

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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No Fair Trials Until Courts Reject Statements Obtained by Torture, Abuse

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(Rabat) [Morocco](#) courts are convicting defendants based on confessions they claim were obtained through torture or falsified by police, Human Rights Watch said in a report released today. The countrys judicial reform agenda needs to include stronger safeguards to ensure that courts discard as evidence any statement made to the police under torture or ill-treatment.

The 100-page report, [Just Sign Here: Unfair Trials Based on Confessions to the Police in Morocco](#), examined five trials between 2009 and 2013 of a total of 77 people including protesters seeking reform, Western Sahara activists, and persons accused of plotting terrorism. Human Rights Watch found that in the cases examined, judges failed to investigate seriously contentions by defendants that their confessions were obtained through illegal means and then used as the main, if not the sole, basis for conviction. This failure by the courts effectively encourages the police to use torture, ill-treatment, and falsification to obtain statements, Human Rights Watch said.

Once the Moroccan police have your statement in hand, you are not at the start of an even-handed process to reach the truth, said [Sarah Leah Whitson](#), Middle East and North Africa director of Human Rights Watch. You are on an express train to a guilty verdict.

Moroccan law criminalizes torture and prohibits courts from using statements when obtained under violence or coercion. Yet, in the five trials Human Rights Watch examined, the courts did not diligently examine defendants claims of police abuse before admitting confessions as the main incriminating evidence. The courts convicted 76 of the 77 defendants, 38 of whom remain in prison.

Human Rights Watch observed trials, examined court documents, interviewed defendants and defense lawyers, and included in the report extensive information received from the Moroccan authorities.

Unfair Trials Based on Confessions to the Police in Morocco

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Several defendants described to Human Rights Watch being beaten, kicked, slapped, and threatened by the police during their interrogation, and being forced to sign statements they were not allowed to read and that they later repudiated in court. Others who were able to read and sign their statements said that authorities later doctored them to implicate them in crimes.

Moroccan law provides the right to contact a lawyer while in police custody, but in the vast majority of cases Human Rights Watch examined, defendants had no access to a lawyer before or during their interrogation, or when the police presented them with their statement to sign.

When the defendants later told the investigating or trial judge about physical abuse, the judges opened no inquiry and sometimes dismissed the allegations, saying that they observed no marks on the defendants body or that the person should have made the allegations earlier. In the one case where the prosecutor ordered a medical examination of the defendants, all the evidence suggested that the examination was superficial and well below what international standards require.

Moroccan judges should scrutinize police statements more aggressively when defendants repudiate them, and summon all pertinent witnesses, including, where relevant, the police agents who prepared the incriminating statements. Closer scrutiny of police statements would also signal to police that they must collect evidence through lawful means that exclude torture, Human Rights Watch said.

In August 2009, King Mohammed VI announced a major effort to overhaul the judiciary. The 2011 constitution contains a number of articles that are stated as intending to strengthen judicial independence and defendants rights and to ban torture and arbitrary detention. Since 2012, a High Commission of National Dialogue on Reforming the Judiciary has been tasked by the king with drafting a charter on judicial reform, scheduled to be released in the coming weeks.

It is not always easy to determine the truth when a defendant claims that the police coerced him to sign a false confession, Whitson said. But only when judges show the will, skill, and courage to do so and to discard confessions that are suspect can we say that judicial reform is really under way.

Human Rights Watch examined the convictions of 25 Sahrawis in February 2013 for attacking security forces who were dismantling a social protest camp in Gdeim Izik, Western Sahara; 6 members of the February 20 social protest movement in September 2012 in connection with a demonstration in Casablanca; 2 union activists and 8 youths in June 2011 in connection with a demonstration in Bouarfa; an outspoken boxer in September 2010 on dubious fraud charges; and 35 men in July 2009 for being part of an alleged terrorist conspiracy known as the Belliraj affair.

The boxer, Zakaria Moumni, described how the police presented his statement to him after beating him severely during three days of incommunicado detention:

They put documents in front of me, but they were covering the top part of the page. I said I wanted to read what I was signing. They said, Just sign here, youll get your stuff back and be free to go. When I insisted on reading it, they put the blindfold back on, stepped on my feet, and threatened to send me back to where I had come from At that point, I signed many things without knowing what they were.

The police then brought Moumni to court, where he was tried the same day on dubious charges of fraud. Moumni later told Human Rights Watch that he showed the judge bruises and cuts on his shins, explaining that his interrogators had struck him with iron rods. The judge did not respond to this, Moumni said. Sentenced to three years in prison, Moumni discovered only later that the documents he had signed before the police included a detailed confession and a waiver of his right to a lawyer at trial.

The Moroccan authorities should take the following steps to ensure fairer trials and combat torture and ill-treatment:

Moroccan authorities should in addition free the 21 defendants in the Gdeim Izik case and the 17 defendants in the Belliraj case currently in prison, or grant them a new and fair trial. For the Gdeim Izik defendants, any retrials should take place before a civilian court rather than in the military court that first convicted them. If they are retried, the courts should examine the defendants allegations of torture regardless of whether physical traces of possible torture are visible, and ensure that no statement obtained through violence or coercion is admitted into evidence.

Bahrain Death Sentences Follow Torture, Sham Trials

Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces

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