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Morocco / Western Sahara: Allegations of torture of Sahrawi human rights defender must be investigated

Amnesty International deplores today's expulsion by the Moroccan authorities of a delegation of Action by Christians against Torture (*Action des chrétiens pour l'abolition de la torture*, ACAT) as another setback against human rights defenders working on Western Sahara. The organization was in the country to investigate the human rights situation in Western Sahara. The expulsion coincides with the recent arrest, alleged torture and ongoing trial of Ennaâma Asfari, a Sahrawi human rights defender. Amnesty International is calling on the Moroccan authorities to immediately open a thorough, independent and impartial investigation into his allegations of torture and to ensure that his right to a fair trial is respected.

Four French nationals, including the ACAT delegate and the spouse of Ennaâma Asfari, present in Morocco since 20 April, were arrested by police yesterday in the city of Tan-Tan, interrogated about the purpose of their visit and their contacts and finally driven during the night to the Agadir airport. They were told before boarding a plane to France that the Governor of the province had ordered them to be turned back because they risked undermining public order.

The delegation observed Ennaâma Asfari's last court hearing in Marrakesh on 21 April 2008. Ennaâma Asfari is accused of violence against a person, possessing a knife and driving while intoxicated, accusations which he denies. He is currently detained in the Boulemarhez prison in Marrakesh and his next trial hearing is on Monday 28 April 2008. Amnesty International fears that the charges against him may be politically motivated and that his arrest may be meant to prevent him from continuing his activities as a human rights defender and his advocacy of the right to self-determination for the people of Western Sahara.

According to the information received by Amnesty International, Ennaâma Asfari, upon arrest by agents of the security forces in the evening of 13 April, was blindfolded, driven to an unknown place, handcuffed and tied to a tree and then repeatedly beaten, while interrogated about his relations with Sahrawi students in Marrakesh. He would have been taken to hospital and then to the police station on 14 April. Neither his wife in France nor his family in Morocco were notified of his arrest and detention, in violation of Moroccan law which requires that the family of the suspect must be notified as soon as it is decided to place the latter in the custody of the security forces.

On 15 April, he complained about his treatment after his arrest and showed traces of beatings when presented to the crown prosecutor and subsequently to a judge. At that point, he did not benefit from legal assistance and his claims that he was tortured were not investigated, in breach of Moroccan law and the Convention against Torture, to which Morocco is a party.

At the 21 April court hearing, Ennaâma Asfari opened his shirt in court and also showed his feet, where he says he was beaten. His defence lawyers requested a medical examination. Ennaâma Asfari also said that he was forced to sign his interrogation report which was presented at last

Monday's hearing. However, the court did not order an investigation into his claims of torture and other ill-treatment, in violation of Morocco's obligations under international human rights law.

As of 22 April, when his relatives visited him in prison for the first time, he had not been examined by a doctor. After the visit, his relatives told Amnesty International that he had bruises under his eyes, marks on his wrists, traces of cigarette burns on his arms, grazed elbows, bruises inside his thighs, and bruised and swollen feet.

Amnesty International is concerned that allegations of torture and other ill-treatment of suspects arrested by the Moroccan security forces appear not to be promptly, thoroughly and independently investigated. Amnesty International is calling on the Moroccan authorities to ensure that all such claims are investigated, in accordance with their international obligations.

Amnesty International also urges the Moroccan authorities to ensure that everyone is able to peacefully collect and disseminate information and views on human rights issues, including on Western Sahara. Morocco recently reiterated its commitment to human rights at the United Nations Human Rights Council in Geneva under its process of Universal Periodic Review (UPR). States which led Morocco's review, including France, must also hold the Moroccan authorities to their human rights obligations.

Background

Ennaâma Asfari, Co-President of the Committee for the Respect of Freedoms and Human Rights in Western Sahara, based in France, where he resides, was subjected to harassment during previous visits to Western Sahara. His latest arrest occurs against a backdrop of judicial harassment against Sahrawi human rights activists, over a dozen of whom have been convicted of violent conduct in the past three years, often after unfair trials. Amnesty International fears that this may be meant to discredit the work of Sahrawi human rights groups, who play a crucial role in monitoring arrests, treatment in detention and trials of persons advocating against Moroccan rule in the Western Sahara territory.

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