

URGENT ACTION

UN SAYS RESPECT ALI AARRASS'S RIGHTS IN DETENTION

The UN Committee against Torture requested the Moroccan authorities to improve detention conditions for Belgian-Moroccan Ali Aarrass, who has been held in solitary confinement for nearly six months. Appeal proceedings in his case are also underway.

On 28 March, the UN Committee against Torture issued a decision requesting the Moroccan authorities to improve **Ali Aarrass's** conditions of detention in order to prevent "irreparable harm", and to guarantee his rights as a detainee after his lawyers made a communication to the human rights body regarding earlier alleged torture and other ill-treatment in prison. He has been detained in near-total isolation from other detainees at Tifelt II Local Prison, near the capital Rabat, for nearly six months. According to the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), this is prolonged solitary confinement which amounts to torture or other cruel, inhuman or degrading treatment, and as such is illegal.

In 2011, the Rabat Court of Appeals convicted Ali Aarrass of participating in and procuring arms for a criminal group, in a grossly unfair trial. He denied the charges, which he said he was forced to "confess" to under torture in custody. Moroccan authorities have failed to adequately investigate his torture allegations so far.

According to his family and lawyers, Ali Aarrass sleeps on a concrete slab with inadequate covers, is allowed only one hour a day in the prison courtyard, one shower a week, and has inadequate food. These harsh conditions have taken a heavy toll on his already-fragile health after six years in detention.

On 29 March, Morocco's Court of Cassation in Rabat commenced cassation proceedings in his case, nearly four years after he lodged an appeal. The court postponed the hearing to 12 April.

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, including by implementing the decision of the UN CAT;
- 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;
- 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 15 MAY 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 sixth update of UA 219/15. Further information:

<https://www.amnesty.org/en/documents/mde29/5973/2017/en/>

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ADDITIONAL INFORMATION

Ali Aarrass has been detained in Morocco since 14 December 2010 after Spain extradited him at Morocco's request, ignoring warnings by the UN Human Rights Committee and Amnesty International that he risked being tortured in Morocco. He reported being tortured and otherwise ill-treated in custody between 14 and 24 December 2010, and subsequently in prison.

Moroccan authorities have failed to adequately investigate his claims to date. Moroccan courts ordered investigations into his allegations of torture in 2011 and 2014. Both investigations were closed after medical examinations concluded that there was no medical evidence of torture. Experts from International Rehabilitation Council for Torture Victims (IRCT) found that the medical examinations conducted fell short of international standards. Meanwhile, the UN Special Rapporteur on Torture and an independent forensic doctor, who visited Ali Aarrass in 2012, examined him and detected signs of torture.

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.

In parallel, in July 2014, the UN Human Rights Committee decided that Spain had breached its obligations under the International Covenant on Civil and Political Rights (ICCPR) in doing so. The Committee 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, the 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.

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. Morocco's national prison administration, the General Delegation for Penitentiary Administration and Reintegration, has repeatedly denied holding Ali Aarrass in solitary confinement, stating that he is merely held in an individual cell in a sparsely-populated prison. However, isolation does not need to be intended as punishment in order to constitute solitary confinement, as Amnesty International stated in a letter to the prison authorities detailing the organization's concerns in November 2016.

Name: Ali Aarrass

Gender m/f: m

Further information on UA: 219/15 Index: MDE 29/6005/2017 Issue Date: 4 April 2017