

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Morocco: Torture survivor still detained despite UN calls for his immediate release**

The Moroccan authorities must implement the decision of the UN Working Group on Arbitrary Detention (WGAD) calling on them to release Ali Aarrass immediately and provide him with adequate compensation, Amnesty International said today. It has been nearly three years since the UN body concluded he had been convicted following an unfair trial based on a torture-tainted “confession.”

A Belgian-Moroccan national, Ali Aarrass is currently serving a [12-year prison term](#) for allegedly participating in and procuring arms for a criminal group, after an unfair trial. The conviction relied on a confession which he said was obtained under torture. In September 2012, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Juan E. Méndez visited him in prison with a forensic medical expert who detected signs of torture consistent with his testimony.

Last year, Ali Aarrass went on a [72-day hunger strike](#), demanding that the Moroccan authorities release him and denouncing the failure of the Court of Cassation to reach a decision more than four years after he appealed against his conviction to Morocco’s highest court, which could quash or uphold his conviction, or send his case for retrial. Article 546 of Morocco’s Code of Criminal Procedure compels the Court of Cassation to rule on a case within three months of receiving a detainee’s appeal. Amnesty International calls on the Moroccan authorities to ensure that the Court of Cassation reaches a prompt decision in Ali Aarrass’ case.

In May 2014, two days after the UN Committee against Torture found Morocco in breach of the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment, the Moroccan authorities announced that they were opening an investigation into Ali Aarrass’ torture allegations. At the end of 2015 Ali Aarrass’ lawyers were informed that the investigation had been closed. In February 2016, the International Rehabilitation Council for Torture Victims [concluded](#) that Ali Aarrass’ second forensic medical examination, undertaken in November 2014 as part of the investigation into his torture allegations, did not comply with key provisions of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Amnesty International calls on the Moroccan authorities to take all necessary steps to comply effectively with the 2014 decision of the Committee against Torture in relation to Ali Aarrass, by conducting an independent and impartial investigation into his torture allegations which includes a forensic medical examination conforming to the Istanbul Protocol. Anyone against whom there is sufficient admissible evidence of responsibility for torture or other ill-treatment should be brought to justice. The Moroccan authorities must also ensure that Ali Aarrass is protected from further ill-treatment and treated humanely.

In October 2015, Ali Aarrass’ support committee published a video which Ali Aarrass says was taken in October 2012 after the visit of the UN Special Rapporteur on torture. The video shows him struggling to walk, due to injuries he said were sustained from beating. He added that he was beaten in retaliation for having spoken to the UN expert. An expert assessment of the video sought by Amnesty International concluded that the injuries sustained by Ali Aarrass were unequivocally and undeniably the result of a very recent sustained assault with a baton or similar weapon, almost certainly whilst he was restrained. The National Brigade of the Judicial Police (*Brigade nationale de la police judiciaire*)

visited Ali Aarrass in prison following the publication of the video but his lawyers do not know whether an investigation was opened.

### **Spain and Belgium taken to task**

In July 2014 the UN Human Rights Committee decided that Spain had breached its obligations under the International Covenant on Civil and Political Rights by extraditing Ali Aarrass to Morocco in December 2010, despite warnings by the UN and Amnesty International that he was at risk of incommunicado detention, torture and unfair trial. It asked Spain to award Ali Aarrass adequate compensation and take all possible measures to work with the Moroccan authorities to ensure he was well treated in Morocco. In 2015, the Committee against Torture also expressed concerns about the extradition and called on Spain to investigate his torture allegations. Amnesty International calls on the Spanish authorities to implement these recommendations.

Meanwhile, the Belgian authorities have yet to provide Ali Aarrass consular assistance. As a dual national, Ali Aarrass has been asking the Belgian authorities for consular assistance for years, which they were first unwilling to provide on the grounds of his dual citizenship. Instructed in September 2014 by the Brussels Court of Appeals to do so, they asked the Moroccan authorities on several occasions to visit him but say they have yet to receive a response. Simultaneously, however, the Belgian authorities have appealed the Court of Appeals' decision before Belgium's Court of Cassation.

Amnesty International calls on the Belgian authorities to take all the necessary steps to ensure that Ali Aarrass is granted effective consular assistance and to ensure a long-overdue decision on his conviction by Morocco's Court of Cassation is reached.

### **Additional information**

Ali Aarrass has been detained in Morocco since 14 December 2010, when he was forcibly returned from Spain. He has said he was held incommunicado and tortured for 12 days in a secret detention centre run by the General Directorate for the Surveillance of the Territory (Direction générale de la surveillance du territoire, DST) in Témara.

In September 2014, Amnesty International delivered a global petition featuring 216,500 signatures to Morocco's Minister of Justice and Liberties calling on him to implement the WGAD's decision and to open an independent and impartial investigation into Ali Aarrass' torture allegations. In December 2015, on the fifth anniversary of his forcible return to Morocco, Ali Aarrass published a [letter](#) thanking everyone who has been sending him letters for giving him continuous strength and hope.

In September 2013, Morocco's Minister of Justice and Liberties unveiled the Moroccan authorities' plans to reform the justice system, in line with new human rights guarantees enshrined in the 2011 Constitution, including by protecting the rights of detainees and the right to a fair trial. In May 2014, he circulated instructions to prosecutors and judges, encouraging them to order medical examinations when faced with reports of torture or other ill-treatment. Amnesty International submitted its recommendations on the draft law amending the Code of Criminal Procedure, unveiled in November 2014, at a high-level meeting with Morocco's Minister of Justice and Liberties in March 2016.

### **Public Document**

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