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Morocco: Conviction of Hirak human rights lawyer sets a dangerous precedent

The conviction of prominent human rights lawyer Abdessadak El Bouchattaoui by a Moroccan court for his online posts is an attempt to silence all criticism of the security forces' handling of the Hirak protests in the Rif region, Amnesty International said today.

On 8 February, the Al Hoceima Court of First Instance sentenced El Bouchattaoui to 20 months in prison and a fine of 500 dirhams (around USD 50). He was accused for posting on Facebook reports of human rights violations and criticizing the security forces on charges including “insulting public officials”, “threatening and insulting public bodies”, and “contributing to the organization of an unauthorized and prohibited demonstration”. The latter charge was in reference to a Facebook post where he said he would be taking part in a local protest on 20 July 2017 as an observer.

As part of their general crackdown against Hirak protests, the authorities are now harassing those defending Hirak protesters and have summoned at least two other human rights lawyers in relation to their posts on Facebook. Between May and November 2017, security forces arrested at least 410 people on protest charges. Over a dozen protesters are currently on trial simply for exercising their right to peaceful assembly and could face sentences of up to 20 years imprisonment. Others including minors have been held up to six-months in pre-trial detention.

The court used as evidence 114 posts published by El Bouchattaoui on his personal Facebook account, as well as other comments to national news outlets, where he criticized the use of excessive force against peaceful protesters by security forces.

Abdessadak El Bouchattaoui will remain free until the appeal of the verdict. He told Amnesty International that “this is the first time since the 80s [known as the "Years of Lead" in Morocco] that a verdict is pronounced against a lawyer solely on the basis of his opinions. The sentence is arbitrary, unfair and a breach on freedom of expression. This is a political decision that we will appeal.”

Abdessadak El Bouchattaoui was interrogated at the Tétouan police station on three previous occasions in relation to other 150 Facebook posts criticizing the repressive response of the authorities in the Rif towards peaceful protests. In July 2017, Abdelaziz Nouaydi, another human rights lawyer was beaten by police while taking part in a protest.

Articles such as 263 and 265 of the Penal Code criminalize the exercise of the right to freedom of expression, in contravention to Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a state party, and are also inconsistent with Article 25 of the 2011 Moroccan Constitution guaranteeing the freedoms of thought, opinion and expression under all their forms.

Amnesty international urges the authorities to immediately quash the conviction against Abdessadak El Bouchattaoui and all other peaceful protesters, human rights activists and journalists prosecuted or detained simply for their peaceful exercise of their rights to freedom of expression and peaceful assembly.