

TIME RECEIVED

August 5, 2015 5:15:54 PM GMT+02:00

REMOTE CSID

DURATION

111

PAGES

5

STATUS

Received



*Rappresentanza Permanente d'Italia
presso le Organizzazioni Internazionali
10, Chemin de l'Industrie
1292 Genève*

1707

Geneva, 5 August 2015

To:

Mr. Karim Ghezraoui

Chief, a.i.

Special Procedures Branch

OHCHR

Fax: +41 22 917 9008

Dear Mr Ghezraoui,

Following your note of 3 June 2015, please find attached Italy' remarks on the individual case of Mr. Elkassim Britel to be transmitted to the relevant Special Procedures.

Please accept the assurances of my highest consideration,



Amedeo Trambajolo
Chargé d'Affaires



*Rappresentanza Permanente d'Italia
presso le Organizzazioni Internazionali
10, Chemin de l'Impératrice
1292 Genève*

Geneva, 5 August 2015

Distinguished Excellencies,

With reference to your joint communication dated 2 June 2015, I have the honor to send you hereby attached a Note of the Italian Ministry of Foreign Affairs and International Cooperation concerning the individual case of Mr. Elkassim Britel.

Assuring you of Italy's full cooperation on this issue, please accept the assurances of my highest consideration,



Amedeo Trambajolo
Chargé d'Affaires

Mr. Seong - Phil Hong - Chair-Rapporteur of the Working Group on Arbitrary Detention
Mr. Ariel Dulitzky- Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances
Mr. Dainius Pūras -Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Ms. Gabriela Knaut - Special Rapporteur on the independence of the judges and lawyers
Mr. Ben Emmerson - Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
Mr. Juan E. Méndez - Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Mr. Alfred De Zayas - Independent Expert on the promotion of a democratic and equitable international order
Mr. Pablo De Greiff - Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

OHCHR
Palais des Nations
Ch-1211 Geneva 10

ITALY

MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION
Inter-ministerial Committee for Human Rights

ITALY'S REMARKS
ON THE INDIVIDUAL CASE
CONCERNING MR. ABOU ELKASSIM BRITEL

August 4, 2015

ITALY'S REMARKS

ITALY

Further to your query, Italian Authorities are in a position to provide as follows:

1. Following the arrest of Mr. Abou Elkassim Britel, the detention situation of this gentleman has been closely followed by the Italian Authorities. This gentleman has been convicted to a detention penalty to be served in Morocco, on the ground of "having established an armed group for terrorism purposes".

2. Mr. Britel was tried in Morocco and condemned in September 2003 to a 15-year-imprisonment for terrorist-related offenses, later reduced to nine years, on appeal.

Initially detained at the prison of Salé, on 05/09/2006 he was transferred, upon his request, to the prison of Ain Borja (Casablanca), then to the prison of Oukacha and finally to the prison of Kenitra. Afterwards he was released following the granting of royal pardon, on 14/04/2011. The day after (on 15/04/2011) the General Consulate of Italy in Casablanca issued a new passport to allow him the return to Italy.

- According to the statements made, at that time, by Mr. Britel to the Italian Embassy, he was arrested in Pakistan in March 2002 by the American services, transferred to Morocco in May of that year, held in secret and tortured until February 2003 when he was set free. In May 2003, he was "re-arrested", while trying to leave the country towards Italy with a travel document issued by the Italian Embassy in agreement with the Italian Ministry of Foreign Affairs and the Police Station in Bergamo. Then, Mr. Britel "re-disappeared" for about 4 months, until September 10, the period during which - according to the statements made by him and his wife, [REDACTED] - he was again tortured to extort confessions later used by the prosecution for his subsequent sentencing to 15 years, for "constitution of criminal organization aimed at acts of terrorism".

3. The Embassy of Italy in Morocco has been covering the case of Mr. Britel very carefully. In May 2003, just after his "disappearance", information was repeatedly requested to the Moroccan Authorities, both in writing and orally - although it was not acknowledged until September 10, 2003 when local Authorities made official the arrest of Mr. Britel.

4. Since Mr. Britel's transfer to the prison of Salé, he received, in addition to the ordinary activities of assistance from consular officers of the Embassy, numerous visits by the Head of the consular sector (visits in prison on 02/12/2003; 18/03/2004; 8/06/2004; visits in 2005 and 2006). Numerous interventions were made vis-à-vis those responsible for the penitentiary administration to improve the conditions of detention and to allow his wife to visit him more frequently. In particular, mention has to be made of the detailed request of the Embassy seeking to obtain information on alleged "inhuman and degrading treatment" reported by Mr. Britel. Local Authorities have always denied any wrongdoing.

- The same transfer of Mr. Britel to prison in Casablanca, in September 2006, took place as a result, in addition to his personal request, of a letter dated 01/09/2006 by the then Chief of the Italian Diplomatic Mission to the Justice Minister.

ITALY

5. While in detention at the prison of Ain Borja (Casablanca), consular visits were made on the following dates: 02/10/2006; 01/02/2007; 27/03/2007; 19/11/2007; 12/12/2007. Constant correspondence was kept with his wife; and goods for daily consumption and a subsidy were delivered to Mr. Britel, too. Furthermore, the Italian Embassy has been assisting his lawyers to obtain the permission to visit him in prison, including by correspondence addressed to the local judicial Authorities.

6. On 20/12/2007, Mr. Britel was transferred to the prison in Oukacha, where he was visited by consular officials, on 27/12/2007, with the usual delivery of essential goods. On 03/01/2008, an additional visit by consular Authorities took place; and on 8/01/2008, the then acting Consul General addressed a letter to the Director of the prison to ask for improving the situation of Mr Britel in prison. In this respect, the contacts with the prison management to ease the living conditions of the prisoner have been constant.

- On 06/02/2008, a further consular visit was made; and Mr. Britel's access to the common areas of the prison was granted. Additional consular visits took place in the following dates: 03/04/2008; 29/04/2008; 12/05/2008; 06/08/2008; 18/09/2008; 04/03/2009; 03/12/2009; 08/12/2009.

7. In October 2010, Mr Britel was transferred to the prison of Kenitra. Consular officers visited him, on 15/10/2010 and 30/12/2010, respectively. Numerous letters were addressed to the Head of prison requiring: a single cell-room; the restoration of visits by his wife; medical visits, as well as the granting of a higher number of visits - compared to those provided by the regulations.

8. Finally, the Embassy of Italy has always supported the mercy-related demands put forward by Mr Britel by regular communication on the occasion of the most important Moroccan celebrations/holidays.

9. Considering that this gentleman with a dual nationality (Italian and Moroccan) has requested to serve his penalty in Italy, it should be borne in mind that Morocco has not adhered to the relevant Strasbourg Convention on the transfer of the persons convicted, dated March 21, 1983, nor any agreement was in place at that time to allow such a transfer. Most notably, the Minister of Justice has signed in April 2014, at Rabat, a Convention for the transfer of the persons convicted - the ratification of which is still pending before the Italian Parliament.

10. In addition to the ratification procedure of the ICPED before the Italian Parliament (Since April 22, 2015, Bill No. 1827/S is pending before the Italian Senate), we take this opportunity to recall the ratification of the OPCAT in May 2012 and the establishment of a NPM in December 2013 (the functional regulation of which has entered into force in March 2015), accordingly.

11. In conclusion, Italian Authorities reiterate their firm commitment to fully cooperating with UN Special Procedures (In this regard, it might be recalled our contribution to the joint UN Study on secret detention (UN Doc.A/HRC/13/42)).