

14 November 2007

Clemente Mastella
Minister of Justice
Largo Luigi Daga 2
I-00164 ROME
Italy

Dear Minister

Re: Abou Elkassim Britel
Italian national detained in Prison de Acco Bousia, Casablanca, Morocco

FTI is a non-governmental organisation that works to promote fair trials according to international standards of justice and to defend the rights of those facing criminal charges in countries other than their own.

We are supporting the case of Mr Abou Elkassim Britel, an Italian national imprisoned in Casablanca after being sentenced to 9 years imprisonment in January 2004 for membership of a subversive organisation and activities including holding unauthorised meetings.

We are deeply concerned that despite suffering grave human rights abuses, Mr Britel remains imprisoned in Morocco on an unsafe conviction obtained through torture.

Background

Mr Britel was arrested in Pakistan in March 2002 and interrogated by Pakistani and US officials before being handed over to Moroccan authorities, detained and tortured in a secret detention facility in Temara, released without charge and then rearrested at the border crossing in the Spanish North African enclave of Melilla as he was making his way back to Italy in May 2003.

Mr Britel had been under investigation in Italy prior to his arrest in Pakistan. This appears to have been an important element in the charges brought against him in Morocco. However, in spite of two years' surveillance and a lengthy judicial investigation into his activities, he was not charged in Italy. The prosecuting magistrate requested judicial proceedings against Mr Britel to be shelved (dated 28 July 2006) due to "absolute lack of grounds of evidence of charge, which may be used in trial". The order by the judge for preliminary proceedings decreeing the end of judicial proceedings (doc. 9745/06, dated 29 September 2006) stated that "the checks that have been undertaken, telephone interceptions and checks on bank accounts have not provided any support to the allegations".

In Morocco, Mr Britel was refused access to his lawyer prior to trial, so was unable to provide him with instructions. Confessions were used that had been obtained through torture. No prosecution witnesses were presented for cross-examination and no witnesses or documentary evidence were allowed to be presented on his behalf.

Mr Britel was found guilty and sentenced to 15 years in prison. This was reduced to 9 years on appeal.

As you will be aware, Mr Britel has written to you personally explaining his plight and the abuses he has been subject to. He has permanent scarring and suffers from terrible pain in his bones and has damage to an eye and ear. Mr Britel will suffer the physical consequences for the rest of his life.

Assistance from the Italian Ministry of Justice

As an Italian citizen, Mr Britel is entitled to assistance from your office. We respectfully request that you intervene on his behalf. Mr Britel's conviction is clearly unsafe and concrete measures need to be taken in order to ensure his release.

Mr Britel's case is supported by the European Parliament. In 'Transportation and illegal detention of prisoners, European Parliament resolution on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, (2006/2200(INI)), February 2007', at page 11, the European Parliament:-

- Condemns the extraordinary rendition of Italian citizen Abou Elkassim Britel, who was arrested in Pakistan in March 2002 by the Pakistani police and interrogated by US and Pakistani officials, and subsequently rendered to the Moroccan authorities and imprisoned in the detention facility 'Temara', where he remains detained; emphasises that the criminal investigations in Italy against Abou Elkassim Britel were closed with no charges having been brought;
- Regrets that, according to the documentation provided to the Temporary Committee by Abou Elkassim Britel's lawyer, the Italian Ministry of Internal Affairs was in 'constant cooperation' with foreign secret services concerning the case of Abou Elkassim Britel, following his arrest in Pakistan;
- Urges the Italian Government to take concrete steps in order to obtain the immediate release of Abou Elkassim Britel..'

Members of the Italian and European Parliaments have requested that the Moroccan Royal Cabinet grant a pardon to Mr Britel. The request for a pardon follows an undertaking made on 14 December 2006 by the Italian Undersecretary for Justice, Luigi Li Gotti who expressed his concern for Britel's situation and guaranteed "maximum effort on occasion of the coming concession of measure of pardon".

We support this campaign for a Royal pardon and ask that as that as Minister for Justice, you commit to the undertaking made by your Undersecretary and intervene to prevent further injustice in this matter.

Yours sincerely

Fair Trials International