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Morocco / Western Sahara: Sahrawi student may be prisoner of conscience

Amnesty International is concerned about the decision by a Moroccan appeal court at the end of last week to maintain a prison sentence, albeit a reduced one, against Said Bellal, a 30-year-old Sahrawi student. The organization believes that he may be imprisoned solely for his activities in promoting the right to self-determination for the people of Western Sahara.

On 27 March 2008, the Appeal Court in Rabat, the capital of Morocco, reduced an earlier prison sentence of eight months to four months. The charges related to his participation in a sit-in by Sahrawi students in May 2007. Said Bellal has been in detention since his arrest on 26 December 2007 and was on hunger strike from 20 February 2008 until yesterday to protest, among other issues, at his conditions of detention.

Said Bellal is a member of the Sahrawi Committee for Self-Determination in Western Sahara and of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State, a non-governmental organization which monitors the human rights situation in the territory of Western Sahara. On 17 January 2008, he was found guilty by the Court of First Instance in Rabat of the offences of rebellion by more than two persons against representatives of the public authorities and causing material damage to public facilities, on the basis of articles 300, 302 and 595 of the Moroccan Penal Code. He was acquitted of violent acts against an agent of the public authorities.

The charges related to a sit-in organized by Sahrawi students on 17 May 2007 in front of the gates of a halls of residence for students of Rabat University to express solidarity with other Sahrawi students arrested after demonstrations in other universities in the country and to demand self-determination for the people of Western Sahara, which was annexed by Morocco in 1975. The sit-in began during the day and was to continue through the night, with the students sleeping outside at the venue of their protest.

The police say that the students refused to disperse when ordered to do so and that they were armed with stones and Molotov cocktails. The students, on the other hand, maintain that the sit-in was peaceful and that plain-clothes security officers woke them up at 4am on 18 May, before beaten them with truncheons and violently dispersing them. Nine students were arrested, tried and sentenced to up to eight months' imprisonment in June 2007 on charges similar to those brought against Said Bellal. They have all since been released after serving their sentences.

In Said Bellal's first trial, the Court of First Instance refused the right of the defence to call witnesses, including two students, among the nine mentioned above, whose police interrogation reports were used as evidence against him. The students allege that they were beaten, kicked and threatened with rape during their interrogation, which included questioning about the role of Said

Bellal in the sit-in, and that they were coerced into signing their statements. On 27 March 2008, the Appeal Court agreed to hear the evidence of these two students. To Amnesty International's knowledge, no investigation was ever conducted into the students' complaints of torture or other ill-treatment whilst in police custody, in breach of Morocco's obligations under international law.

Other evidence used against Said Bellal included the statement of a passer-by who was reportedly attacked on the night of 17-18 May near where the sit-in took place and the statement of the director of the halls of residence of Rabat University, who said that stones and bottles filled with gas were found on the campus and that bells were damaged. While both witnesses were called at the students' trial in May 2007, only their written statements were submitted at Said Bellal's trial, meaning that he was unable to have their testimonies cross-examined. During the earlier trial of the nine students, the passer-by was not in a position to identify his attackers and the halls of residence director was unable to determine the identity of the owners of the weapons found on the campus. The nine students and Said Bellal denied carrying weapons and insisted that their sit-in was entirely peaceful.

Since 2005, over a dozen members of Sahrawi human rights groups have been charged with violent conduct after being arrested in the context of demonstrations demanding self-determination in Western Sahara. Amnesty International is concerned that they appear to have been targeted because of their human rights activities and for peacefully exercising their right to freedom of expression. The Moroccan authorities have stated that such persons are imprisoned for their involvement in criminal acts, not for their views. Amnesty International is concerned that their trials have often failed to meet international fair trial standards. For example, evidence has been tainted with unexamined claims of torture or other ill-treatment, and defendants have often not been permitted to call defence witnesses or to examine prosecution witnesses, as in the case of the trial of Said Bellal.

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