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Morocco/Western Sahara: reports of secret detention and torture on the rise

Amnesty International today expressed its support for calls by Moroccan human rights organizations and activists who protested before the Moroccan parliament yesterday against the government's draft "anti-terrorism-law".

"We are particularly concerned about proposed provisions to widen the scope of applicability of the death penalty and to extend the existing legal limit of incommunicado detention, where detainees are at increased risk of torture and ill-treatment," the organization said.

On 14 February 2002 Amnesty International wrote to the Prime Minister of Morocco, His Excellency Driss Jettou, expressing grave concerns at the proposed legislative changes as well as the increase in reports of torture, ill-treatment, and secret detention in recent months.

While the organization welcomes public assurances by the Moroccan authorities that human rights will be upheld if the new draft law is adopted, further guarantees must be put in place to ensure that measures taken in the name of security will not be at the detriment of the protection of human rights.

Over the past nine months, Amnesty International has received reports of scores of detainees being tortured or ill-treated in custody in order to extract confessions or to force them to sign statements which they rejected or denied. Many of the reports related to Islamists allegedly held in secret detention and accused of involvement in or planning violent acts.

"Having repeatedly welcomed a reduction in the incidences of secret detention, torture and ill-treatment in recent years, we are now very concerned that this practice is once again on the rise."

Amnesty International fears that the case of ten Saudi Arabian and Moroccan men and women currently on trial in connection with an alleged plan to blow up NATO warships in the Straits of Gibraltar and of plotting attacks on cafés and public buses in Marrakesh is just one example among many of this renewed practice of secret detention and torture.

On 12 and 13 May 2002 three Saudi Arabian nationals, Zouhair Hilal Mohamed al-Tubaiti, Hilal Jaber Awad al-Assiri, and Abdellah M'sefer Ali al-Ghamdi were arrested, allegedly by

members of the secret service (la Direction de la Surveillance de Territoire). They were reportedly held in secret detention for one month, during which their families were not notified about their arrest or whereabouts, and the detainees were not granted access to legal counsel, in violation of Moroccan law and international human rights standards..

The three Saudi Arabian nationals allege that they were tortured regularly during interrogations while in secret detention. The torture techniques used reportedly included suspension, beatings and threats that their wives would be raped in order to make them sign "confessions".

The three Moroccan women accused in the case, Bahija Haidur, Huriya Haidur and Na'ima Harun, alleged that they were beaten and threatened with rape to make them confess.

Amnesty International reminds the Moroccan authorities of its obligations under the International Covenant on Civil and Political Rights (ICCPR) , and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment , which absolutely prohibits torture under all circumstances.

Background

The Moroccan Criminal Procedure Code sets strict limits for *garde à vue* detention, where people may be held in detention without access to a lawyer or their family or judicial supervision. Furthermore, Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) stipulates: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power ..."The UN Human Rights Committee has stated in this regard that "...delays should not exceed a few days". Amnesty International is concerned that the rights of at least the three Saudi Arabian nationals, as guaranteed under Article 9(3) of the ICCPR, were violated.

According to the organization's information, the three men were arrested on 12 and 13 May 2002 and were not brought before a judge until 13 June. Amnesty International is concerned to learn, moreover, that official records allegedly indicate their arrest date as 12 June. The organization brought to the Moroccan authorities' attention during the 1990s, and before, numerous allegations that arrest dates had been falsified on official records to mask the practice of secret detention, but has in recent years publicly welcomed positive steps taken by the Moroccan government to address this problem.

Furthermore, Amnesty International is concerned that the draft "anti-terrorism law" will further jeopardise civil and human liberties in Morocco. Under Article 218(5) of the draft law, crimes previously punishable by life imprisonment would, when defined as "acts of terrorism" under Article 218(1), carry the death penalty. Under Article 66 of the draft law, people accused of, among other crimes, undermining the internal security of the state could be held in *garde à vue* detention for a legal limit of 144 hours. The current legal limit for *garde à vue* detention for those accused of such crimes is 96 hours, as stipulated in Article 68 of the Criminal Procedure Code.

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