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## Mauritania

**Decision adopted by the Committee on the Human Rights of Parliamentarians at its 158<sup>th</sup> session (Geneva, 8 February 2019)**



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

### MRT03 - Biram Dah Abeid

#### Alleged human rights violations:

- ✓ Arbitrary detention
- ✓ Lack of due process at the investigation stage and 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 *Initiative de la Résurgence du Mouvement Abolitionniste* (Initiative for the Resurgence of the Abolitionist Movement, IRA) and former candidate in the 2014 presidential elections, was arrested at his home on 7 August 2018. He was charged on 13 August 2018 for “causing harm to others, inciting violence and threatening to use violence”, following a complaint filed by a journalist.

According to the complainant, the militant campaigning of Mr. Dah Abeid – and of his party, IRA – to combat slavery in Mauritania is reportedly 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 are not supported by evidence. According to the complainant, it was the victim's political alliance with the ESSAWAB political party that triggered his prosecution, the aim of which was to invalidate Mr. Dah Abeid's candidacy in the September 2018 legislative elections and prevent him from conducting his campaign freely. However, Mr. Dah Abeid's candidacy was validated by the Independent

#### Case MRT03

**Mauritania:** Parliament affiliated to the IPU

**Victim:** Male opposition member of the Senate

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

**Submission of complaint:** October 2018

**Recent IPU decision:** - - -

**IPU mission:** - - -

**Recent Committee hearings:** - - -

#### Recent follow-up

- Communication from the complainant: November 2018;
- Communication addressed to the complainant: December 2018;
- Communication addressed to the authorities: Letter to the Speaker of the National Assembly and the Minister of Justice: November and December 2018.

National Electoral Commission (CENI), which also confirmed his election.

The complainant believes that Mr. Dah Abeid's detention was arbitrary as it continued in violation of his parliamentary immunity and without trial. On 5 December 2018, the investigating judge referred the case to the Criminal Court. Mr. Dah Abeid's lawyers appealed that decision on 13 December 2018. On 31 December 2018, the Criminal Court sentenced Mr. Dah Abeid to six months' in prison, two of which to be non-suspended. He was therefore released, since the duration of his pre-trial detention was that of his sentence. Mr. Dah Abeid's lawyers appealed his conviction.

## **B. Decision**

The Committee on the Human Rights of Parliamentarians

1. *Considers* the complaint concerning Mr. Dah Abeid's situation to be admissible under its Procedure for the Examination and Treatment of Complaints and *declares itself* competent to examine the case with regard to the alleged violations following his election;
2. *Deeply regrets* the lack of response from the Mauritanian authorities; *stresses* that the Committee attaches great importance to dialogue and cooperation with the Mauritanian authorities, particularly with the National Assembly of Mauritania; *recalls* that it is essential for the Committee to receive the official version of the facts from both parties in order to be able to assess the situation in the light of all available information; *points out* that the lack of response from the Mauritanian authorities could give weight to the complainant's allegations that Mr. Dah Abeid's prosecution is motivated by political reasons; *hopes*, therefore, to receive a response from the National Assembly as soon as possible in order to clarify the view of the authorities;
3. *Takes note* of Mr. Dah Abeid's conviction at first instance and of the appeal lodged by his lawyers in December 2018; *invites* the complainant to forward a copy of the reasoned judgment in order to understand the legal reasoning on which the conviction is based; *invites* the Mauritanian authorities to ensure impartiality and due process in the appeal proceedings, in line with the relevant national and international standards; and *wishes* to be kept informed of the dates of the appeal hearings;
4. *Notes with concern* that Mr. Dah Abeid's parliamentary immunity was allegedly violated, since his detention continued after his election as a member of parliament, despite the fact that the National Assembly had not lifted his immunity; *notes* that Mr. Dah Abeid resumed his legislative duties following his release and that he is currently a member of the National Assembly; *hopes* that he will be able to exercise his parliamentary mandate without hindrance;
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. *Requests* the Committee to continue examining the case.