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Morocco: Students convicted in a trial marred by torture allegations

Amnesty International deplores that 11 students of the Marrakesh Cadi Ayyad University are languishing in jail instead of continuing their studies. Yesterday, the Marrakesh Court of Appeal upheld the decision of a lower court against ten of the 11 students, and raised the sentence from two to three years' imprisonment for the 11th student. The students' trials were marred by allegations of torture or other ill-treatment, which the tribunals failed to take into account.

Zohra Boudkhour, the only female detainee, Galal Al-Qitbi, Abdelallah Al-Rashidi, Alaa Al-Dirbili, Mohamed Gamili, Youssef Mashdoufi, Mohamed Al-Arabi Gadi, Youssef Al-Alawi, Khaled Mouftah, Mourad Al-Chouni and Ousman Al-Chouni, were arrested on 15 May 2008; following clashes between law enforcement officials and students who were attempting to organize a protest march from the Faculty of Law to the office of the Rector of the University located in the Faculty of Arts and Sciences. They were calling for better conditions for students and respect of freedom of expression. The 11 students are all members of the National Union of Moroccan Students and most are also members or supporters of the leftist student movement, Democratic Path (Voie démocratique).

The 11 students were all reportedly tortured or otherwise ill-treated during their arrest, transportation from the university to the Gamaa Al-Fanaa Police station and in the course of their *garde à vue* (pre-arraignment detention), between 15 and 18 May. For instance, Mourad Al-Chouni was reportedly ordered to rape his brother Ousman, under threats of being raped should he refuse. Zohra Boudkhour said she was made to stand naked for several hours following a request she made to one of the police officers for a sanitary pad.

On 18 May 2008, the students – all of who bore visible marks of injuries – requested investigations into their reports of torture as well as medical examinations when they were brought before the Crown Prosecutor. In contravention of the Moroccan Code of Criminal Procedure (Article 134) which requires the Investigative Judge to order a medical examination if requested by the detainees or their lawyers, or if there are visible signs of ill-treatment to prompt an examination; the students were only seen by medical professionals several weeks after their *garde à vue*. Their examination was reportedly not thorough, and no medical examination reports were shared with the students or their lawyers. Additionally, while the Crown Prosecutor arranged for the questioning of a number of students following their complaints of torture; a full, impartial and independent investigation was not conducted; the results of the investigation were not made available to the students' lawyers and no perpetrators were held to account.

On 9 July 2009, all 11 students were sentenced to prison terms in first instance. Mourad Al-Chouni was sentenced to four years' imprisonment and fined after being convicted of participating in an armed gathering and contempt of, and violence against, public officials on duty. The 10 other students were each sentenced to two years' imprisonment after being convicted of participation in an armed gathering and contempt of public official on duty. On 31 March 2010, the Marrakesh Court of Appeal upheld the sentenced for 10 students, and raised Khaled Mouftah's conviction from two to three years' imprisonment. His sentence was

raised on the basis that he was allegedly responsible for violence against a public official on duty – an accusation he denies. The students' lawyers are appealing the ruling before the Court of Cassation, Morocco's highest court.

Amnesty International is calling on the Moroccan authorities to conduct an independent and impartial investigation into the students' allegations of torture and to bring anyone found responsible to justice in compliance with Morocco's international obligation under the International Covenant on Civil and Political Rights and the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), both treaties to which Morocco is a state party.

Nine students should be released on 15 May 2010 after having served their two-year prison terms. Mourad Al-Chouni, who was sentenced to four years, and Khaled Mouftah will remain imprisoned. Amnesty International is calling on the Moroccan authorities to ensure that the students' trial before the Court of Cassation fully complies with international standards for fair trial.

Background

The circumstances surrounding the Cadi Ayyad Marrakesh University incidents of 14 and 15 May 2008, which resulted in the arrest and imprisonment of 18 students, remain highly disputed. While university authorities maintain that some students initiated and used violence against security forces and destroyed public property; a number of students, political movements and human rights organizations accuse law enforcement officers of using excessive force to prevent the march and of committing a number of violations. To Amnesty International's knowledge, no full, independent, impartial investigation into the events has been conducted to date.

Eight other students were arrested on 14 May 2008 in relation to the same events, and convicted in June 2009 on similar grounds. They were found guilty of a number of offences including participation in an armed gathering, contempt of public officials on duty and destroying public property and were sentenced to one year prison terms and fines of 1,500 dirhams (approximately €134). Amnesty International is concerned that they were convicted on the basis of police statements they signed as a result of torture and other forms of ill-treatment, without being allowed to read them, in breach of Article 293 of the Moroccan Criminal Procedure Code, which stipulates that no confession can be relied upon in court if it is obtained "through violence or duress" and of Article 15 of the CAT which states that "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings". The eight students are now at liberty after having served their one-year prison terms; but no independent and impartial investigation has been conducted into their allegations of torture.

The Democratic Path student movement at Cadi Ayyad, to which many of the detained students belong, is a self-proclaimed Marxist-Leninist movement that calls for free education, the improvement of socio-economic conditions in the university and beyond and greater civil rights and political freedoms.

None of the students had access to adequate medical care throughout their detention in the Marrakesh Civil Prison, even though many were reportedly left in a poor medical condition by their torture and ill-treatment and as a result of a 45-day hunger strike they launched on 11 June 2009 to protest against their treatment and continued detention.