

URGENT ACTION

HEALTH RISKS FOR DETAINEE IN ISOLATION FOR 232 DAYS Following seven months of prolonged solitary confinement, Ali Aarrass' health condition has critically deteriorated. He is currently serving a 12-year prison sentence in Tifelt II Local Prison.

Following seven months of continuous solitary confinement and untreated health problems, **Ali Aarrass'** health has significantly deteriorated. According to his lawyers and family, Ali Aarrass suffers from chronic nausea and recurrent unexplained vomiting. He has lost around 18 kilograms since his placement in solitary confinement. So far, the prison administration has denied him access to a gastroenterology specialist, despite his repeated requests. Although the food provision has slightly improved, his family has reported that prison guards refuse most of the food and all the nutritional supplements that they bring to Ali Aarrass during visits. Ali Aarrass has also been sleeping on a slab with inadequate covers since he has been detained in solitary confinement.

Ali Aarrass has been held in solitary confinement since his transfer to Tifelt II Local Prison, 60 km east of the capital Rabat, on 10 October 2016. Although the prison authorities had recently transferred other prisoners to his block several weeks ago, they have since been moved. Ali Aarrass is therefore again, since 21 May, being held in an empty prison bloc. He is being held for over 22 hours a day without meaningful human contact and is allowed in the prison courtyard only one hour a day. The social isolation has taken a heavy toll on his psychological conditions. According to UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), this amounts to prolonged solitary confinement and as such constitutes a form of torture or other ill-treatment.

On 28 March, the UN Committee against Torture (CAT) issued a decision requesting the Moroccan authorities to improve his conditions of detention in order to prevent “irreparable harm”, and to guarantee his rights as a prisoner. On 28 April, the Court of Cassation rejected his appeal and confirmed his conviction and 12-year prison sentence. The Working Group of Arbitrary Detention (WGAD) considers the conviction to be arbitrary as it is based on “confessions” obtained under torture, and has called for his release and adequate compensation.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- Ensure Ali Aarrass has immediate access to a qualified health professional that can provide health care in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent;
- Ensure his detention conditions are in line with international law and the Mandela Rules, including access to primary needs, adequate food and bedding;
- Immediately end Ali Aarrass' solitary confinement and ensure he is held in humane conditions, including by implementing the CAT's decision;
- Implement the WGAD's decision calling for the immediate release of Ali Aarrass' and award him adequate compensation.

Contact these two officials by 11 July, 2017:

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

Ambassador Rachad Bouhlal
Embassy of the Kingdom of Morocco
1601 21st St. NW, Washington DC 20009
Fax: 202 462 7643
Phone: 202 462 79799
Salutation: Dear Ambassador

2) LET US KNOW YOU TOOK ACTION

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ADDITIONAL INFORMATION

Since 10 October 2016, 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. Such conditions amount to prolonged solitary confinement according to the 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.

Ali Aarrass has been detained in Morocco since 14 December 2010 after Spain extradited him at Morocco's request, ignoring warnings by the UN Human Rights Committee and Amnesty International that he risked being tortured in Morocco. He reported being tortured and otherwise ill-treated in custody between 14 and 24 December 2010, and subsequently in prison. Moroccan authorities have failed to adequately investigate his claims to date. He was convicted, on 19 November 2011, on the sole basis of statements extracted under torture, of illegal use of weapons and participation in a group intending to commit acts of terrorism (under Article 218 of Morocco's anti-terrorism law, integrated into the Penal Code) and sentenced to 15 years in prison, reduced to 12 years on appeal. On 18 September 2012, he appealed the decision before the Court of Cassation. On 28 April 2017, the latter eventually issued its final decision by confirming the previous sentence and thus dismissing any further appeal.

In 2013, the WGAD 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 CAT similarly concluded that the "confession" had been decisive in securing his conviction, in the absence of adequate investigations into the torture he reported.

In parallel, 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.

Ali Aarrass has been asking the Belgian authorities for consular assistance for years, which they firstly have been refusing on the ground 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 final sentence is expected in the coming months.

On 28 March 2017, the CAT issued a decision requesting the Moroccan authorities to improve Ali Aarrass' conditions of detention in order to prevent "irreparable harm".

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

Name: Ali Aarrass

Gender m/f: m

Further information on UA: 219/15 Index: MDE 29/6303/2017 Issue Date: 30 May 2017