



Swedish Section of the International Commission of Jurists

TRIAL OBSERVATION REPORT

**FROM THE PROCEEDING BEFORE THE COURT OF
APPEAL, EL AÍUN, WESTERN SAHARA
BROUGHT AGAINST
EL BAZ RAMDAN and ALFAMAL KAMAL ABOU**

April 14th 2010

Executive Summary

In April 2010 two trial observers were commissioned by the Swedish Section of the International Commission of Jurists to observe a trial brought against two defendants of Sahrawi ethnicity in the city of El Aíun, Western Sahara.

Due to the fact that the prosecutor's chief witness was both anonymous and absent, the trial was postponed for two weeks.

The report is based on the observations made by the trial observers' regarding the factual circumstances before, during and after the trial. It provides for a legal analysis within the framework of the right to a fair trial, including an analysis concerning the nature of the Moroccan legal system and the constitutional provisions regarding the independence of the judiciary.

INTRODUCTION

1. The Swedish section of the International Commission of Jurists (hereinafter ICJ-S) commissioned two trial observers, Ms Cecilia Asklöf and Ms Hanga Sántha, members of the Commission and its working group on human rights in Western Sahara, to observe the trial conducted at the Court of Appeal in El Aíun, Western Sahara, brought against the defendants El Baz Ramdan, born in Smara in 1987 and Alfadal Kamal Abou born in Smara in 1986, both of Sahrawi ethnicity.
2. The selection of this particular trial was to endeavour the protection of the rights of the accused and to advance the cause of the right to a fair trial in the country selected. The choice of the trial was mainly influenced by the fact that it was considered to have a representative nature, both regarding the alleged crimes and their correlation to the Sahrawis' demand for self-determination. Anticipated irregularities in the court proceedings were also taken into consideration in the selection process. An *Ordre de Mission* for each observer was issued by the ICJ-S (Appendix I-II), stating the purpose of the mission.
3. In sum, the Observers had received the following information:
 - i. ICJ-S was notified about the approaching trial against the two young Sahrawis on the 3rd of April by the Spanish *Asociación Internacional de Juristas por el Sáhara Occidental* (International Association of Jurists for Western Sahara, hereinafter IAJUWS). The defendants had been arrested by the 'judicial police' (*la Police Judiciare*) on the 2nd of December 2009 and detained in the city of Smara after having participated in a peaceful rally in support of the exiled and hunger-striking

human rights activist Aminatou Haidar. The participants of the rally were also claiming the right to self-determination for Western Sahara.

- ii. According to information provided by IAJUWS the defendants were exposed to torture during detention at the police station in Smara, before being transferred to the infamous Black Prison in El Aïun waiting for the conduct of the trial. On the 30th of March the defendants were taken to the Criminal Court of Morocco in El Aïun to be tried by the Court. Neither the accused nor their defense counsels had been informed of the imminent trial. Suspension of the trial was demanded by the defense and agreed by the judge. New trial date was set out to the 14th of April.
4. The trial was held on the 14th of April. However, due to the absence of an anonymous witness; essentially the chief witness cited by the Prosecutor, the trial was postponed to the 28th of April. On this day the same situation occurred, i.e. the chief witness, still anonymous, was absent. The trial was postponed yet again to the 12th of May.
5. This report focuses exclusively on the proceedings and procedures at the Court of Appeal and the Moroccan judiciary in connection to it. It briefly mentions the background to the human rights issues in the context but does not analyze the human rights issues outside the mandate of the mission.
6. The Observers note that the dependent position of judges in relation to the executive as well as the substantial provisions invoked against the defendants raise serious concerns of legality, rule of law and human rights.
7. This report expresses the views of the Observers in their capacity of independent trial observers.

I. BACKGROUND

The International Court of Justice stated in an advisory opinion in October 1975 that no legal ties of territorial sovereignty existed between the territory of Western Sahara, the Kingdom of Morocco (and of Mauritania).¹ In November 1975, a month after the advisory opinion was delivered Morocco annexed the northern two-thirds of Western Sahara and four years later, after the withdrawal of Mauritania, the whole territory. The United Nations (UN) has since then adopted repeated resolutions regarding the right of Western Sahara to self-determination. Western Sahara is furthermore included in the UN list of non-self-governing territories. In a letter from the Under Secretary-General for Legal Affairs, Mr. Hans Corell, to

¹ International Court of Justice, Advisory Opinion of 16 October 1975 concerning Western Sahara, para. 162

the President of the Security Council, Mr. Corell points out that the territory of Western Sahara is a non-self-governing territory since no transfer of the sovereignty had been made by Spain, the former colonial power.² In spite of the abovementioned facts, Morocco claims sovereignty over the territory and administers it as if it were part of its national territory.

Human Rights Situation in Western Sahara

The restriction on rights and the violation of human rights is a matter of serious concern in the territory of Western Sahara. Numerous human rights NGO's such as Amnesty International and Human Rights Watch have voiced concerns about the human rights situation. In April this year the Secretary-General of the United Nation, Mr. Ban-Ki Moon expressed concern about the violations of human rights in Western Sahara.³ The ongoing violations include repression of the right to speak, assemble and associate in the context of right to self-determination for Western Sahara and on behalf of the Sahrawis' human rights. Repression is carried out by means of arbitrary arrests, unfair trials, restriction on movement, association and assemblies and through excessive police violence that goes without investigation or punishment.⁴ Sahrawis claiming self-determination are oppressed by Moroccan authorities by the rather frequent use of penalizing what is considered to be an "affront against the territorial integrity of Morocco".⁵

The mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) was recently extended to April 2011 but the demand for inclusion of the monitoring of human rights into the mission's mandate was yet again declined.

Human Rights Conventions

Morocco has ratified some of the most important international human rights conventions. Only those that fall within the scope of the right to a fair trial will be mentioned in this report. Morocco has, amongst others, ratified the International Covenant on Civil and Political Rights of 1966 (ratified 1979), the International Covenant on Social, Economic and Cultural Rights of 1966 (ratified 1979) and the Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment and Punishment of 1984 (1993). Nevertheless, it has been held that

² Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, S/2002/161

³ See for instance Human Rights Watch, Human Rights Watch, *World Report 2010 - Morocco / Western Sahara*, 20 January 2010, Amnesty International, *Morocco must end harassment of Sahrawi activists*, 9 April 2010 and UN News Service, *Secretary-General voices concern about human rights in Western Sahara*, 23 April 2010

⁴ Ibid., p. 2

⁵ Human Rights Watch, *Human Right in Western Sahara and in the Tindouf Camps*, 2008, p.2

ratification is rarely followed by the harmonization of domestic Moroccan law in accordance with the standards of the international conventions.⁶ As a result, local judges, who lack sufficient education in international human rights law, might not consider the enforcement of international standards to be a priority. In this regard it must also be noted that the Constitution does not entail any provisions confirming the supremacy of international treaties over domestic law. In addition, the government's refusal to allow treaty bodies to hear individual complaints has obstructed the impact of the international conventions. For instance, Morocco has not yet ratified the optional protocol of the International Covenant on Civil and Political Rights, which gives the Human Rights Committee jurisdiction to hear individual complaints regarding alleged breaches of the rights set forth in the Covenant.⁷

The Moroccan Judiciary

When the present king, Mohamed VI, took the throne after the death of his father, the late king Hassan II, he sought to consolidate the royal power with the clear vision that the king should both reign and govern.⁸ The king was consequently granted extensive powers in the Constitution. By virtue of the Constitution the king is the supreme representative of the nation and the symbol of the unity hereof.⁹

Judges are recruited by the Ministry of Justice, but they are nominated on the proposal of the High Judicial Council (Article 84 of the Constitution), which according to Article 86 is presided over by the king. Article 83 states that judgments are delivered in the name of the king. The king also has the power to confer pardon to a person at any stage of the proceedings: before the trial, during the trial and after the sentence has been rendered.¹⁰

The High Judicial Council (hereinafter the Council), presided by the King, is also competent in matters concerning promotion and discipline of the judges (Article 87 of the Constitution). Proposals made by the council are not binding to the king. In other words, the council holds an advisory function in relation to the king. The council is bound by law to convene four times a year. However, each meeting has to be approved in advance by the king. If the king does not find it appropriate to convene the council, no meeting is held. This has led to extended periods during which no meetings have taken place (1991-1993 and 2000-2001).

⁶ Abdelaziz Nouaydi, Morocco – The Imperative of Democratic Transition in Av'Abd Allāh Aḥmad Na'īm (ed.), *Human rights under African constitutions: realizing the promise for ourselves*

⁷ United Nations Treaty Collection, May 2010

⁸ Abdelaziz Nouaydi, Morocco – The Imperative of Democratic Transition in Av'Abd Allāh Aḥmad Na'īm (ed.), *Human rights under African constitutions: realizing the promise for ourselves*, p. 155

⁹ Article 19 of the Constitution

¹⁰ 6 April 1953 Act, amended by the 8 October 1977 Act

Three “transitional” laws were passed in 1974, reducing the independence of the judiciary in relation to the executive.¹¹ Furthermore, they enhanced the role of the public prosecutor at the expense of, amongst others, the defense and the rights of the accused.¹² According to the 1974 legislation the disciplinary actions that may be taken towards a judge are warning, reprimand, two years postponement of promotion, demotion as regards salary, temporary suspension, loss of income and dismissal. According to the Constitution magistrates should be irremovable (Article 85). Regarding their rulings, judges enjoy a personal immunity.¹³

Judges are by virtue of law forbidden to adhere to a trade union. Their right of association is limited, the only legal association of which membership is allowed is a magistrate’s organization by the name of Hassan, in honour of the former king. Judges’ right of expression is also limited. They are not allowed to comment on their profession without the express approval of the Minister of Justice.

Criminal Proceedings and the Criminal Code of Morocco

Regarding the competence of the Moroccan judges in criminal proceedings the Supreme Court has established that judges are entitled to unfettered discretion in several respects.¹⁴ This is also clear from the Moroccan Criminal Code.

Article 141 of the Criminal Code of Morocco reads as follows:

Le juge dispose d'un pouvoir discrétionnaire pour fixer et individualiser la peine, dans les limites du maximum et minimum édicté par la loi réprimant l'infraction, en tenant compte d'une part, de la gravité de l'infraction commise et de la personnalité du délinquant, d'autre part.

¹¹ See the laws (dahirs) of July 15, 1974, on the judicial organization of Morocco; September 28, 1974, entitled “Transitional Measures”; and November 11, 1974 on the status of the magistracy. See also Abdelaziz Nouaydi, *The Right to a Fair Trial in the Moroccan Criminal Procedure*, paper presented at the Heidelberg Symposium, Max Planck Institut (January 31-February 3, 1996), pp. 18-20, 31-32, published in *The Right to a Fair Trial*, ed. David Weisbrodt and Rüdinger Wolfrum (Berlin, 1997).

¹² See the laws (dahirs) of July 15, 1974, on the judicial organization of Morocco; September 28, 1974, entitled “Transitional Measures; and November 11, 1974 on the status of the magistracy. See also Abdelaziz Nouaydi, *The Right to a Fair Trial in the Moroccan Criminal Procedure*, paper presented at the Heidelberg Symposium, Max Planck Institut (January 31-February 3, 1996), pp. 18-20, 31-32, published in *The Right to a Fair Trial*, ed. David Weisbrodt and Rüdinger Wolfrum (Berlin, 1997).

¹³ Legal Vice Presidency of the World Bank, *Morocco – Legal and Judicial Sector Assessment*, 2003, p. 36, para. 144

¹⁴ Case No. 464, 27/11/1961 (Revue de la jurisprudence et de loi n°52-53, année 6 de la cour sup. de Rabat Oct Nov 1962, p 99).

The above article grants the judges extensive powers when imposing penalties, such as to take into account “the personality of the criminal”. Whereas the judge is obliged to state the reasons for which he has found the accused guilty of a particular crime, he is under no obligation to justify the chosen penalty, as long as it remains within the maximum and minimum limits prescribed by law. There is no general obligation for the judge to motivate the imposed penalties, nor is the judge under any obligation to take into account any specific jurisprudence in this respect.¹⁵

Furthermore, by virtue of article 112 of the Criminal Code the judge may double the prescribed maximum penalty if the accused has been convicted before.¹⁶ No additional justification or motivation is needed. On the contrary, following article 146 of the Criminal Code the judge is under an obligation to clarify his reasons if he chooses to make use of the right to take mitigating circumstances into account.

II. THE TRIAL

The trial against the defendants took place at the Cour d’Appel (Court of Appeal) in El Aïun. The Observers had no difficulties in accessing the court and the court room. Before the beginning of the trial the Observers requested an audience with the judge presiding at the trial against Mr. El Baz Ramdan and Mr. Alfadal Kamal Abou. The Observers met with the judge in his office. When asked why the proceeding took place in second instance (Cour d’Appel), although being a first instance case, the judge answered that this decision was based on “legal grounds” and refused to develop this further. The Observers’ request to gain access to the documents from the preliminary investigation was denied. With regard to the question whether witnesses had been called to testify against the defendants and whether the right to cross-examine these would be granted, the judge answered that witnesses had been called, but it was not known to him whether these would show up or not. The judge emphasised that this trial was to be conducted like any other trial. Rounding off the conversation before the trial started the judge proclaimed that “after all, we do live in a democratic country”.

¹⁵ Dahraoui, Omar, *Le pouvoir discrétionnaire du juge en droit marocain*, doctoral thesis at Université de Perpignan, 2004, p. 51-52.

¹⁶ Dahraoui, Omar, *Le pouvoir discrétionnaire du juge en droit marocain*, doctoral thesis at Université de Perpignan, 2004, p. 72

The Conduct of the Proceedings at the Court of Appeal

The trial commenced at 9 pm at the Cour d'Appel in El Aïun. The two defendants, wearing traditional Sahrawi clothing, chanting a song for the self-determination of Western Sahara and showing the Victory-sign, were led into the courtroom by a policeman. They were neither chained nor handcuffed but were held with their arms behind their back by the policeman. The judge read the indictment against the two defendants, having used mainly the following two articles of the Criminal Code:

Article 580

Quiconque met volontairement le feu à des bâtiments, logements, loges, tentes, cabines même mobiles, navires, bateaux, magasins, chantiers, quand ils sont habités ou servent à l'habitation et généralement aux lieux habités ou servant à l'habitation, qu'ils appartiennent ou n'appartiennent pas à l'auteur du crime, est puni de mort.

Est puni de la même peine quiconque volontairement met le feu, soit à des véhicules, aéronefs ou wagons contenant des personnes, soit à des wagons ne contenant pas de personnes mais faisant partie d'un convoi qui en contient.

Article 293

Toute association ou entente, quels que soient sa durée et le nombre de ses membres, formée ou établie dans le but de préparer ou de commettre des crimes contre les personnes ou les propriétés, constitue le crime d'association de malfaiteurs qui existe par le seul fait de la résolution d'agir arrêtée en commun.

Thus, by virtue of Article 293 any association or arrangement, regardless of its duration and the number of its members, formed or established for the purpose of preparing or committing crimes against persons or property constitutes the crime of conspiracy. The deed is deemed to be done already when the defendants are considered to have agreed (expressly or tacitly) to act jointly.

Regarding the constellation of the court room it should be noted that three judges were sitting in the front of the room on a raised bench with the prosecutor sitting on their right and the secretary/court clerk on their left side. On the floor immediately in front of the judges was the stand for the indicted. Behind the stand, on the right side of the floor, a sort of Bar table was reserved for the defense. On the opposite side of the Bar table there were seats reserved for other indicted. There was no clear witness stand. The witnesses who were present simply stood beneath the bench of the judges.

When the judge called the witnesses three persons presented themselves, approached the bench and presented their identity cards. However, the only person who according to the preliminary investigation had identified and pointed out the two defendants,

was not present. This key witness was furthermore anonymous. Due to the alleged security risk no name was presented in the preliminary investigation nor mentioned in court. The absence of this witness was called to the judge's and the prosecutor's attention by one of the defense lawyers who called for the suspension of the trial, to allow for the witness to be called and the testimony to be presented before the court.

The judge agreed upon suspension of the trial to the 28th of April 2010, after first having asked the prosecutor of his opinion regarding the matter, and after having received the answer that the judge might do as he saw fit.

On the 28th of April 2010 a new trial was held. This time the trial was attended by two Spanish trial observers. It was postponed yet again, due to the same reason as stated above. The new date was set for 12th of May 2010. As far as the Observers have been able to ascertain, the defendants were at that point acquitted and released. However, this information has not been possible to verify definitely.

III. ASSESSMENT OF THE TRIAL

According to the principles regarding trial observation set forth in the Trial Observation Manual of the International Commission of Jurists (hereinafter the Manual) the observations should in principle focus on matters relating to judicial guarantees intrinsic to due process and the right to a fair trial.

In assessing the trial the observers will refer only to norms whose legal foundation is undisputed such as

- i) the Constitution, Criminal Code and Code of Criminal Procedure of Morocco
- ii) the human rights treaties to which Morocco is a party
- iii) international standards on human rights and administration of justice that are declarative in nature and
- iv) norms of international customary law.

It is universally recognized that states cannot invoke their national legislation in order to justify the failed compliance to international obligations, such as the right to a fair trial. States must under the principle of *pacta sunt servanda* perform all their obligations in good faith, meaning that domestic authorities cannot claim obstacles under national law for not having applied their duties according to international conventions in a due manner.¹⁷

¹⁷ Articles 26 and 27 of the Vienna Convention on the Law of Treaties.

The Right to a Fair Trial

The Moroccan Constitution (with the last amendments from 1996) does not contain any provisions aimed to guarantee the right to a fair trial. However, Article 5 prescribes that all citizens shall be equal before the law. According to Article 9 the Constitution shall guarantee the citizens, *inter alia*, freedom of opinion, of expression in all its forms, of public gathering; of association, and the freedom to belong to any union or political group of their choice.

The right to a fair trial is enshrined in several international conventions including Articles 8, 10 and 11 of the Universal Declaration of Human Rights and Articles 14 and 15 of the International Covenant on Civil and Political Rights (ICCPR), of which Morocco is party. Article 14 of ICCPR contains several guarantees that State parties must respect, regardless of their legal traditions and their domestic law.¹⁸

The first paragraph of article 14 of ICCPR reads as follows:

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. [...]

Criminal charges relate in principle to acts declared to be punishable under domestic criminal law. The notion of a "tribunal" designates a body, regardless of its denomination, that is established by law and is *independent of the executive and legislative branches of the government*¹⁹ (emphasis added). The requirement of competence, independence and impartiality of a tribunal is an absolute right that is not subject to any exception.²⁰ The requirement of independence refers, in particular, to the procedure and qualifications for the *appointment of judges, [...] the conditions governing promotion, transfer, suspension and cessation of their functions and the actual independence of the judiciary from political interference*²¹ (emphasis added). A situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal.²²

In this regard, the Observers take note of the extensive powers granted to the king by the Constitution. Formally, the Constitution states that the judiciary should be independent from the executive and the legislative. In practice, the king has every means to

¹⁸ General comment No. 32 (2007) on article 14, para. 4

¹⁹ General comment No. 32 (2007) on article 14, para. 18

²⁰ General comment No. 32 (2007) on article 14, para. 19

²¹ Ibid.

²² Ibid.

his disposal to influence the judiciary. As mentioned above, it is the king who presides over the High Judicial Council, which in its turn is competent in the matters of both the promotion of judges and disciplinary actions to be taken against them. The proposals of the council are not binding to the king. Judges' rights to association and expression are moreover strictly limited. The dependent position of the judges in relation to the executive raises serious questions as to the independence and impartiality of Moroccan courts. Given the fact that judges have next to unlimited powers to determine the penalties of the accused, without ever having their decisions in this regard scrutinized there is a considerable leeway for arbitrariness, which in its turn opens for the executive to covertly influence the judiciary in a fundamental disregard of the rule of law.

By virtue of Article 14, subparagraph 3 (b) accused persons must have adequate time and facilities for the preparation of their defense and to communicate with counsel of their own choosing.²³ This provision is an important element of the guarantee of a fair trial and an application of the principle of equality of arms. In this regard it should be noted that the first time the accused were to appear before the court, neither they nor their counsel were informed about the trial until that very same day.

According to Article 14, paragraph 3 (c) the accused has the right to be tried without undue delay. The accused should not be kept in a state of uncertainty about his fate. If held in detention during the period of the trial, deprivation of liberty should not last longer than necessary in the circumstances of the specific case.²⁴ In this regard, the Observers would like to point out that the accused were in detention for four and a half months under appalling conditions in the infamous Black Prison.

Article 14, paragraph 3 (e) states that everyone charged with a criminal offence shall have the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him. As to this, the Observers found it remarkable that the prosecutor's chief witness was of anonymous character and that this chief witness had not even been called to the trial to testify in person against the defendants.

Article 14, paragraph 3 (g) guarantees the right not to be compelled to testify against oneself or to confess guilt. This safeguard must be understood in terms of the absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the accused, with a view to obtaining a confession of guilt.²⁵ It is unacceptable

²³ General comment No. 32 (2007) on article 14, para. 32

²⁴ General comment No. 32 (2007) on article 14, para. 35

²⁵ General comment No. 32 (2007) on article 14, para. 41

to treat an accused person in a manner contrary to Article 7 (i.e. torture or to cruel, inhuman or degrading treatment or punishment) in order to extract a confession.²⁶ The Observers note that according to the information received from IAJUWS, both of the accused were subjected to torture while in detention at the police station in Smara, with the express intention to force a confession.

Regarding the location of the trial at the Court of Appeal it should be noted that according to the Moroccan Code of Criminal Procedure the second instance only has initial jurisdiction over the most serious crimes.

Finally, the organization of the court room should be mentioned. It gave the impression that the powers of the prosecutor equaled the ones of the judges, i.e. the state interest equals the law. This was further emphasized by the fact that the defense was placed on a physically lower level, next to the indicted waiting to be tried.

IV. CONCLUSIONS

Several international fora have voiced concerns about the lack of impartiality and independence with regards to the Moroccan judiciary (see above). In a report recently published (May 2010) Amnesty International confirms the seriousness of the increased Moroccan intolerance against activities aimed to challenge Moroccan sovereignty.²⁷ It also underlines that Moroccan authorities have arrested numerous Sahrawi activists in the context of demonstrations calling for self-determination and for independence and expresses thereby also a concern that the Moroccan authorities at these occasions also use excessive force to scatter the demonstrations.²⁸ The report notes that “[i]n recent years, dozens have been brought to justice in trials that do not meet international standards for fair trial. In particular, serious concerns remain that evidence allegedly extracted under torture or duress is invoked in trial proceedings and torture allegations are rarely fully, independently and impartially investigated.”²⁹ Also reports made by Human Rights Watch affirm the problem that in cases “with a political colour, Moroccan courts routinely deny defendants fair trials, ignoring requests for medical examinations lodged by defendants who claim to have been tortured, refusing to

²⁶ Ibid., para 41

²⁷ Amnesty International: *Broken Promises: The Equity and Reconciliation Commission and its Follow-Ups*, 2010, Amnesty International Publications, London

²⁸ Ibid, p. 70

²⁹ Ibid, p. 70

summon exculpatory witnesses, and convicting defendants solely on the basis of apparently coerced confessions”³⁰.

Against the backdrop of the facts presented in this report, the Observers can only adhere to the criticism thus voiced.

- The fact that the king (the executive) presides over the High Judicial Council, which is competent in matters regarding both the promotion of judges and disciplinary actions to be taken against them, raises serious concerns about the independence and impartiality of the Moroccan judiciary. By virtue of Article 14 subparagraph 1 ICCPR, Moroccan courts do not qualify for the term "independent tribunal", as defined in the UN General Comment.
- In breach of article 14 subparagraph 3 (b) ICCPR, the first time the defendants were to appear in court neither they nor their counsel were informed about this fact until that very same day.
- In breach of article 14 subparagraph 3 (e) ICCPR, the prosecutor's chief witness was of anonymous character and had not even been called to the trial to testify in person against the defendants.
- According to the information received from IAJUWS both of the accused were subjected to torture while in detention at the police station in Smara with the express intention to force a confession, which, in case the information proves to be correct, would amount to a breach of both article 7 and article 14 subparagraph 3 (g) ICCPR.

Stockholm, 26th of May 2010

Cecilia Asklöf

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³⁰ Human Rights Watch, Country Summary: Morocco, 2010, p.2