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# Mauritania

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164<sup>th</sup> session (virtual session, 8 to 20 March 2021)*



Mauritanian politician and advocate for the abolition of slavery, Mr. Biram Dah Abeid, during a press conference in Dakar on 29 September 2016 © Seyllou / AFP

MRT-03 – Biram Dah Abeid

## Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity

### A. Summary of the case

Mr. Biram Dah Abeid, President of the party *Initiative de la Résurgence du Mouvement Abolitionniste* (Initiative for the Resurgence of the Abolitionist Movement, IRA) was arrested at his home on 7 August 2018 and charged with “causing harm to others, inciting violence and threatening to use violence” on 13 August 2018, following a complaint filed by a journalist.

According to the complainant, the militant campaigning of Mr. Dah Abeid – and of his party, the IRA – to combat slavery in Mauritania has reportedly been the root cause of the political and judicial harassment towards him, in an attempt to exclude him from the political scene. The complainant alleges that the charges against Mr. Dah Abeid were not supported by evidence. According to the complainant, it was the victim's alliance with the Essawab political party with a view to the September 2018 legislative elections that had triggered the proceedings brought against him, the aim of which had been to invalidate his candidacy in the legislative elections and prevent him from conducting his campaign

### Case MRT-03

**Mauritania:** Parliament affiliated to the IPU

**Victim:** Opposition member of parliament

**Qualified complainant(s):** Section I.1(a) and (d) of the [Committee Procedure](#) (Annex I)

**Submission of complaint:** October 2018

**Recent IPU decision:** February 2019

**IPU mission(s):** - - -

**Recent Committee hearing:** Hearing with Mr. Dah Abeid at the 161<sup>st</sup> session of the Committee (January 2020)

#### Recent follow-up:

- Communications from the authorities: Letters from the Minister of Justice (February, May and June 2019)
- Communication from the complainant: February 2021
- Communications addressed to the authorities: Letters to the Speaker of the National Assembly and the Minister of Justice (January 2021)
- Communication addressed to the complainant: February 2021

freely. Mr. Dah Abeid's candidacy was nevertheless validated by the Independent National Electoral Commission (CENI), which also confirmed his election while he was still being held in detention on 1 September 2018.

The complainant emphasized that, despite his election, Mr. Dah Abeid's pretrial detention continued in violation of his parliamentary immunity and in the absence of a trial. Responding to this point in particular, the Minister of Justice explained in his letters of May and June 2019 that the proceedings against Mr. Dah Abeid had been initiated before he stood as a candidate and before he became a member of the National Assembly. Thus, the parliamentary immunity claimed by Mr. Dah Abeid, and which he did not acquire until the day his election was confirmed, could not be retroactive. The Minister of Justice further added that the National Assembly did not request Mr. Dah Abeid's release and did not call on the authorities to drop the charges against him as provided for in Article 50 of the Mauritanian Constitution.

On 31 December 2018, the Criminal Court sentenced Mr. Dah Abeid to six months' imprisonment, four of which were to be suspended. He was therefore immediately released because the duration of his pretrial detention covered the length of his sentence. The appeal lodged by Mr. Dah Abeid's lawyers is still pending, which the complainant says is a way to keep the pressure on the member of parliament.

On his release from prison, Mr. Dah Abeid was able to resume his duties as a member of parliament by taking his seat in the National Assembly on 7 January 2019. He was also able to participate in the presidential elections that took place in June 2019.

## **B. Decision**

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Minister of Justice for his cooperation in 2019 and the information provided in his letters regarding Mr. Dah Abeid's case, in particular concerning the court ruling handed down in the case;
2. *Deplores*, nevertheless, the silence of the Mauritanian authorities, which have failed to respond to any of the Committee's requests for information since the case was referred to it in 2018; *considers* that this silence is all the more regrettable as Mr. Dah Abeid's pretrial detention continued after his election as a member of parliament, and even though the National Assembly had not lifted his parliamentary immunity; *reaffirms* that the Committee attaches great importance to dialogue and cooperation with the Mauritanian authorities, in particular with the National Assembly, which plays a fundamental role in protecting the rights of its members, regardless of their political affiliation; and *calls on* the National Assembly once again to respond to its requests as soon as possible in order to resolve this case once and for all;
3. *Notes with concern* that the appeal lodged by Mr. Dah Abeid's lawyers in 2018 has still not been examined by the relevant authorities for reasons that remain inexplicable, thus causing Mr. Dah Abeid to feel apprehensive; *calls on* the Mauritanian authorities to organize an impartial and fair appeal process within the deadlines set in the legal provisions in force, in compliance with applicable national and international standards in this area; and *wishes* to be kept informed of its outcome;
4. *Is pleased* that Mr. Dah Abeid has been able to exercise his parliamentary mandate without hindrance; and *sincerely hopes* that the National Assembly will take the necessary steps to avoid a recurrence of this type of situation and ensure that the parliamentary immunity of its members is respected at all times;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.