

URGENT ACTION

SIX ARRESTED AND TORTURED IN WESTERN SAHARA

On 9 May, Moroccan security forces in Laayoune, Western Sahara, arrested six Sahrawis including a 17-year-old. They were arrested after protesting for the self-determination of Western Sahara. They face unfair trial after reportedly being tortured into “confessions”.

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

All six were arrested in connection with a demonstration for self-determination, including calling for a referendum to determine whether Western Sahara is to be independent or integrated within Morocco. The protest took place in Laayoune on 4 May, ten days after the United Nations Security Council voted to renew the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) without including a human rights monitoring component. On 12 May, after three days in police custody, the six detainees were presented to an investigative judge in the Laayoune Appeals Court and 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. El Hussein Bah was released on bail on the same day while the remaining five were placed in pre-trial detention in Laayoune Civil Prison.

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

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

- ✓ 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 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 families of the detainees enjoy their full prison visiting rights.

PLEASE SEND APPEALS BEFORE 26 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 check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

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.

The families of Yassine Sidati, Mohamed Garmit, Mohamed Ali Saidi, Abdelaziz Hramech, and Youssef Bouzid were reportedly not able to fully exercise their right to visit their relatives in detention on Monday 13 May and were only allowed to speak with their relatives for five minutes and 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

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