

URGENT ACTION

JOURNALIST CHARGED UNDER ANTI-TERRORISM LAW

On the night of 24 September journalist Ali Anouzla was charged with “advocacy of acts amounting to terrorism offenses” and “providing assistance to perpetrators or accomplices of acts of terrorism”. He was transferred to the Salé II prison near Rabat.

Ali Anouzla was charged under Articles 218-2 and 218-6 of Law no. 03-03 on Combating Terrorism of 28 May 2003 which respectively carry sentences of up to six years and 20 years’ imprisonment. Amnesty International considers him to be a prisoner of conscience, held solely for exercising his profession as a journalist. The charges against him relate to an article he published on the Lakome news website, of which he is an editor. The article referred to a video by the armed group al-Qa’ida in the Islamic Maghreb (AQIM) entitled “Morocco: Kingdom of Corruption and Despotism”. The article criticized the AQIM video, calling it propaganda, and clearly did not endorse its calls; nor did the article republish the video. Amnesty International believes that the charges against Ali Anouzla are unfounded and that they are aimed at punishing him for Lakome’s editorial independence and criticism of the authorities.

Morocco’s Minister of Communication, in a 23 September statement in response to condemnation by international NGOs including Amnesty International, said that a distinction needed to be made between the right to freedom of expression and information on the one hand, and incitement to terrorism by disseminating the video on the other hand. Amnesty International believes that the prosecution of Ali Anouzla is a deeply troubling example of the authorities’ failure to make this distinction and is concerned that this case sends the message that any discussion of terrorism, including criticism of counter-terrorism strategies, will be treated by the government of Morocco as a criminal offence. This is incompatible with Morocco’s obligations under the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of expression, including freedom to seek, receive and impart information and ideas of all kinds and undermines the right to information of Moroccans.

Please write immediately in Arabic, French or your own language:

- Expressing concern that prisoner of conscience Ali Anouzla has been charged under Morocco’s draconian anti-terrorism law, and calling for his immediate and unconditional release;
- Calling on the Moroccan authorities to respect their obligations under Article 19 of the ICCPR and to ensure that journalists are able to freely exercise their profession;
- Calling on the Moroccan authorities to ensure that national legislation, including Law no. 03-03 on Combating Terrorism, is amended and put in conformity with their obligations under international human rights law.

PLEASE SEND APPEALS BEFORE 7 NOVEMBER 2013:

Minister of Justice and Liberties

Mustafa Ramid
Ministry of Justice and Liberties
Place El Mamounia – BP 1015
Rabat, Morocco
Fax: +212 537 73 47 25
Salutation: Your Excellency

Minister of Interior

Mohand Laenser
Ministry of Interior
Quartier Administratif
Rabat, Morocco
Fax: + 212 537 76 68 61
Salutation: Your Excellency

Copies to:

National Council for Human Rights
President
Driss El Yazami
CNDH, Place Achouhada- BP 1341, 10 001,
Rabat, Morocco
Email: elyazami@cndh.org.ma
Fax: +212 537 73 29 27

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 261/13. Further information: www.amnesty.org/en/library/info/MDE29/012/2013/en

**AMNESTY
INTERNATIONAL**



URGENT ACTION

JOURNALIST CHARGED UNDER ANTI-TERRORISM LAW

ADDITIONAL INFORMATION

Article 218-2 of Law no. 03-03 on Combating Terrorism criminalizes the “advocacy of acts amounting to terrorism offenses through speech, writing, or posters visible to the public through different audio-visual and electronic means of information”, with sentences up to six years’ imprisonment and a hefty fines of up to 200 000 MAD (about €18 000). Meanwhile, Article 218-6 criminalises the “deliberate assistance to perpetrators, co-perpetrators or accomplices of an act of terrorism”, punishing the offense with up to twenty years in prison.

Amnesty International is particularly concerned at the use of Morocco’s deeply flawed anti-terrorism law, which includes heavy prison sentences, to try a journalist for the exercise of his profession. In December 2011, the United Nations Committee Against Torture criticized the overly broad scope of Law no. 03-03 on Combating Terrorism, which defines advocacy of terrorism and incitement of terrorism as offences even if they do not involve an actual risk of violent action, and recommended to the Moroccan authorities to ensure the law complies with international human rights law.

The UN Human Rights Committee, which monitors states parties’ compliance with the ICCPR, states in General Comment no 34 that: “Such offences as “encouragement of terrorism” and “extremist activity” as well as offences of “praising”, “glorifying”, or “justifying” terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression. Excessive restrictions on access to information must also be avoided. The media plays a crucial role in informing the public about acts of terrorism and its capacity to operate should not be unduly restricted. In this regard, journalists should not be penalized for carrying out their legitimate activities.”

The United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has stated that the offence of incitement to terrorism (a) must be limited to the incitement to conduct that is truly terrorist in nature, as properly defined pursuant to practice 7 above; (b) must restrict the freedom of expression no more than is necessary for the protection of national security, public order and safety or public health or morals; (c) must be prescribed by law in precise language, including by avoiding reference to vague terms such as “glorifying” or “promoting” terrorism; (d) must include an actual (objective) risk that the act incited will be committed; (e) should expressly refer to two elements of intent, namely intent to communicate a message and intent that this message incite the commission of a terrorist act; and (f) should preserve the application of legal defences or principles leading to the exclusion of criminal liability by referring to “unlawful” incitement to terrorism (Ten areas of best practices in countering terrorism, A/HRC/16/51, para.31).

Name: Ali Anouzla
Gender m

Further information on UA: 261/13 Index: MDE 29/013/2013 Issue Date: 26 September 2013