

URGENT ACTION

SIX TORTURED AND DETAINED IN WESTERN SAHARA

El Hussein Bah was jailed in Laayoune, Western Sahara, yesterday after the Crown Prosecutor overruled a previous decision to release him on bail. Five other Sahrawis also arrested for protesting for self-determination of Western Sahara face unfair trial after reportedly being tortured into “confessions”.

17-year-old **El Hussein Bah** was jailed in Laayoune Civil Prison on 15 May after the Crown Prosecutor overruled an earlier decision by an investigative judge to release him on bail three days earlier. Amnesty International fears that the decision to revoke his release is in retaliation for him reporting the torture he was subjected to while in police custody.

El Hussein Bah and five other Sahrawis were reportedly arrested in their homes on 9 May 2013, in connection with a demonstration on 4 May calling for self-determination. All six were charged with “violence against public officials”, “participating in an armed gathering”, “placing objects on a road obstructing traffic” and “damaging public property”, punishable with up to ten years of imprisonment according to Morocco’s Penal Code on Sunday 12 May. All six are now in pre-trial detention in Laayoune Civil Prison.

El Hussein Bah told Amnesty International he was forced to sign papers, including a “confession” he was not allowed to read. He said that police officers forced a urine-soaked sponge in his face, pulled his trousers off and threatened him with rape, beat and interrogated him while he was suspended by his knees with his wrists tied over his legs, in what is known as the “roast chicken” position. According to the information all six detainees told the investigative judge that they had been tortured and ill-treated and their “confessions” extracted under torture in police custody. El Hussein Bah reported hearing other detainees being subjected to torture and other ill-treatment in separate cells while in police custody, and later noticing their visible bruising, handcuff marks and swollen joints.

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

- Calling on the Moroccan authorities to immediately open a full, independent and impartial investigation into allegations of torture and other ill-treatment of the six arrested Sahrawis, ensure that no “confession” obtained under torture is used in any proceedings and ensure that any officials responsible for abuse are brought to justice
 - Calling on the Moroccan authorities to ensure that the detainees are treated humanely, protected from further torture and other ill-treatment, have immediate access to all necessary medical care.
- Calling on the Moroccan authorities to ensure that 17-year old El Hussein Bah is treated in accordance with Article 37(b) of the Convention on the Rights of the Child ratified by Morocco 20 years ago,.
- Calling on the Moroccan authorities to ensure that families of the detainees enjoy their full prison visiting rights.

PLEASE SEND APPEALS BEFORE 27 JUNE 2013 TO:

Minister of Justice and Liberties

Mustafa Ramid
Ministry of Justice and Liberties
Place El Mamounia – BP 1015
Rabat, Morocco
Fax: +212 537 73 47 25
Salutation: Your Excellency

Minister of Interior

Mohand Laenser
Ministry of Interior
Quartier Administratif
Rabat, Morocco
Fax: + 212 537 76 68 61
Salutation: Your Excellency

And copies to:

National Council for Human Rights

President Driss El Yazami
CNDH, Place Achouhada- BP 1341, 10 001,
Rabat, Morocco
Email: elyazami@cndh.org.ma
Fax: +212 537 73 29 27

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 first update of UA 125/13. Further information:
<http://amnesty.org/en/library/info/MDE29/005/2013/en>

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ADDITIONAL INFORMATION

El Hussein Bah, 17, Yassine Sidati, 22, Mohamed Garmit, 22, Mohamed Ali Saidi, 26, Abdelaziz Hramech, 27, and Youssef Bouzid, 31, had been reportedly arrested at their homes before dawn on Thursday 9 May 2013. Security forces had reportedly failed to show arrest or search warrants and took them into police custody.

Amnesty International fears that the six detainees are at risk of having unfair trials, given their “confessions” were reportedly extracted under torture. “Confessions” obtained under violence or coercion are legally void according to Article 293 of Morocco’s Code of Criminal Procedure and Article 15 of the Convention Against Torture [full name] which Morocco has ratified.

Families of several detainees were reportedly not able to fully exercise their right to visit their relatives in detention so far. On several occasions, they were only allowed to speak with their relatives for five minutes in the presence of a prison guard.

The demonstration on Saturday 4 May 2013 in Laayoune was the culmination of ten days of protests across Western Sahara calling for self-determination after the United Nations Security Council voted to renew the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). MINURSO was originally mandated in 1991 for a transitional period to prepare for a referendum in which the people of Western Sahara could choose between independence and integration with Morocco. MINURSO is one of the few missions established under the authority of the Security Council that does not include a human rights component. A move by the USA to include a human rights component in the draft resolution under consideration by the Security Council was quashed after protests from the Moroccan government. The vital human rights role is also not played by the Office of the High Commissioner for Human Rights (OHCHR), which does not have a presence in the area.

In recent years, Sahrawi pro-independence activists have faced restrictions on their work, including harassment, surveillance by the security forces, limitations to their freedom of movement, and in some cases prosecution on grounds of threatening Morocco’s “internal” and “external” security. They have also been unable to obtain legal registration for their organizations, apparently due to politically-motivated administrative obstacles.

Sahrawis have also been imprisoned following demonstrations calling for the right to self-determination for the people of Western Sahara, and some have reportedly been tortured or otherwise ill-treated during questioning by Moroccan law enforcement officials, allegations which have not been properly investigated.

Meanwhile, Amnesty International delegates visiting Western Sahara met protesters who reported being injured by security forces in Laayoune on 25 and 26 April and in Smara on 28 April 2013. Reports that Moroccan security forces used unnecessary and excessive force to disperse demonstrations were supported by video footage and direct observations by Amnesty International delegates, who directly observed security officers hurling rocks at protesters on 27 April 2013 in Laayoune.

For several years, Amnesty International has been calling for a United Nations human rights monitoring mechanism, with the power to look at both Western Sahara and the Tindouf camps, to provide independent and impartial reporting on the current human rights situation, including on allegations of torture and other ill-treatment. It would play a key role in documenting human rights violations that would otherwise go unreported, and prevent unfounded accusations in other cases.

Name: El Hussein Bah, Yassine Sidati, Mohamed Garmit, Mohamed Ali Saidi, Abdelaziz Hramech and Youssef Bouzid
Gender m/f: all male

Further Information on UA: 125/13 Index: MDE 29/006/2013 Issue Date: 16 May 2013

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