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Mauritania

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 173rd session (Geneva, 23 January to 7 February 2024)

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

MRT-03 – Biram Dah Abeid

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: March 2021

Recent IPU mission(s): - - -

Recent Committee hearing: Hearing with Mr. Dah Abeid at the 161st 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: September 2023
- Communication to the authorities: Letter to the Speaker of the National Assembly (December 2023)
- Communication to the complainant: October 2023

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage and 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. Mr. Dah Abeid was held in custody without charge for a week, even though, under the Code of Criminal Procedure, the maximum period of custody in such a case cannot exceed 48 hours.

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

Despite being elected, Mr. Dah Abeid was kept in pretrial detention 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 even before he had stood as a candidate and become a member of the National Assembly. Thus, the parliamentary immunity claimed by Mr. Dah Abeid, and which he did not acquire until after his election was confirmed, could not be retroactive. The Minister of Justice further added that the National Assembly had not requested Mr. Dah Abeid's release and had not called 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 had covered the length of his sentence. 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.

Mr. Dah Abeid categorically refutes the charges against him, claiming that his conviction was politically motivated, since the complaint against him was initially rejected by the Public Prosecutor of Nouakchott West, considering it to be unfounded. The journalist who accused Mr. Dah Abeid subsequently filed the same complaint with the Public Prosecutor of Nouakchott South, who decided to prosecute him. His lawyers described the proceedings against Mr. Dah Abeid as arbitrary, especially as in a case of this nature he should have been in detention and should have been summoned to appear of his own will. The complainant also pointed out that the case was not based on any serious evidence and that it had been withdrawn the day the member of parliament was sentenced. Mr. Dah Abeid appealed against the conviction in order to re-establish the truth in the case, but his appeal has not yet been heard.

The National Assembly has never responded to the Committee's requests for information.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deplores*, once again, the silence of the parliamentary authorities since the opening of this case in 2018; *considers* that this silence is all the more regrettable as Mr. Dah Abeid's pretrial detention continued after his election even though the National Assembly had not lifted his parliamentary immunity; *regrets*, also, that the National Assembly failed to exercise its prerogative to call on the Public Prosecutor to drop the proceedings against Mr. Dah Abeid after his election; and *calls on* the National Assembly to establish constructive dialogue and ongoing cooperation by responding to the Committee's enquiries and requests for information;

2. *Notes* that the facts of the case, in particular the initial rejection of the complaint by the Public Prosecutor of Nouakchott West, the continued pretrial detention of Mr. Dah Abeid without charge and with no access to his lawyers, the investigating judge's decision to refer his case to the criminal court even though the charges against him fall within the jurisdiction of the correctional court, and the withdrawal of the complaint filed against him on the day of his conviction, bear out the complainant's allegations that the proceedings against Mr. Dah Abeid and his conviction were politically motivated;

3. *Notes* that Mr Dah Abeid's case has been at a legal standstill for almost six years, depriving him of any possibility of winning his case; *remains concerned* that the appeal he lodged has been kept pending without response, given that all the evidence in the case should result in its closure; *stresses* that the absence of a response from the relevant authorities constitutes a denial of justice for Mr. Dah Abeid; and *calls on* the Mauritanian authorities to take the necessary steps to ensure that justice is done and that this case is resolved definitively;

4. *Sincerely hopes* that the National Assembly will take the necessary steps to prevent this type of situation from recurring and to ensure that the parliamentary immunity of its members is respected at all times;

5. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;

6. *Decides* to continue examining the case.