

18 November 2016

Mauritania – Final hearing in Mohamed cheikh ould Mohamed’s trial

On 15 November 2016 in Nouakchott, the Supreme Court held the final hearing in Mr **Mohamed cheikh ould Mohamed’s** appeal of his sentence to the death penalty for the crime of ‘apostasy’. The Supreme Court will release its decision in the case on 20 December 2016.

[Mohamed cheikh ould Mohamed](#) (also known as Mohamed cheikh ould M’khaitir) is a blogger and freelance writer who often contributed to online news sites in Mauritania before his arrest, detention, and conviction. On 31 December 2013, he submitted an article to the online site, *Aqlame*, entitled, “Religion, religiosity, and craftsmen”. This article critiqued the caste system in Mauritania and compared Mauritania’s societal structure to societal structure at the time of the Prophet. Although Mohamed cheikh ould Mohamed had often written articles of this nature, this article was seen as an insult to the Prophet Mohammed. On 2 January 2014, Mohamed cheikh ould Mohamed was arrested, charged with ‘apostasy’ as well as ‘insulting the Prophet Mohammed’ and detained in a prison in Nouadhibou.

From 2 January 2014 to 23 December 2014, Mohamed cheikh ould Mohamed was held in prison in unsanitary conditions, awaiting his trial. On 24 December 2014, after a two-day trial, he was convicted for the crimes of ‘blasphemy’ and ‘insulting the Prophet Mohammed’ under Article 306 of the Penal Code and sentenced to death. During the trial, the court forbid any discussion of the content of the articles published by Mohamed cheikh ould Mohamed during the trial without explaining why.

Mohamed cheikh ould Mohamed filed an appeal of his sentence in October 2015. The process was delayed on several different occasions by the Appeals Court, and during the trial there were several inconsistencies. The most significant was the fact that the Appeals Court judge confirmed his sentence to the death penalty, when, legally, the Appeals Court does not have the authority to do so. The final decision was granted on 21 April 2016. Following its decision, the Appeals Court referred the case to the Supreme Court so that the sincerity of Mohamed cheikh ould Mohamed’s repentance could be assessed. On 15 November 2016, the hearing to review the Appeals Court decision was held at the Supreme Court and the final decision will be announced 20 December 2016. The Supreme Court has the power to cancel or reduce, to two years, Mohamed cheikh ould Mohamed’s sentence, if they determine that he has sufficiently and sincerely repented.

Immediately following his arrest, and during his detention, Mohamed cheikh ould Mohamed has repented on several occasions in writing and verbally. This included when the writer repented during a recorded interrogation in the prison by police. In court, police declared that they had lost the recording of Mohamed cheikh ould Mohamed’s repentance. Mohamed cheikh ould Mohamed has also repented in the presence of the investigating judge, the Criminal Court and the Appeals Court.

Mohamed cheikh ould Mohamed is still being held in a prison in Nouadhibou where his health has deteriorated significantly since 2014. It is reported that he does not have access to adequate portions of food, potable water, or medical care. Mohamed cheikh ould Mohamed suffers from malaria and is not receiving treatment for this condition.

Front Line Defenders wishes to express its serious concern about the [pattern](#) of persecution of human

rights defenders in Mauritania, including ongoing instances of threats and harassment of Mohamed Ccheikh ould Mohammed's defense lawyers and about the inconsistencies in trial.

Front Line Defenders urges the authorities in Mauritania to:

1. Immediately quash the conviction against Mohamed cheikh ould Mohamed, as Front Line Defenders believes that it comes as a result of his legitimate and peaceful work in the defence of human rights and religious of thought;
1. Ensure that the treatment of Mohamed cheikh ould Mohamed, while in detention, adheres to the conditions set out in the '*Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*', adopted by UN General Assembly resolution 43/173 of 9 December 1988 to which Mauritania is a signatory;
2. Provide the necessary medical treatment for malaria while Mohamed cheikh ould Mohamed is in prison;
3. Cease targeting all human rights defenders in Mauritania and guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.