

# Report of the mission of observation to Casablanca 5–6 November 2010

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mandated by AIJD (International Association of Democrat Jurists), the Association Droit–Solidarite, CORELSO and AARASD

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mandated by AFASPA (French Association of Friendship and Solidarity with the Peoples of Africa) and BIRDHSO (International Bureau for Human Rights in Western Sahara)

To attend as observers the trial in the Court of First Instance in Casablanca in Ain Sbaa of:

- **Brahim Dahane**, President of the Saharawi Association of Victims of serious human rights abuses – ASVDH, (3 years 7 months of forced disappearance under Hassan II and 1 year 8 months in prison under Mohamed VI)
- **Ahmed Naciri**, General Secretary of the Saharawi Committee of Human Rights, member of the coordinating council of ASVDH , President of the Smara branch of AMDH (18 months of forced disappearance under Hassan II and 2 years 4 months in prison under Mohamed VI)
- **Ali Salem Tamek**, Vice President of the Collective of Saharawi Human Rights Defenders – CODESA (1 year 5 months in prison under Hassan II and 2 years 11 months under Mohamed VI)
- **Rachid Sghaiyar**, member of ASVDH (since 1988 4 abductions, 1 arrest and torture, 8 months in prison)
- **Ettarrouzi Yahdih**, member of ASVDH, (1 year 5 months in prison)
- **Dagja Lachgar**, member of the executive of ASVDH (11 years 2 months of forced disappearance under Hassan II, 7 months' prison under Mohamed VI)
- **Saleh Lebahi**, member of an association to protect children (7 months prison)

Brahim Dahane, Ahmed Naciri and Ali Salem Tamek have been detained since their arrest in the Salé prison, Rabat. The four other accused appear on bail, having been progressively freed.

The trial, which should have been held initially on 15 October 2010, was postponed due to the absence of the detained defendants, the Public Prosecutor having called for them to be brought from Casablanca prison instead of Rabat.

The conditions under which the first hearing took place, prevented debate on the provisional release of these three accused which could have happened in their absence (see earlier report of observers of the trial of 15 October 2010).

On the eve of the hearing on 5 November, we were assured of the presence of the detainees in the hearing and nothing therefore seemed likely to hold up the trial.

It should also be pointed out that it was the eve of the celebrations of the 35<sup>th</sup> anniversary of the Green March.

In the morning we leave the Hotel Ibis–Voyageurs with the Italian barrister, Francesca Doria to go to the Court of Ain Sbaa when a driver of a small red taxi offers to drive us. He talks to Francesca in perfect Italian “You are Italian! You live in Naples!”. We learn later that a car with two police on board followed us right to the Court. Around the building about a hundred people holding banners are demonstrating. They come from a shanty town which is complaining about the arrest of two young people who protested about the destruction of their precarious dwelling place.

We meet up with the Saharawi human rights defenders (ASVDH, CODESA, CSPRON, FAFESA) and three Swedish observers who are already there. They have been able to enter into the grounds of the Court and have asked to be received by the Judge who they think they will see around midday. As soon as the observers from Spain and Great Britain have joined us, we approach the sentry box to gain access to the court. In all we will be 23 observers (2 French, 1 Italian, 1 British, 5 Swedish and 14 Spanish). The Swedish Embassy has also sent two observers and that of Finland, one.

The police on duty send us to an entrance situated further away, through which we cannot gain access as it is for the police vans bringing the prisoners. Back at the first gate, we see that everyone who presents themselves there enters without difficulty. But the police again refuse us access explaining that there is no session this morning. We tell them that we do not want to go into the courtroom, but to ask for a meeting with the President of the Court and the Crown

Prosecutor. After going around from one access point to another four times, we decide to go to the café to wait until 1pm.

We could neither meet the President nor the Prosecutor to whom we could therefore not hand the mandates of our organizations. This persistent refusal of the judicial authorities of Casablanca to meet international observers is a break with the previous experience of the observers.

While we had been sitting down in the café for a moment, a group of Moroccans starts to provoke the Saharawi students sitting at our table chanting pro-Moroccan slogans. We will see these people later in the courtroom.

At 1pm, we get into the Court without difficulty. In the hall, barriers have been installed to filter access to the courtroom. Having arrived very early, we find the 16 benches reserved for the public nearly all occupied by 90 people. Contrary to the previous time, the benches are placed on each side of the aisle and against the side walls, removing the space at the side where the public could stand.

The only places available are in the second last row where we install ourselves with two interpreters. Quickly we realise that one of the three men sitting behind is recording our conversation with a mobile phone.

We ask ourselves why there is such a big audience. The people seated are very calm and talking among themselves, and never moving from their seats. This is far removed from the atmosphere preceding a correctional hearing where the accused who are going to be tried get impatient, or their anxious families are going over the “story”, or the lawyers are going back and forth... Here, the people are simply waiting.

When the representatives of the Embassies of Sweden and Finland arrive, some policemen ask the people sitting in the last row to leave telling them that “their case will not be heard immediately” (this is translated for us). The people get up without creating any difficulty.

The room fills little by little, notably with lawyers of whom the majority were present at the previous hearing. We can count about forty. The central aisle is soon full with a tightly packed crowd which leaves hardly any space to get through to the bar. We notice some foreign observers who have no seats and will have to remain standing in the middle of the general public. From where we are, we see the families of the accused and their friends who are kept outside the courtroom between the barriers and a large crowd. We have counted in total only 7 Saharawis who have managed to get into the room. A man in a lawyer’s robe orders us to sit down or leave the room.

About 1.50pm, while the noise outside the room calms down for a short instant, some lawyers (who had left the room) make a statement to the press punctuated by applause, immediately followed by the Moroccan National Anthem. Immediately the members of the public seated in the room get up, brandish their fists, sing the national anthem of Morocco and chant in unison their slogans and nationalist songs. It appears clearly that the audience is made up only of players who know the script.

We see portraits of the king and Moroccan flags being waved in the hall above the heads of the Saharawis, encircled by the crowd. The latter, men and women remain impassive to this game, to the cries and the insults. Among them, the families of the prisoners who cannot get into the courtroom.

In the room, men are standing on the benches, some climb the backs of the public benches. An old man ties a Moroccan flag around his middle. A lawyer, who had brandished a portrait of the king during the 15 October hearing, enters the room, the Moroccan flag tied to the back of his robe and the portrait of the king in his hands. This tumult carries on for over quarter of an hour.

A bell rings at 2.05pm. The four accused who are out on bail have difficulty in reaching the bar. When the three prisoners enter everyone is standing. We can only make out their raised arms, their fingers making a V sign. They chant a brief independence slogan to which the public respond by a nationalist song.

A lawyer made a gesture and there is silence. The latter takes the floor, but from the back of the room, it is inaudible. Furthermore the people situated in the hall never stopped chanting. We learnt later that this Moroccan lawyer had asked for the postponement of the hearing because there was not enough room for the defence. Slogans from the accused start up again, they are drowned by those of the lawyers and the audience.

At 2.20pm, the Court retires. The detainees are taken out of the room. At no moment did the President try to control the hearing and no debate could be held. The legal problem posed by the length of the provisional detention has still not been raised. Much later we learn that the hearing has been postponed until 17 December 2010.

After the departure of the magistrates, the tension rises a notch. The invective and the insults are addressed as much to the Saharawis as to the observers. A Spanish journalist is removed by force for having taken a photo while numerous other people (Moroccan photographers, members of the public, lawyers) using their mobile phones are not troubled. We would learn subsequently that two Spanish journalists

were physically attacked by the public, and one of them, detained by police for an hour, was obliged to delete the photos he had taken.

The room does not empty. The scenes, which follow take place in the greatest confusion and both verbal and physical violence, are difficult to describe. Men dressed in their robes shout almost hysterically against the observers. The few police in uniform tolerate it, like the plain clothes police present in the room.

The human rights defender, Larbi Messaoud is thrown out of the room by men in fury. A photographer, clasping his camera to himself, is roughly placed on a bench and given a beating by two men including a lawyer under the eyes of Elise Taulet.

We refuse to leave the room as asked by several people in plain clothes because the Spanish observers and six Saharawis, including the four accused on bail, are in the middle of the room surrounded by about thirty people. The Saharawis are being insulted and we see the lawyers attacking the defendants physically, including the woman. The shirt of Ettarouzi Yahdih is torn to shreds. When we meet him in the evening, he will show us the marks of being beaten and bitten on the right forearm. The police make all four of them go into the room reserved for prisoners.

We regroup at the back of the room with the Spanish observers, a Saharawi woman and an activist. While Michèle Decaster continues to take notes, four men ask her to leave telling her that she has nothing to do with Morocco. Brusquely, one of the men snatches the notepad out of her hands and disappears into the hall. Michèle Decaster manages to stop him and recover her notepad. A Moroccan journalist, angered by this scene, steps in to protect her on her return to her place. He is insulted by furious Moroccans, who threaten him. He is livid, brings out his journalist's card, dripping with sweat, unties his tie... At the same time, a Moroccan woman tried to snatch the same notepad from the hands of Elise Taulet. Plain clothes police seeing that things are going badly position themselves in the rows of benches where we are and the situation calms down in this part of the room.

A short time later, the four accused on bail are brought into the courtroom, six uniformed police stand in front of them. Then a dozen plain clothes police arrive in the room which had emptied somewhat and form a cordon around the accused to escort them. We are not authorised to follow them.

The lawyer who had draped the Moroccan flag around his robe comes back into the courtroom, in his professional dress, and orders the forty people still there to leave. The latter obey and get up. But the lawyer changes his mind and everyone sits down again. Then he asks them to stand up. Row by row, they leave as called on to do so.

We get ready to follow when the doors close. Outside the demonstration of Saharawis, which has been going on for two hours gets more lively. For “our” security, the police hold us back. Eleven international observers find themselves thus shut inside the courtroom with the four Saharawis.

Men who seem to be security police, but who never told us their position, tell us that “the citizens are very angry because they saw [us] take some photos”. For our security, the one who seemed to be the head asks us to hand over our cameras, and, faced with a failure to react, threatens us with a complete body search, “women by women and men by men”. When we protest, he explains that it is at the request of the Crown Prosecutor. We do as told, 6 cameras are handed over, they make a note of the brands and the names of the owners before leaving the room.

About three quarters of an hour later, uniformed police escort us out of the room and lead us without any explanation to the basement of the court. We come out into the parking exit. We refuse to leave the precinct without our cameras, but these policemen seem unaware that they have been taken. Finally, the three first cameras are returned, then the next three. No explanation is given us. It is about 5pm.

While we are getting ready to leave, we learn that the Saharawis who could not get into the courtroom are shut up in a room from which they can't leave due to threats from Moroccan demonstrators. We decide therefore to wait for them. The Spanish Consul who came to the court to meet injured Spanish journalists makes a statement to the press. People waiting outside challenge him continually, calling him “Franco”. He also starts discussions with the authorities and explains to us that he will take charge of the security of all the international observers, but that he has no means to protect the Saharawis. He will stay until the end.

On our side, we propose to the police to seek out the Saharawis remaining in the room and to thus add our support to the police forces who say they want to protect them. Proposal refused. About half an hour later the group of 57 Saharawis, including 15 women, arrives in the basement. As soon as the Moroccan demonstrators, massed to the left of the vehicle exit catch sight of them, the cries and insults begin again. As the Saharawis get close to the exit where we are standing, the Moroccans break in, and the Saharawi group retreat inside. This coming and going happens several times.

Little by little private cars arrive at the precinct gate; 5 by 5 the women first, and one handicapped man are evacuated. We are visited by two Saharawi lawyers, who have become worried about what is going on.

However, time is passing and we are getting impatient. No solution seems to be forthcoming for the remaining Saharawis. While we wait, a dialogue starts up between the observers and the plain clothes police. One of them asks : “Why do you bother with these people. Are there no other causes which interest you in the world?”

About 6.15pm , although there are about twenty men waiting for vehicles, we see coming through the corridor from the court, a group of screaming Moroccans rushing at the Saharawis who have their backs to the wall. Plain clothes police position themselves in front of the Saharawis. Suddenly the light goes out. The screaming makes us fear the worst. The light comes back on, off again, and we hear people stamping, cries and blows. Total confusion.

When the light comes back on, we see the Moroccans pursuing the Saharawis who escape into the car park. The police make no attempt to stop this manhunt. On the contrary, they ask us to leave the court precinct and close the gate behind us.

The night and the police prevent us from seeing what is happening to the Saharawis. Francesca Doria notices young Mohamed Ali being led off by police. She goes to rescue him with Cecilia Asklof. We learn later that he has been released after a beating.

We remain a moment more at the court gates. The plain clothes police ask us once again to leave the area because, according to them “if the young ones return, they will attack you and we will not be able to do anything. It is very dangerous. You must go.” The Spanish Consul organises the departure of the observers. The police then call taxis to take us to our respective hotels.

We thus leave the court precinct about 7pm without having been able to talk calmly with the lawyers of the accused nor with the four freed defendants.

Paris, 7 November 2010

Elise TAULET

Michèle DECASTER