

URGENT ACTION

SAHRAWI DEFENDANTS GRANTED CIVILIAN RE-TRIAL Twenty-three Sahrawi defendants, including 21 prisoners sentenced to jail after a grossly unfair trial by a military court in 2013, are to face re-trial before a civilian court.

On 27 July, Morocco's Court of Cassation ruled that 23 Sahrawi protesters and activists, including 21 prisoners serving lengthy sentences in connection with deadly clashes in Western Sahara in 2010, will be granted a re-trial before the Rabat Court of Appeal. A date for their re-trial has yet to be set.

The men appealed against their conviction before Morocco's highest court three years ago, following an unfair military trial marred by allegations of torture, which were never investigated by the authorities. It took Morocco's Court of Cassation more than three years to rule on the Sahrawi defendants' petition, although Article 546 of Morocco's Code of Criminal Procedure compels Morocco's highest court to rule on a case within three months of receiving a detainee's appeal.

In 2015 Morocco amended its military justice law to end trials of civilians before military courts, in line with international human rights standards.

Please write immediately in Arabic, French or your own language:

- Calling on the Moroccan authorities to ensure that the 23 Sahrawi protesters and activists are promptly granted a fair re-trial in line with international standards. Any statements extracted under torture must be excluded from proceedings;
- Calling on the authorities not to oppose their release pending trial, unless there are valid grounds to detain them;
- Urging them to order independent and impartial investigations into their allegations of torture and other ill-treatment.

PLEASE SEND APPEALS BEFORE 19 SEPTEMBER 2016 TO:

Minister of Justice and Liberties

Mustafa Ramid
Place El Mamounia – BP 1015
Rabat
Morocco
Fax: +212 5 37 73 47 25

Salutation: Your Excellency

Interministerial Delegate for Human

Rights
Mahjoub El Haiba
Angle Avenue Ibn Sina et
Rue Oued El Makhazine
Agdal, Rabat, Morocco
Fax: +212 5 37 67 11 55

Salutation: Dear Sir

And copies to:

President of the National Council for
Human Rights
Driss El Yazami
CNDH, Place Achouhada
Rabat, Morocco
Fax: + 212 5 37 54 00 01
Email: cndh.dcri@gmail.com

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 71/16. Further information:
www.amnesty.org/en/documents/mde29/3795/2016/en/

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ADDITIONAL INFORMATION

On 8 November 2010, clashes erupted as Moroccan security forces dismantled a protest camp in Gdeim Izik outside Laayoune where thousands of Sahrawis had gathered to make a series of social and economic demands. Eleven members of the Moroccan security forces and two Sahrawis were killed.

Hundreds of Sahrawis were arrested and 25 were convicted by the Military Court of Rabat on 17 February 2013 of membership in a criminal organization, violence against Moroccan public officers and desecration of a corpse. Of those who were convicted, 21 are now serving their sentences. Two defendants were sentenced to time served and released, one defendant was tried in absentia and another one was provisionally freed for health reasons.

The court largely relied on “confessions” allegedly obtained under torture, and the authorities did not investigate these allegations. The Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment and the UN Working Group on Arbitrary Detention (WGAD) expressed concern at the lack of investigations into the prisoners’ torture allegations. The WGAD also called on the Moroccan authorities to review the verdicts based on the principle that no civilian should be tried before a military court.

Thirteen of the 21 Sahrawi prisoners went on hunger strike for 36 days between March and April 2016, to urge the Moroccan authorities to release them.

On 7 April 2016, the Moroccan authorities deported jurists from Spain, Belgium and France as well as a Spanish judge, who had arrived the previous day in Rabat to seek meetings with the Moroccan authorities in support of the prisoners.

See also public statement “*Morocco: Free or retry 21 Sahrawis jailed five years ago*” (Index: MDE 29/2800/2015) issued on 4 December 2015: www.amnesty.org/en/documents/mde29/2800/2015/en/

Name: Ahmed Sbaïi, Mohamed Bachir Boutanguiza, Sidi Abdallah Abhah, Mohamed Bani, Brahim Ismaïili, Sidahmed Lemjayed, Abdallah Lekhfawni, Abdeljalil Laâroussi, Hassanna Alia, Naâma Asfari, Hassan Dah, Cheikh Banga, Mohamed Bourial, Mohamed Tahlil, Mohamed Lamine Haddi, Abdallah Toubali, Hocine Zaoui, Daich Daf, Mohamed Embarek Lefkir, Mohamed Khouna Babeit, Larbi Elbakai, Mohamed el-Ayoubi and Bachir Khadda

Gender m/f: m

Further information on UA: 71/16 Index: MDE 29/4615/2016 Issue Date: 8 August 2016