

URGENT ACTION

PRISONER IN SOLITARY CONFINEMENT FOR MONTHS

Ali Aarrass has been held in prolonged solitary confinement since his transfer to Tifelt II Local Prison on 10 October 2016. His health has sharply deteriorated as a result.

On 10 October 2016, Belgian-Moroccan prisoner **Ali Aarrass** was transferred from Salé II Local Prison to Tifelt II Local Prison, about 60 kilometres from the capital Rabat. Since then, prison authorities have held him in solitary confinement, in a near-empty prison bloc, and restricted his courtyard time to one hour a day. According to his family and lawyers, he sleeps on a concrete slab, with few covers, is allowed only one shower a week, and has inadequate food. He is also only permitted to make a brief weekly phone call to his family who are unable to visit him frequently given that most of them live in Belgium, while his elderly father lives in Melilla, Spain and is very ill. Such harsh conditions of detention have caused Ali Aarrass's health, already fragile after six years in detention, to significantly decline; he has been experiencing frequent vomiting and fainting. In November 2016 and January, representatives of Morocco's National Human Rights Council visited Ali Aarrass in prison, but he nonetheless remains held in solitary confinement.

Ali Aarrass has had minimal meaningful contact with other detainees and has been confined to his single cell for 22 to 23 hours a day since 10 October 2016. Such conditions amount to prolonged solitary confinement according to the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). Prolonged and indefinite solitary confinement amount to torture or other cruel, inhuman or degrading treatment or punishment, according to the Mandela Rules, and must not be imposed under any circumstances. In response to a letter from Amnesty International, voicing its concern for the solitary conditions in which Ali Aarrass was being held in, Morocco's General Delegation for Penitentiary Administration and Reintegration said that Ali Aarrass' isolation is due to the fact that the prison is new and sparsely-populated. However, isolation does not need to be intended as punishment in order to constitute solitary confinement.

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

- Urging the Moroccan authorities to immediately end Ali Aarrass' solitary confinement and ensure he is held in humane conditions;
- Calling on the Moroccan authorities to ensure he has immediate access to a qualified health professional to provide health care in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent;
- Urging them to implement the decision of the Working Group on Arbitrary Detention (WGAD) calling on them to release Ali Aarrass immediately and award him adequate compensation.

PLEASE SEND APPEALS BEFORE 27 MARCH 2017 TO:

Director of General Administration for
Prison Administration and Reinsertion

Mohamed Saleh Tamek
Angle Avenue Arar et rue El-Jouz
Hay El Riyad, Rabat, Morocco
Fax: + 212 5 37 71 26 19

Salutation: Dear Sir

Minister of Justice and Liberties

Mustafa Ramid
Ministry of Justice and Liberties
Place El Mamounia – BP 1015
Rabat, Morocco
Fax: + 212 5 37 73 47 25

Salutation: Your Excellency

And copies to:

International Delegation for Human
Rights

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

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 219/15. Further information:

www.amnesty.org/en/documents/mde29/2828/2015/en/

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ADDITIONAL INFORMATION

Ali Aarrass is now six years into his 12-year prison sentence following a grossly unfair trial that saw him convicted for allegedly participating in and procuring arms for a criminal group known as the “Belliraj network”; charges Ali Aarrass denies. The court relied on a “confession” which he said was obtained through torture. An adequate investigation has yet to be conducted into his allegations of being held incommunicado in a secret prison and tortured for ten days, following his arrest on 14 December 2010 after Spain extradited him to Morocco at Morocco’s request. He appealed his conviction to Morocco’s Court of Cassation in 2012 but the court has yet to issue a decision four years on.

In 2013, the UN Working Group on Arbitrary Detention called on the Moroccan authorities to release Ali Aarrass immediately, after concluding that he had been convicted solely on the basis of “confessions” extracted under torture. In 2014, the UN Committee Against Torture (CAT) similarly concluded that the “confession” had been decisive in securing his conviction, in the absence of adequate investigations into the torture he reported.

The UN Human Rights Committee decided in July 2014 that Spain had breached its obligations under the International Covenant on Civil and Political Rights by extraditing Ali Aarrass to Morocco, in spite of warnings by the UN and Amnesty International. It asked Spain to award Ali Aarrass adequate compensation and take all possible measures to work with the Moroccan authorities to ensure that his detention in Morocco was in line with international law and standards. In 2015, CAT also expressed concern about the 2010 extradition and called on Spain to investigate his allegations of torture. In spite of numerous UN decisions confirming the human rights violations that Ali Aarrass has suffered, Moroccan and Spanish authorities have not, to date, offered him redress.

Meanwhile, the Belgian authorities, requested on several occasions to visit Ali Aarrass in prison but the Moroccan authorities did not respond favourably, most recently in June 2016. Ali Aarrass had been asking the Belgian authorities for consular assistance for years, which they were first unwilling to provide on the grounds of his dual citizenship. However, a September 2014 decision by the Brussels Court of Appeals instructed them to do so. The Belgian authorities have appealed the Court of Appeals’ decision before Belgium’s Court of Cassation, and a ruling is expected in the coming months.

Name: Ali Aarrass

Gender m/f: m

Further information on UA: 219/15 Index: MDE 29/5627/2017 Issue Date: 13 February 2017