

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: MDE 29/007/2009
Date: 26 June 2009

Morocco/Western Sahara: Free activist convicted for speaking out against corruption

Amnesty International deplores the conviction of Chekib El-Khiari on 24 June by the Casablanca Tribunal of First Instance, and calls for the human rights defender's immediate and unconditional release. Chekib El-Khiari has been sentenced to three years' imprisonment and a heavy fine for undermining or insulting public institutions and for opening a bank account abroad and transferring money without proper authorization. The organization believes that Chekib El-Khiari's conviction is politically motivated and that he is being punished for daring to mention the involvement of high-ranking officials in a drug-trafficking ring.

Amnesty International considers Chekib El-Khiari to be a prisoner of conscience, solely detained for his anti-corruption statements and his human rights activities. The organization regrets this move by the Moroccan authorities, who instead of focusing on actively combating corruption and drug-trafficking, jailed the person who exposed the allegations of corruption.

Chekib El-Khiari, 30, had been arrested on 17 February 2009 and was charged on 21 February with undermining or insulting public institutions. According to Articles 263 and 265 of the Penal Code, this offence carries a penalty of a maximum of one year's imprisonment and a fine. Before the investigating judge and at the court hearings, Chekib El-Khiari argued that he did not insult public institutions as such, but rather had criticized individual state officials. His arrest in February came amid reported arrests of over 100 individuals, including public officials, in relation to the dismantling of a drug-trafficking ring in the province of Nador, in the northern coastal area of Morocco. Amnesty International believes that the fact that Chekib El-Khiari merely mentioned the involvement of high-ranking officials led to his arrest, prosecution and conviction.

Chekib El-Khiari was also convicted for violating a 1949 regulation on exchange control. On 23 April 2009, a new charge of opening a bank account abroad and transferring money without the authorization from the Exchange Office (Office des Changes) had also been brought against him. This relates to an incident in 2006, when Chekib El-Khiari opened a bank account in the Spanish city of Melilla to cash a cheque of 225 euros from the Spanish newspaper *El Pais*, in payment of an article written for the paper. Under the 1949 regulation, the maximum sentence for these offences is five years' imprisonment and a fine. However, in practice, only fines are imposed and, in most cases, the Exchange Office decides the amount of the fine, especially when small money sums are at stake, as in Chekib El-Khiari's case.

Since his arrest, Chekib El-Khiari has been held in detention in Oukacha Prison. The investigating judge has refused his release pending trial on three different occasions, citing the seriousness of the charges pending against him. Chekib El-Khiari is a well-known and respected human rights defender in the province of Nador, and was a founder of the Association of Human Rights in the Rif (Association du Rif des droits de l'homme) in 2005. The organization campaigns on a number of issues, such as the treatment of migrants from sub-Saharan Africa in Morocco, violence against women and the drug trade in Morocco's northern coastal region. Chekib El-Khiari is also an outspoken advocate of the rights of the Amazigh.

Amnesty International calls on the Moroccan authorities to uphold their obligations under Article 19 of the International Covenant on Civil and Political Rights, which guarantees the right to freedom of expression, and to which Morocco is a state party. Moreover, the Moroccan Constitution guarantees the right to freedom of opinion and of expression in all its forms. Amnesty International believes that penal code provisions criminalizing the undermining or insulting of public institutions or officials contravene Morocco's obligations under the ICCPR and the Moroccan Constitution. Amnesty International calls on the Moroccan authorities to immediately and unconditionally release Chekib El-Khiari.

Background

The Moroccan authorities continue to curb freedom of expression on sensitive issues that touch upon national security, territorial integrity and the monarchy. Human rights defenders, journalists, lawyers and others continue to face intimidation and even prosecution when they transcend certain "red lines". On numerous occasions, Amnesty International has called for the repeal or amendment of provisions in the Penal Code and the Press Code which criminalize the peaceful exercise of freedom of expression.