liberty must be treated with humanity and with respect of the dignity inherent in human beings.

Mauritania is obligated to guarantee all of these rights, even within the particular context of the fight against terrorism. Moreover, the OAU Convention on the Prevention and combating of terrorism, ratified in 2004 by Mauritania, is explicit in this regard:

Article 22 states:

“Nothing in this Convention shall be interpreted as derogating from the general principles of international law,

in particular the principles of international humanitarian law, as well as the African Charter on Human and Peoples’ Rights.”

It is worth noting that the Protocol to the OAU Convention on the Prevention and combating of terrorism specifies in Article 3.1.K that torture and other forms of degrading or inhuman treatment must be banned with regard to suspected terrorists, taking into consideration the particular risks in this regard.

Furthermore, the United Nations’ Committee against Torture, in charge of monitoring the respect by State parties of the provisions found in the Convention against Torture, issued a declaration made public in November 2001 after the terrorist attacks of 11 September stating that it “reminds State parties to the Convention of the non-derogable nature of most of the obligations undertaken by them in ratifying the Convention. The obligations contained in Articles 2 (whereby “no exceptional circumstances whatsoever may be invoked as a justification of torture”), 15 (prohibiting confessions extorted by torture being admitted in evidence, except against the torturer), and 16 (prohibiting cruel, inhuman or degrading treatment or punishment) are three such provisions and must be observed in all circumstances.”¹⁴

The United Nations’ Special Rapporteur against Torture also noted that *“while aware of the threats posed by terrorism and recognizing the duty of States to protect their citizens and the security of the State against such threats, the Special Rapporteur would like to reiterate that the absolute nature of the prohibition of torture and other forms of ill-treatment means that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.”*¹⁵

FIDH reiterates that the Mauritanian authorities have an obligation to conform all national laws and practices to the provisions of the regional or international conventions they have ratified relating to human rights. At the present, there exists certain provisions relating to criminal procedure, in general or specifically within the fight against terrorism, that are contrary to these provisions.

B) Internal Texts that are Imprecise and Contrary to the Rights of the Defense

1) An Imprecise Anti-terrorism Law

Until the 1980s, the Mauritanian criminal code did not contain a single reference to the idea of an act of terrorism. The first “anti-terrorism” provision dates from 1983 and was published in the official Mauritanian newspaper (Journal officiel) on 9 July 1983.

The adoption of these provisions was seen as essential in the fight against any attack on State security and, more specifically, to deter coup d’Etats, which were frequent in Mauritania. Former Mauritanian president, Mr. Ould Taya, came to power in 1984 by toppling the regime of Mohamed Khouna Ould Haidalla, thus becoming the head of State.

The 1983 law, stating that “attacks, conspiracies and other infractions against State authority and the integrity of national territory” was modified since its implementation, most notably by Law n°2005 047 of 26 July 2005 relating to the fight against terrorism.

Article 3 of the law indicates:

“A terrorist infraction is any infraction mentioned in Art. 4, 5, and 6 hereafter, that by its nature or its context may seriously affect the country, and is committed to intentionally and seriously intimidate the population or force the public powers to accomplish or abstain from accomplishing an act, or seriously destabilize or destroy fundamental values of society, or the political, constitutional, economic, or social structure of the nation.”

Article 6 of the law appears to be the provision most often used regarding the files for the so-called “Islamists.”

“A terrorist infraction, under the conditions of Article 3, is also:

- 1) participating in a formed group or an established agreement, characterized by one or several material facts, in view of preparing one of the acts mentioned in the previous articles;*
- 2) receiving training on national territory or abroad in view of committing a terrorist infraction on the national territory or abroad;*
- 3) recruiting or training a person or a group of persons in view of committing a terrorist act inside or outside of the country.”*

Legally speaking, the definition of a terrorist infraction contains certain imprecise terms that could threaten the principle of

legality of crimes and indictable offenses. Thus, it is unclear as to what should be understood by acts that can “*destabilize (...) fundamental values of society, or the political, constitutional, economic, or social structure of the nation.*” This imprecise terminology creates a fear that certain crimes or offenses could be included in the category of terrorist acts even if they are not of that nature. One could also think that the definition could include simple acts of protest against the power in place.

In the report “*Violation des droits de l’homme en Afrique subsaharienne au motif de la lutte contre le terrorisme: une situation à hauts risques,*”¹⁶ FIDH reports that the numerous pieces of national legislation defining terrorism in vague terms is a potential danger to fundamental liberties. In this regard, FIDH considers that the definition of terrorism provided by the High Panel on Threats, Challenges, and Change is the most interesting proposal and could thus serve as a model for the national legislation. The Panel defined terrorism as “any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.”¹⁷

Furthermore, the criminal procedure surrounding the fight against terrorism in Mauritania is characterized by the exceptional regime of custody and the absence of intervention by a lawyer during the preliminary investigation.

2) An Exceptional Regime Regarding Terrorism: Excessive Length of Custody with a Lack of Control

Article 56, paragraph 4 of the Mauritanian code of criminal procedure provides:

“In the case of a crime or misdemeanor committed against the interior or exterior safety of the State, the length of custody may last up to 30 days upon arrest, by written order of the government commissioner of the state security court, the public prosecutor or the president of the regional court.”

Because custody is an essential element in any investigation, it must be regulated in detail. The importance of the institution of the police is considerable in the preliminary investigation. It is the responsibility of the officer of the judicial police to inform

the defendant of his placement in custody after authorization by the District Attorney.

In terms of an ordinary crime, the legal length of custody is two days, renewable once. However, regarding crimes or offenses that have an element against State security, including acts of terrorism, the permissible length is 30 days. Thus, all testimony from the alleged “Islamists” confirms that they were detained in the framework of an exceptional regime regarding the fight against terrorist acts. Moreover, these same persons confirmed that their detention in custody, often in secret locations, exceeded the length of 30 days provided for in Article 56, paragraph 4 of the criminal procedure code.

The absence of a clear legal framework regarding the conditions under which those suspected of committing acts of terrorism may remain in custody, particularly for as long as 30 days, can only lead to abuses, and to violations of the rights of the person in custody. Thus, in the case of a presumption of an attack on the security of the state, the judicial authorities systematically apply the provisions of article 56, paragraph 4, of the code of criminal procedure.

FIDH notes that according to the United Nations’ Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment of 9 December 1988, “A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority.”¹⁸ (Principle 11)

3) Absence of a Lawyer During Custody

The initial period during which one charged of attacking state security can be held in custody without being charged with a formal investigation is 30 days. In conformance with the code of criminal procedure, the person thus retains the right to a medical examination if it is requested by them or by a member of their family. In reality, it seems rare that a demand of this type would be granted. In the set of interviews held with the “Islamist” detainees, all indicated that they had not had access to care during their time in custody.

As for the intervention by a lawyer, the actual text makes no provisions for this right during the time in custody. The lawyer is also absent during the first appearance before the judge when an investigation is opened. Article 102 provides that if the investigating judge decides on the guilt of the person presented they can “inform the person found guilty of his right to counsel” and can proceed to an initial investigation “outside the presence of counsels.”

FIDH notes that according to the United Nations Basic Principles on the role of lawyers of 1990, “all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.” Additionally, “Governments shall ensure that all persons are immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention or when charged with a criminal offence.”¹⁹

4) Quasi-Reformation of the Legal Framework Regarding Custody: the Attorney is Still Absent During Custody

During the numerous interviews with Mauritanian officials, the delegation was astonished by the length of custody for those accused of attacking State security. This excessive length of time, in the absence of external controls such as lawyers or judges, leads to a dangerous risk of poor treatment or even to acts of torture in order to obtain confessions, executed in the spirit of quickly ending the deprivation of liberty.

The testimony gathered by the delegation also illustrates the poor conditions of custody, which exceed the length of 30 days, and of physical and moral violence exercised for the purpose of getting a confession.²⁰

Aware that such lengths of custody could lead to problems, the minister of Justice explained to the mission that a pilot study of the law anticipates a reduction by half of the maximum length of custody in cases of attacks on State security. According to the minister, Mauritania does intend to engage in a process of serious reform of its criminal procedure.

The new Article 57 of the pilot study of reform of the Mauritanian criminal procedure code stipulates that:

“If, for the purposes of the investigation, the police officer needs to keep at his disposal one or several persons defined in Articles 54 and 55, he may not retain them longer than is necessary to take their statements.

If there exists against a person serious and correlating evidence so as to justify a charge, the police officer may retain the person at his disposal for 48 hours, not including the weekends or holidays. This length of time can be renewed once for the same amount by written authorization of the District Attorney.

When the arrest has been made in a location far from the competent jurisdiction, the length of time of the previous paragraph is, by law, lengthened by one day for every 100 kilometers, not to exceed a maximum length of eight days.

In the case of a crime or misdemeanor against the interior or exterior safety of the State, the length of custody is five days upon arrest, which can be renewed by written authorization of the District Attorney within a total limit of 15 days upon arrest.

When the allotted length of time has expired, the person in custody must be released or presented to the District Attorney, unless a warrant for his arrest has been issued against him during the period of time.

The person in custody, in application of paragraphs 2, 3, and 4 from this Article, may be kept temporarily in jail upon receipt of a note delivered by the police officer indicating the length of authorized incarceration; the note will also notify, without delay, this measure to the District Attorney.

In all cases of arrest, whatever the length may be, the police officer must justify, before the competent judge, all of the steps taken.”

If we welcome the reduction of the maximum length of custody, it is however not sufficient. The absence of a lawyer from the beginning of the preliminary investigation fails to guarantee that the rights of those in custody, presumed innocent during the investigation, will be respected. The possibility of intervention by a lawyer during the custody should be explicitly provided for in the text.

5) “Abusive” Use of Prohibition of Communication

Article 103 of the code of criminal procedure states that:

“The detainee can, immediately after his first appearance, communicate freely with legal counsel. The investigating judge

has the right to prohibit communication for a period of 15 days, which can be renewed for another 15 days. In no case can the prohibition of communication be applied to legal counsel.”

This exceptional measure is taken by the investigating judge by an ordinance explaining its grounds, immediately after the first interrogation, when the investigation demands it. The prohibition of communication can be seen as fundamental in preventing the accused from bribing witnesses or conversing with accomplices to form a consistent version of the facts. The measure would be useless if the judge had to wait for a guilty sentence to order it.

The prohibition of communication is pronounced for a period of 15 days or more and can be renewed once for the same amount of time. It does not apply to the counsel of the accused. The accused, their legal representative, their spouse or any person with a sufficient interest can appeal against this measure before the investigating chamber. This jurisdiction can render an emergency decision based on the arguments of the prosecution, the person charged, or his counsel.

In reality, however, it is extremely difficult, if not impossible, to ask for an emergency meeting with the court because of this measure depriving the accused from any communication. The prohibition of communication in the “Islamist” files has often been qualified by the accused and their counsel as a “regime on lock-down.”

FIDH notes that according to the Body of Principles for the protection of all persons under any form of detention or imprisonment, “notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.” (Principle 15)

13. <http://www.un.org/News/Press/docs/2002/sgsm8105.doc.htm>

14. Declaration of the Committee against Torture: 26/11/2001. CAT/C/XXVII/Misc.7. (Statement), [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.XXVII.Misc.7.Fr?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.XXVII.Misc.7.Fr?Opendocument).

15. Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading punishment or treatment, A/59/324, September 2004, para. 14.

16. Cf. FIDH report n°429-A, 18/11/2005. http://www.fidh.org/article.php3?id_article=2858.

17. See the Report on the High-Level Panel at <http://www.un.org/secureworld/report.pdf>, and the open letter to FIDH from United Nations Secretary General Kofi Annan, concerning Chapter VI on terrorism, 7 December 2004, http://www.fidh.org/article.php3?id_article=2106.

18. Cf. United Nations' Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment: <http://www.ohchr.org/french/law/detention.htm>.

19. Cf. United Nations Basic Principles on the Role of Lawyers; Principles 1 and 5, available at <http://www1.umn.edu/humanrts/instrree/i3bprl.htm>.

20. See *infra* pages 18, 20 and following.

III. Torture in the Case of the “Islamists”: Use with Impunity

During the months of April 2005, May 2006 and January 2007, Mauritanian authorities carried out three waves of arrests of alleged terrorists.

In April 2005, under the regime of Ould Taya, the police justified the arrests by the “*discovery of a terrorist cell*” on Mauritanian territory.²¹ The Mauritanian authorities had therefore made clear that these arrests were made “in the framework of a case concerning State security.”

Shortly after Colonel Ely Ould Mohamed Vall took power, an amnesty law decreed by the CMJD liberated dozens of political prisoners. Eleven members of the “Islamist” group were arrested in April 2005, described in February 2007 by the minister of Justice as “*the core of Islamists present on the territory and a part of the Groupe Salafiste pour la Prédiction et le Combat (GSPC) from Algeria,*” who could not benefit from the amnesty; they thus stayed in detention at the central prison in Nouakchott.

During the mission in February 2007, taking into account the arrests that took place in 2006 and 2007, 24 peoples charged as “Islamists” in a terrorist group found themselves again in pre-trial detention at the civil prison in Nouakchott. Ten other people charged had been released 25 July 2006 by the Supreme Court of Mauritania. Three others had escaped in April 2005 and authorities were still in search of them.

Despite the constant denials by the officials met during the mission, the methods employed during the custody of these persons suspected of being part of a terrorist network did not seem to have really “evolved” after colonel Ely Ould Mohamed Vall took power.

Indeed, at every wave of arrests, the same grievances surfaced from the detainees and their families: excess of the length of custody by several days, location of custody kept secret from families and lawyers, but above all and in a systematic manner, inhuman and degrading treatment and torture exercised by police officers to obtain confessions.

The investigative files of 2005 and 2006 were consolidated and converted into one file. The minister of Justice announced to the FIDH delegation present at Nouakchott in February 2007 the opening of the trial on this case before the end of the transition, in March 2007.

The trial, with the use of the files of 2005 and 2006, was finally held before the Nouakchott criminal court from 21 May until 5 June 2007, wherein 24 of the 25 accused were acquitted. The criminal court refused to retain as proof the confessions of the accused which had been obtained under torture as it had been recognized as so. (see FIDH Communication from 11 July 2007: http://www.fidh.org/article.php3?id_article=4371.)

Another trial concerning 14 Islamists began 25 June 2007 before the Nouakchott criminal tribunal.

A) Presentation of the Islamists’ Files

The delegation was not granted access to the three investigative files, which appeared to contain scant amounts of information. Information relating to the substance of the files was collected from meetings with the minister of Justice, prosecuting attorneys or judges that agreed to speak with the delegates, several lawyers representing the alleged “Islamists,” and some of the accused.

Given these conditions, it is impossible to declare in a definitive manner whether there existed in these files against those in preventive detention elements of proof, other than the confessions subject to caution, which permitted their indictment and their pre-trial detention.

It was, however, possible on certain precise points, to state the flagrant violations of the Mauritanian criminal procedure.

Moreover, all of the charged “Islamists” complained of having signed the confessions under duress after having undergone torture and inhuman or degrading treatment.

The conditions of certain interviews in the absence of the principal judges in charge of the files and the lawyers’ fears of saying too much or of communicating key pieces of the files were also elements taken into consideration by the delegates in their investigation and analysis.

1) 2005 File

According to the first deputy of the District Attorney for the Republic of Nouakchott, these persons were all accused of “taking part in a terrorist group to commit acts, taking part in an illegal association, carrying illegal weapons,

conspiracy against the Mauritanian state and association with malefactors.”²²

The head of state, Colonel Ely Ould Mohamed Vall, declared in reference to those detained at the beginning of 2006: “*these Islamists are engaged in terrorist organizations and were planning action in their country.*”

The “Islamists,” imprisoned since 2005, are suspected of having been part of or having convened with the GSPC, an armed Islamist movement active in Algeria and in the Sahelien region and who pledges allegiance to *Al Qaeda*. They were suspected in particular to have attempted to organize a Mauritanian branch of the Algerian GSPC in order to attack the security of the Mauritanian state.

Several among them are accused of having participated directly in an attack in June 2005 against a post of the Mauritanian army in the northeast. This aggression, which resulted in eight deaths in the Mauritanian militia, is the only act that has been qualified as terrorist by the Mauritanian government.

The attack and its consequences are still unclear to the civil society in Mauritania; several representatives explained to the delegation that this confusion was voluntarily maintained by the authorities. Those interviewed by the mission reported that the access to the wounded militiamen healing in the hospitals had been made impossible and that consequently, no testimony on the attack could be taken from them.

The mission was able to speak with all of the detained “Islamists” from the files. All of them denied the charges against them and indicated that they had undergone torture and inhuman and degrading treatment during their time in custody, treatment that had forced them to sign their confession statements.²³

It also warrants mention that the group was arrested and put in custody under the regime of President Ould Taya, and that the members of government like the police officials met had, at least implicitly, acknowledged that torture had been a regular practice under the regime.

The minister of Justice, when questioned about this connection, indicated to the delegation that if torture had effectively been practiced by the former regime, “*Mauritanian justice would not take into account confessions obtained under torture.*”

On 27 July 2006, the file was transferred to be tried by the criminal court of Nouakchott by a decision of the criminal chamber of the Supreme Court. This same high jurisdiction had already been seized by an appeal from the District Attorney against the decision to free eight detainees. The Supreme Court affirmed the decision of the correctional chamber of the Court of Appeals that had ordered the provisional release of eight detainees on 14 September 2005. The Supreme Court used this opportunity to send all of those charged to be tried by the criminal court, including those that it was releasing.

When asked by the delegation as to the reasons of the decision – since the Supreme Court had in fact usurped the powers of the investigating judge – its President Mr. Mohamed Ould Hamini said that he had acted out of urgency, considered that the treatment of the case had already run late, including in its transmission from the prosecutor’s office to the Supreme Court, and that sending it directly to the criminal court avoided more delays prejudicial to the detainees.²⁴

2) 2006 File

The file concerning those arrested in 2006 is the one for which the mission obtained the least information. According to the minister of Justice, the file had been consolidated with the 2005 file because of the connection with the facts alleged. The file is part of an ordinance for transfer to the criminal court by the investigative judge.

Those arrested in May 2005 were accused of having taken part in groups with ties to the terrorist organizations with the objective of attacking the interior and exterior security in Mauritania.

The most marked event in the file, which was explained by several people interviewed by the delegation, is the manner in which the accused were presented to the judge of the prosecuting office after their placement in custody. The testimony describes inhuman conditions of their transport and of their first appearance before the prosecutor of the Republic: the accused were chained together, some in their underwear, and seemed especially weakened by their time in custody.

The Chairman of the bar of Mauritanian lawyers, Mr. Ahmed Ould Youssouf Ould Cheikh Sidya, confirmed that chains had been used to connect the feet and hands of the accused, and that they had been chained one to the other,

during their referral in 2006 before the District Attorney. Faced with such treatment, the Chairman of the bar said he had immediately approached the minister of Justice and asked successfully that the chains be immediately taken off in order to conform to procedure.

The detainees of this group met by the mission contested the facts alleged surrounding their charge. All testified having been the object, during their time in custody, of torture and inhuman and degrading treatment.²⁵ They appeared to be very affected by what they had been submitted to during their time in custody.

3) 2007 Files

On 12 February 2007, three people were brought before the investigating judge of Cabinet n°1 of the Nouakchott tribunal. They were charged, according to the judge in charge, of taking part in organizations with the objective of preparing acts of terrorism on Mauritanian territory.

These three persons were placed in provisional detention the same day at the civil prison in Nouakchott.

a) Excessive Length of Custody

Unlike the files of 2005 and 2006, the delegates could speak with the judge in charge of the investigation and verify the length of custody of the three accused. The official record corroborated testimony that custody longer than 30 days is systematic in the “Islamist” files: the three accused were kept longer than 30 days under the regime of custody.

The first, arrested on 8 January 2007, was kept in custody for 34 days. The second, arrested on 9 January 2007, stayed 33 days under police control. Finally, the length of custody of the third, arrested on 11 January 2007, exceeded the legal length of time for the security of the State by “only” one day.

When questioned as to the reasons and the judicial consequences of exceeding the permissible length of custody, the investigating judge, who seemed to discover this violation of the law at the same time as the FIDH delegation, indicated that the Mauritanian code of criminal procedure did not permit him to have any control over the process of the procedure and that it would be the responsibility of the judgment jurisdiction to rule on eventual violations and take the consequences.

When asked where the accused had been kept during their time in custody, he responded that he didn’t know, since *“the investigating judge does not intervene in the phase of custody,”* and that only the prosecutor could provide the information.

Saying very little as to the exact nature of the facts charged or other elements of the case, the investigating judge justified himself by stating that he had just become aware of the file. He also explained that those accused did not make any declaration to him as to the facts accused, *“because the purpose of the first appearance was only to verify the identity of the persons presented.”* Article 102 of the Mauritanian code of criminal procedure provides that: *“during the first appearance, the investigating judge makes a record of the identity of the accused, makes known to the accused the facts that are imputed to him, and receives declarations.”* Paragraph 3 of the same article provides the possibility for the investigating judge to question the person on the facts: *“During the first appearance, the investigating judge may, if the judge seeks a manifestation of the truth, proceed immediately to a first interrogation and confrontation outside the presence of counsel and the District Attorney.”*

According to the judge, the three detainees did not make a declaration, did not complain to him of any poor treatment, and were found “in good form.”

The deputy for the District Attorney – who also could not state the location of custody – also indicated that these three people were found “in a good state both physically and psychologically” and that they had not complained of their conditions in custody when they admitted to the facts accused of them before the District Attorney.

However, the witnesses met during the mission at the Nouakchott prison, contradicted these claims by describing torture and inhuman and degrading treatment.²⁶

b) Abduction of a Detainee Outside the Boundaries of the Legal Framework

The delegation was notified about a harsh intervention by the law enforcement officers in the Nouakchott civil prison, which was justified by the judicial authorities as legal and necessary for the abduction of one of the “Islamists” detained for a police interview in the file opened in 2007, different than the one which placed him in pre-trial detention.

The judge in charge of investigating the 2007 file confirmed that the detainee had been taken from the Nouakchott civil prison to be heard by the Director of State security in the framework of the “new Islamist document.”

Even though the judicial authorities and penitentiaries had explained that the abduction had been implemented in a legal framework, the nature and legality of the event was subjected to caution with regard to the legal text of Mauritania and the findings made by by the FIDH delegation in the prison.

The detainee concerned had, according to the official record, been extracted twice, at night, because Article 155 of the new code of criminal procedure banned the officers of the judicial police from proceeding with interrogation or confrontations with the accused in the absence of a special delegation or investigating judge.

The Chairman of the bar of Mauritania even said that the police forces had intervened without informing the District Attorney and that he immediately filed a claim to the general prosecutor in order to annul the hearings that would thus be heard outside of the regulation procedures.

The wives of some the detainees presented themselves at the exterior of the building and staged a “sit-in” protesting the abductions violently conducted during the night. The women are said to have been particularly mistreated at this occasion.

The manager of the prison affirmed on behalf of the authorities of the penitentiary administration that no violence had been exercised and no tear gas had been used. The representatives of the judicial authority qualified the statement by justifying use of force by the Islamist opposition group when they extracted one of them.

The detainees confirmed that they had been opposed to the abduction of their co-detainee, but only during the second abduction, because of poor treatment, physical and moral violence during the interviews following the first abduction.

The detainee concerned did not wish to meet with the delegates, asking his co-detainees to explain that he was afraid of new abductions were he to relate what he experienced.

The detainees explained that the police had been particularly violent, hitting them with bludgeons and firing

tear gas. This last information, contested by the penitentiary administration, could be verified by the delegates who state *having seen*, in the “Islamist” quarter where in 2005 a person sought after was not found, the presence of a dozen used tear gas bombs.



Photograph taken by the delegates of the mission during their visit to the civil prison.

B) Torture and Inhuman Treatment During Custody: Systematic Practices in the Fight Against Terrorism

1) Custody: “Headquarters” for Confessions and Torture

a) Torture and Inhuman and Degrading Treatment During Custody: Systematic Practices

The evidence gathered from the “Islamists,” the members of their family and their lawyers corresponds to the definition of torture and inhuman and degrading treatment found in the Convention against Torture.²⁷

The methods employed during placement in custody of the “Islamists” do not differ much from the persons who were arrested in 2005 under the regime of Ould Taya, or in 2006 and 2007 under the regime of the CMJD.

The detainees described the same injustices, and explained having been submitted to physical and mental pain. They indicate having been, during their time in custody, beaten, chained foot to hand in a way which kept the back always bent, and deprived of drinking water and food.

The use of one type of torture called the “jaguar” was also confirmed by the lawyers of several detainees. This position consists of hanging the person up high from an iron bar during several minutes, with their feet and hands connected and the head kept low. This method, used under the regime of Taya, seemed to have been continuing under the transitional regime of Ely Ould Mohamed Vall.

The goal of these treatments was to obtain confessions from the accused regarding their involvement in movements opposed to the interest of the government, movements called “Islamist” and terrorist.

Torture and poor treatment was inflicted, according to the gathered testimony, exclusively by police officials.

b) Testimony from the “Islamist” Detainees on the Conditions of Custody

The testimony gathered is consistent and often overwhelming. Even though the trial of the Islamists publicly condemned the practice of torture (see *infra*), FIDH prefers to keep the names of those providing testimony anonymous.

Group from 2005

M.A.:

“I was part of a political group, “la coalition des forces du changement.” I was arrested in the street on 5 May 2005 and I was placed at the police station. During my custody, I was also brought to the police station in another location, a house that seemed to be reserved exclusively for torture. I was kept 26 days during which time I was beaten on the face, on the head, on the back and on the limbs. They suspended me from an iron bar by the hands and feet, which prevented me from breathing. There was a military doctor and another who would come to see me after every torture session. They wanted me to confess to the facts alleged by the police commissariat and also that I expose people that I did not know. During the torture, there were agents and police officer; there were numerous torturers. I

remember especially a XXX XXX²⁸ who acted under the responsibility of XXX, XXX and XXX . . . I informed the prosecutor and the investigating judge that I had been tortured and wrote it in my statement. I was always refused when I tried to establish a medical report and was never permitted to see a doctor during my time in custody. I suffered during these torture sessions, but the authorities forbade me to see a diagnostic doctor; I still ask today but with no results.”

M.B.:

“I was arrested on 3 May 2005 at 2:00pm and detained for 24 hours at the police station. I was not part of any political party. I was beaten, they pulled my hair, I was hit on the head with hands and on the back with a stick. They insulted me and threatened me with death and told me that I would be buried in a secret place. I was deprived of food and water for ten days. My hands and feet were connected for 24 days in a horrible cell, without seeing anyone and with mosquitoes eating me day and night. The treatment was extremely hard. No doctor came to see me. They asked me questions on Sheik Abdelwedoud and on Al-Qaeda and on other names that I didn’t know or have now forgotten. Among the five torturers there was XXX and XXX. I don’t know the names of the other three. Two other policemen, called XXX and XXX were present before and after the torture sessions. The prosecutor, the judge and the lawyer were told about the treatment, but they did nothing.”

M.C.:

“I was arrested at Nouadhibou on 2 August and detained there and then at the police station at Nouakchott, altogether during one month and 20 days. I was submitted to different forms of torture. I was beaten, I was suspended, I was deprived of food. They asked me questions with no common denominator. It was the director of security who ordered the torture and everyone knew what was happening. Those who tortured me, they were part of a special team that was authorized and specialized in torture. There were XXX, XXX, XXX, XXX. They acted under the responsibility of XXX, XXX, XXX. I informed my lawyer and the prosecutor of the treatment.”

M.D.:

“I was detained for 46 days in a station of the police (Turz and Minuaar). I was submitted to the following torture: they

Mauritania: The Case of the “Islamists”: Torture in the Name of the Fight Against Terrorism

cut my thigh muscles with a saw; they burned me on numerous parts of the body with cigarettes; they put me in a position called the jaguar; they pulled out parts of my beard with their hands. The torture was exercised by XXX and his group. I was made to confess to being part of a salafiste group. I am not a part of any political organization. The Algerian counsel and the lawyers who came to see me

after my placement in the Nouakchott prison were able to make record of my marks of torture.”

It warrants noting that, almost two years after his placement in custody, the delegates of the mission could certify that M.D. still had marks on his body that correspond with the treatment he described.



M.D.: photo taken in 2005, several months after the torture described.



Photo of the same detainee (M.D.) in February 2007.

Group from 2006

M.E. explains:

“The first few days, I was arrested and taken to a secret place. My feet and hands were chained together and pulled to the ground. The chains went around my neck. I was kept from sitting down for hours and I was insulted by the police agents. After more than 20 days of detention and torture, they moved me to Company 2. I know the faces of my torturers. One is XXX. The others are called XXX, XXX, and XXX. It is “XXX” who gave the instructions to beat and torture me. I slept on the ground with the chains on the entire time I was in detention. I was only given one meal, a bowl of rice, to eat each day. I drank water from the toilets.”

M.F. declares:

“The first of June 2006, I was arrested in the street. I spent six days in Company 2 and then I was taken to Company

1. From 1 to 6 June, I was kept in place, feet and hands connected. I was made to sleep chained and on my side during my custody. Later on, we were taken to Company 1 with five other people. XXX gave the orders. We were transported in a Mercedes, model 250. We weren’t able to make our daily prayers. I was interrogated by several agents whom I would be able to identify. During my detention, two agents XXX came to interrogate me. They asked me if I had traveled to Morocco. The first two days, these two agents were very good to me, but then they became very threatening. I was slapped multiple times. They used their baton to hit my hands, my feet and my elbows and they told me: ‘if we were to bring you to our place, you would think it had been paradise here.’

I was forced to sign a statement recognizing my participation in a terrorist organization. At the end of my interrogation, representatives of the International Committee for the Red Cross came to examine me and to make record of my lesions. Later on, I was presented to the District Attorney. My statement was read to me. It was

written in French, a language I do not speak. I denied all accusations in the case and declared my innocence.”

M.G. indicates to the delegates that on the day of his arrest, 27 May 2006, he was in Toujounine.

“I was arrested at 11:00pm and taken immediately to the station in Toujounine. Then, a policeman that I could identify handcuffed my hands behind my back and I was taken to the Management of State Security. My eyes were covered and I was beaten. I heard the names of two agents, XXX and XXX. All of my confessions were recorded on a tape recorder. I was then transferred to Company 2. I was beaten during every night and hanged several times by my feet from an iron bar. They kept my head underneath like this for about 15 minutes. I was kept in a narrow room with a small window. The room was full of mosquitoes and I caught malaria. Then, XXX took me to Company 1. There I was presented other documents and they asked me to read them out loud what was written. There were two agents XXXXX who told me at this time “If you don’t read well, you will undergo a treatment much worse than the one you’ve experienced so far.” I was kept in custody from 27 May to 3 July 2006, which is more than 31 days! I state again that I was not a part of any political party.”

Testimony of M.H.:

“I was arrested on 27 May 2006 and released on 3 July 2007. I spent two nights in the office of Security in Nouakchott. Then, I was transferred to Company 2. I was tortured by three agents. One was named “XXX,” the other “XXX XXX” and the last “XXX.” They connected me by the feet to an iron bar situated up high. I was hanged by my feet during my detention for several minutes per day. One time, they told me that I had participated in an attack. I told them that it wasn’t true and that I had proof that I was elsewhere on the day of the attack. So, they handcuffed me behind the back and hanged me from the iron bar. I implored them to let me back to the ground and told them that I would sign whatever they wanted me to. They asked me questions and I responded as they wanted because it was the only way to make them stop torturing me. But, even after, the torture continued. It was a certain XXX who ordered XXX and XXX to hurt me. One day, they told me that their colleagues XXX were coming to interrogate me and that I had every interest to collaborate with them. They then came to interrogate me and at first they were very nice. Then, they told me that if I didn’t behave and tell them everything that they would take me with them to XXX where I would undergo “brainwashing.” I was very afraid of

them, so I told them everything and whatever. At the end of my 30 days in custody my feet were bloody. I couldn’t stand the pain any more. I confessed everything and whatever.”

M.I.:

“I was arrested on 1 June 2006 and detained for 33 days, mostly at the KSAR 1 station. I was handcuffed the whole time feet and hand linked by a chain that went around my neck. When I needed to go to the toilet the guards grabbed my chain and dragged me on the ground. In my cell, they forced me to stay standing for a long time, which was extremely difficult because of the chain that was forcing me to stay leaned forward. After 20 days, they covered my eyes and took me to a different place. I found myself in a room, and I think it was the inside of a private home. There were police XXX and XXX XXX that I knew from before and also XXX and XXX and XXX. They slapped me, hit me and threatened me. XXX insulted me a lot and ordered the others to slap me. They wanted me to tell them that I knew certain people, which sometimes was true. For example they gave me the name of someone I went to school with, but who was never a friend. During 33 days, I was chained and ate very poorly. To drink they gave me bottles that were used to wash the toilets and smelled very strongly of urine.”

M.J.:

“They arrested me on 2 June 2006 and detained me until 3 July 2006 when I was presented with the others to the prosecutor then to the investigating judge. I spent the first two nights at the Management of Security, then the rest of the time at Company 2. At first, at the Management of Security, my feet were cuffed and my hands cuffed behind my back. They hanged me by my feet from the ceiling, my head and top of body touching the ground. Then, when I was at Company 2, they took off the feet cuffs, but I was hit with a club and belt numerous times while I was laying on my stomach. They kept me from sleeping by hitting my feet violently as soon as I started to sleep. I didn’t read anything that they made me sign. They read it to me out loud and told me I had to sign. I know who was present, XXX, XXX, XXX, XXX and other foremen acting under them.”

Group from 2007

M.K.:

“I am XXX from 140km from Nouakchott. It was there that I was arrested on 9 January 2007. I was part of an

opposition party called RFD. During 37 days I was in a chain that connected my feet and hands. This chain was only taken off for the day that I was presented to the prosecutor. I was transported, without getting hit, to Company 1. There, XXX forced me to get naked in front of XXX until the middle of the night. They flogged me and beat me on the spine. XXX, XXX twisted my ear, slapped me and did everything to humiliate me. After the first night, they showed me a statement that all I had to do was sign it, to admit to it, because if not I was going to learn what torture really was. They told me also that if I signed it, the prosecutor would give me provisional freedom. The director of Security was present. So I agreed to sign, but they wouldn't even let me read what was written. I signed two times: the first time was after the torture of the first night; the second time was the 29th day, when XXX came with another statement. During this interval, I was not hit, but I received very little food. At the side of XXX, there was a certain XXXX who is XXX, XXX and the worse of them all, the most cruel, XXX. This one gave the orders and excited the foremen to hit me. The worst thing during the 37 days, though, was the hunger.”

M.L.:

“I was put into custody from 12 January to 12 February 2007 in a Company 1 jail. My hands were behind my back, connected by a chain to my feet. They showed me photographs and asked questions about the people in them; they wanted to know if I knew them. They insulted me, threatened me, and beat me. I was hit with a baton on the back and on the intimate parts. I was also deprived of air. I was alone in my cell and they covered my eyes during the torture sessions. I signed the statement, but I think that what was written was true. In my statement, there was nothing that would condemn me or put me into prison. It is XXX who gave the orders to beat me.”

c) Testimony from the Families of the Detainees

The delegation was able to meet with the families of the “Islamist” detainees, who joined the detainees in repeating that the practice of torture had been systematically used by the police during the detainee's time in custody.

These numerous testimonies – some indirect – support those gathered at the civil prison. The parents of the detainees arrested in 2006 have indeed indicated that the use of chains during the entirety of the time in custody was systematic. Those in custody were not even allowed to go

to the toilet without their chains. They were also forced to sleep in chains for more than a month.

For obvious reasons of security, the families of the detainees wish to remain anonymous.

Madame 1 told the delegation that:

“XXX was arrested in June 2006. They were detained in secret at the police station in Nouakchott for about 33 days. We were not told that they were in custody until the end. Then, they were taken, with feet and hands chained, to the Nouakchott court regarding their detention. XXX told me that they had been violently beaten and kept chained for about 20 days in an uncomfortable position.”

Madame 2 declared that:

“XXX was arrested in our home by a dozen police officers who climbed the walls of our house. The group was made up of XXX, XXX, and XXX, XXX. My house was searched and the computer equipment, DVDs, and CDs were taken. XXX also said that he had been kept chained and hit by the agents the authorities. He was forced to sign a statement and to make a confession.”

Madame 3 testified that:

“XXX was arrested the month of June 2006 and taken to the health center in Nouakchott. He was arrested and wounded by a bullet in the street. During his arrest, he was taken to the location of the National Security. During his detention, XXX told me that he was interrogated by agents XXX and XXX of the law enforcement forces. He also told me that he had been kept in chains around the neck, feet and hands during the entirety of his custody. Like the other detainees, he was forced to sign his statement.”

d) Clinical Analysis

The detainees

The facts have been analyzed according to the Convention against Torture, which has been ratified by Mauritania. The material from the interviews was examined according to the definition of post-traumatic stress commonly used to evaluate the psychological impact of torture.

The symptoms described by the victims are consistent with the definition of the state of post-traumatic stress

described in the DSM-IV.²⁹ The stress between reliving the experiences and avoiding them, as well as the activation of neuro-vegetative symptoms, are reparable among several of them.

The trauma is followed by a preventative closure that indefinitely extends the feeling of insecurity and the impression of being confronted by an abhorrent situation. The detainees are left in a purgatory, with no assurance of what the future holds for them. The fear is constant, and it is difficult to separate the effects of the experience from the loss of the senses during the aftermath of the torture. All asked to be judged as quickly as possible by an independent and impartial jurisdiction. Imprisonment without judgment, for close to 20 months for the oldest, is a major psychological stress, as is all deprivation of contact with the members of their families.

Obtaining justice is a primordial element of psychological well-being for victims of torture. It is healing to place structural limits on legal issues, on the law, and on reason, because the victim has been subjected to a destruction of boundaries of understanding and of what is tolerable. The treatment of the psychological wounds of a person traumatized by organized violence necessitates an official recognition of the wrongs against him, by a confirmation of the inalienable rights of the person, and by access to justice.

The clinical observations indicate that the detainees were subjected to severe psychological trauma. Four of the detainees met by FIDH complained of recurring headaches and a lack of confidence regarding the future. They were, for the most part, very nervous and easily startled. Some of them preferred to avoid social relationships, while before they had sought out human contact. Others suffered from trouble sleeping, of denial, and of recurrent thoughts connected with the experience of being tortured.

The clinical facts are consistent with normal symptoms associated with torture.

The families of the detainees

The women met by the delegation all denied having any links with “Islamist” or terrorist groups. They call themselves victims of a political dualism that they do not understand. For some of them, the economic consequences of the incarceration of their husbands,

sons, or brothers are heavy. The fact of knowing that they were tortured is at the same time a source of secondary trauma and a source of determination: they want to do anything to help their close ones heal and see them judged in an equitable manner.

Fighting for an ideal, for the interests of a close one incarcerated, creates a protection against impotence and depression. It is a sign of resilience, as a manifestation of the psychological strength of these women and the solidarity in their family ties.

This resilience does not exclude the presence of secondary effects of the imprisonment of their relatives: several of the women reported trouble sleeping, insomnia, nightmares, headaches, frequent crying, and loss of happiness.

These women are ostracized, associated as being a part of a family of political prisoners. The fact of having been witnesses to the arrests of their loved ones has an indisputably traumatic effect, above all when the person arrested was not compensated for these events.

All of these women had the feeling that the political games that surrounded the case of the “Islamists” could not justify the inherent difficulties of the arrests, the torture, and the discretionary imprisonment of their loved ones. All of them denounced the arbitrary imprisonment and professed the innocence of the detainees. The symptoms described by these women are consistent with secondary trauma.

2) The Locations of Custody

In general, the lawyers of the “Islamists” confirmed the allegations of their clients. They indicated in particular that some of them had been taken to the national police station in Nouakchott, and that others had been placed in different stations in the capital, like “Ksar 1 and 2,” also in two intervention companies of the national police, “Companies 1 and 2.”

Notified of the use by the local police station as a place of detention and torture, the mission went to five stations or buildings relevant to the competence of the minister of the Interior.

The mission was refused access to “Companies 1 and 2,” as the guards claimed not to have received authorization from the competent authorities.

a) State Security Quarters

The mission went to the State Security quarters after receiving information that it was used as a place of detention of the “Islamists.” The delegates of the mission had authorization to freely explore the stations of the Nouakchott police.

During the first visit, unexpected to State Security, the delegation could not meet the General Director of State Security. It was thus received by the officer of the judicial police, Ms. Nebghouha, called “Gouha.”

When questioned on the custody quarters in the building of the Security of the Territory, Ms. Nebghouha stated that none existed in the building and that they were in a building annex.

At the end of the visit, the mission noticed the existence of a guarded cell and the presence of a person behind the bars of a locked cell. When confronted with these contradictions, Ms. Nebghouha immediately questioned the police agent in a language unknown to the delegates and then left in her vehicle, leaving the mission where they were. The police agent, when called over by the mission, refused to answer and firmly stated that the mission should not be concerned about the person in the cell and that they should leave the premises.

The second unexpected visit was no more fruitful. None of those responsible for Security of the Territory were present to receive the mission. Only one police commissioner spoke with the mission, to calmly explain that he did not have knowledge of custody cells present in the building, and that his perimeter of competence stopped well before the locations sought for by the mission.

b) National School of Police

During interviews with the families of the detainees, the mission was notified that the national school of police of Nouakchott had housed places of detention.

The delegates went to the school on 13 February 2007. They were able to conduct an interview with Mr. Sidi Ould Sidi Mohamed, the Director of the school. He said that not a single place for detention existed, much less places for torture, in the midst of the establishment.

Wanting to verify suspicions themselves, the delegates of the mission asked to visit the buildings. Accompanied by

several agents and the Director, the delegation was able to visit the places used as classrooms.

The delegation had the impression that their arrival had been anticipated and that the classes had been organized at the last moment in order to occupy most of the empty places. The classes had been cleaned or were in the process of being cleaned.

The delegation regrets not being granted access to the whole premises.

c) The Tevragzeina Station

The Tevragzeina building is situated in the center of Nouakchott. It regroups the set of regular police services (e.g. criminal brigade, moral brigade, minor brigade, general information, etc.). An out-of-date and unsanitary building, it contains two cells with a surface area of five meters by two meters. The two rooms are somber, with a very small opening going to the back hallway.

During the visit of the quarters, only one cell was operational. The person in custody was not in his cell. He was placed in custody according to the decision of the judicial police because he had been accused of committing violence against others.

Questioned about the conditions of detention, she indicated not have received a daily ration of food since her arrest, more than six hours ago.

d) The Ksar 1 station

A new building, situated in the Ksar 1 quarter, is likely the largest station in Nouakchott. It could permanently house about 20 agents.

Received by the police commissioner, the mission was able to visit the locations of custody. Two cells of three meters by one meter fifty were designed to receive men and women separately. The toilets were located nearby. According to the chief warrant officer met there, one cell could hold between four and five people. In order to avoid suicide attempts, the detained were undressed and placed in underwear during their detention.

The delegation was not able to meet any people placed in detention in the station, described as the largest in the Mauritanian capital.

The delegates had the impression that their arrival had been anticipated and the locations and cells for custody had been cleaned.

e) The Ksar 2 Station

The Ksar 2 station is situated in the Socojim Ps quarter in Nouakchott. The building is composed of one story at street level. Only two cells of three meters by two meters are used to house people in custody.

Upon its arrival, the mission was received by the commissioner, who told them he had thought that the mission was scheduled to come the next day. He insisted on receiving the delegates in his office before a visit of the quarters. The time passed in his office permitted the other employees to clean the premises. Indeed, during the visit, the delegates could see that as they left the interview, the persons present were bustling about with brooms and other cleaning materials.

Only two persons in custody were present in the station. One, accused of having committed theft without violence, was free to move. Another, of Malian origin, also accused of having stolen a CD, was barefoot, seated in front of his cell and waiting, according to the police, to be presented before a prosecuting judge.

Questioned on their conditions of detention, the two young people said that they did not understand the reason of their being kept in the quarters.

As for the food brought during the custody, it was indicated that the food rations of the police were shared with them.

C) Unjustified Length of Provisional Detention

1) Protests by the Detainees and their Families

In February 2007, the accused “Islamist” of 2005 and 2006 had been detained for 29 months. The investigative files concerning them had been closed several months before and had been made the object of a case transferred by the Supreme Court in July 2006 and of a transfer ordinance before the criminal court given by the investigating judge.

The arrival of the mission coincided with two events relating to the length of provisional detention and the

absence of trial date: a sit-in and a hunger strike.

The detainees met, who were waiting for trial with impatience, feared that it would never take place. This is why some of them had started a hunger strike during which the members of their families decided to organize a sit-in in front of the Nouakchott prison.

Three communications signed by the Group of “Islamists” at the civil prison, the recent Group and the new Group were taken to the delegation. The first communication enunciated:

“In reaction to our disastrous social and statutory situation, we proclaim, while imploring the benediction of Allah, a hunger strike open until the satisfaction of our legitimate claim: to know our unconditional freedom and our compensation for damages we have suffered following the oppression and injustice or that we be brought immediately before a just court. In the same way, we ask all political parties, civil society forces and humanitarian organizations to intervene rapidly for our immediate liberation and to save our brother, Moustapha Ould Abdel Kader, who is now in the resuscitation and intensive care branch at the National Hospital [. . .]”³⁰

The sit-in and hunger strike ended during the mission, 14 February 2007, because of information obtained by the FIDH delegation, from the spokesman of the minister of Justice and confirmed by the Chairman of the bar, stating that the trial of these persons was scheduled to open before the end of transition, thus before 11 March 2007.

This timeline was not respected, but the trial nonetheless opened on 21 May 2007.

2) Difficulties Enrolling Files at the Nouakchott Criminal Court

The minister of Justice considered that the grievances exposed regarding the length of pre-trial detention were not justified and that the length of detention before judgment was not unreasonable given the facts alleged.

The same minister stated that the case of the persons accused in 2005 and then sent back to the criminal court during the month of July 2006 could not have been tried because of a connection existing with the files of those accused in 2006, which had necessitated a consolidation of the two files.

He assured the mission that the trial for the “Islamists” arrested in 2005 and in 2006 before the end of the transition would begin before 11 March 2007, and said that there would not be a consolidation of the two files and the file concerning the three people charged on 12 February 2007.

Met by the mission, the president of the criminal court, Mr. Ahmed Maouloud, did not wish to confirm or disprove this information, arguing that since FIDH was not party to the trial he was not obliged to give any information on the file.

The president of the criminal court did, however, indicate to the Chairman of the bar of Mauritania, who intervened for the defense of some of those charged, that he was no longer in charge of enrolling cases and that this power was henceforth given to the general prosecutor.

Article 206 of the Mauritanian code of criminal procedure is clear on this point: “The role of each session is decided by the president of the criminal court on the proposal of the public minister.”

Article 205 states: “The opening date of each criminal session is fixed by ordinance of the president of the criminal court, after notice or on requisition from the District Attorney.”

D) Conditions of Detention at the Civil Prison in Nouakchott: Special Treatment for the “Islamist” Detainees

1) Daily Life in Civil Prison

The delegates of the mission were able to visit the civil prison in Nouakchott. It is reserved for men, and women and minors are detained in two other distinct buildings situated in the capital.

The visit to the civil prison took place over a two day period. Built in 1965 with an open roof, the building was constructed to house 250 detainees. 588 detained men were counted during the visit, in eight quarters, two of which were reserved for the “Islamist” detainees.

According to the information transmitted by Mr. Cheik Ould Mohamed Mahmoud, the principal manager and director of the prison, the majority of the detainees incarcerated were waiting for a judgment. However, no exact number could be given on the precise number of prisoners in provisional detention.

At the entrance of the prison, the cells without doors were squatted by the “privileged” detainees, who helped with the daily management of the prison. Certain persons leisurely and freely entered the principal portal of the cells. The detainees were even authorized to escort the delegates during their visit.

The delegation was struck by the unhygienic state of the prison. The conditions of detention were more than deplorable. Two toilets and two showers per courtyard were reserved for the hygiene of the detainees. For the most part, they were unusable. The presence of huge cockroaches and flies was ubiquitous.

During their visit, the delegates assisted in distributing the meals. A huge “mess tin” is brought and distributed to the population. Only one food ration is provided per day, and this is composed exclusively of rice.

Left to fend for themselves, the detainees sometimes wait for their family to bring them a meal, exposing the incompetence of the administration. Even so, it does not seem rare that the meals are confiscated and eaten by the penitentiary agents.

2) Quarters for the Regular Detainees

According to the director of the prison, of the 567 detainees of common law, 106 persons have foreign nationality. Most of them are from Senegal or Mali.

All of the detainees are kept in the same conditions. Petty criminals and felons are regrouped in the same quarters. Cases of muggings and beatings are daily. Some detainees suffer from serious psychological problems. One sick detainee was starting his eleventh year of detention.

The detainees slept on the ground. One can easily imagine what repercussions such an arrangement has on their hygiene. Questioned as to their state of health, several of them complained of an absence of care in the establishment. Some did not hesitate to show their infected wounds. The sick detainees were abandoned by the penitentiary administration. They were put in quarters that were reserved for others like them, also abandoned. One of them said he had tuberculosis and had not received treatment for several days. The infirmary contested his story and ordered to detainee to stop complaining.

The prisoners met by the mission expressed the same descriptions of their conditions in detention:

- pre-trial detention of an indeterminable length;
- lack of hygienic care;
- lack of space to sleep at night;
- difficulty in accessing health care;
- insufficient food: one meal per day, consumption of meat or fish virtually nonexistent;
- difficulties in accessing judicial counsel;
- frequent aggression among detainees

3) Quarters for the “Islamist” Detainees

Detained separately from the prisoners prosecuted for ordinary crimes, the 24 “Islamist” prisoners were kept isolated in their quarters.

During the mission, the detainees had started their hunger strike several days ago, while also attempting to alert the public opinion and the Mauritanian authorities as to the unlimited time in pre-trial detention.

The detainees called “Islamist” are considered by the penitentiary administration as dangerous. These political detainees benefit from detention conditions more favorable than the prisoners detained for ordinary crimes. They were separated in two groups of twelve in two “quarters” distinct and far from one another.

The Islamist detainees from the 2006 and 2007 files were found in the first quarter, situated at the entrance of the prison. They were kept five persons to a cell of five meters by three meters.

The second quarter, situated towards the back of the prison, is much larger than the first. In this quarter, a detainee is imprisoned alone in a room approximately six square meters, or they are housed two to a room a bit larger. The detainees also have a large washroom.

The mission was particularly surprised to discover that the “Islamist” detainees had certain comforts: rugs, cushions, mattresses, mosquito netting, electric fans, books, magazines . . . some even had the privilege of getting a television and a VCR. They were also free to follow their daily routines (readings and prayer).

As for their conditions of detention, the Islamist detainees essentially complained of a lack of access to real health care and limits imposed on the number of family visits.

They explained on this last point that they received visits two to three times per week, but in very poor conditions. Thus, the visits can never last longer than five minutes and it is rarely more than two minutes before the guards end the visit. The detainees also complained of a lack of confidentiality during these visits, as they are always being watched and listened to by the guards. The families of the Islamist detainees met made the same complaints.

Finally, the quarters for which the right to visit was effectuated were such that it would be impossible for the visitor to have the slightest physical contact or correctly see the person they were talking with. The mission could report that the visiting quarters were separated from the detainees by two fences with a space between them, and the visibility was very poor.

Alerted by the delegation of these problems, the minister of Justice was surprised. He said that even though physical contacts were no longer tolerated, the visits were held without time restrictions.

E) Judicial Epilogue: A Denial of the Use of Torture

On 21 May 2007, the trial began before the criminal court of Nouakchott for the 25 “Islamists” arrested in 2005 and 2006 and accused of being a part of terrorist organizations.

Noting the records of the investigative mission, FIDH and AMDH publicly demanded, in conformity with Article 15 of the Convention against Torture, that all declarations that were obtained by the use of torture could not be used as an element of proof in the procedure.³¹ The defense attorneys also made the same argument.

On 11 June 2006, the judges decided not to retain the elements of the charge that were obtained under torture, and acquitted 24 of the 25 accused. Only Khadim Ould Seman, who had escaped from the Nouakchott prison in April 2006, was condemned in absentia to two years in prison. This decision not only confirmed the practice of torture on the detainees but also exposed the emptiness of the charges otherwise weighed against the accused.

On 31 July 2007, the criminal court of Nouakchott rendered its judgment concerning 14 other suspected terrorists. The death penalty had been requested by the Prosecution against several of them. The judges condemned three people to sentences ranging from three to five years in

prison. Accused of high treason and of playing a part in a terrorist group, these three individuals were finally condemned for forgery and falsification of documents. Two others accused were condemned to two years of prison, but their time served was waived on the condition that no crime was committed in the future. The nine others accused were all acquitted. One of the defense lawyers explained this decision by the fact that “the Court did not have sufficient evidence to condemn the accused on the basis of terrorist activities. *There were only confessions obtained under torture and not a single proof was deposed to the Prosecutor.*”

21. Cf. FIDH Communication from 28/04/2005- Mauritanie: Nouvelle vague d’arrestations de religieux. http://www.fidh.org/article.php3?id_article=2397.

22. See documents in Annex 1.

23. See infra.

24. Article 192 of the Mauritanian Code of procedure: “*When issuing an ordinance, the Supreme Court may annul the case or transfer it to the police court, the correctional court, or the criminal court.*”

25. See infra.

26. See infra page 20 and following, testimony of two of the three accused.

27. Article 1 of the Convention defines torture in the following terms: “*For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.*”

28. The “XXX” correspond to elements that could be used to identify the author of the testimony by those who names was accused of having committed torture or were present during the time. FIDH chooses to conceal these elements for the security of those testifying.

29. F43.1 [309.81], DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, American Psychiatric Association, 1994).

30. See Annex 1, Press Communications dated the 9th, 10th and 11th February 2007.

31. FIDH Press Communication 24/05/07: Ouverture du procès des présumées terroristes. http://www.fidh.org/article.php3?id_article=4320.

Conclusion and Recommendations

The observers and experts met by the delegation unanimously highlighted that the boom of radical Islam and violence in Mauritania does not constitute a reality. Islam is the state religion in Mauritania. There exists many associations for the recognition and establishment of Shar’iah law, but the most violent version of the ideology does not seem to prosper in Mauritania. Human rights defenders met by the delegation explained that: *“Radical and violent Islam has not manifested to the point of implanting itself in a country like Mauritania, a society very liberal and mindful of a moderate practice of Islam.”*

It is in this context that FIDH is interested in the “case of the Islamists.” The facts gathered by the mission demonstrated that the use of torture and cruel, inhuman and degrading treatment is systematic in the fight against terrorism in Mauritania. According to numerous sources, this type of practice does not seem to have entirely disappeared in the treatment of the files of persons accused of ordinary crimes. These methods, in particular those used by the law enforcement officers in the framework of custody, seek above all to extract confessions or information on crimes or offenses.

The case of the “Islamists” was thus an unhappy illustration of the practice of torture in Mauritania. All the detainees met by the mission suspected of having links with terrorist organizations underwent, during their time in custody, torture or cruel, inhuman and degrading treatment in the sense of the applicable international conventions.

But these cases were also symptomatic of the violations of the rights of the defense that manifest so often in the sensitive context of the fight against terrorism.

Thus, the mission was able to evidence the systematic violations of length of custody, the total absence of an attorney during custody, the illegal abduction of a detainee from prison, the appearance of chained detainees, the abusive use of prohibition of communication, etc. Furthermore, the mission was able to expose the serious lack of implementation of the principle of presumption of innocence, e.g. accusatory political declarations and imprecise incriminating facts. If the objective of the mission was to analyze the existence of proof that could lead to establish that those detained were responsible of the accused facts, then the interviews or refusal of

interviews with different actors of the case, judges, members of the government, and the lawyers of the accused, lead to serious doubts regarding the culpability of the accused.

It must be underlined that none of the legal actors met could clearly explain the elements of the case, other than from the confessions that were in the investigative files. For some of the lawyers met, the files from 2005 and 2006 did not contain any element proving the confessions obtained during the time in custody. It must also be repeated that the first deputy of the general prosecutor explained to the mission that he was not able to say if other types of clues existed than those confessions.

In light of this, FIDH could only welcome the decision of the criminal court of the regional Tribunal of Nouakchott to acquit, on 5 June 2007, 24 of the 25 accused “Islamists,” by rejecting all confessions obtained under torture, putting to light the emptiness of the files.

The proof of the responsibility of the persons detained and suspected to have been a part of Islamist networks not having been supported, it is necessary to inquire as to the reasons having led to these arrests and the initiation of judicial investigations.

The most widespread and credible analyses showed the necessity for the former president, Ould Taya, to exaggerate the Islamist threat to demonstrate action in the global fight against terrorism and thus attract the good graces of the United States for economic and military support. This posturing also served as a pretext to stifle all forms of protests and oppositions of power. In search of international legitimacy after its coup d’Etat on 5 August 2005, the CMJD seems to have followed this strategy to strengthen power that was illegally obtained.

Regardless of whether the fight against terrorism was used for political means in the “Islamist” case, FIDH reiterates the absolute prohibition of the practice of torture. This practice in Mauritania seems to favor a bundle of elements: the quasi-routine renewal of former methods; the lack of training in the law enforcement officers; and total impunity for the authors of these practices. As a consequence, Mauritania must, with the international community, immediately address these problems and eradicate

inhuman practices. The first task in this regard should be by the judicial authorities: opening an investigation on the facts of torture alleged in the “Islamist” cases and file a suit against those who committed these acts with the briefest delay possible.

FIDH recommends

I. To the Mauritanian Government

- to respect the international human rights conventions ratified by Mauritania, notably the International Covenant on Civil and Political Rights, the Convention against Torture and the African Charter on Human and Peoples’ Rights and consequently to harmonize legislative provisions according to them;

- to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in order to allow inspection of national detention places by independent national and international bodies in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;

- to refrain from acting in the name of the anti-terrorism fight in making derogations from the international conventions protecting human rights, in conformity with Article 22 of the Convention of the OAU Convention on the Prevention and combating of terrorism;

- to make a declaration under the title of Article 34.6 of the Additional Protocol of the African Charter on Human and Peoples’ Rights creating an African Court for Human and Peoples’ Rights ratified by Mauritania in 2005, in order to permit NGOs and individuals to take to court all anti-terrorism measures that violate the provisions of the African Charter;

- to take all legislative, administrative and judicial measures necessary to ensure that acts of torture are not committed in any territory under their jurisdiction;

- to subscribe to the project of a new code of criminal procedure with mandatory presence of a lawyer from the beginning of custody and to reduce the length of custody for matters regarding State security, including terrorism;

- to improve conditions of detention in all places where liberty is deprived, while assuring that rights to security,

to health, and to physical and moral integrity of the detainees conform to the provisions of the international human rights treaties and those related, notably the United Nations Standard Minimum Rules for the Treatment of Prisoners;

- to put into place as quickly as possible a program of security agent training on the respect of human rights;

- to put into place as quickly as possible a commission charged to investigate the hundreds of cases of torture perpetrated against “negro-Mauritanians” in the early 1990s. This commission should allow victims and their families to know the truth on the facts of torture, to obtain reparations from their prejudice, and to file suit against those who tortured;

- to hand over to the French authorities Ely Ould Dah, a Mauritanian national condemned to 10 years in prison for crimes of torture by the Cour d’assises in Nimes on 1 July 2005, and who is the object of an international arrest warrant;

- to close all places of detention that are not under surveillance by the Prosecutor’s office;

- to invite the United Nations Special Rapporteur on Torture and other cruel, inhuman and degrading treatment; the Special Rapporteur of the African Commission on Human and Peoples’ Rights (ACHPR) on prisons and conditions of detention in Africa; the Independent Expert on the protection of human rights and fundamental freedoms in the fight against terror to come on mission to Mauritania;

- to submit regular reports to the Committee against Terrorism of the United Nations Security Council indicating especially the set of legislative tools existing in relation to the fight against terrorism and indicating, in this respect, the modes of control for respecting human rights.

II. To Mauritanian Judicial Authorities

- to respect the national and international provisions relating to a fair trial and rights of the defense, notably concerning the length of custody, pre-trial detention, the right to a visit from lawyers, doctors and family, and the presumption of innocence;

- to open an impartial and independent investigation into the allegations of torture;

- to open in particular an investigation on the facts of torture perpetrated against the 25 accused “terrorists,” facts denounced by the judges of the criminal court of the regional Tribunal of Nouakchott and file suit against their authors;

- to consider as void all confessions obtained under torture in conformity with Article 15 of the Convention against Torture of 10 December 1984 ratified by Mauritania;

- to establish criminal, civil and administrative sanctions for violations concerning the legality of procedures (arrests, interrogation, treatment of detainees, regularity of oral statements);

- to put into place as quickly as possible rules of surveillance relating to interrogation practices and provisions concerning the guard and treatment of persons arrested, detained or imprisoned, in conformity with Article 11 of the Convention against Torture;

- to make the visits of the District Attorney to the sites of detention systematic;

- to proceed with adequate compensation for the victims of torture and for their families, in conformity with Article 14 of the Convention against Torture, and to establish official programs for reparations and to reintegrate the victims;

- to see to the permanent and mandatory training on the protection of human rights of those in charge of applying the laws, especially the law enforcement agents, prison guards, etc.

III. To the African Union

To see that the African Center of Study and Research on Terrorism (ACSRT) in charge of centralizing information, studies and analyses on terrorism, highlight the respect of human rights in the framework of the fight against terrorism.

IV. To the African Commission on Human and Peoples' Rights

To systematically analyze the respect of human rights in the context of the fight against terror when examining State reports, in conformity with the resolution adopted during the 38th session in December 2005.

V. To the European Union

Considering that the fight against torture is a priority of the European Union according to the Guidelines to EU policy towards third countries on torture, and that human rights are one of the objectives of the partnership between the European Union and Mauritania, according to Article 1 of the Cotonou Agreement, FIDH recommends that the European Union:

- propose financial support under the 9th European Development Fund in order to train security agents and judges on respect for human rights in the fight against terrorism

- in the framework of an engaging dialogue with Mauritania according to Article 8 of the Cotonou Accord,

to address the issues concerning human rights in the fight against terrorism;

to organize regular consultations with the independent Mauritanian civil society, in order to follow-up on the implementation of the recommendations of this report;

VI. To State Parties to the United Nations Committee against Terrorism

To address the issues relative to violations of human rights in the fight against terror, at the occasion of the next examination of Mauritania's report.

Annex 1: Persons met during the mission

The mission was able to speak with the following people:

The Mauritanian government:

Colonel Ely Ould Mohamed Vall, Head of State, president of the Conseil Militaire pour la Justice et la Démocratie (CMJD);

Mr. Mohamed Ahmed Ould Mohamed Lemine, minister of the Interior;

Mr. Mahfoudh Ould Bettah, minister of Justice;

Mr. Koïta Bamarian, Director of the Commission on Human Rights.

Judicial Authorities and Police:

Mr. Mohamed Ould Hanani, president of the Supreme Court

Mr. Boutar Ould Bakar, first substitute of the general Prosecutor of the Tribunal de grande instance of Nouakchott;

Mr. Ahmed Ould Abdelahi, substitute of the Prosecutor of the Republic;

Mr. Mohamed Ould Bakar, substitute of the Prosecutor of the Republic;

Mr. Lehib Ould Moktar, substitute of the Prosecutor of the Republic;

Mr. Ahmed Maouloud, President of the criminal Court of Nouakchott;

Mr. Ould Mah, investigating judge of the 1st cabinet near TGI of Nouakchott;

Mr. Ahmed Ould Youssouf Ould Cheikh Sidya, Chairman of the bar of order of lawyers of Mauritania;

Mr. Cheikh Ould Mohamed Mahmoud, warden of the three prisons of Nouakchott;

Mr. Siki Ould Sidi Mohamed, Director of the School of Police.

International Organizations:

Ms. Cécile Molinier, resident representative of UNDP;³²

Mr. Mokta Lam, head of the UNDP unit.

Foreign representatives:

S.E, Mr. Patrick Nicoloso, French ambassador to Mauritania.

Civil society representatives:

Ms. Fatimata Mbaye, President of the Association mauritanienne des droits de l’Homme (AMDH) and vice-president of FIDH ;

Mr. Boubacar Messaoud, President of SOS Esclaves.

Ahmed Ould Ely, lawyer of the Mauritanian bar;

Ketab Ould Moktar, lawyer of the Mauritanian bar;

Mohamed Ould Ahmed Miské, lawyer of the Mauritanian bar;

Sbai Ahmed Babe, lawyer of the Mauritanian bar;

Mohamed Salem Ould Meidah, lawyer of the Mauritanian bar.

Detainees and their family members

The FIDH delegation was able to meet approximately 30 detainees and various members of their families. Because of security concerns, FIDH will keep their names anonymous.

32. United Nations Development Program.

Annex 2: Law n°2005 047 of 26 July 2005 relating to the fight against terrorism (unofficial translation)

Official Journal of the Islamic Republic of Mauritania 15 September 2005

I- Laws and Ordinances

Law n°2005 047 of 26 July 2005 relating to the fight against terrorism

The National Assembly and the Senate have adopted:
The President of the Republic promulgates the following law:

General Provisions

Article 1: Terrorism preaches violence and intolerance. It threatens the stability of the State and its institutions, the security of the people and goods, and constitutes a danger for the vital interests of the nation.
In conformity with high moral and religious principles of Islam, and with democratic principles provided for by the Constitution, the fight against terrorism is the sacred work of the State and its citizens.

The State acts in conformity with international, regional and bilateral conventions pertinent to the international effort in the fight against terrorism.

The present law defines terrorist offenses and the judicial regime that applies them.

Article 2: the provisions of the criminal code, of the code of criminal procedure, thus the special texts relative to certain offenses and to procedures related to them, are applicable to offenses regulated by the present law, except for contradicting provisions.

Title 1: Terrorist Acts

Article 3: A terrorist infraction is any infraction mentioned in Art. 4, 5, and 6 hereafter, that by its nature or its context may seriously affect the country, and is committed to intentionally and seriously intimidate the population or force the public powers to accomplish or abstain from accomplishing an act, or seriously destabilize or destroy fundamental values of society, or the political, constitutional, economic, or social structure of the nation.

Article 4: Constituting, with conditions provided for in Article 3 a terrorist offense is:

- 1- An attack on the interior or exterior security of the State
- 2- A voluntary attack on the life of persons or their integrity, or on their freedom, the removal or sequestering of persons
- 3- Theft, extortion, destruction, degradations or deteriorations and computer-related infractions
- 4- Offences at the security of the air or sea navigation
- 5- The establishment, fabrication, detention, transport, putting in circulation or use illegal arms, explosives or ammunitions, of explosives or engines fabricated with the help of such substances.
- 6- The fabrication, possession, acquisition, transport of supplying of nuclear or chemical weapons, the use of nuclear, biological or chemical weapons, as well as the research and development of chemical arms;
- 7- The harboring of products of one of these offences provided for in Articles 5 and 6.
- 8- The offences of laundering money and offences to monetary legislation and the economic legislation, that the special laws established in terrorist acts.

Article 5: Also constituting a terrorist offence, under the conditions provided in Article 3:

- 1- The destruction of massive degradation, or the provocation of a flooding of an infrastructure, a system of

transportation, public or private property, for the effect of putting into danger human lives to produce considerable economic loss as provided for by Article 4;

2- The capture of other means of transportation provided for in Article 4

3- The unleashing of dangerous substances to endanger human lives.

4- The perturbation or interruption of the provision of water, electricity, and telecommunications or in all other natural resources for endangering human lives.

FIDH represents 155 Human Rights organisations

155 organisations

ALBANIA - ALBANIAN HUMAN RIGHTS GROUP	COLOMBIA - COMITE PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS	HAITI - COMITÉ DES AVOCATS POUR LE RESPECT DES LIBERTÉS INDIVIDUELLES	MAURITANIE - ASSOCIATION MAURITANIANNE DES DROITS DE L'HOMME	DEFENSE DES DROITS DES PERSONNES ET LIBERTES PUBLIQUES
ALGERIE - LIGUE ALGERIENNE DE DEFENSE DES DROITS DE L'HOMME	COLOMBIA - CORPORACION COLECTIVO DE ABOGADOS	HAITI - CENTRE OECUMÉNIQUE DES DROITS DE L'HOMME	MEXICO - COMISION MEXICANA DE DEFENSA Y PROMOCION DE LOS DERECHOS HUMANOS	RWANDA - COLLECTIF DES LIGUES POUR LA DEFENSE DES DROITS DE L'HOMME
ALGERIE - LIGUE ALGERIENNE DES DROITS DE L'HOMME	COLOMBIA - INSTITUTO LATINO AMERICANO DE SERVICIOS LEGALES ALTERNATIVOS	HAITI - RÉSEAU NATIONAL DE DÉFENSE DES DROITS HUMAINS	MEXICO - LIGA MEXICANA POR LA DEFENSA DE LOS DERECHOS HUMANOS	RWANDA - LIGUE RWANDAISE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME
ALLEMAGNE - INTERNATIONALE LIGA FÜR MENSCHENRECHTE	CONGO - OBSERVATOIRE CONGOLAIS DES DROITS DE L'HOMME	INDIA - COMMONWEALTH HUMAN RIGHTS INITIATIVE	MOLDOVA - LEAGUE FOR THE DEFENCE OF HUMAN RIGHTS IN MOLDOVA	SENEGAL - RENCONTRE AFRICAINE POUR LA DÉFENSE DES DROITS DE L'HOMME
ARGENTINA - CENTRO DE ESTUDIOS LEGALES Y SOCIALES	COSTA RICA - ASOCIACIÓN SERVICIOS DE PROMOCIÓN LABORAL	IRAN - DEFENDERS OF HUMAN RIGHTS CENTER	MOZAMBIQUE - LIGA MOCANBICANA DOS DIREITOS HUMANOS	SENEGAL - ORGANISATION NATIONALE DES DROITS DE L'HOMME
ARGENTINA - COMITE DE ACCION JURIDICA	COTE D'IVOIRE - MOUVEMENT IVOIRIEN DES DROITS DE L'HOMME	IRAN - LIGUE IRANIENNE DE DEFENSE DES DROITS DE L'HOMME	NETHERLAND - LIGA VOOR DE RECHTEN VAN DE MENS	SERBIE - CENTER FOR PEACE AND DEMOCRACY DEVELOPMENT
ARGENTINA - LIGA ARGENTINA POR LOS DERECHOS DEL HOMBRE	COTE D'IVOIRE - LIGUE IVOIRIENNE DES DROITS DE L'HOMME	IRAQ - IRAQI NETWORK FOR HUMAN RIGHTS CULTURE AND DEVELOPMENT	NICARAGUA - CENTRO NICARAGUENSE DE DERECHOS HUMANOS	SUDAN - SUDAN HUMAN RIGHTS ORGANISATION
ARMENIA - CIVIL SOCIETY INSTITUTE	CROATIE - CIVIC COMMITTEE FOR HUMAN RIGHTS	IRLANDE - COMMITTEE ON THE ADMINISTRATION OF JUSTICE	NIGER - ASSOCIATION NIGERIENNE DES DROITS DE L'HOMME	SUDAN - SUDAN ORGANISATION AGAINST TORTURE
AUTRICHE - OSTERREICHISCHE LIGA FÜR MENSCHENRECHTE	CUBA - COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NACIONAL	IRLANDE - IRISH COUNCIL FOR CIVIL LIBERTIES	NIGERIA - CIVIL LIBERTIES ORGANISATION	SUDAN - SUDAN ORGANISATION AGAINST TORTURE
AZERBAIJAN - HUMAN RIGHTS CENTER OF AZERBAIJAN	ECUADOR - CENTRO DE DERECHOS ECONOMICOS Y SOCIALES	ISRAEL - ADALAH	NOUVELLE CALEDONIE - LIGUE DES DROITS DE L'HOMME DE NOUVELLE CALEDONIE	SUISSE - LIGUE SUISSE DES DROITS DE L'HOMME
BAHRAIN - BAHRAIN CENTER FOR HUMAN RIGHTS	ECUADOR - COMISION ECUMENICA DE DERECHOS HUMANOS	ISRAEL - ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL	OCCUPIED PALESTINIAN TERRITORIES - RAMALLAH CENTRE FOR HUMAN RIGHTS STUDIES	SYRIA - DAMASCUS CENTER FOR HUMAN RIGHTS STUDIES
BAHRAIN - BAHRAIN HUMAN RIGHTS SOCIETY	ECUADOR - FUNDACION REGIONAL DE ASESORIA EN DERECHOS HUMANOS	ISRAEL - BTSELEM	OCCUPIED PALESTINIAN TERRITORIES - AL HAQ	SYRIA - COMITE POUR LA DEFENSE DES DROITS DE L'HOMME EN SYRIE
BANGLADESH - ODHIKAR	EGYPT - HUMAN RIGHTS ASSOCIATION FOR THE ASSISTANCE OF PRISONNERS	ISRAEL - PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL	OCCUPIED PALESTINIAN TERRITORIES - PALESTINIAN CENTRE FOR HUMAN RIGHTS	TAIWAN - TAIWAN ALLIANCE FOR HUMAN RIGHTS
BELARUS - HUMAN RIGHTS CENTER VIASNA	EL SALVADOR - COMISION DE DERECHOS HUMANOS DE EL SALVADOR	ITALIA - LIGA ITALIANA DEI DIRITTI DELL'UOMO	PAKISTAN - HUMAN RIGHTS COMMISSION OF PAKISTAN	TANZANIA - THE LEGAL & HUMAN RIGHTS CENTRE
BELGIQUE - LIGUE DES DROITS DE L'HOMME	ESPANA - ASOCIACION PRO DERECHOS HUMANOS	ITALIA - UNIONE FORENSE PER LA TUTELA DEI DIRITTI DELL'UOMO	PANAMA - CENTRO DE CAPACITACION SOCIAL	TCHAD - ASSOCIATION TCHADIENNE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME (ATPDH)
BELGIQUE - LIGA VOOR MENSCHENRECHTEN	ESPANA - FEDERACION DE ASOCIACIONES DE DEFENSA Y DE PROMOCION DE LOS DERECHOS HUMANOS	JORDAN - JORDAN SOCIETY FOR HUMAN RIGHTS	PERU - ASOCIACION PRO DERECHOS HUMANOS	TCHAD - LIGUE TCHADIENNE DES DROITS DE L'HOMME
BENIN - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME	ETHIOPIAN - ETHIOPIAN HUMAN RIGHTS COUNCIL	JORDAN - JORDAN SOCIETY FOR HUMAN RIGHTS	PERU - CENTRO DE ASESORIA LABORAL	THAILAND - UNION FOR CIVIL LIBERTY
BHUTAN - PEOPLE'S FORUM FOR HUMAN RIGHTS IN BHUTAN	EUROPE - ASSOCIATION EUROPÉENNE POUR LA DÉFENSE DES DROITS DE L'HOMME	KENYA - KENYA HUMAN RIGHTS COMMISSION	PHILIPPINE - PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES	TOGO - LIGUE TOGOLAISE DES DROITS DE L'HOMME
BOLIVIA - ASAMBLEA PERMANENTE DE LOS DERECHOS HUMANOS DE BOLIVIA	FINLANDE - FINNISH LEAGUE FOR HUMAN RIGHTS	KIRGHIZISTAN - KYRGYZ COMMITTEE FOR HUMAN RIGHTS	POLYNESIE - LIGUE POLYNESIENNE DES DROITS HUMAINS	TUNISIE - ASSOCIATION TUNISIENNE DES FEMMES DÉMOCRATES
BOTSWANA - THE BOTSWANA CENTRE FOR HUMAN RIGHTS - DITSHWANELO	FRANCE - LIGUE DES DROITS DE L'HOMME ET DU CITOYEN	KOSOVO - CONSEIL POUR LA DEFENSE DES DROITS DE L'HOMME ET DES LIBERTES	PORTUGAL - CIVITAS	TUNISIE - CONSEIL NATIONAL POUR LES LIBERTES EN TUNISIE
BRASIL - CENTRO DE JUSTICA GLOBAL	GEORGIE - HUMAN RIGHTS INFORMATION AND DOCUMENTATION CENTER	LAOS - MOUVEMENT LAOTIEN POUR LES DROITS DE L'HOMME	RDC - GROUPE LOTUS	TUNISIE - LIGUE TUNISIENNE DES DROITS DE L'HOMME
BRASIL - MOVIMENTO NACIONAL DE DIREITOS HUMANOS	GRECE - LIGUE HELLENIQUE DES DROITS DE L'HOMME	LEBANON - PALESTINIAN HUMAN RIGHTS ORGANIZATION	RDC - LIGUE DES ELECTEURS	TURKEY - HUMAN RIGHTS FOUNDATION OF TURKEY
BURKINA - MOUVEMENT BURKINABE DES DROITS DE L'HOMME & DES PEUPLES	GUATEMALA - CENTRO PARA LA ACCION LEGAL EN DERECHOS HUMANOS	LEBANON - FOUNDATION FOR HUMAN AND HUMANITARIAN RIGHTS IN LEBANON	RÉPUBLIQUE CENTRAFRICAINE - ORGANISATION POUR LA COMPASSION ET LE DÉVELOPPEMENT DES FAMILLES EN DÉTRESSE	TURKEY - HUMAN RIGHTS FOUNDATION OF TURKEY
BURUNDI - LIGUE BURUNDAISE DES DROITS DE L'HOMME	GUATEMALA - COMISION DE DERECHOS HUMANOS DE GUATEMALA	LEBANON - FOUNDATION FOR HUMAN AND HUMANITARIAN RIGHTS IN LEBANON	RÉPUBLIQUE TCHÈQUE - HUMAN RIGHTS LEAGUE	TURKEY - HUMAN RIGHTS FOUNDATION OF TURKEY
BURUNDI - LIGUE BURUNDAISE DES DROITS DE L'HOMME	GUINEE - ORGANISATION GUINEENNE POUR LA DEFENSE DES DROITS DE L'HOMME	LATVIE - LATVIAN HUMAN RIGHTS COMMITTEE	ROUMANIE - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME	UGANDA - FOUNDATION FOR HUMAN RIGHTS INITIATIVE
CAMBODGE - LIGUE CAMBODGIENNE DE DEFENSE DES DROITS DE L'HOMME	GUINEE-BISSAU - LIGA GUINEENSE DOS DIREITOS DO HOMEN	LIBAN - ASSOCIATION LIBANAISE DES DROITS DE L'HOMME	RUSSIA - CITIZEN'S WATCH	UNITED KINGDOM - LIBERTY
CAMBODIA - CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION		LIBERIA - LIBERIA WATCH FOR HUMAN RIGHTS	RUSSIA - MOSCOW RESEARCH CENTER FOR HUMAN RIGHTS	USA - CENTER FOR CONSTITUTIONAL RIGHTS
CAMEROUN - LIGUE CAMEROUNAISE DES DROITS DE L'HOMME		LITHUANIAN - LITHUANIAN HUMAN RIGHTS LEAGUE	RWANDA - ASSOCIATION POUR LA	UZBEKISTAN - HUMAN RIGHT SOCIETY OF UZBEKISTAN
CAMEROUN - MAISON DES DROITS DE L'HOMME		MALAYSIA - SUARAM		UZBEKISTAN - LEGAL AID SOCIETY
CANADA - LIGUE DES DROITS ET DES LIBERTES DU QUEBEC		MALI - ASSOCIATION MALIENNE DES DROITS DE L'HOMME		VIETNAM - COMMITTEE ON HUMAN RIGHTS & QUE ME : ACTION FOR DEMOCRACY IN VIETNAM
CENTRAFRIQUE - LIGUE CENTRAFRICAINE DES DROITS DE L'HOMME		MALTA - MALTA ASSOCIATION OF HUMAN RIGHTS		YEMEN - HUMAN RIGHTS INFORMATION AND TRAINING CENTER
CHILE - CORPORACIÓN DE PROMOCIÓN Y DEFENSA DE LOS DERECHOS DEL PUEBLO		MAROC - ASSOCIATION MAROCAINE DES DROITS HUMAINS		YEMEN - SISTERS' ARABIC FORUM FOR HUMAN RIGHTS
CHINA - HUMAN RIGHTS IN CHINA		MAROC - ORGANISATION MAROCAINE DES DROITS HUMAINS		ZIMBABWE - HUMAN RIGHTS ASSOCIATION

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PRIX DES ABONNEMENTS PUBLICATIONS DE LA FIDH	La Lettre de la FIDH 6 N°/an	Rapports de Mission 12 N°/an	La Lettre et Rapports
France	25 Euros	45 Euros	60 Euros
UE	25 Euros	50 Euros	65 Euros
Hors UE	30 Euros	55 Euros	75 Euros
Bibliothèque/Étudiant	20 Euros	30 Euros	45 Euros

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Director of the publication : Souhayr Belhassen
Editor : Antoine Bernard

Authors : Olivier Foks, Sylvie Laurion et Farid Messaoudi

Coordinators : Isabelle Brachet, Marceau Sivieude

Assistant of publication : Céline Ballereau-Tetu

Printing by the FIDH - Dépôt légal September 2007 -

ISSN en cours - N°479/2

Commission paritaire N° 0904P11341

Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N°330 675)