

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Moroccan authorities must fairly retry Zakaria Moumni**

Amnesty International today called on the Moroccan authorities to order the retrial of Zakaria Moumni in proceedings meeting international standards for fair trial, ahead of his appeal before the Court of Cassation on 9 June 2011. Zakaria Moumni, a Moroccan national resident of France and former world kick boxing champion, was convicted on the basis of a confession obtained under torture or other ill-treatment. In his trial, he was also denied the basic defence right to cross-examine the witnesses against him.

Amnesty International fears that he has been arrested and tried for critical interviews he made on Al Jazeera and *al-Ayam* newspaper, criticizing the mismanagement of the Kick Boxing Royal Federation and other sports associations in Morocco as well as his repeated attempts to meet King Mohamed VI. Zakaria Moumni sought a meeting with the King to seek as a former sports world champion a pension or a public position, as stipulated in a royal decree by the late King, Hassan II.

Amnesty International is deeply concerned that his conviction is based on a statement tainted by allegations of torture. Although Zakaria Moumni told the prosecution and the investigative judge that he had been coerced into signing a statement he was not even allowed to read, no investigation was ordered.

The organization also called on the Moroccan authorities to launch an independent and impartial investigation into his allegations of torture or other ill-treatment at the hands of the security forces. The authorities must ensure that Zakaria Moumni's statement extracted under torture is not used as evidence in legal proceedings.

Zakaria Moumni was arrested when he arrived at Rabat airport on 27 September 2010, then charged with fraud and sentenced to three years' imprisonment by the Court of First Instance in Rabat on 30 September, in an expedited trial without any legal representation. He was informed of his sentence only on 4 October 2010 by a lawyer engaged to represent him who also lodged an appeal against his conviction and sentence. On 13 January 2011, the Appeal Court of Rabat confirmed the conviction and reduced the sentence to 30 months. The Court of Cassation is scheduled to re-examine the legal aspects of his case on 9 June 2011.

It appears that Zakaria Moumni was arrested on the basis of a warrant issued against him in January 2010 although he had previously spent several days in Morocco in February 2010. He was arrested after two individuals complained he took money from them in exchange of a promise to help them settle and find a job in France. However neither of the plaintiffs were asked to testify in court and Zakaria Moumni's lawyer was not able to cross-examine them.

According to information received by Amnesty International, Zakaria Moumni travelled to Morocco from France to seek permission to represent Morocco in the kick boxing world championships then due to take place in October 2010 in Scotland. He was detained on arrival by security officials and held incommunicado in the Témara secret detention centre

until 30 September, when he was able to contact his family for the first time from Salé Prison. His relatives in France and Morocco had been unable, up to then, to obtain any information about him, despite their inquiries to the Moroccan authorities and in breach of Article 67 of the Code of Criminal Procedure requiring that the judicial police notify detainees' families without delay of their arrest.

Following his arrest, Zakaria Moumni is reported to have been kept blindfolded, handcuffed and leg-cuffed for more than 72 hours, denied adequate food and water, stripped and forced to remain naked for several hours, subjected to *falaqa* (beating on the soles of the feet while he was lying down on his back), kicked, slapped, deprived of sleep, and forced to stand or kneel or sit attached to a chair while being interrogated.

He was questioned about statements he had made to the media, including Al Jazeera and *al-Ayam* newspaper, criticizing the mismanagement of the Kick Boxing Royal Federation and other sports associations in Morocco, as well as a brief meeting he had in 2006 with King Mohamed VI. He was also questioned about his repeated attempts to meet with the King. His defence lawyer said that Zakaria Moumni presented visible injuries to his tibia, on 4 October 2010, when he first saw him.

He was transferred to the judicial police in Rabat on 30 September, again questioned about his meeting with the King and, he alleges, required by police to sign under torture a statement which he was not allowed to read. The same day, he appeared before the Crown Prosecutor of the Court of First Instance in Rabat, apparently while in a disturbed and confused state and without the assistance of a lawyer. He was asked whether he had received money from two individuals who wished to settle in France; he denied this and those who had apparently claimed that he had fraudulently obtained money from them were not called to give evidence. Despite this, he was convicted under article 540 of the Penal Code for fraud and sentenced to three years' imprisonment and a fine.

In light of the torture allegations which were not investigated and the breach of the right of the defence, Amnesty International is calling for a fair retrial for Zakaria Moumni.

In a letter addressed on 19 November 2010 to His Excellency Mohamed Naciri, the Minister of Justice, Amnesty International has raised its concerns on Zakaria Moumni's allegations of torture, and called for an independent investigation. However, the organization never received an answer to its inquiries.

### **Background information**

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Morocco is under an obligation not to arbitrarily arrest and detain people, to respect the rights of those arrested to be promptly informed of the charges against them, to bring them before the judicial authorities within a reasonable time, and to allow them to challenge the lawfulness of their detention (Article 9); as well as to ensure that their trials meet international standards for fair trial as set out in Article 14 of the ICCPR. It is also under the obligation to ensure that security forces members do not torture or otherwise ill-treat detainees according to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Moroccan authorities must also uphold their obligations not to use evidence extracted under torture in legal proceedings as per Article 15 of the CAT.

On 15 May 2011, the 20 February Movement has called for protests to demand the closure of the secret detention centre in Témara south of the capital, Rabat. The security forces have used excessive force against the peaceful protestors to disperse the demonstrations. Amnesty International has repeatedly called for the closure of Témara.