

AMNESTY INTERNATIONAL

Public Statement

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Morocco/ Western Sahara: Three years' imprisonment for putting a profile of Prince Moulay Rachid on Facebook

Amnesty International is concerned by the imprisonment of Fouad Mourtada, a 26 year old IT engineer, after a trial which failed to satisfy international fair trial standards.

Fouad Mourtada was sentenced to a three year prison term and a fine of 10,000 dirhams on 22 February after a trial in Casablanca which was observed by two Amnesty International delegates. He was convicted under various articles of Morocco's Penal Code after he placed a profile of Moroccan Prince Moulay Rachid on Facebook, the internet social networking website.

Fouad Mourtada alleges that two plain-clothes security agents detained him on the morning of 5 February 2008 just after he left his home to go to work and forced him into a car. He says they blindfolded him and covered him with a sheet, then drove him to an unknown place where they slapped and beat him until he "confessed" that he had placed a profile of the Prince on Facebook in order to "get girlfriends." The official police report, however, gives 6 February as his date of arrest. His family was notified of it, only at 5.30pm on 7 February, although Moroccan law requires that arrests are notified at the beginning of the *garde-a-vue* detention.

Fouad Mourtada was taken before an investigative judge on 8 February but without the presence of a lawyer, in breach of international law and standards guaranteeing the right to counsel at all stages of criminal proceedings. He then remained in custody until his trial on 22 February.

At his trial, Fouad Mourtada's defence counsel urged the court to annul the proceedings because his rights had been breached during his arrest and interrogation, but the court refused and also failed to order an investigation into his allegations of ill-treatment. The court convicted him of modifying and falsifying information technology data under Articles 607-6, 607-7 and 607-10 of the Penal Code, and usurping an official's identity under Article 381 of the Penal Code.

The main reason for the prosecution, however, appears to have been the authorities' determination to clamp down on anyone deemed to be undermining the monarchy and what the prosecutor termed the "social and sacred values of Morocco." Prince Moulay Rachid is the younger brother of Morocco's Head of State, King Mohamed VI. At his trial, Fouad Mourtada admitted placing the profile of the Prince on Facebook but said he

had done this out of admiration for him, not out of any wish to undermine the monarchy. The prosecution contended that the fact that he had created an email address for the profile showed that he wished to derive some benefit from it. The case is now expected to go to appeal.

Amnesty International is concerned that the trial court failed to investigate the alleged breaches of his rights during arrest and detention, and his allegations that he was ill-treated in custody and forced to “confess.” The organization is calling on the Moroccan authorities to ensure that all allegations of violations of Fouad Mourtada’s rights during arrest, including allegations of unlawful ill-treatment, are fully and impartially investigated. Anyone found responsible for ill-treatment should be brought to justice. No information, including any “confession” obtained under torture or ill-treatment should be admitted as evidence in court, in accordance with international standards, including human treaties to which Morocco is a party. The authorities should ensure that Fouad receives a new trial in accordance with international standards of fairness or that the conviction be reversed and he be released.