

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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MOROCCO: PRISON SENTENCES UPHELD AGAINST HIRAK EL-RIF PROTESTERS IN FLAWED APPEAL TRIAL IN CASABLANCA

The decision on 5 April by a Casablanca court of appeals to uphold prison sentences of up to 20 years against 43 men for their involvement in the Hirak El-Rif protests that took place in Morocco's northern Rif region throughout 2017 is a disturbing miscarriage of justice, Amnesty International said today. Morocco's highest appeals court, the Court of Cassation, must now address the serious flaws that have been raised and conduct an independent and impartial review of the allegations of torture and other violations of the right to a fair trial.

The 43 individuals, which include several protesters and at least five journalists and citizen journalists, were convicted on 26 and 28 June 2018 on a number of security-related offences and provisions that criminalize unauthorized protests and the peaceful criticism of public officials. The men were sentenced to prison terms ranging from one to 20 years. Following the confirmation on appeal of these sentences, some of the men went on hunger strike for approximately 20 days in protest at the court's decision.

In December 2018, Amnesty International [expressed](#)¹ concern that several convictions were based on "confessions" extracted under torture and that the trial had been marred by other human rights violations, including arbitrary arrests, the obstruction to the right to inform the families of the arrest, hindrance in access to legal counsel, and prolonged solitary confinement in at least seven cases. Defence lawyers were not granted access to available evidence in order to prepare their defence, and the court refused to accept statements from more than 50 defence witnesses without providing adequate reasons. Further, the access of media and civil society to the courtroom was hindered, undermining the right to a public hearing.

Amnesty international is particularly dismayed that judges failed to exclude as evidence in the trial statements that the defendants said had been extracted under torture and other ill-treatment, in breach of Morocco's obligations under international human rights law. According to lawyers interviewed by Amnesty International, at least three people reported allegations of torture and other ill-treatment, including heavy beatings, suffocation, being forced to strip their clothes, rape threats and insults, inflicted by police upon arrest and during interrogation, to force them to "confess" to crimes they had been denying committing or to punish them for personal disagreements unrelated to the protests. According to other sources, at least nine other defendants alleged torture and other ill-treatment in either police custody or in prison.

Lawyer Mohamed Aghnaj, who is part of the collective of lawyers supporting Hirak detainees, explained to Amnesty International that the decision to confirm the sentences four months after the start of the appeal trial clearly demonstrates that the court did not take sufficient time to thoroughly examine the evidence and procedures in each defendant's case.

Amnesty International is further concerned about some of the charges brought against the defendants, which range from "organizing unauthorized demonstrations", "holding public gatherings without permission", "open incitement against the territorial integrity of Morocco" to "insulting an official body and law enforcement officials". Such charges are inconsistent with Morocco's human rights obligations since they criminalize and unduly restrict the peaceful exercise of the rights to freedom of peaceful assembly, association and expression. The organization also considers that other charges lodged against the Hirak El-Rif defendants were in most cases excessive and were not justified by their actions, which related to their alleged role in the protests and, in some cases, ensuing clashes with security forces.

In a particular case, the Casablanca court of appeals upheld the 20-year sentence against Nasser Zefzafi, one of the leading figures of the Hirak El-Rif movement. He was convicted of nine offences, including "undermining the internal security of the state", "inciting protesters to assault security forces", "participating in armed insurgency", and "holding public gatherings without prior authorization" for his leading role in organizing the protests. The charges related to Nasser Zefzafi's public criticism of a cleric leading the midday prayer in a mosque in Al Hoceima on 26 May 2017 after the latter reportedly made statements opposing Hirak El-Rif protests, and to his alleged actions when security forces attempted to arrest him that same day. According to the prosecution, during his arrest Nasser Zefzafi pointed his finger at security forces, calling them "repressive forces" and praying out loud "asking God almighty for [his] martyrdom". Such words and

¹ Amnesty International, *Morocco: Hirak El-Rif appeal, a chance to reverse unfair trial* (Index: MDE 29/9398/2018)

acts do not amount to incitement to violence and should not be criminalized. Moreover, his allegations of beatings by police officers and threats of rape against his mother were not investigated; and evidence allegedly obtained by these means was not excluded from the proceedings against him.

The Casablanca appeals court also confirmed the three-year prison sentence against journalist Hamid El Mahdaoui, despite the fact that he had no direct connection to the protest movement. El Mahdaoui was sentenced for “failing to report a threat to the security of the state” – a charge based on a phone call he received from a man who said he intended to create “armed strife” in Morocco, even though the journalist explained that because of the nature of his work, he repeatedly received calls from strangers. He was held in solitary confinement for 470 days – a treatment which amounts to torture.

Finally, Amnesty International continues to be concerned about the recent transfer of the defendants to prisons in Fes, Tangiers, Nador, Tetouan and Al Hoceima located in remote areas that are not easily accessible, which is making it more difficult for their families to visit regularly.

Background

The Hirak El-Rif protests began in the northern city of Al Hoceima and surrounding areas in October 2016, after fishmonger Mouhcine Fikri was crushed to death by a garbage truck as he attempted to recover fish confiscated by local authorities. The protesters were demanding an end to the marginalization of their Amazigh-speaking communities and were making social justice related demands such as a better healthcare system, improved infrastructure, an end to corruption, and employment opportunities in the region. Some of the protests involved violence and clashes with security officers with some protesters throwing stones and Molotov cocktails, which led, according to the prosecution, to law enforcement officers sustaining injuries and damages to property estimated to total millions of USD.

Between May and July 2017, Moroccan security forces have arrested hundreds of protesters, including children and several journalists. Many have since been convicted by the Al Hoceima court in trials that fall far below international standards of fairness. Amongst them were peaceful protesters [El Mortada lamrachen](#)² and [Nawal Benaissa](#)³, who were both convicted in relation to Facebook posts calling for protests. Nawal Ben Aissa was sentenced in February 2018 to a 10-month suspended prison term and a fine of 500 dirhams; a sentence that was upheld in appeal in January 2019.

The Casablanca Court initially brought charges against 54 people in connection with the Rif protest movement. Of these, 11 were granted royal pardon in August 2018. All of those tried in Casablanca were arrested in Al Hoceima and transferred to Okacha prison in Casablanca to be interrogated by the Casablanca National Brigade of the judicial police. Some of them are considered as the main leaders of the Hirak El-Rif movement while others were arrested at the same time as them.

² Amnesty International, Morocco: Quash conviction of El Mortada lamrachen (Press release, 30 April 2018), www.amnesty.org/en/latest/news/2018/04/morocco-quash-conviction-of-el-mortada-lamrachen/

³ Amnesty International, Morocco: End intimidation of Hirak protest leader Nawal Benaissa (Press release, 17 October 2018), www.amnesty.org/en/latest/news/2018/10/morocco-end-intimidation-of-hirak-protest-leader-nawal-benaissa/