

URGENT ACTION

HEARING SET FOR PRISONER TORTURED IN DETENTION
Morocco's Court of Cassation will hear Ali Aarrass on 29 March, four years after he lodged an appeal. He is serving a 12-year prison sentence after being unfairly convicted based on evidence obtained under torture. He has been in solitary confinement since October 2016.

On 29 March, Morocco's Court of Cassation in Rabat will hear the case of Belgian-Moroccan prisoner **Ali Aarrass**. In 2011, the Rabat Court of Appeals convicted him of participating in and procuring arms for a criminal group, in a grossly unfair trial. Ali Aarrass denied the charges, which he said he was forced to "confess" to under torture.

Though judicial authorities ordered investigations into his allegations of torture in 2011 and 2014 which concluded that he had not been tortured, experts from International Rehabilitation Council for Torture Victims (IRCT) found that the medical examinations conducted fell well-short of international standards. The UN Special Rapporteur on Torture and an independent forensic doctor who visited Ali Aarrass in 2012 examined him and detected signs of torture. In 2013, the UN Working Group on Arbitrary Detention called on the Moroccan authorities to release Ali Aarrass immediately, after concluding that he had been convicted solely on the basis of "confessions" extracted under torture. In 2014, the UN Committee Against Torture (CAT) similarly concluded that the "confession" had been decisive in securing his conviction, in the absence of adequate investigations into the torture he reported.

Ali Aarrass has been held in solitary confinement for nearly six months, which amounts to prolonged solitary confinement according to the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). This is in spite of Amnesty International's letters to the Moroccan authorities, and visits by Morocco's National Human Rights Council. Since his transfer from Salé II Local Prison to Tifelt II Local Prison on 10 October 2016, prison authorities have held him in isolation, in a near-empty prison bloc. According to his family and lawyers, he sleeps on a concrete slab with inadequate covers, is allowed only one hour a day in the prison courtyard, one shower a week, and has inadequate food. These harsh conditions and his social isolation from fellow-detainees have taken a heavy toll on his already-fragile health, after already spending six years in detention.

Please write immediately in Arabic, French or your own language urging the Moroccan authorities to:

- Implement the decision of the Working Group on Arbitrary Detention (WGAD) calling on them to release Ali Aarrass immediately and award him adequate compensation;
- Immediately end Ali Aarrass' solitary confinement and ensure he is held in humane conditions;
- Ensure he has immediate access to a qualified health professional to provide health care in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent.

PLEASE SEND APPEALS BEFORE 8 MAY 2017 TO:

Director of General Administration for
Prison Administration and Reinsertion
 Mohamed Saleh Tamek
 Angle Avenue Arar et rue El-Jouz
 Hay El Riyad, Rabat, Morocco
 Fax: + 212 5 37 71 26 19
Salutation: Dear Sir

Minister of Justice and Liberties
 Mustafa Ramid
 Ministry of Justice and Liberties
 Place El Mamounia – BP 1015
 Rabat, Morocco
 Fax: + 212 5 37 73 47 25
Salutation: Your Excellency

And copies to:
International Delegation for Human
Rights
 Interministerial Delegate
 Mahjoub El Haiba
 Angle Avenue Ibn Sina et
 Rue Oued El Makhazine
 Agdal, Rabat, Morocco
 Fax: +212 5 37 67 11 55

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the fifth update of UA 219/15. Further information:

www.amnesty.org/en/documents/mde29/5627/2017/en/

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ADDITIONAL INFORMATION

Ali Aarrass has had minimal meaningful contact with other detainees and has been confined to his single cell for 22 to 23 hours a day since 10 October 2016. Such conditions amount to prolonged solitary confinement according to the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). Prolonged and indefinite solitary confinement amount to torture or other cruel, inhuman or degrading treatment or punishment, according to the Mandela Rules, and must not be imposed under any circumstances. The Moroccan authorities have repeatedly denied holding Ali Aarrass in solitary confinement, stating that he is merely held in an individual cell in a sparsely-populated prison. However, as Amnesty International explained to Morocco's General Delegation for Penitentiary Administration and Reintegration in a letter detailing the organization's concerns in November 2016, isolation does not need to be intended as punishment in order to constitute solitary confinement.

Morocco acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2014 and is expected to establish a National Preventive Mechanism (NPM) with a mandate to monitor all places of detention later this year.

Ali Aarrass' detention in Morocco began on 14 December 2010 after Spain extradited him to Morocco at Morocco's request, and against warnings by the UN Human Rights Committee and Amnesty International that he risked being tortured in Morocco. In July 2014, the UN Human Rights Committee decided that Spain had breached its obligations under the International Covenant on Civil and Political Rights (ICCPR) by extraditing Ali Aarrass to Morocco. The Committee asked Spain to award Ali Aarrass adequate compensation and take all possible measures to work with the Moroccan authorities to ensure that his detention in Morocco was in line with international law and standards. In 2015, the CAT also expressed concern about the 2010 extradition and called on Spain to investigate his allegations of torture. In spite of numerous UN decisions confirming the human rights violations that Ali Aarrass has suffered, Moroccan and Spanish authorities have not, to date, offered him redress.

Meanwhile, the Belgian authorities, requested on several occasions to visit Ali Aarrass in prison but the Moroccan authorities did not respond favourably, most recently in June 2016. Ali Aarrass had been asking the Belgian authorities for consular assistance for years, which they were first unwilling to provide on the grounds of his dual citizenship. However, a September 2014 decision by the Brussels Court of Appeals instructed them to do so. The Belgian authorities have appealed the Court of Appeals' decision before Belgium's Court of Cassation, and a ruling is expected in the coming months.

Name: Ali Aarrass

Gender m/f: m

Further information on UA: 219/15 Index: MDE 29/5973//2017 Issue Date: 27 March 2017