

# SUMMARY REPORT FOR THE UNIVERSAL PERIODIC REVIEW OF MAURITANIA

This joint report aims to provide up-to-date information to understand the reality of the death penalty in Mauritania, ahead of its upcoming review by the Working Group on the Universal Periodic Review (UPR) in January 2026 (4<sup>th</sup> cycle).

## FACTS AND FIGURES

- Mauritania has a moratorium on the death penalty, with the last execution dating back to 1987. This moratorium is not official. Several death sentences are handed down each year.
- At least 23 people were sentenced to death in 2024, 18 more than in 2023.
- At least 150 people sentenced to death were detained at the end of 2024.
- Due to the lack of official data and the difficulty of accessing all places of detention (particularly due to travel distances and associated costs), it is very difficult to obtain accurate and disaggregated annual data on death sentences, the number of prisoners sentenced to death, and their distribution in prisons.

### *Recommendations:*

- *Maintain the de facto moratorium on executions.*
- *Prioritise the application of alternative sentences to the death penalty.*
- *Develop a policy of transparency by publishing data broken down by gender, age, nationality and other applicable criteria on: the number of prisoners sentenced to death per year and jurisdiction; the number of prisoners sentenced to death in first and second instance; the places of detention of prisoners sentenced to death; and the number of prisoners sentenced to death who have been granted clemency.*
- *Encourage the work of the National Human Rights Institution and the National Mechanism for the Prevention of Torture on various issues in law and practice related to the death penalty.*

## LEGAL FRAMEWORK

### **National**

- The Constitution does not explicitly protect the right to life.
- Mauritanian law contains more than 40 legislative provisions relating to the application of the death penalty. Many provisions relating to the application of the death penalty are not in line with Mauritania's international human rights commitments:
  - Mauritanian legislation does not provide sufficient clarity regarding the possibility of detaining minors over the age of 16 as prisoners.
  - Law No. 93-37 provides for the death penalty for many drug-related crimes, even though they are not among the "most serious crimes" defined by international law.
  - Mauritania is one of 12 countries in the world whose legislation provides for the death penalty for "crimes of homosexuality".
  - Since the reform of the Penal Code on 27 April 2018, the death penalty is automatic for apostasy (*zandaqa*) and blasphemous acts.



- The President of the Republic has the right to pardon, remit, or commute sentences. To our knowledge, the last pardon of prisoners sentenced to death dates back to 8 March 2016.
- Mauritanian law provides for the possibility of recourse to *diya* (blood money) in certain cases of crimes punishable by death, but does not specify the amount or ceiling. The criteria for state assistance in its payment remain unclear, which in practice leads to inequalities.

#### **Recommendations:**

- ***Expressly guarantee the right to life in the Constitution.***
- ***Repeal provisions that provide for the application of the death penalty for crimes that are not considered «the most serious» crimes under international law, in particular for treason (Articles 67 to 69), espionage (art. 70), and conspiracy against state security (art. 122), as well as provisions relating to drug use and trafficking (Law No. 93-37).***
- ***Reduce the scope of the death penalty to the most serious crimes by repealing, in particular, the provisions of Article 307 (adultery) and those providing for the application of the death penalty on the basis of discrimination (Art. 308 - homosexuality).***
- ***Amend Article 306 of the Criminal Code by reintroducing the possibility of repentance.***
- ***Amend the legislation so that no minor under the age of 18 at the time of the alleged offence is imprisoned for death.***
- ***Reform the Criminal Code, the Code of Criminal Procedure and the Code of Criminal Protection of Children to bring them into line with international law.***
- ***Set a maximum amount for diya and clarify the conditions for state assistance in order to ensure equal treatment.***

#### **International**

- Mauritania is a party to the International Covenant on Civil and Political Rights (ICCPR). It is also a party to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); however, the State has entered reservations regarding the application of Articles 20, 21 and 22, which concern the possibility of referring allegations of torture to the United Nations system for investigation. Mauritania has also acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
- Mauritania is a party to the International Convention on the Elimination of All Forms of Discrimination against Women. The State is also a party to the African Charter on Human and Peoples' Rights (ACHPR) and has ratified the African Charter on the Rights and Welfare of the Child and the Maputo Protocol on the Rights of Women in Africa.
- Mauritania has not acceded to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (OP2).
- During its last UPR in 2021, Mauritania received 29 recommendations relating to the death penalty, the majority of which concerned the ratification of OP2; all were noted, but none were accepted.
- In 2024, Mauritania voted against the United Nations General Assembly resolution calling for a universal moratorium on the use of the death penalty, it, whereas it had previously always abstained since 2008.

#### **Recommendations:**

- ***Ratify the Protocol to the ICCPR providing for the abolition of the death penalty (OP2).***
- ***Vote in favour of the United Nations General Assembly resolution calling for a universal moratorium on the use of the death penalty in 2026.***
- ***Implement the recommendations of international and regional human rights mechanisms on the issue of the death penalty.***
- ***Accept recommendations on the issue of the death penalty in the context of the Universal Periodic Review.***



## APPLICATION OF THE DEATH PENALTY IN MAURITANIA

- There are no death rows in Mauritania: prisoners sentenced to death share cells with other prisoners.
- Bir Moghrein prison, which was very remote and isolated in the desert, with regular problems accessing water and electricity, closed in 2022. The majority of prisoners sentenced to death held there were transferred to Nbeika and Aleg prisons. These two facilities remain difficult to access and do not offer conditions that meet the minimum standards for the protection of prisoners sentenced to death.
- Since 2024, a new prison was opened in Nouakchott to replace the old Dar Naïm prison. This new prison, which is more modern and better equipped, aims to improve detention conditions, but it has not been confirmed that a significant number of prisoners sentenced to death have been transferred there at this stage.
- Prisons are overcrowded. Access to hygiene, water and food is largely inadequate. Temperatures in the cells regularly exceed 40 degrees Celsius.
- Access to healthcare is also difficult, and doctors working in prisons may be reluctant to treat prisoners sentenced to death without a formal request, which can lead to harmful delays in the medical care of prisoners.
- Regular transfers of prisoners, often due to overcrowding, frequently result in death row prisoners being separated from their families, leading to the loss or dispersion of case files, and complicate the conduct of trials due to logistical difficulties associated with the possible travel of lawyers, victims, witnesses and interpreters.
- Many death sentences are handed down at the end of proceedings that do not meet the norms and standards of a fair trial:
  - Most foreign prisoners sentenced to death have difficulty accessing or do not have access to an interpreter. In the majority of cases, their lawyers are court-appointed and do not have sufficient time to prepare an effective defence.
  - The majority of detainees do not have access to the rights of defence, given the distance between the places of detention of those prisoners sentenced to death and the capital city, where more than 90% of lawyers practise, and the pressure faced by those who agree to take on cases punishable by death.
- The monitoring of prisons is not effective: as there is no sentence enforcement judge in Mauritania, this role falls to investigating judges, who are unable to fulfil it due to a lack of material, financial and human resources.
- Prisoners sentenced to death face significant social stigmatisation upon their release from prison, as there are no support mechanisms in place to assist with their reintegration.

### **Recommendations:**

- *Ensure that all detainees, without exception or discrimination, benefit from the fundamental legal guarantees provided for by national legislation from the outset of their deprivation of liberty.*
- *Establish a judge responsible for the enforcement of sentences in order to develop an effective policy for monitoring all convicted prisoners, including those sentenced to death.*
- *Train key actors in the criminal justice system (police officers, gendarmes, magistrates, prison staff) to respect the minimum judicial guarantees applicable to all persons deprived of their liberty, including prisoners sentenced to death, in accordance with international standards.*
- *Ensure that all indigent persons have access to legal aid in all regions and at all stages of the criminal proceedings.*
- *Combat prison overcrowding by making greater use of sentence adjustments and introducing alternative non-custodial sentences in prisons where overcrowding remains chronic.*
- *Limit the transfer of prisoners, ensuring that family ties are preserved, continuity of case files is guaranteed and participation in legal proceedings is facilitated.*
- *Ensure access to healthcare for all prisoners, in particular by conducting systematic medical examinations on admission to detention facilities and ensuring that prisoners have access to any medical treatment they may require.*
- *Raise awareness and train doctors working in prisons to ensure prompt and unimpeded medical care for prisoners, particularly those prisoners sentenced to death.*
- *Ensure that foreign detainees can benefit from consular protection.*
- *Guarantee access to interpretation during legal proceedings.*
- *Guarantee free and independent access to all places of detention for Mauritanian civil society organisations, the Mechanism for the Prevention of Torture, the National Human Rights Commission and parliamentarians.*
- *Systematically entrust the supervision of prisons to judges responsible for the enforcement of sentences, in order to ensure independent and regular monitoring of detention conditions.*
- *Establish support and social reintegration mechanisms for prisoners sentenced to death, in order to combat stigmatisation and promote their reintegration upon release from prison.*



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