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## U.S. Department of State

### Mauritania Country Report on Human Rights Practices for 1997

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#### MAURITANIA

Mauritania is an Islamic republic. The 1991 Constitution provides for a civilian government composed of a dominant executive branch, a Senate and National Assembly, and an independent judiciary. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, first as head of a military junta, and since the 1992 multiparty election as head of a civilian government. On December 12, Taya was reelected President, receiving over

90 percent of the vote, running against four other candidates. The election was widely regarded as fraudulent and was boycotted by the Opposition Front (a five party coalition). Most opposition parties boycotted earlier parliamentary elections, but participated in Senate elections in 1994 and 1996; they gained only one seat. In the country's first multiparty legislative elections held in October 1996, 1 opposition and 6 independent candidates were elected to the 79-member National Assembly. The outcome of these elections was marred by fraud on all sides and pervasive government intervention, representing a backward step in the country's efforts to establish a pluralist democracy. The judiciary is subject to significant pressure from the executive through its ability to influence judges.

The Government maintains order with regular armed forces, the National Guard, the Gendarmerie (a specialized corps of paramilitary police), and the police. The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. Security forces are under

the full control of the Government and responsible to it. Some members of the security forces committed human rights abuses.

Mauritania, with a population of 2.4 million, has a generally market-oriented economy based on subsistence farming, herding, and a small commercial sector. Fish and iron ore are the country's main export-earners. Drought, desertification, insect infestation, rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt handicap the economy. Severe drought in 1996-1997 fueled urbanization, further straining government finances. Annual per capita national income has declined in recent years and is estimated at \$503 (1996 figure). Mauritania receives foreign assistance from bilateral and multilateral sources. A small elite controls much of the country's wealth and commerce.

The Government's human rights record remained poor, and problems remain in certain areas. Democratic institutions remain rudimentary and the Government circumscribes citizens' ability to change their government. Police at times used excessive force, beat or otherwise abused detainees, and used arbitrary arrest, incommunicado prearrest detention, and illegal searches. The Government failed to bring to justice officials who commit abuses. Prison conditions are harsh and unhealthy. Pretrial detention is often very lengthy. Although the Government instituted judicial programs and training, the executive continued to exercise significant pressure on the judiciary, and in practice the right to a fair trial was restricted. The Government suspended for lack of professionalism four judges who refused to recognize the rights of former slaves. The Government broadened the scope for opposition activity and improved access to government-owned media during the election campaign, but it continued to seize and suspend some publications, and limit freedom of religion. Societal discrimination against women continued, and female genital mutilation remained a serious problem despite government efforts to halt the practice. Ethnic tensions are gradually easing, but the Halpulaar, Soninke, and Wolof ethnic groups are underrepresented in political life and some feel excluded from effective political representation.

The Government continued efforts to resolve a serious abuse from the 1989-91 period, in which approximately 70,000 Mauritians were expelled or fled, by facilitating cooperation between the Mauritanian Red Crescent Association and the United Nations High Commissioner for Refugees (UNHCR), to assist returnees from the refugee camps in Senegal. The Government estimates that 30,000-35,000 have returned; the UNHCR documented 25,970 total returnees to four provinces along the Senegal River, but believes that the total number of returnees is significantly higher. The Government failed to address fully another major abuse from the 1989-1991 period, when 503 members of the military, mainly from the Halpulaar ethnic group, were killed, tortured, and maimed. The Government in earlier years gave pensions to the documented widows of those killed, but not to undocumented individuals claiming to be additional wives. In 1996 the Government extended that benefit to some of those who survived the purge. Further action on alleged wives, absent documentation, appears unlikely. A 1993 amnesty law precludes legal pursuit of those responsible for the killings, and the Government does not acknowledge responsibility or wrongdoing nor has it provided honorable discharge papers to survivors or other compensation to families of those killed.

A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist; however, slavery in the form of unofficial voluntary or forced and involuntary servitude persists. Many persons continue to live in conditions of unofficial paid or unpaid servitude and many persons still consider themselves to be slaves.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### a. Political and Other Extrajudicial Killing

There were no reports of political killings.

On April 11, gendarmes shot a man crossing the Senegal River from Senegal to Mauritania at Bababe, in the company of two others. He died after being transferred to the military hospital in Nouakchott. The Government maintained that he was a thief and smuggler. A human rights group reported that the man knew the gendarmes and was shot because he had refused to pay them a bribe (see Section I.c.).

On November 17, the Coast Guard fired on Senegalese fishermen in Mauritanian waters, killing 1 person and wounding as many as

10. The Coast Guard called on the men to stop but they did not. The individual died while trying to flee.

Extrajudicial killings from past years remained unresolved, principally the 1990-91 deaths while in military custody of

503 largely Halpulaar and Soninke military personnel and civilians detained in the investigation of an alleged coup attempt. In 1993, the Government began to provide pension benefits to some of the widows and families of those killed, and in 1996 the Government recognized the prior government service of some of the civilian survivors and began to pay them pensions. The military has not released the results of its 1991 internal investigation, and in 1993 Parliament passed an amnesty bill to preclude legal pursuit of those responsible. The Government has not acknowledged responsibility or wrongdoing nor has it provided honorable discharge papers to survivors to facilitate alternative employment and their reintegration into society.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other forms of cruel or inhuman punishment, but the police continue on occasion to beat criminal suspects while in custody. There were credible reports that police tortured some of those arrested in June 1996 for drug trafficking during pretrial detention, however, there are no reports of such abuse during the year. Methods of torture included beatings and around the clock questioning. Authorities have not tried or punished persons suspected of committing such abuses. Police in some instances used force to break up peaceful demonstrations or disperse crowds. Military forces along the Senegal River used excessive force against individuals suspected of smuggling. Authorities have not tried or punished persons suspected of committing such abuses. The Government's failure to bring to justice officials who commit abuses and fail to observe legal procedures has contributed to the widespread belief that security officials are a force apart from government authority and not subject to legal restraints. The armed forces produced in May and distributed to troops a guide on proper conduct for soldiers, under the auspices of the Mauritanian Red Crescent.

Prison conditions are harsh and do not meet minimum international standards. There is severe overcrowding, poor sanitation, and inadequate medical treatment. The independent press and human rights activists periodically report the deaths of prison inmates; authorities cite natural causes, although witnesses claimed to have evidence of mistreatment. Prisoners from European countries receive privileged treatment but those from other African countries are often treated worse than Mauritians.

The central prison in Nouakchott, built for a prison population of 300 men, now houses more than 650 prisoners. Observers report better conditions at the women's prison and children's detention center in Nouakchott. The Government is enlarging the central prison in Nouakchott, constructing individual and group cells, lodging for prison wardens, an infirmary, a sports recreation area, and sanitary facilities. A new prison in Akjoujt is nearing completion.

The Government permits prison visits by diplomats and human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that authorities cannot arrest, detain, prosecute, or punish anyone except as provided for under the law; however, at times police arbitrarily arrested and detained citizens. The actual application of the constitutional safeguards continued to vary widely from case to case.

The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court may detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney.

Human rights activists report that police are showing greater respect for legally mandated procedures. Pretrial detention after arraignment is extensive. According to an appeal written by prisoners in the Nouakchott prison, only 130 of the inmates have received a sentence, and 450 have not received a trial, but observers believe that the actual number to be lower.

Some indicted prisoners are released before trial without explanation; familial, tribal, or political connections may explain some of these cases. There is a provision for granting bail, but it is rarely used.

From January 21-30, police arrested nine individuals suspected of illegal ties to Libya, one of them the leader of the opposition political party, Action pour le Changement. They were arrested under a 1991 decree stating that political parties may not cooperate with foreign parties in a way incompatible with the law. Initially held under incommunicado prearraignment detention, three were released 8 days after their arrest; another was released later. Five stood trial in February and received sentences ranging from a 3-week suspended sentence to 6 months in jail. An appeals court overturned four of the five convictions in April. The fifth person served out his 6-month sentence.

In May security forces detained and approximately 60 university students for their involvement in student protests at the University of Nouakchott. Eleven of these students were then sent to their villages and held under house arrest there. All were released at the end of the school term in June without being able to take their final examinations. Security forces reportedly repeatedly arrested and later released a few other students.

In April the Government detained under house arrest 15 teachers' union officials; all were released by July (see Section 6.b.).