

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: MDE 29/009/2009
Date: 17 August 2009

Morocco / Western Sahara: Human Rights Defender must receive a fair trial

Amnesty International urges the Moroccan authorities to ensure that Sahrawi human rights defender Ennaâma Asfari, currently held at Tan Tan prison, and his co-defendant Ali El-Rubia receive a fair trial, and to investigate allegations that they were assaulted by police at the time of their arrest.

Ennaâma Asfari and his co-defendant, Ali El-Rubia, were arrested on 14 August 2009 after Moroccan police officers stopped their vehicle at a road-block near Tan Tan, in southern Morocco. According to reports, a police officer insulted Ennaâma Asfari because he had a small flag of the Polisario Front on his key chain and told him to remove it, and an altercation ensued which resulted in the police arresting Ennaâma Asfari and his companion. They were then taken to the police station in Tan Tan. During their arrest, they are reported to have been assaulted by police; Ali El-Rubia was beaten, including with a baton, and Ennaâma Asfari was thrown on the ground and kicked. Claude Mangin Asfari says that her husband's glasses were broken and he had a bruised nose when she saw him at the police station a few hours later.

Prior to his arrest, Ennaâma Asfari was assisting a delegation composed of four foreign activists, including his wife, Claude, who arrived on 12 August to investigate the human rights situation in Western Sahara. It appears that Ennaâma Asfari may have been targeted on account of his support for the right to self-determination of the people of Western Sahara and to deter him from continuing with this and his activities as a human rights defender.

Ennaâma Asfari and Ali El-Rubia were taken before the Crown Prosecutor of Tan Tan on 16 August. He ordered that Ali El-Rubia be provisionally released but that Ennaâma Asfari should be transferred to the Tan Tan administrative prison. Both men reportedly face charges of "contempt" of public officials on duty, although they have not been told the exact charges against them. Ennaâma Asfari is said to have refused to sign the official police report (*procès verbal*) while he was held at Tan Tan's police station on the grounds that it did not accurately reflect the circumstances of his arrest.

On 17 August, both men appeared in front of the Court of First Instance of Tan Tan without the presence of lawyers. The court postponed the hearing until 24 August upon the request of the defendants in order to enable them to secure the assistance of lawyers and prepare their defence.

Ennaâma Asfari is Co-President of the Committee for the Respect of Freedoms and Human Rights in Western Sahara, based in France, where he resides. He was previously arrested by Moroccan security officials when on another visit last year, when he served a two month prison sentence after being convicted of violence against another person and driving while intoxicated - charges he vehemently denied. Then too, he alleges he was beaten by Moroccan security forces on the day of his arrest - 13 April 2008 - but the Moroccan authorities have not investigated his allegations, in breach of Moroccan law and Morocco's treaty obligations as a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Background

Sahrawi human rights defenders continue to face intimidation, harassment or even prosecution. Amnesty International fears that they are targeted because of their human rights activities and for peacefully exercising their right to freedom of expression, including the right to peacefully advocate for self-determination. Their work is further hampered as they are unable to obtain legal registration for their organizations due to politically-motivated administrative obstacles.

On numerous occasions, Amnesty International has called on the Moroccan authorities to take concrete measures to ensure that the rights of all Sahrawis to freedom of expression, association and assembly are fully respected and that Sahrawi human rights defenders, in particular, can collect and disseminate information and views on human rights issues without fear of prosecution, harassment or intimidation. Such rights are enshrined in international law, notably the International Covenant on Civil and Political Rights, to which Morocco is a state party, and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 9 December 1998.