

AFRICAN UNION		UNION AFRICAINE
<b>الاتحاد الأفريقي</b> <b>African Commission on Human &amp; Peoples' Rights</b>		<b>UNIÃO AFRICANA</b> <b>Commission Africaine des Droits de l'Homme &amp; des Peuples</b>
<p><i>No. 31 Bijilo Annex Lay-out, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia</i>  <i>Tel: (220) 441 05 05 / 441 05 06,</i>  <i>Fax: (220) 441 05 04 E-mail: <a href="mailto:achpr@achpr.org">achpr@achpr.org</a>; Web <a href="http://www.achpr.org">www.achpr.org</a></i></p>		

**REPORT OF THE PROMOTION MISSION OF THE COMMITTEE FOR THE  
PREVENTION OF TORTURE IN AFRICA**

**TO THE ISLAMIC REPUBLIC OF MAURITANIA**

**26 MARCH – 01 APRIL 2012**

## **Acknowledgements**

The African Commission on Human and Peoples' Rights (African Commission) would like to express its gratitude to the Government of the Islamic Republic of Mauritania for authorizing this Promotion Mission, and for putting at the disposal of its delegation all the necessary facilities and personnel to ensure the success of the Mission. The African Commission would like to extend thanks to the High Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of the Islamic Republic of Mauritania especially to Hon. Mohammed Adellahi ould Khattra, for his efforts in ensuring that the Mission was successful. The African Commission would particularly like to thank staff of the United Nations Mission in the Islamic Republic of Mauritania for their advice and insight which enriched the quality of this Report.

The African Commission also wishes to thank all the NGOs, Independent Statutory Institutions and other individuals and civil society bodies that found time to meet with its Delegation.

## **Abbreviations and Acronyms**

APT - Association for the Prevention of Torture

CPTA - Committee for the prevention of Torture in Africa

CPP - Criminal Procedure Code

ICRC - International Committee of the Red Cross

NGO's - Non Governmental Organisations

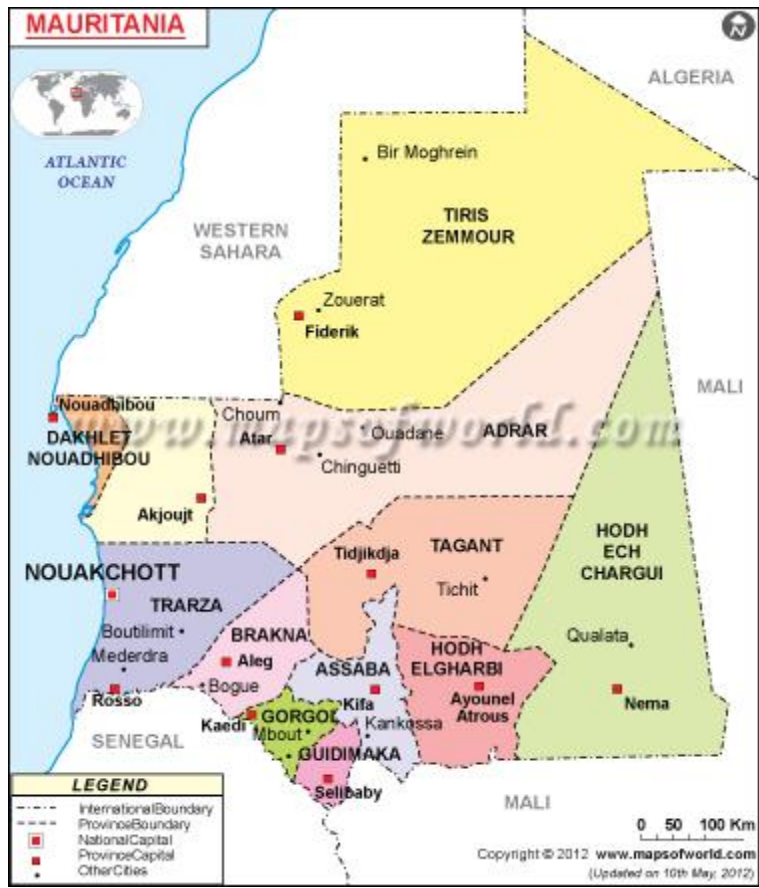
NHRC - National Human Rights Commission

NPM - National Preventive Mechanism

OPCAT - Optional Protocol for Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

RIG - Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa

(UPR) Universal Periodic Review



Map of Mauritania

Source: <http://www.mapsofworld.com/mauritania/>

## I. INTRODUCTION

1. Article 30 of the African Charter on Human and Peoples' Rights (African Charter) establishes the African Commission on Human and Peoples' Rights (African Commission) as an African intergovernmental human rights mechanism entrusted with the mandate to promote and protect human and peoples' rights in Africa. Article 45 (1) of the African Charter, and point 30 of the Mauritius Plan of Action mandates the African Commission to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation.
2. Though absolutely prohibited under Article 5 of the Charter, torture and other forms of ill treatment have been some of the most prevalent human rights violations in most parts of the Continent. In recognition of this reality, the African Commission, in collaboration with the Association for the Prevention of Torture (APT), drafted and adopted, in October 2002, the Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa. The Robben Island Guidelines are a set of concrete measures aimed at helping States Parties to the African Charter to effectively implement the provisions of Article 5 of the African Charter on the prohibition and prevention of torture and other forms of ill-treatment.
3. For greater effectiveness of these Guidelines, the African Commission also set up a monitoring committee - the Committee for the Prevention of Torture in Africa (CPTA), as its special mechanism responsible for promoting and facilitating the effective implementation of the Robben Island Guidelines and other instruments on the prohibition and prevention of torture and other forms of ill-treatment.
4. The CPTA is composed of Members of the African Commission and independent experts and has as mandate:
  - To organise, with the support of interested partners, seminars to disseminate the Robben Island Guidelines to national and regional stakeholders;
  - To develop and propose to the African Commission strategies to promote and implement the RIG within Member States;
  - To promote and facilitate the implementation of the RIG within Member States;
  - To make a progress report to the African Commission at each of its Ordinary Session.

5. One of the ways through which the CPTA accomplishes its mandate is to conduct promotion visits to States Parties with the objective of engaging in constructive dialogue with the authorities and other stakeholders on ways of effectively preventing torture and other prohibited acts under Article 5 of the Charter. The Islamic Republic of Mauritania ratified the African Charter on 14 June 1984 and also undertook to cooperate with the African Commission, particularly within the framework of promotion missions. In this regard and at the invitation of the Government of the Islamic Republic of Mauritania, the CPTA undertook a Promotion Mission to the Islamic Republic of Mauritania from 26 March to 1 April 2012.

## **II. TERMS OF REFERENCE OF THE MISSION**

6. The Terms of Reference of the Mission were as follows:
  - To promote and facilitate the effective implementation of the Robben Island Guidelines and to contribute to the prevention of torture, slavery and other cruel, inhuman or degrading treatment or punishment in Mauritania;
  - To initiate constructive dialogue with the Mauritanian Authorities for the prevention of torture and the effective implementation of relevant regional and international standards;
  - To examine the steps taken by the Government of the Islamic Republic of Mauritania in the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including implementation of recommendations made by various human rights treaty bodies;
  - To examine the progress made in the process of ratification of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) as was recommended during the Universal Periodic Review of the Islamic Republic of Mauritania by the Human Rights Council of the United Nations in 2010.
  - Consider what technical assistance the CPTA and other partners could bring to the Islamic Republic of Mauritania in the prevention of torture and other forms of ill-treatment, as well as in the fight against slavery;
  - Meet with civil society organizations and the media in order to raise awareness and exchange on the Robben Island Guidelines and other tools on the prohibition and prevention of torture;

- To gather first hand information from governments, NGOs, United Nations Agencies, political parties, civil society, and all those involved with the human rights;
- Call the attention of the competent authorities to the need to respect their obligations emanating from the provisions of Article 62 of the African Charter;
- Organize, in collaboration with the National Commission of Human Rights, the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross and the Association for the Prevention of Torture, a two-day seminar on the criminalization / prevention of Torture and Robben Island Guidelines;
- Visit places of detention.

### III. Composition of the CPTA Delegation

7. The delegation was composed of::

- Hon. Commissioner **Dupe Atoki**, Chairperson of the African Commission and also Chairperson of the CPTA, (Head of the delegation);
- Mr. **Jean-Baptiste Niyizurugero**, Vice-Chairperson of the CPTA;
- Mrs. **Hannah Forster**, Member;
- Dr **Feyi Ogunade**, Senior Legal Officer, Special Assistant to the Chairperson
- And Mr. **Tem Fuh Mbuh**, Technical Assistant to the CPTA, at the Secretariat of the African Commission.

### IV. GENERAL INFORMATION ON MAURITANIA POLITICAL SYSTEM

8. Mauritania is a centralized Islamic Republic with a presidential political system headed by a President of the Republic who is Head of State, Guardian of the Constitution, Guarantor of national independence and integrity as well as an incarnation of the State. The President, who must be a Muslim, has executive power and presides over the Council of Ministers. The President is elected for a five years renewable (once) term by direct universal suffrage. The President appoints the Prime Minister, who under the authority of the President, defines Government policy, distributes tasks amongst ministers and directs and coordinates the government.

9. Legislative power in Mauritania is vested in a bicameral parliament that comprises an Upper Chamber, the Senate, and a Lower Chamber, the National Assembly. Deputies of the National Assembly are elected for a five-year renewable term through direct universal suffrage while Senators are elected for a six-year renewable term by indirect universal suffrage and they represent local authorities of the Republic.
10. Mauritania has a decentralized and devolved administrative organization. The territorial organization has several administrative levels divided into thirteen (13) *Wilayas*, fifty four (54) *Moughataas* and two hundred and sixteen (216) municipalities. The division of powers between different levels of government is organized in such a way that local communities and government work together for political, economic and social development.
11. The Mauritanian judiciary is made up of first degree and second degree courts. First instance courts are found at the level of the *Moughataas* and *Wilayas* and second degree courts comprising three Courts of Appeal in Nouakchott, Nouadhibou and Kiffa. The Supreme Court of Justice, made up of five chambers, is the highest court of the land. The Constitutional Council determines the constitutionality of laws and is made up of six judges. The Constitution establishes the principle of the independence of the Judiciary and entrusts the task of guaranteeing this independence to the President of the Republic who is assisted in the task by the Judicial Service Commission.

## **V. GENERAL LEGAL FRAMEWORK ON THE PROHIBITION OF TORTURE AND OTHER FORMS OF ILL-TREATMENT**

12. The 1991 Constitution of the Islamic Republic of Mauritania which was amended in 2006, and again in February 2012 absolutely prohibits slavery and all forms of degradation of the human being including torture, and other forms of cruel, inhuman or degrading treatment or punishment, and considers these as crimes against humanity.
13. Article 1 of Ordinance N° 2007.36 on the Revision of Ordinance N° 83.63 Instituting the Criminal Procedure Code provides among other things that confessions obtained by torture, violence or coercion are inadmissible.
14. Article 15 of Law N° 2010.07 of 20 January 2010 on the Status of the National Police provides that staff of the National Police have an obligation to refrain from any act likely to prejudice individual and collective freedoms, except as provided by law, and in general any cruel or degrading treatment constitutes a violation of human rights.



15. Article 10 of Ordinance n° 2005.015 of 5 December 2005, on the judicial protection of the child states provides that subjecting a child to torture or barbaric acts is punishable by six years' imprisonment.
16. Law No. 2007.048 of 03 September 2007 criminalizes slavery and slavery-like practices while Law No. 025/2003 of 17 July 2007 deals with the suppression of trafficking in persons.
17. The new Criminal Procedure Code introduced in April 2007 provides guarantees against the use of torture and, in its introductory article, states that: *"confessions obtained by torture, violence or force shall be invalid"*.
18. Article 58 of the CPP states: *"All persons deprived of their liberty through arrest or detention, or any other form of deprivation of liberty, must be treated with respect for human dignity. It is forbidden to subject them to psychological or physical ill-treatment or to hold them in any place other than one provided for by law for that purpose"*.
19. The CPP however introduces a long period of pretrial detention for certain category of offences different from the 48 hours period that applies to ordinary crimes. Article 57 of the CPP states: *"For offences against internal or external security of the State, the detention period is five days from arrest, which may be extended by written authorization of the public prosecutor for an identical period, provided it does not exceed a total of 15 days from the day on which the person concerned was arrested. At the end of these periods, the detained person must, without fail, be released or brought before the public prosecutor, unless an arrest warrant has been issued in the meantime."*
20. The CPP also affords the family the opportunity to communicate with the detained person as soon as she/he is arrested. Article 58 of the CPP states: *"Police officers who take a person into police custody are obliged to so inform the spouse, or immediate ascendant or descendant as soon as possible and also to inform that person of the opportunity to communicate with his or her spouse, or one of his or her immediate relatives. This communication, which takes place in the presence of a police officer, may not exceed thirty minutes"*.
21. Article 60 of the CPP states that: *"Once a person in police custody has been brought before the competent judge, s/he is entitled to a medical examination, either at his or her request or at the request of a member of his or her family."*

## **VI. REGIONAL AND INTERNATIONAL HUMAN RIGHTS TREATIES RATIFIED BY MAURITANIA**

### **a) African Instruments**

- The African Charter on Human and Peoples' Rights;

- The African Charter on the Rights and Welfare of the Child;
- The Protocol to the African Charter on Human Rights and Peoples' Rights on the Rights of Women;
- The Protocol establishing the African Court on Human and Peoples' Rights;
- The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;

#### **b) International instruments**

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Rights of the Child;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Convention on the protection of disability rights;
- The Convention on the protection of the rights of migrant workers and their families;
- The Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others;
- The Slavery Convention of 1926;
- The International Convention against Apartheid in Sports;
- The four Geneva Conventions and their two Optional Protocols;

- The Convention on the Status of Refugees;
- The Protocol on the Status of Refugees of 1967;
- The ILO Convention No. 29 on forced labor;
- The ILO Convention No. 182 concerning the Worst Forms of Child Labour and Immediate Action for its Elimination;
- The Optional Protocol to the Convention on the Rights of the Child prohibiting the recruitment of children in armed conflict;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography of children

## VII. CONDUCT OF THE MISSION

22. The Mission took the form of meetings and discussion with various government officials, organizations and individuals relevant to the objectives of the Mission as well as visits to places of detention in Nouakchott. At each meeting, the Chairperson gave a background to the African Commission and its Special Mechanisms. This was then followed by a detailed background to the Robben Island Guidelines, the CPTA, its mandate and the objectives of the Mission which the Chairperson emphasized at each meeting, was not an indictment on Mauritania.

23. Each meeting was followed by interactive discussions between the delegation and the officials/individuals met. At the end of each meeting or visit, the delegation handed out promotion materials including copies of the African Charter, the Robben Island Guidelines, various principles and guidelines of the Commission amongst others. The Mission was only limited to Nouakchott due to time and resource constraints

24. Except for the audience with the President of the Republic, all the meetings set out below are arranged in accordance with the time and dates during which they were held.

### i. Audience with the President of the Republic, 28 March 2012

25. The Chairperson and Vice-Chairperson paid a courtesy call on the President of the Republic, His Excellency **Mohamed Ould Abdel Aziz**, on 28 March 2012. The Chairperson in her remarks, explained to the President about the work of the African Commission, its composition and mandate and the purpose of the CPTA

promotion mission. She welcomed the prohibition of slavery and torture in the amended Constitution of Mauritania as crimes against humanity and emphasized the necessity for the intensification of efforts to fight slavery through effective application of the anti-slavery law and the adoption of specific legislation criminalizing torture. She informed the President that a report will be produced and sent to the Ministry of Foreign Affairs for their comments before it is published.

26. His Excellency **Mohamed Ould Abdel Aziz**, thanked the delegation for visiting the Islamic Republic of Mauritania and explained that as a new administration there are quite a number of challenges in the country, including conditions of detention which he attributed to poverty, and scarcity of resources. He informed the delegation that his Government is committed to address these challenges through education and awareness. His Excellency **Mohamed Ould Abdel Aziz**, thanked the delegation, once more and said he looked forward to receiving the Report. At the end of the audience, the Commissioner also made a public statement to the local media.

**ii. Meeting with the High Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society, 26 March 2012**

27. The Delegation held its first meeting with officials of the High Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society, where they were received by the High Commissioner, **Hon. Mohammed Adellahi ould Khattra**.

28. After the exchange of courtesies, the Chairperson informed the Commission that the visit falls within the mandate of the CPTA to visit Member States of the African Union and to make appropriate recommendations on how to promote the Robben Island Guidelines. Commissioner Khattra briefed the delegation on the role of his ministerial department and underscored the commitment and political will of the Government of the Islamic Republic of Mauritania to promote and protect human rights. He informed the delegation that Mauritania was elected as a member of the Human Rights Council in 2010 and was peer reviewed by the Universal Periodic Review (UPR) mechanism that same year. He stated that this was proof that the Government of Mauritania had made a choice to protect the rights of its citizens. He also expressed the willingness of the Government to implement the Recommendations that would ensue from the visit.

29. The delegation was informed that Mauritania has not only signed the Optional Protocol for the Convention Against Torture, but that the document has been

presented to Parliament for ratification. Commissioner Khattrra informed the delegation that he expects that Parliament would ratify the OPCAT during the next Session of Parliament. Responding to questions from the Vice Chairperson, the Commissioner confirmed that Mauritania does not have specific legislation criminalizing torture, but underscored that there was a strong political will to fight against torture. He cited as an example, the organization of a seminar by the National Human Rights Commission in collaboration with his department on the criminalization of torture that was to take place on 28 March 2012. Reacting to the issue of the seminar, the Chairperson emphasized the need to adopt specific legislation criminalizing torture and the necessity of speeding up the ratification process of OPCAT.

30. On the issue of slavery, the delegation was informed that *Law No. 2007.048 of 03 September 2007* criminalizes slavery and slave-like practices. The delegation learnt that the position of the Government is that even though the legacy of slavery still exist, slavery as an official practice in Mauritania does not exist. Officials of the High Commission explained that the existence of the legacy of slavery is attributable to poverty, which has prompted the Government to put in place specific programs to help uplift the affected segments of the population from poverty. The delegation was also informed that the Program for the Eradication of the Legacy of Slavery (*Program pour l'Eradication des Sequelles d'Esclavage - PESE*), is currently being implemented in areas that were previously known to harbour slavery, while a second program has been instituted in border areas and other parts of the country, targeting populations that live in extreme poverty.

On how victims of slavery could access remedies provided by the law, the delegation was informed that the judiciary could be seized and all administrative authorities such as Governors and Prefects are under a legal obligation to immediately act once an allegation of slavery is brought to their attention. The delegation was further informed that former slaves who do not have means of subsistence could also seize the National Human Rights Commission to provide basic needs for their survival. Commissioner Khattrra stated that there have only been isolated cases of slavery and that anytime such a case is reported, it is effectively dealt with.

31. The implementation of the decision of the African Commission on *Communication 54/91, 61/91, 98/93, 164/97, 196/97, 210/98 - Malawi Africa Association, Amnesty International, Ms. Sarr Diop, Union Interafricaine des Droits de l'Homme and RHADDHO, Collectif des Veuves et Ayant Droit, Association Mauritanienne des Droits de l'Homme v. Mauritania*, was also discussed. The Chairperson informed the High Commissioner that the African Commission would conduct an oral hearing on the implementation of the decision at the 51st Ordinary Session. Commissioner Khattrra promised to make available to the African Commission, a

written response of the Government on the matter. The Chairperson also emphasized the necessity for Mauritania to submit its outstanding Periodic Reports to the African Commission.

**iii. Meeting with the Chairperson and Members of the National Human Rights Commission, 26 March 2012**

32. The Delegation visited the National Human Rights Commission (NHRC), a body established to create an enabling environment for the promotion, protection and enforcement of human rights in Mauritania. They were received by the Chairperson of the NHRC, **Mr. Bamariam Baba Koita**, and other members of the Commission. Mr Bamariam Koita introduced members of the Commission and pointed out that the Commission has Affiliate Status with the African Commission and an 'A' status at the level of the UN. He also informed the delegation that the Commission has been presenting all its reports. He recalled that the NHRC has a specific torture prevention mandate since the law establishing it empowers the Commission to undertake unannounced visits to places of detention and report on its findings. He stated that the Commission has also been advocating for the ratification and implementation of international human rights instruments such as the OPCAT. He expressed the hope that the Commission would assume the role of National Preventive Mechanism (NPM) when the OPCAT is finally ratified, and the fact that the NHRC conforms to the Paris Principles.
33. The Chairperson of the CPTA thanked the members and Chairperson of the Commission for finding time to meet with the CPTA and stated that the delegation was at ease because the NHRC does similar work like the CPTA, albeit in different contexts. She outlined the objectives of the mission, introduced the CPTA and the RIG and stated that the CPTA is essentially concerned with how independent the NHRI is. In that regard, she requested for information on the mode of appointment of members of the Commission, its mandate especially as it relates to visiting places of detention and how it treats cases of torture brought to its attention. She also raised concerns about alleged existence of secret places of detention in Mauritania, as well as the fact that torture is still to be criminalized. She requested the Commission to engage with the Government to make sure that legislation on this very important issue is passed as soon as possible. The Chairperson also raised questions on the current situation of the fight against slavery, the practical application of the anti-slavery law and the provision of legal aid to victims of slavery.
34. In his contribution to the discussion, the Vice-Chairperson, sought to know whether any specific changes had been foreseen in the mandate of the

Commission to also assume the role of an NPM (National Preventive Mechanism) given the very specific role that an NPM was supposed to play – that is, to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations regarding the prevention of ill-treatment.

35. Reacting to the concerns of the Chairperson about the independence of the Commission, a member of the Commission, Breykd Mbereck assured the delegation that it is totally independent given that it is composed of representatives from vibrant civil society organizations that have no political affiliation and cannot be influenced in any way. Another member of the Commission, Zeinebou Moussd explained that all members of the NHRC are elected officials and take an oath of office upon assumption of duty.
36. On the mandate of the Commission as it relates to monitoring conditions of detention, another member, Ms Oumou El Khaeiri pointed out that the Commission undertakes unannounced visits to prisons in Nouakchott and other parts of the country. She pointed out that the intervention of the Commission in the women’s prison in Nouakchott led to the release of thirteen inmates. She informed the delegation that there were no reports of torture in the women’s prison but, conceded that the situation in the other prisons in the country was very deplorable. She further explained that the NHRC does not have offices in the interior of the country where there are no separate prisons for women and children. She stated that since the Commission started undertaking unannounced visits to prisons in Nouakchott, the conditions of detention in those places visited have improved considerably. She lamented however, that the lack of resources have limited the impact of these visits since they are not very frequent. The member concluded that it is therefore not uncommon for the Commission to receive reports of inhuman and degrading treatment in such places of detention, especially in other parts of the country, where the Government does not seem to bother about the conditions of detention.
37. On the issue of slavery, Irabihamint Abdel Wedoud, another member of the Commission informed the delegation that many reports of slavery, which exists in many different forms, especially within the context of domestic and child labor, have been brought to the attention of the Commission. He stated that there are many laws in Mauritania that prohibit slavery but these have not been applied in practice. He emphasized the need for positive discrimination in favor of communities and individuals affected by slavery and the practical application of the anti-slavery law.
38. On the issue of the independence of the Commission, the Chairman, Mr. Baba Koita, remarked that the fact that the NHRC has an A status should be ample

proof of its independence. Commenting on prison conditions, he said the situation has improved considerably in the last two years especially at the Da Naim prison that was previously known for its overcrowding, disease and deplorable hygienic conditions. He stated that presently, the general prison population is very low, as the Government has embarked upon building new prisons with recreational and medical facilities. He agreed that a lot remains to be done especially the high percentage of pre-trial detainees and the incarceration of minors and adults in the same facilities. He further stated that the where men guard women prisoners is not acceptable.

39. Mr. Baba Koita informed the delegation that when the Commission is seized with an allegation of torture or slavery, it conducts a preliminary investigation and brings its findings to the attention of the authorities, which then deal with the issue. He pointed out that the NHRC has been advocating for the criminalization of torture and was in collaboration with APT organizing a seminar in that regards. On the ratification of OPCAT, he informed the delegation that the Commission is campaigning for its ratification. He informed the delegation that Mauritania has presented its initial Report to the Committee Against Torture (CAT), with the Commission submitting a Shadow Report to the CAT as well. He further informed the delegation that a new constitutional amendment has expressly prohibited torture as a crime against humanity.
40. On slavery, Mr. Koita stated that there have been numerous public debates on the issue and the judiciary has lived up to its responsibility by prosecuting and punishing offenders. He stated that the new Constitution expressly prohibits slavery as a crime against humanity - a proof of the Government's determination to eradicate the ill. He informed the delegation that the UN Special Rapporteur on Contemporary Forms of Slavery had visited Mauritania in March 2012 recommended that NGOs should be allowed to constitute civil parties in cases of slavery, a conclusion which he said the Commission fully subscribed to.
41. Concluding the meeting, the Chairperson of the CPTA thanked the members of the NHRI for meeting the African Commission delegation. She expressed the hope that members of the Commission would continue working towards the improvement of detention conditions and the complete eradication of slavery and torture by advocating for the criminalization of torture and the practical application of the law against slavery. She also emphasized the need for the Commission to push for the implementation of the recommendation of the UN Special Rapporteur on Contemporary Forms of Slavery. She also expressed the hope that Mauritania would be able to submit its outstanding human rights report soon.



#### iv. Meeting with the President of the National Assembly 26 March 2012

42. The delegation met with the President of the National Assembly, **Honourable Messaoud ould Boulkheir** at the premises of the National Assembly. After introducing the delegation, the Chairperson gave an overview of the African Charter, the establishment of the African Commission, the duties of Commissioners and the objectives of the Mission. She indicated that as part of the promotion mandate of the African Commission, the latter seeks to engage states in dialogue on the best ways to enhance the promotion and protection of human rights. In doing so, the African Commission engages not only government officials, but other stakeholders involved in the promotion and protection of human rights. The Chairperson emphasized the indispensable role the National Assembly as the promulgator of laws play in a country. She further indicated that the visit to the National Assembly was to understand the way the Mauritanian National Assembly as an institution participates in the promotion and protection of human rights. She especially wanted to know what the Assembly is doing to ensure that all vestiges of slavery are eradicated.
43. Honorable Boulkheir briefed the delegation on the work of the National Assembly. He stated that being the descendant of a slave, he is particularly implicated in human rights issues and that the fight against slavery was one of his main motivations to enter politics. According to him, noticeable progress has been made in the domain of human rights in Mauritania generally and in the fight against slavery in particular, with the adoption of the 2007 law criminalizing slavery which has led to a considerable change of mentalities on the issue.
44. On the practical application of the law criminalizing slavery, Hon. Boulkheir admitted that Mauritania as a country still has a long way to go, not least because of the official position of the Government on denying the existence of slavery. He stated however, that there have been open debates on the issue and many people who still practice slavery have been punished for it. He informed the delegation that the process of eradicating slavery from Mauritanian society has been a painfully slow process, confirmed that a lot of progress has been made continues to be made given that there is a strong political will to fight the practice.
45. Regarding the issue of compensation and access of victims to mechanisms of support former slaves, Hon. Boulkheir stated that these are not provided for in the anti-slavery law which, in his opinion, is understandable given that Mauritanian society is essentially nomadic and slave owners are poor and cannot have the means to compensate former slaves. The important point, he argued is

to recognize the equality of all citizens explaining why the Government has put in place measures to support and reintegrate former slaves into the society. He admitted, however, as is always the case in addressing entrenched human rights violations, the beginnings are always difficult but was optimistic that good progress is being made.

46. In reply to Hon. Boulkheir statements, the Chairperson recommended that efforts should be made to adopt specific legislation criminalizing torture and emphasized the need for the practical application of the law against slavery.

**v. Meeting with the Director of State Security, 26 March 2012**

47. The delegation met with the Director of State Security, Mr .... During the meeting issues bordering on the respect of procedural safeguards for the treatment of persons deprived of their liberty were discussed. The Director indicated that the laws of the country guarantees the dignity of the human being and that the country has been making efforts to ensure the existence of the minimum conditions of dignity to all detained persons. He recalled that Mauritanian law prohibits all forms of inhuman and degrading treatment and that the torture of inmates is not permitted.
48. The Director, however, admitted that the situation in some detention centers does not always meet the requisite requirements because of scarcity of resources. Responding to a question from the Chairperson on the issue of secret places of detention, which allegedly exist in Mauritania, the Director stated that he is not aware of such places. He stated though that that very dangerous criminals like (suspected) terrorists who cannot be kept in open or normal prisons are kept in special detention centers. He refuted the idea that these detention places centres are secret places of detention where torture is practiced. He underscored that even with these very dangerous criminals, the policy and practice of the Government is to ensure their dignity. The Director emphasized that the Government of Mauritania always work to conform to international standards but its efforts are hindered by the scarcity of resources which does not always permit it to provide adequate infrastructures for places of detention.
49. In response to a question from the Vice Chairperson on whether law enforcement officials receive training on human rights, the Director indicated that law professors from the University of Nouakchott train students at the National Police School on human rights in general and in the African Charter in particular. The Vice Chairperson then recommended that the Robben Island Guidelines should be included in the human rights component of the training and that all

law enforcement agents should take refresher courses on human rights periodically.

**vi. Visit to the Office of the Program for the Eradication of the Legacy of Slavery , 27 March 2012**

50. The Delegation, accompanied by Commissioner, **Hon. Mohammed Adellahiould Khattra** and other officials of the Mauritania High Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society visited the offices of the Program for the Eradication of the Legacy of Slavery (P.E.S.E).<sup>1</sup> The delegation was shown video a presentation on the history, objectives, achievements and challenges of the program, which was put in place in 2009, following the enactment of the anti slavery law as a means of empowering former slaves to be independent and self-sufficient. The delegation was informed that the program focuses on public sensitization on the anti slavery law, the delivery of social services and the setting up and funding of revenue generating activities.
51. Following the presentation, the Chairperson thanked the P.E.S.E Team and congratulated the Government for establishing such a program, which she said was proof that the Government recognizes the existence of the problem of slavery in the country. The Chairperson sought to know whether the program is serving the purpose for which it was put in place. In response, the Coordinator of the program stated that there have been some short term results, but that the scarcity of resources to enable the Government to implement the program in other parts of the country has been a major hindrance. He informed the delegation that proposals for funding some of the projects envisaged in the program had been submitted to donors and that nine hundred million *Ouguiyas* had been set aside in the 2012 budget for financing some of the projects.
52. Mrs. Hannah Forster sought to know the level of involvement of the beneficiaries of the program in the conception and execution of the projects. She also wanted to know how follow-ups and evaluation are carried out, as well as challenges encountered in the implementation of the program, the lessons learnt and the remedial actions taken.
53. In response, the Coordinator stated that the beneficiaries are always consulted during the conception and execution of projects and that their participation is usually assured, through community and religious leaders mandated by the beneficiaries themselves. He stated that there is a follow-up and evaluation

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<sup>1</sup> Acronym for Programme pour l’Eradications des Séquelles de l’Esclavage.

department which regularly sends missions to the field to follow up on the implementation and impact of the projects. The delegation was further informed that there is also a Pilot Committee for Budget and Action Plans which reports directly to the Commissioner for Human Rights as well as to state auditors and other authorities who ensure the financial probity of the program and making sure that all the funds set aside for the program are used for the benefit of the identified affected populations. He stated that due to the nomadic lifestyle of most of the affected populations who live in dispersed settlements, it is difficult to conceive and implement projects in one area to benefit a large number of peoples, in addition to funding constraints.

**vii. Meeting with Officials of the National Gendarmerie, 27 March 2012**

54. The delegation met with **Colonel Ahmed Amou Jubeine**, Communications and Public Relations Officer, of the National Gendarmerie at the offices of the National Gendarmerie. Also present at this meeting were two other senior members of the National Gendarmerie. After the exchanges of the usual courtesies, Colonel Ahmed Amou Jubeine assured members of the delegation that the National Gendarmerie shares the same concerns as the CPTA and considers the respect for human rights and all the safeguards provided by Mauritanian law against torture and ill-treatment to be very crucial for the gendarmerie since they deal with arrests and pretrial detention both in rural and urban settings. He stated that Mauritanian law meets international standards and that all guarantees against the abuse of detainees provided by the law are respected by the gendarmerie. He categorically denied the existence of slavery in Mauritania and stated that he had worked in the interior of the country for a very long time and no case of slavery was ever brought to his notice.

**viii. Meeting with the Minister of Interior and Decentralization , 27 March 2012**

55. The delegation visited the Ministry of Interior and Decentralization, where they were received by the **Hon. Mohamed ould Beilile**, Minister of Interior and Decentralization. Following introductory remarks from the Chairperson, the Minister welcomed the delegation and outlined the primary functions of his ministry, which he said dealt with amongst other things. The Minister explained that because his Ministry is in charge of important departments and units like the National Police, internal security and immigration, human rights are a fundamental part of the Ministry's responsibilities and obligations. He assured the delegation that though there are many challenges for his Ministry, not least concerns about terrorism, his Ministry actions is premised on universal human rights and the values enshrined in the national Constitution.

56. **Hon. Mohamed ould Beilile** also informed the delegation that there is a police oversight body within the Ministry that ensures that members of the police force carry out their duties in conformity with the law and that training on human rights and all the relevant laws are dispensed to the police force. He said the police also collaborate closely with the National Human Rights Commission which has the right to carry out unannounced visits to police cells to ensure that the treatment of detainees conforms to both Mauritanian and international the law.

57. Responding to a question from the Chairperson on the role of his Ministry in the fight against slavery and incidences of torture, the Minister emphasized that slavery no longer exists in Mauritania, even though the effects of its legacy are still manifest. He outlined the efforts of the Government in fighting slavery, notably through the enactment of the 2007 law criminalizing slavery and the absolute prohibition of slavery and torture in the 2012 Amended Constitution of Mauritania, as well as the prosecution of those found guilty of practicing slavery. He assured the delegation of the determination of the Government to completely eradicate slavery, but regretted that the socio-economic situation of the country characterized by extreme poverty, made the eradication of slavery within a short period of time very difficult. He further stressed that there is need to uplift the affected populations from poverty and change mentalities, the reason why the Government has put in place specific programs for this purpose. He admitted that there have been reports of slavery and but maintained that such cases were rare and usually dealt with by the competent authorities.

58. Responding to allegations of torture, the Minister stated that as far as he is aware no cases of torture have been brought to his attention. Commenting specifically on the February 2012 arrest and detention of students from the University of Nouakchott, who had allegedly been tortured and subjected to ill-treatment by the police, the Minister stated that as far as he is aware, no student was ill-treated whilst in police custody.

**ix. Meeting with the Representative of the Office of the High Commissioner for Human Rights , 27 March 2012**

59. The Delegation visited the offices of the UN Representative in Nouakchott where they met with the Representative of the United Nations Office of the High Commissioner for Human Rights, **Mr. Marcel Carlos**. After the exchange of the usual courtesies, discussions on the new dynamic of cooperation between the Office of the High Commissioner for Human Rights (OHCHR), and the African Commission, as well the role of the OHCHR in the fight against slavery, torture

and the improvement of detention conditions in Mauritania took place. The Chairperson recalled the cooperation initiatives that had taken place in the months preceding the Mission,<sup>2</sup> welcoming these as a first step at putting some of the recommendations ensuing from the meetings in Addis Ababa and Geneva into effect. She further recalled that the Mauritania is a huge country, but in the area of human rights, it is confronted with challenges. She stated that it is in the light of these major challenges that the CPTA decided to undertake a Promotion Mission.

60. In response, Mr. **Marcel Carlos Akpovo** welcomed the delegation and expressed his appreciation to the African Commission for taking the initiative to meet with him. He expressed the wish that the Mission would help the country to adopt an inclusive process in the promotion and protection of human rights. He briefed them on the work of the OHCHR in Mauritania and stated that slavery is one of the most pressing human rights issues in the country and the OHCHR has been working with the Government and local NGOs to eradicate the ill. He stated that the official position of the Government seem to be that slavery does not exist in Mauritania, and that only the effects of its legacy are left - a stance which he said was not helpful since there are still cases of slavery that are reported and which the courts have been dealing with. He, however, lauded the efforts of the Government in the fight against slavery stating that there is an observable and genuine political will to address the problem. He informed the delegation of a number of legislative measures, policy decisions and projects that have been put in place to ensure that slavery is eradicated, not least the recently amended Constitution that absolutely prohibits slavery. He however regretted the fact that the practical application of the law against slavery remains a problem.
61. On the fight against torture and other forms of ill-treatments, Mr. Akpovo said there has equally been a positive evolution in this respect with the signing of the OPCAT by Mauritania in September 2011, and that his office was pushing for the ratification and effective implementation of the instrument. He emphasized the need for specific legislation to be adopted criminalizing torture and said his office as well as the National Human Rights Commission was working towards this end. He expressed optimism about the progress being made in the fight against torture with the support of his office, especially in the legislative front but regretted that the practical application of laws remained a fundamental problem.

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<sup>2</sup> These initiatives included a meeting between UN Special Procedure Mandate holders and those of the Special Mechanisms of the African Commission in January 2012 in Addis Ababa, a meeting between UN and African regional mechanisms on the prevention of torture and persons deprived of their liberty in February 2012, as well as various meetings between the Chairperson of the African Commission and officials of the OHCHR in Geneva, in March 2012 during the session of the Human Rights Council.

62. On detention condition conditions, Mr. Akpovo said some progress has also been registered, but that detention conditions falls far below international standards. He also spoke about disturbing reports of allegations of torture and ill treatment of detainees especially in police stations, which have been brought to his attention. In conclusion he stated that there is a lot that the African Commission can do to help with the enormous challenges facing the country.

**x. Meeting with the Minister of Justice, 28 March 2012**

63. The delegation met with the Minister of Justice, Maitre Abidine ould Khair, on 28 March 2012, at the Ministry of Justice in Nouakchott. Also present at this meeting were other senior members of the Ministry of Justice. After the exchange of courtesies, the Chairperson Particularly expressed the gratitude of the African Commission to the Islamic Republic of Mauritania for accepting the Mission to be conducted. She informed the Honourable Minister the reasons why the CPTA was in Mauritania. She then proceeded to give a brief explanation of the African Commission and the special role of the CPTA in relation to the Ministry of Justice.

64. Maitre Abidine welcomed the delegation and outlined the measures taken by his ministry to promote and protect human rights. He stated that since the new regime came to power, a lot has changed in the human rights landscape even though a lot remains to be done. According to him, Mauritania has taken a definite and irreversible path towards entrenching democracy and efforts for the separation of powers, the independence of the judiciary, respect for human rights, fairness, justice and equality are being made. He stated that as a Muslim community, human rights are deeply rooted in Mauritanian society and torture is abhorred. Maitre Abidine stated that through the tireless efforts of his Ministry a National Human Rights Commission has now been established with wide powers to promote and protect human rights and carry out unannounced visits to places of detention.

65. Maitre Abidine underscored that Mauritania as a country does not accept torture, the reason why it has adhered to the relevant regional and international human rights instruments that prevents torture. He informed the delegation that in January 2012 Mauritania submitted its Initial Report under the Convention Against Torture, signed the OPCAT and was in the process of finalizing the formalities of ratification. He outlined a number of measures taken to improve conditions of detention such as the construction of new prisons in the interior of the country and the construction of a clinic and pharmacy at the Da Naim Prison in Nouakchott, as well as the construction of facilities for female and juvenile detainees. He said the Da Naim prison used to be very overcrowded, but the

situation has considerably improved within the past two years. He emphasized that all these places of detention are open to visits from various organizations and invited the delegation to visit all of them.

66. On the issue of slavery, the Minister stated that Mauritania, just like some other African countries, has been affected by slavery, and that the eradication of slavery was at the centre of Government policy. He outlined the various legislative and policy measures put in place by the Government to fight against slavery and admitted that the practical application of the anti slavery law had not led to a complete eradication of the phenomenon. He stated that the law was just a first step and the Government, NGOs and other partners are working to make sure that those who continue to practice slavery are prosecuted and punished.
67. Responding to a question from the Chairperson on the existence of secret places of detention and the disappearance of some detainees, especially those suspected of terrorist activities, the Minister said to the best of his knowledge, no such places exist and no detainees are known to have disappeared. He stated that Mauritania is affected by terrorism and the Government is making all efforts to fight the phenomenon. All terrorist suspects, he said, are given a fair and open trial and those found not guilty are acquitted. He cited a number of terrorist acts that were purportedly planned from within prison and for this reason some terrorist suspects have been isolated in order to prevent them from spreading their ideas among other detainees and planning attacks. He however emphasized that the International Committee of the Red Cross has been allowed to visit such cases at all times.
68. Concluding, the Chairperson thanked the Minister for receiving the delegation and recommended that efforts be made to criminalize torture, ratify OPCAT and continue to improve conditions of detention as well as rectifying the weaknesses in the anti-slavery law amongst other things in order to enable NGOs work more effectively to assist victims.

**xi. Meeting with the President of the Supreme Court , 28 March 2012**

69. **Mr. Seyid ould Kayellani**, President of the Supreme Court received the CPTA delegation in his offices at the Supreme Court. After the usual courtesies, the Chairperson briefly gave an overview of the African human rights system, the place of the African Charter and the activities of the African Commission. She indicated that in terms of Article 26 of the African Charter, the judiciary is recognized as a guarantor of the rights enshrined in the Charter, and also noted that the African Commission has adopted a resolution on the Independence of the Judiciary and Principles of Fair Trial in Africa. The Chairperson further



informed the **Mr. Seyid ould Kayellani**, of the purpose of the CPTA Mission to Mauritania. She noted that the judiciary, being one of the most important institutions in the promotion and protection of human rights, it was only fitting that the delegation of the African Commission call on the President of the Supreme Court to learn how the judiciary in Mauritania was ensuring that citizens enjoy their rights. She also wanted to know how judicial independence was assured, the role of the judiciary as a whole in the application of laws, oversight of detention conditions and the fight against slavery and torture. She informed the **Mr. Seyid ould Kayellani**, that after the Mission, the CPTA would prepare a Report, which would be forwarded to the Government for comments before it is published.

70. In his response, **Mr. Seyid ould Kayellani** thanked the delegation for having found time to come to Mauritania and for the visit to his Chambers. He was of the view that most judges in Mauritania are not aware of the African Charter and the activities of the African Commission, and noted that it is important that from time to time, the African Commission should make such visits to publicize itself. He informed the delegation that despite some political challenges which the country has gone through, Mauritania is ruled by a democratic constitution and Judges are committed and obligated to respect human rights. He stated that the Supreme Court is the symbol of judicial power in Mauritania and that the new regime has been doing much to guarantee the independence of the judiciary, which had before then, been totally under the control of the Executive.
71. On the practical application of laws, especially the law against slavery and safeguards against the risk of torture and ill-treatment, **Mr. Seyid ould Kayellani** admitted that this was still fraught with a lot of difficulties. He outlined in detail, the organization of the judiciary in Mauritania and described the criminal procedure from arrest through incarceration or release. He also informed the delegation about the various guarantees against torture and ill-treatment contained in the Mauritanian Criminal Procedure Code. He regretted the fact that some of these guarantees are not often respected especially by the police and blamed this on the lack of legal aid and human rights training which he said was largely absent in Mauritania. He informed the delegation that the Supreme Court has been making efforts for legislation on legal aid to be enacted but this has for long been blocked at the level of the Ministry of Justice despite the fact that the Government has consented to it and funds made available for that purpose. He said there were no lawyers in the courts in the interior of the country and emphasized the need for the government and the Bar Association to make sure that legal assistance is available in any part of the country.
72. On slavery, the president stated that the courts have been very active in fighting against the practice and stated that many slavery cases have been tried in the

courts and the perpetrators imprisoned. He emphasized that the problem related to the practical application of the anti slavery law was the absence of legal aid since the victims are often too poor and ignorant to report or even prosecute slavery cases.

### **Visits to Places of Detention, 29 March 2012**

73. This section of the Report gives a brief description of the detention facilities visited by the CPTA delegation. The delegation visited three detention facilities in Nouckchott. They are listed below and described in the order in which they were visited. The facilities include:
- Dar Naim's Prison
  - Women's Prison, Beyla
  - Borstal Youth Centre
74. The first prison to be inspected by the CPTA delegation was the Dar Naim's Prison in Nouakchott. The premises which are located in a 20-hectare piece of land comprise 12 big units, housing all male prisoners. Before the inspection, the CPTA delegation held brief discussions with the Director Mrs Dellite Mint Zeyine and Mr Madda Ould Mohamed, the Manager of the prison. After the brief exchange of courtesies, Mrs Dellite Mint Zeyine informed the Delegation that the prison has an approved capacity of 804, but as of March 2012 held 643 male inmates of which 343 were awaiting trial detainees. The most common offences were use of drugs, use of alcohol and stealing.
75. The Delegation was given a tour of the facilities. During the inspection Mrs Dellite Mint Zeyine showed the Delegation prisoners who were awaiting trial for over two years. Many of them complained to the delegation that they cannot afford a lawyer. A tour of the facilities revealed that some cells were very seriously overcrowded. Some of the inmates sleep on the floor with mattresses that are paper thin. The Delegation inspected two toilets that could be described as a health risk. The Director complained that most of the structures are old and date from the colonial period.
76. The prison has a clinic with 1 full time doctor, 13 nurses and a pharmacist, which was built by the International Committee of the Red Cross (ICRC). The delegation was also informed that food aid is provided by the ICRC to assist about 113 malnourished and TB inmates. The doctor of the ICRC programme, Dr

Adolphe Bitama informed the Delegation that until a few years ago before the start of the ICRC programme, the clinic is understaffed, not well equipped and lacked basic drugs. He informed the Delegation that because of the lack of very basic equipment, they could not diagnosed very simple medical problems. There is no dentistry or laboratory service at the prison. Some of the inmates complained of buying their own drugs. The Delegation was told that the prevalent medical problem is malaria and skin infections – skin infections, being a direct result of overcrowding.

77. Facilities for vocational training are quite limited in Dar Naim's Prison. The facilities also offered limited training in carpentry and tailoring. The Delegation also learnt that clean and adequate water supply is a problem. Many inmates complained that there is not enough water for bathing. During a tour of the kitchen, the Delegation was told that the inmates would normally have bread, broken cereal and coffee for breakfast, meat and macaroni for lunch, and rice and stew for dinner. Some of the inmates however complained that the portions were small and sometimes not cooked properly.

78. There are two categories of cells in the prison. There are the larger cells which measure about 5m x 17m which holds between 19 – 30 inmates, and the single cells measuring 3m x 4m which hold one or three inmates. The Delegation observed that many of the beddings being used were very old and some of the mattresses, because of years of overuse are nothing more than thin sheets of foam. Many prisoners bring their own bed coverings. The Delegation observed that the prison was generally clean and free from pungent smells. Even in cells where there is overcrowding, the Delegation observed that efforts are being made to ensure that they are clean and tidy. However, because of the acute water problem, two of the toilets observed were not clean and could pose a health hazard.

### **Women's Prison, Beyla**

79. The Delegation next visited the only all female prison in Nouakchott, where they were met by the Director Mrs. Oumou, El Khaeiri. After the brief exchange of courtesies, the Director informed the Delegation that the prison has an approved capacity of 270, but as of March 2012 held 27 of which 15 were awaiting trial detainees and 12 condemned inmates. The premises which are located in a 10-hectare piece of land comprise 4 big units, housing only female prisoners. There

were four babies in prison with their mothers. The unit has no special facilities for mothers or a special feeding regime for the children in prison.

80. During the discussions before the inspection, the Director complained that male wardens guard the facility, especially in the evening when all the female staff has gone home. The majority of the inmates are being held for stealing, drug and alcohol related offences and murder. During the inspection the Delegation observed that some of the buildings were quite new and the compound was neat and tidy. The Director informed the Delegation that over the last few years the Government has contributed to its facelift. The Delegation was shown facilities that catered for the girls education and training. It also provides skills development facilities for the inmates in computer training and sewing and garment making. Some recreational activities are provided and both indoor and outdoor activities are encouraged.
81. A tour of the cells revealed that the prison had cells of different sizes – some 4m x 5m that could hold about 10 inmates, some 6m x 7m that could hold about 20 inmates, some 5m x 7m that could hold about 15 inmates. The cells have a bathroom and toilet – all separated from the sleeping area with a wall. The rooms are supplied with beds, mattresses and blankets.
82. Speaking to the inmates about the condition of detention, all of the women told the delegation that the quality of food is okay and that the cells are generally kept clean. The toilets were generally clean and hygienic. During a tour of the kitchen, the Delegation was told that the inmates would normally have bread, broken cereal and coffee for breakfast, meat and macaroni for lunch, and rice and stew for dinner. Many of them said that they eat three times a day and that the food served is okay. The unit had limited medical facility. There is an infirmary with a handful of nurses. Serious medical cases are referred outside.

### **Borstal Youth Centre, Nouakchott,**

83. The Borstal Youth Centre, Nouakchott, is located at the heart of the city of Nouakchott. The Institute's Principal, Mrs. Zeinebou Moussd received the Delegation. Mrs. Zeinebou Moussd informed the Delegation that the Centre is a place for the detention of boys between the ages of 13 to 18 years of age awaiting trial or sentenced. At the time of the visit, there was an 18 year-old girl who was staying at the Centre. The Director informed the delegation that she had been sent to the Centre for her own protection as members of her family had threatened to kill her for having a baby.

84. She informed the Delegation that the Borstal Youth Center was established for the detention of juveniles pending trial or sentenced. She explained that the objective of the Centre is to bring to bear every good influence which may establish in the inmate the will to live a good life on release, and to help them to develop a good character and sense of personal responsibility. The Delegation was informed that any person sentenced to the Centre is kept in custody for a short period only and do not exceed three years after the date of sentence. An inmate is eligible for release if the Director is satisfied that the young person will not reoffend.

**xii. Meeting with the President and Members of the Bar Association 30 March 2012**

85. The delegation held a meeting with the President and Members of the Bar Association. The Vice-Chairperson introduced the delegation, the African Commission, its mandate and the purpose of the Mission. He stated that as a quasi-judicial body, it holds two Ordinary Sessions for a period of two weeks each every year.

86. The Bar President welcomed the delegation and remarked that just like other Bar Associations, the Mauritanian Bar, pays particular attention to the work of regional human rights mechanisms like the African Commission, which he said are very instrumental in the promotion and protection of human rights despite the many problems they face. He pointed out that one of the crucial roles of the Mauritanian Bar Association is to ensure the observance of human rights by public authorities – a role which has led to the wrong perception that it is an obstacle to government work. He stated that the Bar in Mauritania works under very difficult conditions and members of the Bar are not allowed to have easy access to places of detention, the conditions of which he said were very deplorable and where many detainees are often held in contravention of provisions of the CPP. He also stated that the judicial system was beset with other challenges, including a general weakness of the criminal justice system, lengthy pre-trial detention and lack of lawyers.

87. On legal aid, the President pointed out that this does not exist in Mauritania and the result of this has been the blatant disregard of the rights of those subjected to criminal proceedings. He informed the delegation that the Bar Association has put in place a legal aid project with assistance from donors, but that the project has been unable to take off because the Ministry of Justice had blocked its implementation. According to him, the lack of legal aid is the main cause of

arbitrary detentions, torture and ill-treatment in places of detention because the actions of the people who control these places are not subjected to any form of scrutiny. He cited the case of students of the University of Nouakchott whom he said had been arbitrarily arrested following a demonstration in February, and charged with crimes punishable with the death penalty. He also stated that they were subjected to various forms of torture in different police stations in Nouakchott and released without the charges being dropped.

88. According to the President, a lot of progress has been registered in the fight against slavery with the adoption of the anti-slavery law and the recent prosecution and condemnation of some perpetrators. He pointed out that a lot of slavery cases are before the courts today, thanks to the efforts of the Bar Association and other civil society actors. He maintained that the fight against slavery was still fraught with a lot of challenges, but stressed that the Bar was totally committed to ensuring that all perpetrators of slavery are tried and punished.

89. Responding to a question from the Chairperson on the existence of secret places of detention and the disappearance of detainees, the President informed the delegation that there are 14 *salafist* prisoners whose files are before the Court of Appeal but the place of their detention is not known. He emphasized that such cases are recurrent and urged the delegation to bring the concerns of the Bar Association to the attention of the Government.

90. At the end of the meeting the Vice-Chairperson urged the organization to popularize the African Charter to the local populace, develop a close working relationship with the Secretariat of the African Commission and the government of Mauritania and keep them updated on the human rights situation in the country. This, he suggested could be done by providing the Commission with activity reports, copies of which could be given to the government.

### **xiii. Meeting with Representatives of Civil Society Organizations, 31 March 2012**

91. The delegation held three different meetings with representatives of civil society working in the domain of human rights; on 26 and 27 March 2012, the delegation had informal briefings with NGOs for information purposes and a formal meeting took place on 30 March 2012. About forty NGO representatives attended the formal meeting of 30 March which took the form of interactive discussions between members of the delegation and NGO representatives.

92. In her introductory remarks, the Chairperson thanked the NGO representatives for their collaboration, stating that NGOs were indispensable to the work of the Commission since they serve as its eyes and ears on the ground.
93. She explained about the establishment, mandate and activities of the African Commission and the objectives of the CPTA Mission in Mauritania. She stated that undertaking promotion missions is one of the African Commission's innovations geared towards informing governments and civil society about the African Commission and the African Charter. During these missions, the African Commission encourages governments to adhere to their obligations under the African Charter and civil society to participate in the activities of the African Commission, which relate to promoting and protecting human rights in Africa.
94. Members present were informed that the African Commission recognizes that NGOs are valuable partners in the promotion and protection of human rights in Africa. Consequently, the African Commission adopted a Resolution on the Criteria of Granting Observer Status to NGOs in order to strengthen the cooperation and partnership with NGOs working in the field of human rights.
95. The Chairperson explained that NGOs, by virtue of the fact that they are based on the ground, are looked to by the African Commission to provide information on human rights issues in order to assist it in assessing the human rights situations in various countries. However, the Chairperson cautioned that information provided to the African Commission by NGOs should be objective, informative and not written in disparaging language.
96. In the discussions that followed, many NGO representatives were very critical of the efforts of the Government, especially the executive and judiciary, in the fight against slavery. Speaker after speaker stated that slavery, not its legacy still exists in Mauritania, contrary to the official position of the Government that Mauritania is only affected by the legacy of slavery. They emphasized that the many cases that have been reported, some of which are being tried in the courts is ample proof of its existence. Many of the speakers informed the delegation that although there is a law against slavery, it is not practically applied and a lot of officials in the administration, who are known to practice slavery, have never been prosecuted. Some of the speakers also complained that civil society organizations are not allowed to represent victims in criminal proceedings and outlined that the anti slavery law does not make provision for compensation to victims; a situation which they described as a total disconnection between the law and reality, since most victims of slavery are very poor. Some representatives were also critical of the sentences meted out on perpetrators on the few cases that have so far been brought to the courts, and the attitude of the judiciary as a whole towards slavery cases. According to some of the speakers,

judges who are courageous enough to mete out appropriate sanctions on perpetrators sometimes suffer persecution from the administration. Some of the NGOs also complained that the Supreme Court has set a very bad precedent in the first slavery case brought before it by granting bail to the perpetrator who had earlier been sentenced to two years imprisonment by the Criminal Court of Nouakchott.

97. There were however some representatives who appreciated government efforts in the fight against slavery, citing as examples, the anti slavery law, the new constitutional amendment prohibiting slavery as a crime against humanity, the many slavery cases pending before the courts and the programs put in place by the Government to empower former slaves to assume their independence. They blamed the subsistence of slavery on the socio-economic situation of the country characterized by extreme poverty and ignorance, and emphasized that efforts to fight slavery needed to be concentrated on education and sensitization as well as economic empowerment.
98. On torture, many of the NGOs present stated that torture was routinely practiced in most police stations and that impunity for perpetrators was total. The delegation heard testimonies from some victims of torture, especially some student leaders who were allegedly involved in a demonstration and were thereafter arrested, and detained in various Police Stations in Nouakchott where they were subjected to torture and forced to confess to accusations of having destroyed public property. The delegation received information that these student leaders were charged with crimes punishable with the death penalty and were released without the charges being dropped.
99. The absence of legal aid and long pre-trial detention periods were also brought to the attention of the delegation. The delegation was informed that most of the inmates in Mauritanian prisons are pre-trial detainees and that conditions in the prisons, especially the Da Naim Prison, were inhuman and degrading. The delegation was also informed that persons accused of terrorist acts are often detained in secret places of detention and in total isolation. The case of 14 *salafist* prisoners, whose place of detention was unknown, was brought to the attention of the delegation.
100. In concluding the meeting, the Chairperson also briefed the members present about the meetings that the delegation had held with the government officials and some of the issues raised with them. He informed the NGOs that Mauritania has outstanding Reports for the African Commission in accordance with its obligations under Article 62 of the African Charter. She said that this was raised with the Minister of Justice who indicated that they were working on the Report and would soon submit it. She stated that the African Commission will



continue pursuing the matter with Government to submit its Report and she expects that Government will consult and work with NGOs in the preparation of the report. She also informed the NGOs that the African Commission is willing to provide assistance to governments in training on reporting where requested and has even provided guidelines to assist Member States in drafting reports.

101. The Chairperson thanked the representatives for their engagement with the delegation and promised to bring the issues raised to the attention of the authorities.

xiv. **Debriefing Session with Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society, 31 March 2012**

102. The delegation held a debriefing session with the Commissioner for Human Rights, Humanitarian Action, and Relations with Civil Society, Hon. Mohamed Abdellahiould Khattra and officials from the Ministry of Human Rights. The Vice-Chairperson led the debriefing and updated the Commissioner on the preliminary findings of the delegation, outlining the positive measures identified by the delegation relating to issues on the fight against torture, slavery and conditions of detention; the areas where the delegation had concerns and some recommendations.

103. The very few places of detention visited, the delegation informed Hon. Mohamed Abdellahiould Khattra that they observed a willingness by the Government to ensure the enjoyment of human rights of persons deprived of their liberty. In that regard, there is a noticeable shift from a purely custodial and punitive approach to a rehabilitative policy for persons who come in conflict with the law.

104. The Commissioner reiterated the political will and determination of the Government to promote and protect the rights of its citizens and its resolve to fight slavery, improve prisons conditions and ensure that all Mauritians live in dignity. He stated that a lot of progress had been made in this respect within the past two years and stressed that many of the problems that Mauritania faces today are a legacy of the socio-economic situation and history of the country; which legacy, he said the Government has decided to fully assume. He assured the delegation that its concerns had been noted and emphasized that all necessary measures will be taken to give effect to the recommendations ensuing from the Mission.

**Press Conference**

105. The delegation held a press conference at the end of the Promotion Mission, which was attended by journalists from both print and electronic media. Members of the African Commission explained to the members of the press about the African Commission, how it was established, its mandate of promoting and protecting human rights and the various activities the African Commission undertakes to carry out its mandate. The Chairperson also explained the purpose of the Promotion Mission that she and the other two other Members of the African Commission had just undertaken.
106. The delegation informed the press that in their meetings with the various authorities from both the government and human rights organizations, they had discussed issues and exchanged views relating to the implementation of human rights under the African Charter in the country. The delegation also informed the press that they were able to follow up on various matters including Mauritania's meeting its obligations in terms of submitting its report in accordance with Article 62 of the African Charter. The Chairperson informed the press that the government of Mauritania had welcomed the Mission to the country and facilitated it and that frank and open discussions were held with the various government authorities.

## **OBSERVATIONS AND ANALYSIS**

107. This section of the Report provides the general observations and findings of the CPTA Promotion Mission based on the visit and information gathered from the meetings and discussions with the different stakeholders.
108. At the end of the consultations, the CPTA delegation met with a representative range of persons who were directly or indirectly involved with human rights. Through frank and open discussions that the Mission Team had with political and administrative authorities, parliamentarians, civil society activists as well as the police and some individuals, it could be said that there is a genuine political will to put the matrix of the issue of human rights at the centre of the concerns.
109. The CPTA is further aware that though considerable progress has been made in the promotion and protection of human rights since the promulgation in 2006 and 2012 of a new constitution and a new Criminal Procedure code, from its various meetings and interviews, it notes that the overall human rights situation in Mauritania raises very serious concerns. It notes that years of political turmoil,

coups, a fractious relationship between white and black Mauritians, challenges with terrorism conflicts have left the country unstable and fractured along ethnic lines which pose great challenges to the ability of the State to fulfill its obligations under the African Charter and continues to affect the enjoyment of human rights by citizens of Mauritania.

110. The CPTA delegation noted that there are huge problems relating to poverty, slavery, arbitrary arrest and detention; torture; cruel, inhuman and degrading treatment, insecurity, juvenile justice, due process, law and order structures, prisons and detention facilities that fall below the minimum acceptable standards, lengthy pre-trial detention and violence against students. It is also clear that challenges regarding the inability of the judiciary to uphold human rights standards, constitutional guarantees and legal procedure partly because of shortages of trained judicial personnel are preventing the enjoyment of human rights. It also notes that human rights violations also resulted from structural shortcomings and are linked to shortcomings in State institutions.
111. The CPTA nevertheless wants to emphasize that the State bears the primary responsibility for ensuring respect to the rule of law, human rights and international humanitarian laws, protecting the lives of its citizens and ensuring security in its territory.

## **Positive Aspects**

- i. The CPTA appreciates the invitation extended to it by the Government of the Islamic Republic of Mauritania. This invitation is proof of the Government's willingness to cooperate with the African Commission in addressing some of the challenges that Mauritania faces on issues that fall within the purview of the mandate of the CPTA.
- ii. The CPTA also appreciates the spirit of transparency and cooperation which the authorities demonstrated during the visit. Throughout the visit, the delegation enjoyed the full cooperation of the authorities with whom it met and was able to visit the places of detention it wanted to visit and talk with the detainees it wanted to talk to. From the meetings that the delegation had with various authorities, it could be discerned that there is a genuine political will to address issues and concerns raised by the delegation. Many officials admitted the shortcomings and inadequacy of measures adopted to address the issues of concern to the delegation and expressed their willingness to consider and implement the recommendations ensuing from the visit. In this regard, the CPTA

particularly welcomes the commitment made by the President of the Republic to address the issue of slavery and detention conditions.

- iii. The CPTA appreciates the progress being made in the fight against slavery. It welcomes the legislative measures put in place to fight against the practice, notably the prohibition of slavery in the recently Amended 2012 Constitution as a crime against humanity and the enactment of the anti-slavery law.
- iv. The CPTA also appreciates the measures taken to empower former slaves to fully assume their liberty, notably the putting in place of the Program for the Eradication of the Legacy of Slavery.
- v. The CPTA notes with satisfaction the increasing number of slavery cases being tried in the national courts. This is proof that the anti-slavery law is gradually having its desired effect and that the judiciary has started taking its responsibilities with regards to the fight against slavery seriously.
- vi. The CPTA welcomes the efforts being made in the fight against torture notably through the signing of OPCAT, and the measures being taken to ratify it, as well as efforts being made by the NHRC to raise awareness on the necessity of criminalizing torture. The African Commission also welcomes the commitment made by the relevant Government officials in this respect, to take all necessary measures to enact as soon as possible, legislation criminalizing torture.
- vii. The CPTA appreciates the role of the NHRC in monitoring detention conditions. It welcomes the latitude given to it to undertake unannounced visits to places of detention in order to ensure that the treatment of detainees conforms to accepted standards.
- viii. The CPTA notes that despite an acute shortage of material and financial resources, efforts have been made to improve detention conditions in the country's main prison (the Da Naim Prison in Nouakchott), and the construction of new prisons in the interior of the country.
- ix. The delegation notes with satisfaction the acceptable detention conditions in the women's prison at Beyla. The delegation notes that there were no complaints of torture or ill-treatment from the detainees.
- x. The CPTA welcomes the measures put in place to take care of children in conflict with the law, notably through the construction of a modern Center for the Rehabilitation of Children in Conflict with the Law, with adequate

infrastructures and facilities for the rehabilitation of children. The CPTA considers this center as a model to be replicated elsewhere.

- xi. The CPTA also notes the active role by many civil society organizations in the fight against slavery and advocacy on improving detention conditions.

## Areas of Concern

112. The CPTA recognizes that many of the problems Mauritania faces currently regarding issues of slavery, torture and detention conditions is due to resource constraints as well as social conditions and its history. The CPTA also recognizes that the Government has duly assumed its responsibility to address some of the problems and has made commendable progress in this respect. This notwithstanding the CPTA remains concerned about certain shortcomings that need urgent redress.

The CPTA is concerned that:

- i. The Government's position regarding slavery that but for its legacy, slavery does not exist in Mauritania. This position is highly contradictory given that Government has put in place a series of legislative frameworks and various measures to respond to the crime of slavery. Such a position which negates the reality of the existence of slavery in Mauritania only helps to impede efforts to eradicate the practice.
- ii. The practical application of the anti slavery law is very minimal and that most stakeholders charged with applying the law have not been adequately sensitized on its contents.
- iii. The shortcomings in the law itself which does not make provision for compensation or assistance to victims of slavery and other measures of emancipation such as training and jobs.
- iv. The lack of a legal framework criminalizing torture in accordance with the CAT and RIG is a major concern to the CPTA. The CPTA considers that the state party must go beyond a formal prohibition of torture and other forms of ill-treatment in the constitution, and enact specific legislation that sets out all the elements of the crime, the punishment for perpetrators as well as measures to cater for the needs of victims.
- v. The many reports of torture allegedly perpetrated by law enforcement agents that were brought to its attention during the visit, especially those

concerning students of the University of Nouakchott. The CPTA is particularly concerned that these reports have not been investigated and that responsibilities for the alleged torture have not been established.

- vi. In spite of the fact that the NHRC has the mandate to undertake unannounced visits to places of detention in order to monitor detention conditions, the CPTA is concerned that such visits have been infrequent and unsystematic. During the delegation's visit to places of detention, many issues were brought to its attention which would easily have been resolved by the NHRC if it carried out frequent monitoring visits.
- vii. The criminal justice system is failing too many people who are suspected of being in conflict with the law. The Delegation met inmates who are awaiting trial for more than two years and more.
- viii. Mauritanian criminal justice system is failing to conclude trial within a reasonable time in violation of the Constitution and other regional standards.
- ix. Notwithstanding the many efforts made to improve conditions of detention at the Da Naim Prison in Nouakchott, a lot still remains to be done. The prison remains overcrowded, hygiene and sanitation are inadequate and the quality of food is poor - rendering conditions in the prison inhuman and degrading.
- x. Prisoners at the Da Naim Prison in Nouakchott are also not separated into different categories and cells, with dangerous criminals and minor offenders locked up in the same cell. It is also concerned that convicted prisoners and pre-trial detainees all share the same cell.
- xi. The high percentage of pre-trial detainees both at the Da Naim Prison and the Women's Prison at Beyla.
- xii. The fact that men guard female prisoners at the Beyla Women's prison.
- xiii. Minor and adults offenders are held in the same cells at the Beyla Women's prison.
- xiv. In the Da Naim Prison, there are serious problems with clean water for bathing or drinking.
- xv. In the Da Naim Prison, there is a lack of basic medical equipment, drugs and trained personnel.

- xvi. Opportunities for vocational training are quite limited.
- xvii. Minors in conflict with the law have no access to legal aid.
- xviii. The death penalty is still in the statute books.
- xix. The number of dedicated female prisons is inadequate.
- xx. There is no dedicated prison for juvenile girls.
- xxi. There is no legislation on alternative sentencing.
- xxii. The CPTA is also concerned about the many allegations of the existence of unofficial and secret places of detention in Mauritania where suspected terrorists are kept. Although the authorities approached on the issue denied the existence of such places, the African Commission remains concerned that no efforts have so far been made to investigate these allegations. The *incommunicado* detention of suspected terrorists who are only allowed sporadic visits by the International Committee of the Red Cross (ICRC), is also a major concern to the African Commission.
- xxiii. The ineffectiveness of the legal aid regime in Mauritania and the limited access to detained persons by counsel is a major concern to the African Commission. The CPP only permits access to counsel for 30 minutes and only after the first period of detention has been extended.
- xxiv. There is no guarantee that all suspects are offered legal representation even in the case of minors.
- xxv. The CPTA delegation is also concerned about the ineffective legal aid regime and that efforts by the Bar Association to offer legal aid with the support of donors have been blocked at the level of the Ministry of Justice.
- xxvi. Corporal punishment is still retained as a form of lawful punishment in the statute books of Mauritania. Even though no longer practiced, the CPTA remains concerned that many inmates, especially women are held in jail for an indeterminate period because they have not been lashed.
- xxvii. The CPTA is very concerned about the disregard of the procedural safeguards against the risk of torture set out in the CPP- that no efforts are being made to hold officials who disregard these safeguards to account.

## Recommendations

113. The above areas of concern are an indication that Mauritania still faces a lot of challenges in the eradication of slavery and torture, as well as the improvement of detention conditions in spite of the progress that has been made.
114. In making the recommendations, the CPTA is mindful of the fact that resources, both human and financial are limited and that the various demands on the fiscals need to be prioritized and balanced. However, these Recommendations are reflective of the fact that as a State Party to the African Charter and other international human rights instruments, the Islamic Republic of Mauritania has an obligation to respect and implement those instruments. It is on this premise that these Recommendations are made taking into consideration the visit and meetings it had with all the stakeholders during this Mission.
115. The CPTA convinced that there is still much room for improvement. In light of the above, the CPTA recommends that: :

### A. On the fight against slavery

- i. The Government should accept the reality of the existence of pockets of slavery in Mauritania, while taking the necessary measures to eradicate it. The African Commission is convinced that the Government's official position denying the existence of slavery is an impediment to its efforts to eradicate the practice.
- ii. Those who are found guilty of practicing slavery should be held accountable.
- iii. There is need for more efforts to be made in the practical application of the anti-slavery law beginning with the adequate sensitization of major stakeholders on the contents of the law, such as magistrates and judges, law enforcement officials and prosecutors.
- iv. There is a necessity to amend the law to make provision for compensation to victims and for civil society organizations to constitute civil parties in slavery cases.
- v. The Government embark on an extensive law enforcement training programme on the RIG.



vi. The CPTA reiterates the recommendations ensuing from the workshop on the validation of a roadmap for the implementation of the recommendations of the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Mrs Gulnara Shahinian that was held from 30 – 31 January 2012 in Nouakchott notably:

- Public awareness campaigns to delegitimize slavery, bringing to cooperation religious leaders, teachers;
- Civil Society should be involved in all programmes aimed at fighting slavery and slavery like practises;
- Need positive discrimination in favour of slaves;
- Need to encourage marriages among different communities in Mauritania;
- Need to reinforce the capacity of the civil society;
- Need to amend and improve the anti-slavery law by providing psychological support to victims;
- Need to review the land law and facilitate access to the land to former slaves;
- Creation of a national observatory on slavery;
- Ensure education to former slave children and resource generating activities to former slave adults;
- Need for the Civil Society to think of their role in the protection of victims and in bringing cases to court , as well as in the reintegration of victims to society
- Need to conduct a study on the nature and incidence of slavery in Mauritania to have a clear picture for programs interventions.

**B. On torture and detention conditions, the African Commission recommends:**

**To the Government:**

- i. The Government should go beyond a formal prohibition of torture and other forms of ill-treatment in the constitution and enact specific legislation criminalizing torture (just like it has done with slavery), in accordance with the provisions of the CAT and RIG, setting out a clear definition of the crime of torture, punishment reflecting the gravity of the act as well as measures to cater for the needs of victims.
- ii. Accelerate the ratification process of the OPCAT and start broad based consultations as soon as possible on the implementation of the instrument, especially the setting up of a National Preventive Mechanism with a clear mandate to carry out unannounced monitoring visits to places of detention.
- iii. Initiate a prompt, impartial and effective investigation into all allegations of torture, especially those concerning the students of the University of Nouakchott and bring all perpetrators to account.
- iv. Investigate the existence of unofficial and secret places of detention and ensure that all persons are detained in official places of detention and benefit from all the safeguards provided in the CPP.
- v. Measures should be taken to prohibit incommunicado detention.
- vi. The Government should take the necessary measures to grant access to lawyers to all those in detention, from the time of arrest and ensure that all those detained (including for offences against the security of the state and terrorism), have unimpeded access to counsel.
- vii. All those detained are brought promptly before a judicial authority, having the right to defend themselves or to be assisted by counsel, preferably of their choice.
- viii. The provisions of the Criminal Code on corporal punishment should be amended to replace this form of punishment with clearly defined prison sentences to avoid the situation where inmates are detained for an indefinite period because the corporal punishment has not been inflicted.
- ix. Measures be taken to make legal aid effective, in particular lend support to the project of the Bar Association to provide legal aid with the help of donors.

- x. The Prison Service takes an inventory of all persons without legal representation and presents it to the Government so that legal aid can be extended to them.
- xi. To improve detention conditions in prisons to make sure that these comply with international standards, notably the UN Standard Minimum Rules for the Treatment of Prisoners.
- xii. Prisoners be properly separated into categories especially those awaiting trial from those who have been convicted; minors from adult offenders and dangerous criminals from less dangerous ones.
- xiii. That children who are in conflict with the law should have additional protection, which should be based on their best interests and wellbeing like providing them with adequate legal aid.
- xiv. Pre-trial detention of juveniles should be avoided where possible; where that is not possible they should be allowed to maintain contact with their families or a Social Worker.
- xv. The Government of Mauritania consider releasing inmates on self bail who pose little or no risk to society, or where the crime is not a serious one.
- xvi. The Government of Mauritania and its judicial institutions use as sparingly as possible pre-trial detention. The African Commission is aware that there will be circumstances where it will be necessary to keep in prison some persons on the awaiting trial category. However, such should be the exception where the court is of the opinion that the individual poses a danger to society or might jump bail or interfere with witnesses.
- xvii. The Government of Mauritania adopts legislation on alternative sentences, like Community Service.
- xviii. All accommodation provided should meet all requirements of health, minimum floor space, lighting and ventilation.
- xix. All inmates in prison are provided with a bed, sufficient clean bedding which is changed often to ensure its cleanliness.
- xx. Sanitary installations be provided to inmates to enable every prisoner to comply with the needs of nature when necessary and in a clean and

decent manner, including the provision of adequate bathing and shower installations so that every prisoner may be enabled and required to have a bath or shower, as frequently as necessary for general hygiene.

- xxi. All prisoners should be provided with water and with such toilet articles as are necessary for health and cleanliness.
- xxii. The Government should initiate training programmes for youths in prison.
- xxiii. Adopt measures that ensure that arrested persons have access to counsel at point of arrest.
- xxiv. The Human Rights Commission should be adequately funded to carry out its core function of unannounced prison visits.
- xxv. The death penalty is abolished.

#### **The Police**

- xxvi. That an official register on the arrests and detention of suspects is available, which records the name of the suspect, the reason for the arrest, date and time of then arrest, date of the first appearance before a judge, and identity of law enforcement officials concerned.
- xxvii. All suspects detained by the police have access to relatives and to their legal representative.
- xxviii. An accused be brought before a judge or other competent authority without delay.
- xxix. Police authorities, the prisons and the judiciary meet regularly to discuss ways of further improving the criminal justice system.

#### **To the National Human Rights Commission**

- xxx. The capacities of the NHRC to undertake regular monitoring and supervision of places of detention should be reinforced, pending the establishment of an NPM or the conferment of this role on the NHRI.

- xxxi. The NHRC collaborates with the National Prison Service to provide technical support for the training of police, prison service staff and the judiciary on the human rights of detainees.
- xxxii. The Prison Service ensures, as a matter of urgency, that prisoners are held in sanitary and humane conditions, which takes into consideration prisoners physical integrity at all times.
- xxxiii. In-service training courses on human rights specifically focusing on the rights of those deprived of their liberty should be organized for all law enforcement and penitentiary officials as well as officials of the judiciary and lawyers. The training courses and curricular of training schools for law enforcement officials and the judiciary should be updated regularly to reflect the latest development in international law and incorporate the principles enunciated in the RIG.

**NGOs**

- xxxiv. NGOs should collaborate with the Government to provide, were possible, technical support for the training of police, prison service staff and the judiciary on the human rights of detainees.
- xxxv. NGOs should be allowed to visit prisons regularly to promote compliance with the minimum standards of detention.

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**END**