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Morocco/Western Sahara

Morocco/Western Sahara: Investigate Allegations of Torture and Grant Detainees a Fair Trial

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Eighteen students of the Cadi Ayyad Marrakesh University, aged between 21 and 29 and members of the National Union of Moroccan Students, were arrested on 14 and 15 May 2008 following confrontations between law enforcement officers and members of the student body. The students attempted to organize a march from the Faculty of Law to the office of the Rector of the University located in the Faculty of Arts and Sciences to demand better social and economic conditions, the reintegration of expelled students and the dismissal of the Dean of the Faculty of Law. On 9 June, seven students, namely: Nasser Ahsain, Younes Al-Salami, Mohamed Al-Idrissi, Hisham Al-Idrissi, Hafiz Al-Hafezi, Radawan Al-Zibiri and Mansour Aghdir were found guilty of a number of criminal offenses including “participation in an armed gathering” and “contempt of and attacks on” public officials on duty. Eleven students, namely: Zohra Boudkhour, the only female detainee, Galal Al-Qitbi, Abdelallah Al-Rashidi, Alaa Al-Dirbali, Mohamed Gamili, Youssef Mashdoufi, Mohamed Al-Arabi Gadi, Youssef Al-Alawi, Khaled Mouftah, Mourad Al-Chouni and Ousman Al-Chouni remain in custody while the judicial investigation continues. In light of testimonies collected, Amnesty International is deeply concerned that the students’ cases have been marred with reports of torture and other forms of ill-treatment.¹

Amnesty International calls on the Moroccan authorities to ensure that the 18 members of the National Union of Moroccan Students detained in the Civil Prison of Marrakesh are granted fair trials in accordance with international standards and that they do not face the death penalty. The organization also

¹ For detailed reports of torture and other ill-treatment allegations, see appendix 1 to this document *Marrakesh Students: Allegations of Torture and Other Cruel, Inhuman or Degrading Treatment*

urges the Moroccan authorities to open a prompt, independent and impartial investigation into their allegations of torture and other cruel, inhuman or degrading treatment and to guarantee that the detainees are protected from torture and other forms of ill-treatment and have adequate access to medical treatment, their lawyers and families. Amnesty International is concerned that the 18 students might be detained on account of their political activism in demanding a number of reforms in the Cadi Ayyad Marrakesh University and participating in student demonstrations, and therefore might be political prisoners. Reports suggest that 13 of the 18 detained students have affiliations with the leftist movement Democratic Path (*Voie Democratique*).

The circumstances surrounding the Cadi Ayyad Marrakesh University incidents of 14 and 15 May, which resulted in the 18 students' arrest, remain highly disputed. While university authorities maintain that some students initiated and used violence against law enforcement officers and destroyed public property; a number of students, political movements and human rights organizations assert that law enforcement officers used excessive force to prevent the planned march, raided the university campus and committed a number of violations including arbitrary arrests and detentions, the unauthorized confiscation of personal belongings and physical attacks on students. An unconfirmed number of injuries was reported in the aftermath of the demonstrations. To Amnesty International's knowledge, no full, independent, impartial investigation into the events has been conducted to date.

Student protests against the Cadi Ayyad Marrakesh University administration escalated in the months leading up to the confrontations on 14 and 15 May. On 25 April, law enforcement officers prevented a student march which resulted in confrontations between students and law enforcement officers and the detention of a number of students. The march was intended as a show of solidarity with approximately 20 students hospitalized at the Ibn Tufail hospital suffering from food poisoning, allegedly as a result of a university campus cafeteria meal.

Amnesty International urges the Moroccan authorities to conduct an independent, full and impartial investigation into allegations of the use of excessive force by law enforcement officers during the confrontations between law enforcement officers and members of the student body on 14 and 15 May and to bring those responsible to justice.

Lack of investigation into allegations of torture and other ill-treatment

Amnesty International is gravely concerned by reports that all 18 students arrested on 14 and 15 May during or in the aftermath of demonstrations at Marrakesh University have been subjected to torture and other ill-treatment during their arrest and their transportation in police vehicles from the university campus to Gamaa Al-Fanaa Police Station and in particular in the course of their *garde à vue* (pre-arraignment) detention at the Gammaa Al-Fanaa Police station, which was extended by an additional 24 hours by the judicial authorities.²

Reports suggest that the two groups of students brought in front of the Crown Prosecutor on May 17 and 18, respectively, bore visible injuries and requested investigations into their torture and medical examinations. The students' request was reiterated by their lawyers during the first hearing in front of the Court of First Instance of Marrakesh on 19 May in the case of the group of seven students detained on 14 May, and at a number of hearings in front of the Investigative Judge in the case of the group of 11 students detained on 15 May. Article 134 of the Moroccan Criminal Procedure Code requires the Investigative Judge to order a medical examination if requested by the detainees or their lawyers or if there are visible signs of ill-treatment to prompt an examination. Reports suggest that the 18 students were only seen by medical professionals several weeks after their *garde à vue*. The examining doctors are reported to have failed to conduct a thorough physical and psychological examination and told the detainees verbally that they were in good medical condition. No medical examination reports were shared with the students or their lawyers. The detainees' lawyers are not aware whether or not medical reports have been produced. While reports indicate that the Public Prosecutor arranged for the questioning of a number of students following their allegations of torture, to Amnesty International's knowledge a full, impartial and independent investigation, meeting Morocco's obligations under the UN Convention against Torture and in line with the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was not conducted and no one found responsible has, to date, been brought to justice.

² For detailed reports of torture and other ill-treatment allegations, see appendix 1 to this document *Marrakesh Students: Allegations of Torture and Other Cruel, Inhuman or Degrading Treatment*.

Amnesty International calls on the Moroccan authorities to immediately conduct a full, impartial and independent investigation into allegations that the 18 students were tortured or otherwise ill-treated, to bring those responsible to justice and to ensure that the students promptly obtain any medical attention they may require.

Flouted Legal Proceeding

On 9 June, the Court of First Instance in Marrakesh found Nasser Ahsain, Younes Al-Salami, Mohamed Al-Idrissi, Hisham Al-Idrissi, Hafiz Al-Hafezi, Radawan Al-Ribiri and Mansour Aghdir guilty of a number of offences including “participating in an armed gathering”, “contempt of and attacks on” public officials on duty and destroying public property and sentenced them to one year prison terms and fines of 1,500 dirhams (approximately 208 US dollars). Amnesty International is concerned that they were convicted on the basis of police statements they signed as a result of torture and other forms of ill-treatment, without being allowed to read them, in breach of Article 293 of the Moroccan Criminal Procedure Code, which stipulates that no confession can be relied upon in court if it is obtained “through violence or duress” and of Article 15 of the Convention against Torture which states that “any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings”. The defence appealed the ruling. The next hearing is scheduled to take place on 4 August.

Eleven students, namely: Zohra Boudkhour, Galal Al-Qitbi, Abdelallah Al-Rashidi, Alaa Al-Dirbali, Mohamed Gamili, Youssef Mashdoufi, Mohamed Al-Arabi Gadi, Youssef Al-Alawi, Khaled Mouftah, Mourad Al-Chouni and Ousman Al-Chouni were charged by the Crown Prosecutor on 18 May with a number of offences including “participating in an armed gathering”, “contempt of and attacks on public officials on duty”, “destroying public property”, “voluntarily setting fire” on residential places and “attempting to murder another individual”. They have not been brought in front of a court to date and remain in custody at the Civil Prison in Marrakesh, while the judicial investigation continues. The charges of “voluntarily setting a fire” on residential places and “attempting to murder another individual” incur the death penalty.

Amnesty International calls on the Moroccan authorities to ensure that the detainees are granted fair trials in accordance with international standards and that they do not face the death penalty. Amnesty International also urges the

Moroccan authorities to guarantee that information obtained as a result of torture or other forms of ill-treatment is not adduced as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Prison Conditions

The 18 students have been on a hunger strike since 11 June in protest over their incarceration and their prison conditions. Their demands include being grouped in the same cell in prison, access to educational materials, medical examination reports, adequate medical care, guarantees of a fair trial and protection from torture and other ill-treatment during their incarceration. According to information received by Amnesty International, the 18 students are held in harsh and unhygienic conditions with no access to adequate medical care. Reports suggest that many are in critical medical condition exacerbated by the injuries sustained as a result of beatings they received during the period of *garde à vue* detention and as a result of their hunger strike. Amnesty International is also concerned by reports that the 18 detainees are routinely verbally abused by prison guards and that in at least one instance one of the detainees, Alaa Al-Dirbili, was placed in solitary confinement for a number of hours and beaten by guards on 27 May for attempting to communicate with another detainee.

Amnesty International calls on the Moroccan authorities to guarantee that the 18 detainees are held in conditions that do not violate Article 10 of the International Covenant on Civil and Political Rights and Article 16 of the Convention against Torture, and which also conform to the UN Body of Principles for the Protection of All Persons under Any form of Detention or Imprisonment adopted by the General Assembly on December 1988 and that prompt, independent, thorough and impartial investigations are conducted into all allegations of torture and other ill-treatment.

Allegations of Harassment of Supporters of the Detainees

Amnesty International is also concerned by reports that a number of peaceful solidarity sit-ins organized by the National Committee of Solidarity with the Detainees in Marrakesh and other Political Detainees and by family members of the detained students have been dispersed by law enforcement officers with excessive use of force. For example, during a peaceful sit-in on 28 June in front of the Parliament in Rabat organized by the Committee and attended by a

number of human rights defenders, law enforcement officers used excessive force to disperse the sit-in without giving prior warning as stipulated in the Moroccan Code of Public Liberties. It has been reported that security officers beat protestors with batons and that as a result a number of protesters including at least 4 members of the Moroccan Association of Human Rights, a well-known human rights organization in Morocco, sustained injuries including an eyebrow wound and a dislocated arm. On another occasion, during the dispersal of a peaceful protest by family members on 10 June in front of the Appeals Court in Marrakesh, it has been reported that a law enforcement officer stepped on Mariam Banna, mother of detainee Alaa Al-Dirbili, who fell on the ground while trying to prevent security officers from arresting her other son, Ahmed Al-Dirbili. Mariam Banna's leg was broken as a result and she had to be admitted to hospital. Amnesty International is concerned that law enforcement officers may have used excessive force and may have failed to act in conformity with international standards on the use of force by law enforcement officials, in particular Article 3 of the United Nations Code of Conduct for Law Enforcement Officials, which states that: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

Amnesty International urges the Moroccan authorities to investigate allegations of the use of excessive force by law enforcement officers during the peaceful protests organised in solidarity with the detained students and to bring those responsible to justice.

In light of the above Amnesty calls on the Moroccan authorities to:

- Guarantee that the 18 students detained at the Marrakesh Civil Prison are protected from torture and other ill-treatment and are granted adequate access to medical treatment, their lawyers and family members;
- Immediately investigate the allegations that the 18 students were tortured or otherwise ill-treated and ensure they obtain promptly any medical attention they may require;

- Ensure that any officials found to have committed, ordered or authorized torture are identified and promptly brought to justice;
- Guarantee the right to a fair trial, including by ensuring that no statements made under torture or other ill-treatment will be used to obtain convictions;
- Introduce an immediate moratorium on executions with a view to abolishing the death penalty and commute all death sentences in line with the UN General Assembly resolution in favour of a worldwide moratorium (Resolution 62/149).
- Investigate allegations of the use of excessive force by law enforcement officers during the confrontations between law enforcement officers and members of the student body on 14 and 15 May and during the peaceful protests organised in solidarity with the detained students and to bring those responsible to justice.
- Implement the recommendation of the Equity and Reconciliation Commission (*Instance Equite Reconciliation*, IER) to reform the security sector, particularly with regard to the means of intervention during operations for those organs which have the power to resort to public force
- Implement the recommendation of the IER, to adopt and implement an integrated strategy to combat impunity.

See Also

- Morocco/Western Sahara: Allow Reporting on Human Rights, 11 July 2008, <http://www.amnesty.org/en/library/info/MDE29/011/2008/en>
- Morocco / Western Sahara: Allegations of torture of Sahrawi human rights defender must be investigated, 25 April 2008, <http://www.amnesty.org/en/library/info/MDE29/008/2008/en>
- Morocco: Submission to the UN Universal Period Review: First Session of the UPR Working Group, 7-11 April 2008, 20 November 2007, <http://www.amnesty.org/en/library/info/MDE29/012/2007/en>
- Morocco/Western Sahara: Amnesty International calls for release prisoners of conscience sentenced for "undermining the monarchy", 16 July 2007, <http://www.amnesty.org/en/library/info/MDE29/009/2007/en>
- Morocco/Western Sahara: Torture in the "anti-terrorism" campaign - the case of Témara detention centre, 24 July 2004, <http://www.amnesty.org/en/library/info/MDE29/004/2004/en>

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Appendix I

Marrakesh University Students: Cases of Torture and Other Cruel, Inhuman or Degrading Treatment

Alaa Al-Dirbali

Alaa Al-Dirbali, was arrested on May 15 at the Cadi Ayyad Marrakesh University. According to reports received by Amnesty International Alaa Al-Dirbali was subjected to torture and other forms of ill-treatment following his arrest and whilst in detention at the Gamaa Al-Fanaa Police station. During his arrest Alaa Al-Dirbali was reportedly intentionally hit by a police vehicle sustaining an injury on his left arm and was beaten with batons all over his body including his head

whilst in the police vehicle on the way to the Gamaa Al-Fanaa Police station. During his *garde à vue* detention at Gamaa Al-Fanaa Police station, which lasted between the morning of 15 May and the evening of 18 May, on a number of occasions, particularly during questioning, Alaa Al-Dirbali is said to have been blindfolded, beaten with batons all over his body and threatened with rape and other forms of sexual violence. He was also reportedly stripped naked and dragged on the floor. According to reports, he had his left arm stitched without anesthetic on 17 May.

Mourad and Ousman Al-Chouni

Brothers Mourad and Ousman Al-Chouni were arrested on May 15 at the Cadi Ayyad Marrakesh University. Mourad was reportedly placed on his stomach in the police vehicle and beaten all over his body including his head on the way to the Gamaa Al-Fanaa Police station. During their *garde à vu* detention at Gamaa Al-Fanaa Police station, which lasted between the morning of 15 May and the evening of 18 May, it was reported that on a number of occasions, particularly during questioning, both were blindfolded and beaten with batons all over their bodies, stripped of their clothes and threatened with rape and other forms of sexual violence. According to reports, on one occasion, Mourad was ordered to rape his brother Oussman who was stripped of his clothes, under threats of being raped should he refuse. It was reported that at least during two interrogation sessions, Mourad was tortured with the “chiffon” method, which involves placing a cloth soaked in dirty water or urine in the victim’s mouth, which was only removed when he lifted a finger to indicate his willingness to speak and placed back in his mouth when answers were deemed unsatisfactory.

Zohra Boudkhour

Zohra Boudkhour was arrested on 15 May at Cadi Ayyad Marrakesh University. It is reported that during her arrest she was hit on the head with batons and in the nose which led to bleeding. On her way to the Gamaa Al-Fanaa Police station in the police vehicle, she was reportedly hit with batons all over her body including her chest. During her *garde à vue* detention at Gamaa Al-Fanaa Police station, which lasted between the morning of 15 May and the evening of 18 May, it was reported that on a number of occasions, particularly during questioning, Zohra Boudkhour was blindfolded and was beaten with batons all over her body including her chest, thighs and face. On one occasion, she was reportedly hit with a metal bar on her head. On another occasion, a police officer hit her between the legs with his foot. She was also reportedly stripped of her clothes

and made to stand naked for several hours following a request she made to one of the police officers for a sanitary pad. According to reports received by Amnesty International, Zohra was forced to watch two other detainees get stitches for their injuries without anesthetic on 17 May.

Hafith Al-Hafethi

Hafith Al-Hafithi was arrested on 14 May 2008 at the campus of the Cadi Ayyad Marrakesh University. It is reported that during his arrest, Hafith Al-Hafithi was hit with batons on all parts on his body including his face. During his *garde à vue* detention at Gamaa Al-Fanaa Police station, which lasted between 14 May and 17 May, it was reported that on a number of occasions, particularly during questioning, Hafith Al-Hafithi was blindfolded, beaten with batons on all parts of his body including sensitive parts, stripped of his clothes and threatened with rape and other forms of sexual violence. According to reports received by the organization, on the night of 16 May, Hafith Al-Hafithi was asked by two officers to sign a police statement that he was not allowed to read. Reports suggest that he was beaten with batons and subjected to threats of increased violence until he eventually signed.