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Morocco – Western Sahara: Release or fairly retry Marrakesh protesters over soaring prices

Today's verdict upholding the convictions of six men charged after a protest over soaring utility bills in a working class neighbourhood in Marrakesh raises concerns about their right to a fair trial, said Amnesty International.

The Marrakesh Appeals Court confirmed the one year prison sentences of Mohamed Belkache and Abdelmajid Ben Biche, while it reduced the sentences of Hichem Noukhayli and Younes El Ichouchi as well as Hassan Akouchad and Hassan Aboudayf from 18 months to ten months and from two years to 15 months respectively. The men had been prosecuted on the charges of "taking part an armed gathering", "assaulting public officials" and "damaging public property".

Amnesty International is concerned the men, as well as twelve other individuals including two children convicted on the same counts after the same demonstration, did not enjoy their right to a fair trial. Concerns include breaches to rights of defence and the reliance on "confessions" marred by torture and ill-treatment allegations.

Arrests following a demonstration

Throughout last year, inhabitants of the Sidi Youssef Ben Ali neighbourhood in Marrakesh mobilised against soaring water and electricity prices. Months of peaceful protest against a utilities company came to a head when a demonstration on 28 December 2012 reportedly turned violent with individuals throwing stones and the security forces responded with tear gas and water cannons. Both protesters and members of the security were reportedly injured.

In response to the demonstration, security forces conducted a wave of arrests in Sidi Youssef Ben Ali. Twelve individuals arrested on the day of the protest were charged, including Mohamed Farqad, Abdelmajid Nouader, Mohamed Laabraki, Mohamed Reda El Moussouli, Abdessamad Chramo, Omar Ouakhanni, Miloud Siyati, Abderrahim Noukadi, Tarik Hanfali, Tarik Taghzite, Azzedine Haloui and Imad Bakouch. A further six individuals were arrested and charged on 6 January 2013 after being called in for interrogation, including Hichem Noukhayli, Mohamed Belkache, Younes El Ichouchi, Hassan Akouchad, Abdelmajid Ben Bich and Hassan Aboudayf.

Media reports suggested that stone-throwers were mostly youths. However, those charged and subsequently convicted for "taking part in an armed gathering", "assaulting public officials" and "damaging public property" were overwhelmingly men in their 40s and 50s married and with children.

According to their families, the majority of the defendants had peacefully participated in the demonstration, while the remainder were not present but either lived in the area or attended previous demonstrations. Sixteen defendants were convicted and initially given prison sentences ranging from one to two and a half years. The remaining two, Azzedine Haloui and Imad Bakouch, both children, were given two months in prison and were eventually released

early on 4 January 2013.

Unfair trial concerns

Amnesty International is concerned that the convictions relied on tainted “confessions” which defendants say were extracted by police through torture or other ill-treatment or other coercive means. These “confessions” appear to have been decisive in securing convictions since the prosecution reportedly presented no other incriminating evidence.

Families told Amnesty International that some prisoners were blindfolded, made to kneel and beaten on the head during interrogations, while others were deprived of sleep until they signed “confessions” without reading them. Others still were reportedly ordered to sign the confessions without being allowed to read them in order to be released.

Forced “confessions” have no legal value under Moroccan and international law and should therefore be excluded from court cases. Article 293 of Morocco’s Code of Criminal Procedure, as well as the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR), both ratified by Morocco, prohibit the use of evidence obtained through coercion, torture or other ill-treatment.

Amnesty International’s concerns are heightened as at least two of those convicted, Omar Ouakhanni and Miloud Siyati, had their employers ready to testify they were not at the demonstration but at work. However, the judge did not allow their employers to testify in court, in breach of the defendants’ right to call and cross-examine witnesses as guaranteed by Article 14 of the ICCPR.

Amnesty International calls on the Moroccan authorities to release those convicted or retry them in proceedings meeting international standards for fair trial, and to open investigations into claims that “confessions” were obtained through torture, other ill-treatment or coercion. The organization further calls on the Moroccan authorities to ensure children are only tried in courts that adhere to the rules of juvenile justice, in line with Article 40 of the Convention on the Rights of the Child.