

URGENT ACTION

UNWELL PRISONER STILL IN SOLITARY CONFINEMENT

Kaddour Terhaz, a 73-year-old Moroccan with chronic medical conditions, remains in solitary confinement, sleeping on a mattress on the floor. He has a 12-year prison sentence for exercising his right to freedom of expression and must be immediately and unconditionally released.

Kaddour Terhaz, a former high-ranking military officer, is held in Salé Prison, near the capital of Morocco, Rabat. His family told Amnesty International recently that he is still being held in solitary confinement, as he has been since December 2009. He sleeps on a mattress on the floor despite his advanced age. The prison administration does not allow him to leave his cell between Friday afternoon and Monday afternoon, which impedes his ability to exercise. Kaddour Terhaz suffers from high blood pressure and high cholesterol. He needs to take regular medication for both these conditions and to have regular check-ups.

Kaddour Terhaz was imprisoned for threatening Morocco's "external security" through divulging a secret of "national defence". He was convicted before a military court in November 2008 following a trial that did not meet international fair trial standards. His conviction was confirmed on appeal by the Supreme Court. His lawyer has asked for a re-trial. He has neither received a response nor been allowed to visit Kaddour Terhaz in prison.

The conviction of Kaddour Terhaz was based on an undated letter he wrote to the King of Morocco, Mohamed VI, which reportedly contained confidential military information. Following increased national and international coverage of this case, the official Moroccan news agency published on 16 May 2010 a communiqué from the Ministry of Communication denying that the conviction was based on the letter that Kaddour Terhaz wrote to the King. The Ministry of Communication said that Kaddour Terhaz was convicted for divulging military secrets, following a fair trial. Amnesty International believes that this was an unjustified restriction on the right to freedom of expression, as set out in the International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a state party.

PLEASE WRITE IMMEDIATELY in Arabic, French or your own language:

- Urging King Mohamed VI, as head of the Moroccan armed forces, to immediately and unconditionally release Kaddour Terhaz, since he is detained solely for exercising his right to freedom of expression;
- While he is detained, calling on the Director of Prison Administration and Rehabilitation to ensure that Kaddour Terhaz has access to all necessary medication and regular medical check-ups, as well as regular family visits and access to his lawyers;
- Calling on the Director of Prison Administration and Rehabilitation to ensure that, while he is detained, Kaddour Terhaz is treated humanely and in accordance with the Standard Minimum Rules for the Treatment of Prisoners.

PLEASE SEND APPEALS BEFORE 8 JULY 2010 TO:

His Majesty King Mohamed VI
Bureau de Sa Majeste le Roi
Palais Royal
Rabat, Morocco
Fax : +212 53 776 8515
Salutation: Your Majesty

Director of Prison Administration and Rehabilitation
Angle Avenue Ibn Sinaa et Rue Oued
ElMakhazine
Immeubles nos 1 et 2
Agdal
BP 123 Rabat, Morocco
Fax : +212 537 67 47 85
Salutation: Dear Sir

And copies to:
President of the Advisory Board of Human Rights
Ahmed Herzenni
Advisory Board of Human Rights
Place Ach-chouhada,
B.P. 1341, 10000 Rabat, Morocco
Fax: +212 537 726856
Email: ccdh@ccdh.org.ma

Also send copies to diplomatic representatives of Morocco accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 72/10 MDE 29/008/2010. For more information, see <http://www.amnesty.org/en/library/info/MDE29/008/2010/en>

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ADDITIONAL INFORMATION

In his letter to the King, Kaddour Terhzaz claimed that Moroccan planes were not equipped with anti-missile systems at the time of the armed conflict between Morocco and the Polisario Front from 1975 to 1991. The Polisario Front calls for the territory of Western Sahara to be independent from Morocco.

In the letter, Kaddour Terhzaz urged King Mohamed VI, as head of the armed forces, to improve the situation of former pilots who had been held captive by the Polisario Front. Kaddour Terhzaz shared the contents of the letter with a former Moroccan pilot who had himself been held by the Polisario Front.

He says that in the letter he recounted witnessing, as the former second-in-command of the Moroccan Royal Air Forces (Forces royales air, FRA), the bravery of former pilots who had participated in difficult and dangerous missions in planes not equipped with an anti-missile system. He lamented that they had not been treated with due respect and appreciation since their release. He placed the blame on the leadership of the Royal Armed Forces (Forces royales armées, FAR). Kaddour Terhzaz maintains that he gave a copy of the letter to a former pilot, Ali Najab, to support him in his efforts to create an association for former prisoners of war who had been held by the Polisario Front.

On the basis of his letter, he was convicted on 28 November 2008 by the Permanent Military Court of the Royal Armed Forces in Rabat under Articles 187 and 192 of the Penal Code of threatening Morocco's "external security" through divulging a secret of "national defence". The Supreme Court upheld the decision of the Military Court on 13 May 2009.

Amnesty International believes that revealing information that Moroccan planes lacked an anti-missile system at the time of the conflict between Morocco and the Polisario Front does not represent a genuine threat to national security, particularly as a ceasefire has been in place since 1991. The ruling of the Military Court was based on the consideration that this information is a secret relating to national defence and that Ali Najab, even though he was a former pilot, did not have the right to know this. The reasoning fails to take into account that Ali Najab himself flew planes for the FRA, before being captured in 1978 by the Polisario Front. In addition, Ali Najab was quoted in an article appearing in a Moroccan weekly in 2006 as stating that, at the time of the conflict, the pilots knew that the planes were not equipped with anti-missile defence systems. Kaddour Terhzaz fears that he is being targeted due to his criticism of actions of the military leadership and of the treatment of former prisoners of war of the Polisario Front.

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