



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Sixty-fourth session**

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Item 3 of the provisional agenda

**Submission of reports by States parties  
under article 19 of the Convention**

**List of issues in relation to the second periodic report of  
Mauritania**

**Addendum**

**Replies of Mauritania to the list of issues\***

[Date received: 29 May 2018]

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\* The present document is being issued without formal editing.



## **Issues identified for follow-up in the preceding concluding observations**

### **Reply to the issues raised in paragraph 1 (a)**

1. As a general rule, the maximum period of police custody is 48 hours, which may be renewed. During this period, the rights of persons in police custody are guaranteed and protected. Any person suspected or accused of having committed an offence is presumed innocent until found guilty in a court decision that has the authority of *res judicata* following a fair trial. Confessions extracted under torture, violence or coercion are invalid, in accordance with the preambular article of the Code of Criminal Procedure. Specific rules on cases involving terrorism, narcotic drugs and psychotropic substances or threats to national security provide for longer custody periods given the particular features of the related investigations and inquiries. As these are special rules, they obviously prevail over any contrary provision of a general nature.
2. Upon expiry of the period of police custody, the detainee must either be released or brought before the public prosecutor. In the event of an arrest, regardless of duration, the criminal investigation officer must justify to the competent judge all the steps he or she has taken, in accordance with article 57 of the Code of Criminal Procedure.
3. All persons deprived of their liberty have the right to respect for their dignity. By law, ill-treatment and detention in places other than those permitted by law are prohibited. The criminal investigation officer is obliged to inform the spouse or first-degree relative (parent/child) of a detainee that he or she is being held in custody and has the right to communicate with the spouse or relative, as provided for by law.

### **Reply to the issues raised in paragraph 1 (b)**

4. The improvements made to conditions of detention in all of the country's prisons are described in paragraphs 16 and 17 of the present document.

### **Reply to the issues raised in paragraph 1 (c)**

5. All perpetrators of acts of torture or ill-treatment are subject to the penalties prescribed by law. Article 9 of the Act on Combating Torture provides that the competent judicial authorities must systematically initiate an impartial investigation whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been attempted or committed within their jurisdiction, even when no complaint has been received.
6. Articles 10, 11, 12 and 13 set out penalties for acts of torture or ill-treatment.

## **Articles 1 and 4**

### **Reply to the issues raised in paragraph 2**

7. The law criminalizing torture was adopted on 10 September 2015. It is immediately applicable and does not require an implementing decree.

## **Article 2**

### **Reply to the issues raised in paragraph 3 (a)**

8. Article 23 of the Act on Combating Torture (No. 2015.033 of 10 September 2015) repeals and replaces all earlier provisions that are contrary to it.
9. The Act, which criminalizes torture, was adopted on 10 September 2015. It is immediately applicable and does not require an implementing decree.
10. Article 23 of the Act on Combating Torture (No. 2015.033 of 10 September 2015) repeals and replaces all earlier provisions that are contrary to it.

**Reply to the issues raised in paragraph 3 (b)**

11. Access to a lawyer or to the assistance of a person of one's choosing is a right as well as a fundamental guarantee against torture. This is a general provision that is applied in all circumstances, unless otherwise stipulated by law. Acts of terrorism and threats to national security are covered by specific legislative provisions that govern fundamental law in these areas. Clearly, special rules prevail over general rules.

12. Access to a defence lawyer is guaranteed once the investigation has been opened; accused persons may communicate freely with their lawyers orally or in writing and they are facilitated in exercising their defence, to the extent that this is compatible with the prison's disciplinary and security requirements.

13. Neither the prohibition on communication set out in the Code of Criminal Procedure, nor punishments of any kind, can eliminate or restrict this right to communicate freely with one's lawyer.

14. In performing their duties, properly chosen or appointed defence lawyers may communicate freely with accused persons, without the supervision of a guard, in a special room (Decree No. 70.153 on the establishment of the prison system regulations, art. 15).

15. Letters in sealed envelopes sent by accused persons to their lawyers and vice versa are not subject to inspection by the prison administration (art. 16).

16. The relevant information should be written on the envelope to indicate the position and professional address of the recipient or the sender (art. 14).

**Reply to the issues raised in paragraph 3 (c)**

17. In application of the Legal Aid Act (Act No. 2015.030), several implementing instruments have been adopted and applied, namely:

- Decree No. 2016-077 of 15 April 2016 designating a national day to combat the practice and legacy of slavery
- Order No. 171-2017 of 20 February 2017 on the composition of the legal aid offices
- The order on fees for judicial officers, which is in the process of being adopted

18. Concerning access by indigent defendants to a lawyer, article 1 of the Legal Aid Act (No. 2015.30) provides that, in criminal cases, the provisions in force on payment of criminal court costs are applicable.

19. Article 101 of the Code of Criminal Procedure provides that the assistance of defence counsel is mandatory in cases involving serious offences. If the accused does not choose a lawyer, the judge will appoint one. If the accused is not assisted by a lawyer, the president of the criminal court or the judge replacing him or her will invite the accused to choose from among the lawyers authorized to plead before the Mauritanian courts. If the accused does not make a choice, a lawyer will be appointed by the court (Code of Criminal Procedure, art. 257). In cases involving ordinary offences, the judge may appoint a lawyer for the accused if he or she has not chosen one before the hearing. The appointment of a lawyer is mandatory if the accused is a minor or has a disability that could adversely affect his or her defence (Code of Criminal Procedure, art. 377).

20. Court-appointed lawyers who have to travel receive the travel and accommodation expenses provided to judges of the criminal court (Code of Criminal Procedure, art. 258). Decree No. 2009-208 of 24 September 2009 sets court costs for serious, ordinary and minor offences.

**Reply to the issues raised in paragraph 3 (d)**

21. The criminal investigation officer is obliged to inform the spouse or first-degree relative (parent/child) of a detainee that he or she is being held in custody and has the right to communicate with the spouse or direct relative (Code of Criminal Procedure, art. 58).

22. Upon admission of an incarcerated person, all prisons make a record of the contact details (such as a telephone number) of a family member or other person of his or her

choice in order to inform the chosen person of the detention and in case of emergency. In cooperation with a number of partners, a telephone line has been set up in Nouakchott Central Prison to enable detainees to ensure that their families are informed and to receive any calls from them. There are plans to extend this model, which is already operational in the central prison, to the Bir Mogrein prison and other prisons in the near future.

**Reply to the issues raised in paragraph 3 (e)**

23. Detainees are informed of their rights. Individuals are informed of the reasons for their arrest as soon as they are arrested by the criminal investigation officer. Under article 23 of the Code of Criminal Procedure, if a person being interviewed is a suspect, the officer must inform the person of the charges against him or her.

24. A guide summarizing the rights and obligations of detainees is made available to prisoners who can read and explained to those who cannot during awareness-raising sessions, under the supervision of the prison director or an officer of the prison administration, with the support of non-governmental organizations (NGOs)/partners authorized to work in prisons. These activities are now being carried out in the prisons of Nouakchott, Nouadhibou, Aleg, Rosso and Kaédi, and there are plans to extend them to all prisons nationwide.

25. During questioning, the public prosecutor must inform all individuals brought before him or her of the charges against them and the circumstances in which the alleged offences were committed. The questioning must be recorded in writing.

26. During questioning at the first appearance before the investigating judge, the judge expressly notifies the accused of each of the charges against him or her and of the fact that he or she is free not to make any statement. This notification is mentioned in the record (Code of Criminal Procedure, art. 101).

27. In all cases, the services of an interpreter must be used if the accused does not speak or understand Arabic.

**Reply to the issues raised in paragraph 3 (f)**

28. From the outset of their deprivation of liberty, all detained persons can request and receive a medical examination (Act on Combating Torture, art. 4). At the end of the period of police custody, when an individual is brought before the competent judge, he or she has the right to request a medical examination, or a family member may do so on his or her behalf (Code of Criminal Procedure, art. 60).

29. Upon admission to prison, detainees should, as soon as possible, have a confidential consultation with the establishment's medical director. In practice, such consultations are carried out at the women's prison and the central prison in Nouadhibou and are provided as far as possible at the central prisons in Nouakchott and Dar Naim.

**Reply to the issues raised in paragraph 3 (g)**

30. The public prosecutor oversees the duration and conditions of police custody. He or she may visit places where persons are held in police custody at any time. He or she may order the termination of police custody at any time or that the person being held in police custody be brought before him or her (Code of Criminal Procedure, art. 59).

**Reply to the issues raised in paragraph 3 (h)**

31. The logbooks kept by the criminal investigation police and in prisons are up to date. They contain all of the information required under the Act on Combating Torture and other applicable legislation.

**Reply to the issues raised in paragraph 4 (a)**

32. The measures taken in respect of the national mechanism for the prevention of torture have guaranteed the transparency of the selection of members of the mechanism and ensured its independence.

33. The president of the mechanism was selected as a member by means of a transparent and inclusive process led by a committee made up of representatives of all the relevant professional associations and civil society organizations, and later selected as president.

34. The mechanism's independence is guaranteed under the law on its establishment, the letter and spirit of which are in line with the provisions of the Optional Protocol to the Convention against Torture. This law provides that the mechanism should not receive instructions from any other authority.

35. Moreover, the members of the mechanism may undertake unannounced inquiries and have unconditional access to all places of deprivation of liberty.

36. They have already carried out several missions to and inquiries at places of detention across the country, including one with the Subcommittee on Prevention of Torture during its visit to Mauritania.

**Reply to the issues raised in paragraph 4 (b)**

37. The national preventive mechanism has an annual budget that is included as a separate line item in the State budget. This budget enables the mechanism to carry out the activities contained in its plan of action and the members to receive substantial compensation that enables them to carry out their duties independently.

**Reply to the issues raised in paragraph 5 (a)**

38. As part of efforts to strengthen the independence of the National Human Rights Commission and pursuant to the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, the Government adopted Organizational Act No. 2017-016 of 5 July 2017, which governs the composition, organization and functioning of the Commission.

39. This Organizational Act amended, supplemented and replaced articles 6, 9, 11, 12, 16 and 17 of the previous act in order to ensure the implementation of international human rights commitments and, in particular, of the recommendations of the Subcommittee on Accreditation.

40. The Act takes account of these recommendations with a view to strengthening the professionalism, competence and diversity of the members of the Commission and improving compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

41. Concerning the Commission's human resources, article 11 of the new Act provides for quantitative and qualitative strengthening by changing the composition of the Commission's membership. Accordingly, the Commission now has, in addition to its president and staff, qualified members who have been elected or appointed, as follows:

- By institutions and professional and civil society organizations, with voting rights
- By the parliament and the authorities, in an advisory capacity

42. All members of the Commission must meet the following criteria:

- Have Mauritanian nationality
- Have no criminal record
- Hold a university diploma and/or have a minimum of five years' proven experience in the field of human rights

43. The president and members of the Commission are appointed by presidential decree at the proposal of the authorities, institutions and professional and civil society organizations concerned.

44. Members serve in their personal capacity and not on behalf of the institutions or authorities they represent.

45. From a legislative point of view, the procedures for selecting the members have been improved to enhance transparency and increase the involvement of civil society in the

process. Thus, a new committee has been set up to supervise the selection process. Civil society organizations are well represented on the committee. Its tasks include widely disseminating the announcement concerning the renewal of the Commission and setting clear and transparent criteria to ensure broader participation in the process.

46. Concerning the issue of political representation within this institution, parliamentarians who become members of the Commission no longer have voting rights and, like the representatives of the Government, serve only in an advisory capacity. This measure is aimed at ensuring greater independence for the Commission's decision-making bodies. Moreover, the four members chosen by the President of the Republic also no longer have voting rights and are there in an advisory capacity only.

47. As part of cooperation with the United Nations system and the treaty bodies, the Commission has participated in sessions of the Human Rights Council and has submitted reports to the Committee against Torture and the Committee on the Elimination of Racial Discrimination. It has also contributed to the work of the African Commission on Human and Peoples' Rights by submitting reports on the implementation of the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

48. As part of the process for dealing with human rights violations, a complaints mechanism has been set up and provided with human and material resources. The mechanism has already received and processed several complaints. The members of this complaints unit have also participated in a number of seminars and training courses, including those run by Human Rights Information and Documentation Systems (HURIDOCS).

49. Concerning cooperation with civil society, joint activities have been carried out with the National Forum of Human Rights Organizations (FONADH), the NGO SOS Esclaves, the Mauritanian Association for Human Rights (AMDH), the platform of non-State actors and other organizations working for the promotion and protection of human rights.

50. To improve efficiency, the Commission's reports are now submitted to the President of the National Assembly and discussed in the parliament before being shared with civil society and the media.

51. In implementing the recommendations of the Subcommittee on Accreditation, the Commission is contributing to the promotion and protection of human rights through actions aimed at strengthening institutional capacity so as to adhere more closely to the Paris Principles.

#### **Reply to the issues raised in paragraph 5 (b)**

52. Several of the recommendations made by the National Human Rights Commission relating to the prevention of torture and ill-treatment have been implemented by the authorities:

##### *Concerning conditions of detention*

53. The following measures have been taken:

- Transfer of detainees from the prisons in Nouakchott to the Aleg civilian prison, which has helped ease overcrowding and improve living conditions in the former
- Effective separation of juvenile offenders from adults
- Improvement of nutrition, hygiene, health and health-care coverage in prisons

At the institutional level:

54. The Government has taken the following steps:

- Establishment of a reception and integration centre for children in conflict with the law
- Establishment of social integration programmes for children in conflict with the law

- Capacity-building for social workers
- Transfer of minors to a semi-open centre
- Renovation of the neuropsychiatric centre to improve functionality

At the legal and administrative levels:

- Appointment of a sentence enforcement judge
- Introduction of support measures for detainees
- Development of alternatives to incarceration
- Definition of the fundamental rules of the prison system, so as to regulate, precisely and strictly, the restriction of personal freedoms
- Permanent monitoring of prisons through fact-finding missions by the National Human Rights Commission, the parliament, the national preventive mechanism, the judicial and administrative authorities, international NGOs and the International Committee of the Red Cross

In terms of training:

- Implementation of a social reintegration policy for detainees
- Establishment of vocational training workshops
- Establishment of integration and apprenticeship programmes for children in conflict with the law

#### **Reply to the issues raised in paragraph 6**

55. Human rights defenders belonging to organizations that are recognized as being of public utility may exercise their activities freely, without intimidation, harassment or arbitrary detention.

#### **Reply to the issues raised in paragraph 7**

56. The political will of the authorities at the highest levels to combat violence against women and girls is reflected in several important initiatives:

- The development and implementation of the National Action Plan on Gender-based Violence for the Period 2014–2018, which facilitates a comprehensive understanding of the problem and a more effective response to gender-based violence
- The adoption and implementation of a national strategy for the abandonment of female genital mutilation
- The development in 2016 of a strategic plan to combat domestic violence
- The development of standard national procedures for preventing and addressing gender-based violence
- The adoption and implementation of the national strategy for gender mainstreaming
- The adoption and implementation of the Children's Code
- The adoption and implementation of a law on reproductive health
- The implementation of an action plan for the voluntary abandonment of female genital mutilation in seven *wilayas* (governorates)
- The development and adoption by the Government of a draft framework law on combating gender-based violence, which is in the process of being adopted by the parliament
- The development and implementation of an effective communications plan in relation to the strategy for the prevention of violence against women

- The strengthening of the capacity of shelters for women victims of violence
- Annual commemoration of the International Day for the Elimination of Violence against Women
- The organization of advocacy and coordination seminars for the judicial authorities (presidents of courts, police commissioners, etc.) on the problem of violence against women
- The organization of awareness-raising campaigns in the interior of the country on gender-based violence

57. As a result of these measures, the idea that violence against women is a human rights violation and a form of discrimination against women has entered the public consciousness and it has been possible to collect information on the phenomenon, as specific statistics on violence against women are rare, the majority of existing data being collected by the Ministry of Social Affairs, Children and the Family in cooperation with a number of NGOs. These data relate primarily to sexual violence, including rape and domestic violence.

58. Between 2016 and 2018, the Ministry of Social Affairs, Children and the Family recorded 286 cases of domestic violence. That figure is not comprehensive because it represents only those cases in which a complaint was registered.

#### **Reply to the issues raised in paragraph 8 of the list of issues**

59. The allegation concerning failure to investigate reports of slavery is unfounded. Members of the criminal justice system are obliged to follow up on and investigate all allegations of slavery reported to them. No complaints or reports have been registered by the competent authorities of allegations of slavery that have not been followed up on by the members of the criminal justice system to whom they were reported.

60. As indicated above, there have been no cases of refusal by judicial officers to accept a complaint and thus no prosecutions for such refusal. Indeed, since the enactment of this law, all complaints have been dealt with by the criminal investigation department and the competent courts, and there have been no prosecutions for violations of articles 18 and 21 of Act No. 031/2015.

#### *Information concerning prosecutions, convictions and sentences*

##### *Supreme Court*

61. Two cases have been handled, the first of which, involving nine persons, predated the 2015 Act. Six of the individuals were found guilty. The principal perpetrator was sentenced to serve a 2-year prison term and pay 3,160,000 ouguiyas (UM) in damages to the victims. Five others were given suspended 2-year prison sentences. The second case was tried under the 2015 Act by the eastern special criminal court and resulted in the conviction of two individuals, who were sentenced to 5 years in prison, including 1 year non-suspended, and fines of UM 1,000,000 and 6,000,000 in damages for the victims.

##### *Courts of appeal*

62. The Kiffa court of appeal has handed down three rulings. In the first case, the court upheld the criminal penalty imposed in the judgment of the court of first instance but amended the civil penalty, increasing the damages to be paid to the victim to 6,000,000 old ouguiyas. It decided to refer the other two cases to the eastern special criminal court. Six other cases are pending before the court.

63. The Dakhlet Nouadhibou court of appeal upheld the ruling of a first instance court in its entirety.

64. The Nouakchott court of appeal handled five cases. It upheld the convictions in the first case, increasing the damages to be paid to the victims. The other four cases remain pending.

*Wilaya courts*

## Eastern area

65. The criminal chamber of the Hodh El Charghi *wilaya* court has dealt with two cases involving two accused individuals. The special criminal court has before it three cases involving five accused persons. At the pretrial stage, six cases are under investigation.

## Northern area

66. The Tiris Zemmour *wilaya* court has before it three cases involving six accused individuals and the special criminal court two cases involving two individuals. At the pretrial stage, one case is under investigation.

## Western area

67. The Nouakchott special criminal court has before it two cases involving four accused individuals. Four cases are under investigation.

**Article 3****Reply to the issues raised in paragraph 9 (a) of the list of issues**

68. There have been no appeals against decisions regarding expulsion and no decisions regarding return or expulsion that have been set aside on the grounds of torture, although several orders have been issued on other grounds overturning rulings made in first instance regarding expulsion or return.

**Reply to the issues raised in paragraph 9 (b) of the list of issues**

69. Any person facing extradition receives the assistance of a court-appointed lawyer and an interpreter paid for by the criminal justice system.

**Reply to the issues raised in paragraph 10 (a) of the list of issues**

70. The number of asylum requests varies from one year to the next depending on the security situation in the subregion. Indeed, the majority of asylum seekers are from northern Mali and are fleeing situations of insecurity in the aftermath of armed attacks by terrorist groups on their villages.

**Reply to the issues raised in paragraph 10 (b) of the list of issues**

71. As at 31 December 2017, there were 51,828 Malian refugees in the Mberra camps who had been registered biometrically and were receiving assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Mauritanian Government, in the form of water, food, health care, education, etc. Other West African refugees fleeing conflict in Côte d'Ivoire, Sierra Leone and Liberia had been taken in and were receiving support from UNHCR. They numbered 2,721 individuals, the majority of whom have returned to their countries of origin now that the conflicts that forced them to leave are over.

72. The bill on asylum has been validated by a technical committee made up of representatives of different ministerial departments and NGOs. The bill will be examined by the Government with a view to its adoption and submission to the parliament at its next session.

73. Refugees and migrants are not detained in prisons. There are two temporary holding centres for migrants in an irregular situation in Nouakchott and Nouadhibou. The centres are in line with the standards of the European Union, which funds them.

74. Administrative detention in these centres is for a maximum of 24 hours, during which time the aim is to establish the migrant's nationality and identify, with the voluntary

cooperation of the migrant, those in charge of the smuggling and human trafficking networks.

75. Migrants are removed on an individual basis. This administrative step must be substantiated and the investigations required by law must have been conducted. Some measures are taken pursuant to court decisions as additional penalties provided for under Mauritanian law.

**Reply to the issues raised in paragraph 11 of the list of issues**

76. Migrants and asylum seekers have never been expelled, and this is confirmed by the UNHCR representatives in Nouakchott and in the interior of the country. Asylum seekers simply need an asylum application receipt to protect them during identity checks.

77. If a foreign national in an irregular situation is arrested, his or her embassy is informed so as to provide assistance and, where possible, to assume responsibility for him or her.

78. Decisions to remove an individual are taken by the competent administrative authorities after examining the facts of the case, and they are duly substantiated.

79. Removal following a decision not to allow an individual entry to the national territory takes place at border posts, in accordance with the legislation on entry to and stay in Mauritania.

80. As at 30 April 2018, there were 128,655 legal foreign residents in Mauritania. No more than 1,000 foreign nationals have been removed or refused access to the country because of a breach of the laws on entry to or stay in Mauritania, which is a very small percentage of the overall number of legal foreign residents.

81. As removal is an administrative decision, it can be appealed before the administrative chambers of the national courts.

**Reply to the issues raised in paragraph 12 of the list of issues**

82. Investigations are opened any time that acts are committed against foreign nationals by one or more units of the armed forces, including the brigade responsible for carrying out checks on foreign nationals and the coastguard.

**Articles 5 to 9**

**Reply to the issues raised in paragraph 13**

83. No other States appear to have sent Mauritania a request for the extradition of an individual suspected of having committed torture.

**Article 10**

**Reply to the issues raised in paragraph 14**

84. All police officers receive initial training on human rights at the National Police Academy.

85. The issue of human rights is addressed in all fundamental legislation, including:

- The Constitution
- Organizational and specific laws

86. Mauritania has acceded to or ratified the majority of the international and regional legal instruments relating to protection of and respect for human dignity (conventions, covenants, various charters and additional protocols of the United Nations and the African Union).

87. Basic training at the National Police Academy covers this topic.

88. Criminal investigation officers who conduct administrative and criminal investigations receive further instruction on criminal procedures, the legal framework for questioning and cases in which proceedings may be annulled on the grounds of non-observance of the guarantees of the dignity of the detainee.

89. The officers responsible for questioning are well equipped to conduct criminal procedures (apprehension, custody, presentation before a court, etc.) in accordance with the law.

90. To ensure that the detainee's human rights are respected, two types of check are carried out: technical monitoring (by supervisors in the Criminal Investigation Department) and legal oversight (by the Public Prosecutor's Office).

91. Article 54 of Decree No. 70.153 on the establishment of the prison system regulations states that prison staff must not use force against detainees except in self-defence or in cases of attempted escape or violent or passive resistance to orders. When prison staff do use force, they may do so only to the extent absolutely necessary.

## **Article 11**

### **Reply to the issues raised in paragraph 15**

92. All places of detention are those established by law; there are no unofficial places of detention. Detained suspects are held under a set of clear legal rules, in accordance with the Criminal Code and the Code of Criminal Procedure, which are strict, formal texts not allowing for any abuse and guaranteeing all human rights, including the right to a defence.

93. Law enforcement officials — criminal investigation officers, for example — exercise their authority under the direct supervision of the courts.

94. The system of police custody (the place, length and other conditions thereof) is subject to strict oversight by the Public Prosecutor's Office, and legal aid is the rule.

95. No interview may be conducted outside the legally established premises of the Criminal Investigation Department. Regulations on size, ventilation, bedding and other matters apply to the places of detention known as temporary lock-ups (*chambres de sûreté*), which are regularly inspected by oversight offices and various observers, such as the Public Prosecutor's Office, the police administration, the Human Rights Observatory and the national mechanism for the prevention of torture.

96. No comments have been made on lawfulness or due process at this level, nor have there been any comments about detentions, procedures or the physical standards of premises.

97. The Criminal Investigation Department operates in accordance with regulations and follows procedures governed by legal standards not allowing for any unlawfulness. Department personnel of all ranks receive basic and in-service training informed by respect for human rights and the rule of law.

98. There is no basement in the fourth district police station in Tevragh Zeina or indeed in any other police station. Nothing is easier than to carry out a simple check as part of a visit to these public facilities, which are open at all times. Anyone alleging that unofficial places of detention are used is, by so doing, providing ample evidence of his or her bad faith.

**Reply to the issues raised in paragraph 16 (a)****Statistical data on the situation of the persons detained in the country's prisons**

<i>Institution</i>	<i>Capacity</i>	<i>Number of prisoners</i>	<i>Occupancy rate</i>	<i>Number of prisoners in pretrial detention</i>	<i>Number of convicted prisoners</i>
Dar Naim	350	720	205.7%	458	262
Nouakchott Central	150	213	142%	96	117
Women's prison	50	26	52%	15	11
Compagnie	10	2	20%	2	0
Juvenile prison	150	0	0%	Opening in the near future	
Néma	40	52	130%	22	30
Aioun	40	47	117.5%	8	39
Kiffa	40	48	120%	24	24
Kaédi	50	18	36%	5	13
Aleg	650	435	66.9%	15	420
Rosso	50	65	130%	22	43
Atar	40	5	12.5%	0	5
Ouadane	14	0	0%	0	0
Nouadhibou	450	458	101.7%	163	295
Tidjikja	40	5	12.5%	5	0
Sélibaby	40	61	152.5%	26	35
Zouerate	40	32	80%	24	8
Bir Moghreïn	200	129	64.5%	0	129
Akjoujt	40	5	12.5%	2	3

*Source:* Prison situation on 25 April 2018 (Directorate of Criminal Affairs and Prison Administration, Ministry of Justice).

**Reply to the issues raised in paragraph 16 (b)**

99. Convicted prisoners and persons in pretrial detention are separated in the Nouadhibou, Aleg and Bir Moghreïn prisons. Minors and adults are separated in all prisons, with the exception of the women's prison. Men are held apart from women in all the country's prisons. Persons in pretrial detention and convicted prisoners are not separated in Nouakchott Central Prison or in the Dar Naim, Néma, Aioun, Kiffa, Kaédi, Rosso, Akjoujt, Atar, Sélibaby and Tidjikja prisons. All appropriate forms of separation will be effected in the newly built prison, currently being equipped, for minors over the age of 15 in conflict with the law. Children under 15 years of age are housed at the Reception and Social Reintegration Centre for Children in Conflict with the Law.

**Reply to the issues raised in paragraph 16 (c)**

100. Criminal justice policies encourage alternatives to detention. Pretrial detention, for instance, should be ordered by the examining judge only when it is justified by the seriousness of the acts or the need to prevent the disappearance of evidence, the flight of the accused or the commission of other offences (Code of Criminal Procedure, art. 138). In the case of an ordinary offence, subject to the provisions of article 141, the period of pretrial detention may not exceed 4 months, renewable once. For serious offences, pretrial detention may not exceed 6 months, a period that may be renewed once, pursuant to an order explaining the reason for the renewal, if the person has not been convicted of an

offence under ordinary law, penalized under criminal law or given a prison sentence of longer than 1 year or is unlikely to be given a prison sentence of 5 years or more.

101. In all cases of pretrial detention, the examining judge is obliged to expedite the investigation as much as possible. The judge may be held liable for any negligence that could have delayed the investigation to no purpose and prolonged the detention (Code of Criminal Procedure, art. 139).

102. Using parole or pardons to adjust sentences makes it possible to combat overcrowding. Since 2016, 132 people have been granted presidential pardons or released on parole.

103. Prisoners serving long sentences in prisons in Nouakchott are periodically transferred to less crowded facilities in a bid to relieve overcrowding. In 2016, for example, 768 prisoners were transferred to prisons in Aleg, Nouadhibou and Bir Moghreïn, while 400 were transferred in 2017.

104. The construction and renovation of prisons is under way. The Bir Moghreïn prison, which can hold 200 prisoners, was built in 2016. A prison with a capacity of 900 is under construction in Nbeïka. The Dar Naim, Nouakchott Central, Aleg and Nouadhibou prisons are being renovated and expanded.

#### **Reply to the issues raised in paragraph 16 (d)**

105. The Ouadane (Salahdine) prison has not had any inmates since July 2016. All the country's other prisons are connected, at public expense, to the domestic drinking-water and electricity networks. The quality and amount of food given to prisoners are sufficient. Three meals a day (breakfast, lunch and dinner), prepared on the basis of a standard menu developed in agreement with the prisoners, are provided. There are no limits on the food prisoners may receive from their families. Prison operating budgets are constantly on the rise. Food and health products for prisoners are not subject to value added tax (VAT), allowing prison budgets to go further. Structural deficits are covered by the State budget. Cold-storage rooms, built in Nouakchott, Aleg and Nouadhibou, have increased the ability of the country's major prisons to store fresh and frozen products. To prevent stocks from running out, rice, pasta, wheat, vegetable oil, sugar, milk, tea and other foodstuffs are supplied by the Office of the Food Security Commissioner. Red and white meat, fish, vegetables and other such products are provided by private suppliers. Bread is delivered every morning by a baker.

#### **Reply to the issues raised in paragraph 16 (e)**

106. All the major prisons have a clinic staffed by public health workers. In 2017, the Government ordered the construction of clinics in all prisons capable of holding 200 prisoners or more. Other prisons are covered by the civilian and military public health facilities of the jurisdiction in which they are located.

107. An isolation ward for patients with communicable diseases and a new clinic have been built at the Dar Naim prison. On-call health-care services are provided at night in the Dar Naim, Nouadhibou and Aleg prisons and in Nouakchott Central Prison. General practitioners visit the prisons two or three times a week to hold consultations. The Nouakchott, Aleg and Bir Moghreïn prisons each have an ambulance for transfers to off-site health facilities.

108. The administration has contracted with a pharmacy for the provision of medicines. The warden has access to an emergency fund that is replenished as it is used for prescriptions and urgent health care.

#### **Reply to the issues raised in paragraph 16 (f)**

109. The Salahdine prison has no inmates and has not admitted any recently. In the Dar Naim, Nouadhibou, Aleg and Bir Moghreïn prisons and in the women's prison, prisoners have regular access to sports activities and often organize local sporting competitions pitting one section of the prison against another or prisoners against guards. Nouakchott Central Prison has a multipurpose hall that is used from time to time as a gym and has the

appropriate equipment. Learning workshops have been set up in these prisons to give inmates access to vocational training. For example, it is possible to learn to sew, embroider, use dyes and make small handicrafts at the women's prison in Nouakchott, while prisoners at Nouakchott Central Prison can learn to sew. Reading and writing, welding, market gardening, computer maintenance, word processing, the installation of electrical wiring and plumbing are taught at Dar Naim. Brick-making, artisanal baking, computer literacy, reading and writing and welding are taught at Aleg, brick-making, sewing and artisanal baking at Bir Moghreïn, and hairdressing, reading and writing and computer literacy at Nouadhibou. Other learning and vocational training initiatives are planned.

110. Recreational activities, festivals and cultural ceremonies are periodically organized together with civil society organizations and potential partners to mark domestic and international holidays or other events, including the country's independence, Women's Day, Children's Day, Eid-al-Fitr and Eid al-Adha.

**Reply to the issues raised in paragraph 17 (a)**

111. In addition to the safeguards provided in criminal law, staff members responsible for monitoring detainees and persons with access to detention facilities are prohibited from subjecting detainees to violence, using insulting, vulgar or familiar language with them, smoking, drinking or appearing intoxicated in the detention facility and engaging directly or indirectly with inmates to influence their defence or counsel.

112. The country's prisons have not experienced major inmate disturbances that have caused deaths or serious injuries. Minor incidents between detainees, quickly brought under control, occur from time to time. The relevant regulations apply in such circumstances.

**Reply to the issues raised in paragraph 17 (b)**

113. A study on the advisability of setting up a corps of civilian prison guards was done in 2016. An assessment, including recommendations for prison management, was completed in 2018. The results of these surveys will help the authorities develop rational approaches leading to the formation of a body of personnel specialized in prison administration. Although male members of the National Guard have hitherto been responsible for physical security in the women's prison, the management of the prison and its inmates is the responsibility of female staff members alone. The National Guard members intervene, under the supervision and control of the prison's coordinator, a woman, only in the event of an incident requiring them to maintain or re-establish order.

114. Under the prison system regulations (art. 42), staff members responsible for monitoring detainees and persons with access to detention facilities are prohibited from:

- Employing detainees for their own purposes
- Receiving gifts or any other advantage from detainees or anyone acting on their behalf
- Accepting any commission from detainees or buying or selling anything on their behalf
- Facilitating or tolerating any correspondence or unofficial method of communication by inmates with one another or with persons outside, except strictly as provided for in the regulations
- Engaging directly or indirectly with inmates to influence their defence or counsel

115. There are no yard bosses in the Nouadhibou and Bir Moghreïn prisons or in the prisons in the interior of the country. The ongoing renovation of the Dar Naim, Nouakchott Central, Aleg and other prisons will make it possible to address infrastructure constraints in such a way as to allow closer and more rational supervision of these institutions and thus to facilitate effective and efficient internal control by the prison guards.

**Reply to the issues raised in paragraph 17 (c)**

116. There were eight deaths of persons in detention in 2016 and nine in 2017. All but one of those persons, who was electrocuted, died in outside health-care facilities, to which they had previously been transferred and admitted for emergency care or hospitalization or both.

117. In each case, the body is kept in the National Hospital Centre's morgue for an examination by a doctor and, if necessary, an autopsy. All the deaths were from natural causes, generally an illness for which the person was receiving treatment. None of the deaths mentioned were attributed to attacks by State agents that could lead to criminal or disciplinary proceedings.

118. Regarding the cases of Abdellahi Matalla Saleck and Moussa Bilal Biram, allegations of torture were made by the men themselves before the criminal court, which issued a decision stating that it did not have jurisdiction over the matter.

119. The detainee who, according to the information received by the Committee, was administered an injection by a doctor, was not given an injection at any time. The autopsy showed that his death was caused by excessive use of tobacco. Indeed, he was playacting while smoking cigarettes when he fell to his death. No nurse or doctor gave him a fatal injection. He was taken to the emergency department at the National Hospital Centre, where he was declared dead and an autopsy was performed.

120. The death in 2014 in the Rosso prison was of a detainee by the name of Mohamed Ould Noueive. He is the only person to have died in that prison since 2014. His death was not the result of assault and battery. He had a high fever, for which he received treatment. The medical certificate indicated that he died of natural causes. After his death, an investigation was conducted to determine what those causes were. The doctor's report pointed to death by natural causes, and the testimony of prisoners who shared his cell confirmed that he had not been the victim of assault and battery. These findings were forwarded to the relatives of the deceased by the Public Prosecutor's Office.

**Reply to the issues raised in paragraph 18**

121. Under Decree No. 70.152 of 20 May 1970 on the establishment of the prison system regulations, detention in one-person cells is the general rule. Article 6 of Decree No. 70.153 states: "In prisons where, because of the layout of the premises or temporary overcrowding, not all detainees can be held in cells of their own, single-occupancy cells shall be assigned first to detainees who have been ordered held incommunicado or in solitary confinement by the judicial authorities."

122. Placement in a cell for one person is thus a measure taken for security reasons and to ensure that investigations remain confidential, not a form of punishment.

123. In general, being held in a cell for one person is seen as a privilege enjoyed by some prisoners because of their status under criminal law, whenever prison facilities so permit.

124. Solitary confinement, or assignment to a punishment cell, consists of placing a prisoner alone in a cell fitted out for that purpose. It is a disciplinary sanction. It is imposed by the warden and may last up to 15 consecutive days, 23 hours a day, following a breach of the institution's internal regulations. If a prisoner's conduct requires long-term solitary confinement, it must be authorized by the Minister of Justice, and it may not exceed 60 days.

**Articles 12 and 13****Reply to the issues raised in paragraph 19**

125. Reports of torture committed by members of the police force and the gendarmerie are unfounded.

**Reply to the issues raised in paragraph 20**

126. Reports that allegations of torture and ill-treatment are rarely investigated are inaccurate. Prosecutors and examining judges are required to open investigations whenever allegations of torture are made and there are reasonable grounds to believe they could be true. All allegations are taken down in writing or are referred to in the written records of hearings. Lastly, there is no interference by the executive branch in the investigations that are conducted into allegations of torture.

**Reply to the issues raised in paragraph 21**

127. Unresolved humanitarian issues (the so-called “*passif humanitaire*”) were covered in a settlement between the victims’ dependants and the State in 2009. A letter of understanding on addressing the consequences of events involving the armed forces and the security forces was signed by the Government and the organizations representing victims of the repression.

128. The State recognized its responsibility for the events and apologized, an apology accepted by the victims’ dependants, who received compensation. A prayer ceremony in memory of the victims, attended by the President of the country, high-level dignitaries, members of the diplomatic corps and representatives of organizations of the ulama and for the defence of human rights, was held on 25 March 2009 in Kaédi, capital of the *wilaya* of Gorgol.

**Reply to the issues raised in paragraph 22**

129. The National Human Rights Commission and the national preventive mechanism are authorized to receive complaints of torture and ill-treatment.

130. Complaints of torture are submitted:

- By victims, in person, through postal boxes available in places of deprivation of liberty
- By victims’ families
- By civil society organizations
- By lawyers
- In response to the findings of the National Human Rights Commission and the national mechanism for the prevention of torture during periodic visits to places of deprivation of liberty

131. When a complaint is received, it is processed and forwarded to the Ministry of Justice for an investigation and whatever judicial measures must be taken.

132. Complaints lead to the adoption of measures for the protection of victims, in particular placing alleged victims in a safe location until the conclusion of the investigation and providing them with psychiatric care.

133. Within this framework, the National Human Rights Commission draws up a confidential investigation report that contains the testimony of victims and other witnesses and the psychiatrist’s report. The report is forwarded to the chief public prosecutor, so that legal proceedings may be initiated.

**Reply to the issues raised in paragraph 22 (a)**

134. All prisons and police holding facilities are regularly visited by the competent judicial authorities. Under the Code of Criminal Procedure, public prosecutors are to conduct visits to all places where people are held in police custody. They ensure that persons in police custody have been placed there lawfully, check the registers of persons in police custody and the length of time for which they have been held and may at any time order any action they deem appropriate, including the release of a person or his or her immediate appearance before a judicial authority (art. 59).

135. Prisons may be visited, as part of the exercise of their respective mandates, by public prosecutors or their deputies, examining judges, sentence enforcement judges and the President of the Indictment Division. During these visits, judges and prosecutors have access to all parts of the institution and obtain all the information they consider useful. They may receive prisoners and speak confidentially with them at any time.

136. Detainees may also request an interview, at which no member of the prison staff is present, with the judges, prosecutors and other officials responsible for inspecting or visiting the establishment.

**Reply to the issues raised in paragraph 22 (b)**

137. All allegations of torture and ill-treatment are admitted at all stages of judicial proceedings.

**Reply to the issues raised in paragraph 23**

138. All the groups concerned — victims of torture and ill-treatment, witnesses and investigators, as well as their families — are protected by law from any intimidation or reprisals relating to complaints filed.

**Article 14**

**Reply to the issues raised in paragraph 24**

139. As noted, the law provides for the rehabilitation of victims of torture.

**Reply to the issues raised in paragraph 25**

140. There are no statistical data on redress and compensation.

**Article 15**

**Reply to the issues raised in paragraph 26**

141. Evidence obtained through torture is inadmissible under the preambular article of the Code of Criminal Procedure and article 9 of the Act on Combating Torture. The courts are required to apply this fundamental rule aimed at preserving human dignity. This rule was applied in 2007, when the judge hearing a case involving Islamists refused to consider some of the confessions of the defendants, as they had been obtained through torture. In addition, members of the National Guard have been found guilty of the ill-treatment and torture of detainees and are currently serving their sentences.

142. When defendants appear in court before trial, they typically allege that their confessions have been extracted through torture, but when an investigation is conducted, the courts often find that there are no reasonable grounds to believe the allegations.

143. When the accused in case No. 101/2016 claimed before the criminal division of the Nouakchott court of appeal that they had been subjected to torture, the division ordered a medical examination. On the basis of the examination, it held in judgment No. 102/2016 of 29 August 2016 that the accused had been subjected to torture and that the confessions included in the police report were therefore inadmissible, in accordance with article 6 of the Act on Combating Torture.

**Article 16**

**Reply to the issues raised in paragraph 27**

144. Demonstrations in Mauritania are governed by the laws and regulations on public order.

145. All requests from political actors (political parties, trade unions and the like) have been granted, and the necessary protection and security assistance have been provided.

146. Since 2008, there have been more demonstrations in Mauritania than in any other country in the subregion, according to reports by observers.

147. These demonstrations are a concrete example of the major expansion of the scope of civil liberties. No restrictions were imposed, and all stakeholders are of the view that significant progress has been made in this area, in terms of both basic laws and implementation mechanisms. The country's law enforcement agencies regularly produce annual statistics confirming this situation.

2012	205 demonstrations
2013	219 demonstrations
2014	187 demonstrations
2015	195 demonstrations
2016	158 demonstrations

148. These demonstrations took place without incident and received the necessary protection from the administrative authorities and the security services.

149. In recent years, the law enforcement agencies have managed to strike an impressive balance between public order and the lawful exercise of civil liberties.

150. This peaceful method of handling demonstrations, which draws on traditional and regulatory techniques, was instituted by the authorities in a bid to prevent the abuses and excesses common in many other countries.

151. Mauritania has not experienced any deaths, injuries or destruction of public or private property during these demonstrations.

152. Furthermore, the law enforcement agencies, always observing the rules of restraint and exhibiting extreme professionalism, have suffered several attacks by misguided individuals forming unauthorized gatherings and damaging property.

153. In 2016, a small number of police officers, intervening just after a call from citizens who were under attack, fell victim to an assault organized by scores of people, suffering several serious and incapacitating injuries, as they had been unprepared for the situation. The perpetrators of that violence were arrested and prosecuted as prescribed by law.

154. No complaints of excessive use of force during the demonstrations of 29 February 2016 and April 2017 and the alleged round-ups have been recorded by the Public Prosecutor's Office.

155. No allegations of torture in connection with the evictions in Nouakchott in June 2016 have been filed with the Office, either, but some defendants have made such allegations before the criminal court. The court handed down a decision stating that it lacked jurisdiction over the matter.

#### **Reply to the issues raised in paragraph 28**

156. Mauritanian law provides for the death penalty, but there has been a de facto moratorium since 1987, the year of the most recent execution. Persons under sentence of death are afforded the protection of the law and are treated with respect for their dignity, in the same way as other prisoners.

#### *Conditions of detention applicable to persons sentenced to death*

157. A person sentenced to death is transferred to the prison determined by the Minister of Justice. This transfer should take place immediately after the appeal on points of law or upon expiry of the time limit for an appeal.

158. Persons sentenced to death are held in single-occupancy cells unless there are so many of them that the prison is obliged to hold them together. They are placed in special cells and monitored day and night in order to prevent escape or suicide attempts.

159. They are required to wear prison uniforms. They may smoke, read and write as much as they like. They may receive additional food, if they so request, and they may purchase items from outside the prison at their own expense.

160. The rules on correspondence are the same for persons sentenced to death as for pretrial detainees. They may be visited by their closest relatives. There are no limits on how often they may be visited by their lawyers, ministers or social service representatives, although visits by such persons will include a member of the prison staff whose mission is to ensure that security rules are respected.

161. In practice, prisoners sentenced to death are subject to the same rules as other prisoners. They have access to the services and may exercise the rights that they are granted by the laws and regulations in force.

#### **Reply to the issues raised in paragraph 29**

162. There are currently no plans to amend the Criminal Code.

#### **Reply to the issues raised in paragraph 30**

163. Torture is defined as a crime against humanity by the Constitution. A national mechanism to prevent torture has been put in place. Subjecting a child to torture or barbarous acts is punishable by 6 years' imprisonment. The penalty is 15 years' imprisonment if torture is committed repeatedly against the child or if it leads to sequelae, mutilation or permanent disability. If torture results in the unintentional death of a child, the penalty is life imprisonment.

164. The Children's Code developed and endorsed by the Government was adopted by the parliament and given the force of law. In articles 15, 79, 80, 136 and 137 of the Code, subjecting a child to torture or cruel, inhuman or degrading treatment or any form of corporal punishment is clearly made a crime.

165. Article 15 states that children are entitled to treatment that protects their honour and dignity. They should never be subjected to cruel, inhuman or degrading treatment or to punishment injurious to their physical or mental well-being.

166. Article 136 states that no detained minor may be subjected to disciplinary action without being informed in a manner fully comprehensible to him or her of what he or she is charged with and given the opportunity to make his or her case.

167. Any disciplinary measure imposed on a minor must be compatible with the need to respect his or her dignity and the fundamental objective of institutional care. It is prohibited, even for disciplinary reasons, to subject a detained minor to cruel, inhuman or degrading treatment, including corporal punishment, placement in a dark cell, close or solitary confinement, or any other punishment that may compromise his or her physical or mental health.

168. An internal administrative investigation was carried out in response to the reports mentioned in paragraph 30 of the list of issues. The investigation concluded that the reports, which concerned the use of corporal punishment by staff at the centre for young offenders, were groundless. The national mechanism for the prevention of torture took immediate cognizance of the information and conducted an inquiry in Nouakchott and at the centre's Nouadhibou branch.

169. The inquiry reached the conclusion that the reports were unfounded. Terre des Hommes Italy commissioned an independent psychiatrist who carried out investigations in Nouakchott and Nouadhibou. The psychiatrist concluded that none of the children at the centre in Nouakchott or the branch in Nouadhibou were suffering from problems linked specifically to the alleged corporal punishment.

170. It should also be recalled that the Reception and Social Reintegration Centre for Children in Conflict with the Law was referred to in the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Mauritania. He concluded that the Centre was acceptable and met international standards for the treatment of children in conflict with the law. In addition to the inquiry conducted by the national mechanism for the prevention of torture, the Public Prosecutor's Office began an inquiry that reached the same conclusions. Those inquiries corroborated the findings of the investigation of the Ministry of Justice, which had found no evidence of abuse or violence and concluded that the allegations were baseless.

171. As a precautionary measure, however, and as a warning to other staff members, the Centre's management immediately dismissed the suspected monitor, even before the results of the inquiry were known.

172. The Centre operates on the principle that violent disciplinary methods are intolerable; non-violent methods alone are permitted.

### **Other issues**

#### **Reply to the issue raised in paragraph 31**

173. The Government takes note of the issue and will consider the Committee's recommendation to recognize its competence under articles 20 and 22 of the Convention.

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