

Report
of an
Amnesty International
Mission
to
the Kingdom of
Morocco

10-13 February 1981



an amnesty international publication

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- It advocates *fair and early trials* for all political prisoners and works on behalf of such persons detained without charge or without trial.
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MISSION
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PREFACE

In February 1981 Amnesty International sent a delegation of three people, headed by its former Secretary General, Martin Ennals, to the Kingdom of Morocco to discuss with government officials issues of concern to the organization. Amnesty International was particularly concerned about violations of human rights during the period of garde à vue detention. This period after arrest often lasts several months and sometimes more than a year. People detained under garde à vue reasons are in the sole custody of the police and interrogating officials and are not allowed visits from family, friends, lawyers or independent medical doctors. In Amnesty International's view such long-term incommunicado detention creates the preconditions for torture and ill-treatment. Furthermore, Amnesty International has received frequent and consistent allegations that political detainees have been ill-treated during the garde à vue period. Amnesty International was also concerned about the following:

- the continued imprisonment of more than 100 prisoners whom it considered to be prisoners of conscience (individuals imprisoned for the expression of their political beliefs who had neither used nor advocated violence);
- a number of "disappearances";
- the situation of approximately 100 military prisoners whose whereabouts since 1973 had never been officially revealed and at least 15 of whom had served their sentences but not been released.

The Amnesty International delegates met Moroccan officials, including representatives of the Ministry of Justice, Ministry of Interior, Prison Administration, Rabat Court of Appeals, Parliamentary Commission on Prisoners, and the Prime Minister Maati Bouabid. During their meeting they exchanged views and information on Amnesty International concerns. On a number of issues there were clear differences of opinion, with regard to both matters of fact and of interpretation; on some issues statements by different Moroccan officials seemed to be contradictory. On several questions where officials did not have the relevant facts at their disposal, such as the whereabouts of a number of people reported to have "disappeared" after being taken into custody by the security forces, the officials promised to make further inquiries and to transmit any relevant information to Amnesty International. Amnesty International summarized these outstanding matters in a letter to the Prime Minister shortly after the delegates left Morocco. By March 1982 there had been no reply from the Moroccan Government.

Since the mission Amnesty International's concern about a number of issues has become more acute. Amnesty International learned that some military prisoners have died in detention and that several more may be seriously ill and close to death. The organization was able to confirm the "disappearance" of approximately 60 individuals, in addition to approximately 45 whose names its delegation submitted to the Moroccan officials during the mission. Amnesty International was also concerned that in several trials which followed the widespread strikes and arrests of demonstrators in June 1981 many prisoners of conscience were convicted after trials in which procedures deviated from Moroccan law. Amnesty International was disappointed by the fact that although royal pardons might well have been granted on a number of recent occasions, only three political prisoners have been pardoned since July 1980.

In December 1981 Amnesty International submitted a memorandum to the Moroccan Government resulting from its February 1981 mission. It also analysed developments in Morocco subsequent to the mission, including the trial of 82 defendants in Rabat in July 1981, which was observed by an Amnesty International lawyer. It offered the Moroccan authorities an opportunity to reply, stating that it could only publish a reply together with the Amnesty International memorandum if the reply were received by 15 March 1982. By that date no substantive reply had been received from the Moroccan Government.

In Part One of the report Amnesty International presents background to the Moroccan political and legal system and summarizes its work on behalf of Moroccan prisoners from 1977, when the Amnesty International Briefing on Morocco was published, and its February 1981 mission. In Part Two Amnesty International reproduces the text of the memorandum submitted to the Moroccan Government in December 1981, including its conclusions and recommendations. Three appendices follow, listing many prisoners on whose behalf Amnesty International has worked. In Appendix 3 Amnesty International presents a sample of the testimony it has received over the years from individuals held in Moroccan prisons.

Part One

I. BACKGROUND

A. Geography, population, economy

The Kingdom of Morocco is situated in the northwest corner of Africa, bordered on the west and north by the Atlantic Ocean and Mediterranean Sea, and on the east and southeast by Algeria. It has an area of approximately 450,000 square kilometres, excluding the Western Sahara. In 1976, after agreements with the Spanish and Mauritanian Governments, Morocco annexed a major part of the Western Sahara (an area of more than 200,000 square kilometres lying to the south and bordered by Mauritania) as the Spanish withdrew. Later, after the Mauritanian Government renounced its share, Morocco annexed the rest of the Western Sahara. (The Front for the Liberation of Segouia al-Hamra and Rio de Oro (Polisario Front) disputes Morocco's sovereignty over the Western Sahara and has been fighting Moroccan forces in the region since 1976. Its claim to have established a Saharan Arab Democratic Republic (SADR) is accepted by approximately 50 states.)

Morocco's population was estimated at about 20 million in 1980. Almost all are Muslims, although there are very small Jewish and Christian minorities. Most Moroccans speak Arabic, including many of the 30 to 40 per cent of the population that are native Berber speakers. Three-quarters of the Moroccan population lives in the countryside and 53 per cent of its working population is engaged in agriculture, livestock raising and fishing. Its two largest cities are the economic capital, Casablanca, with a population of approximately 1,500,000, and the political capital, Rabat, with approximately 500,000.

Agriculture, which amounted to about 14 per cent of total domestic production in 1979, supplies a high proportion of domestic food requirements and approximately 30 per cent of the country's total exports. However, agricultural output varies considerably from year to year due to climatic variations, and harvests and livestock suffered greatly in the years 1979 to 1981 as a result of especially low rainfall. Morocco is the world's third largest producer of phosphate rock and the leading exporter, and phosphate production attracts a large share of industrial investment. Morocco also has important oil refining installations (it is not itself an oil producer), as well as cement and sugar manufacturing, fruit and vegetable processing, textiles, and automobile assembly.

Morocco's main trading partners are France, which is by far both its leading customer and supplier, the Federal Republic of Germany, Italy, the United States of America, Belgium, Netherlands and Spain. Iraq and Saudi Arabia supply most of Morocco's oil.

B. Political history

Morocco's history of more than 1,000 years of independence was interrupted in 1912 with the signing of the Treaty of Fez, which established a French Protectorate over most of the country and smaller zones of Spanish influence (including the northern tier of Morocco, the Ifni enclave, the Tarfaya area in southern Morocco and the Western

(or Spanish) Sahara.) Morocco regained its independence from French rule in 1956 and at the same time Spain renounced her claim on the northern zone, with the exception of coastal enclaves of Ceuta and Melilla. Negotiations between the Moroccan and Spanish Governments since 1956 resulted in the return of Tarfaya to Morocco in 1958 and Ifni in 1969. A treaty between Spain and Morocco awarded a major portion of the Western Sahara to Morocco in 1976, but Moroccan sovereignty over the area is disputed by the Polisario Front and by many nations which recognize an independent Saharan Arab Democratic Republic. Spain still retains control over Ceuta and Melilla.

On 2 March 1956 Morocco formally regained its status as an independent state under the leadership of Sultan Muhammad V. He was the latest in a long succession of rulers of Morocco drawn from the Alawite line, a line which claims descent from the Prophet Muhammad and which has ruled Morocco since 1666. The present position of King in Morocco (the title was changed from "Sultan" shortly after independence) thus extends a tradition which unites in one person the central functions of leader of the political community and leader of the religious community. This unity is enshrined in the constitution, where the King is called "Commander of the Faithful" ("Amir al Mouminine" - Constitution, Article 19).

Muhammad V had been the Sultan of Morocco from 1927 until 1953, under the French, with greatly reduced powers. In 1953, the French, in an effort to quell growing nationalist activity, replaced Muhammad V as Sultan and sent him into exile in Madagascar. Nationalist activity continued and, after negotiations between the French and Muhammad V in Paris, Muhammad V returned in triumph to Morocco in November 1955. By the end of 1956, after independence had been regained, a governing cabinet headed by a Prime Minister had been established under the King's direction. Positions in the cabinet were given to the most important nationalist party, the Istiqlal, and to some other political groups, but the palace retained the major share of power and the King's son, Crown Prince Moulay Hassan (later to become King Hassan II), was made chief of staff of the Forces armées royales (FAR), Royal Armed Forces.

Political parties emerged soon after independence. The Istiqlal split in 1959, when a socialist wing under the leadership of Mehdi Ben Barka broke away to form the Union nationale des forces populaires (UNFP), National Union of Popular Forces. Muhammad V asserted that the government was in a chronically unstable state and assumed direct leadership of the government in 1960, at the same time promising to promulgate a constitution by 1962. Muhammad V died in early 1961 and his son, the 32-year-old Hassan, succeeded him as King Hassan II. In December 1962 a referendum was held on a new constitution drafted by the palace; supported by most political parties (with the exception of the UNFP, which urged a boycott of the referendum), the constitution was overwhelmingly adopted.

In November 1963, King Hassan II inaugurated the Moroccan parliament's first session. However, in June 1965 after riots in Casablanca in early spring had left more than 400 dead and after the execution of 14 Moroccans (convicted of involvement in what were said to be Algerian-backed plots in 1963 against the King), Hassan II used his constitutional prerogative to

declare a "state of exception", to assume full legislative and executive powers and to suspend the constitution.

The state of exception lasted five years, and saw the kidnapping and "disappearance" of Ben Barka in Paris in October 1965. A French court later sentenced two French officials to prison terms and the Moroccan Minister of the Interior, General Muhammad Oufkir, to life imprisonment in his absence for complicity in the affair. Ben Barka has never been seen since.

In a referendum in July 1970, a new constitution drafted by the King was overwhelmingly adopted by the Moroccan people. A coalition which included the UNFP and the Istiqlal boycotted the parliamentary elections held in August that year and this led to a landslide victory for pro-royalist candidates. The 1970 constitution lasted only until its replacement was drawn up by the palace and adopted overwhelmingly in a referendum in March 1972. The 1972 constitution is still in effect today.

Although the constitution adopted in 1972 called for national elections for parliament, such elections were not in fact held until 1977. The elections were postponed after an attempt on the King's life in August 1972. The attack was led by General Oufkir, who either committed suicide or was summarily executed when the attempt failed. An earlier attack on the King's life, led by army officers, had taken place in July 1971 and led to the summary execution of 10 officers, as well as to the death, immediately after the attack, of their alleged leader, General Medbouh. In January and November 1972 participants in the coup attempts were given military trials, which led to further executions. In March 1973, an insurrectionist plot was uncovered; Algeria was accused of providing assistance to the insurgents and many UNFP members were arrested, tried and sentenced.

During this period there was also unrest among students. In 1971 and 1972 widespread strikes were called by the Union nationale des étudiants marocains (UNEM), National Union of Moroccan Students, the student organization formed in 1956 by Ben Barka. In 1972, the Syndicat national des lycéens, National Union of Secondary School Students, was formed after secondary school students were not allowed to join UNEM, and in 1973 UNEM was banned. Between 1974 and 1977 many students were arrested and tried, particularly members of Marxist-Leninist groups, many of whom were tried and received heavy sentences before the Casablanca Criminal Court of Appeals in January and February 1977.

In 1974, the Rabat wing of the UNFP, led by Abderrahim Bouabid, broke away from the main party to form the Union socialiste des forces populaires (USFP), Socialist Union of Popular Forces. 1974 also saw the formation of the Parti du progrès et du socialisme (PPS), Party of Progress and Socialism, under the direction of Ali Yata, formerly head of the banned Moroccan Communist Party.

In June 1977 parliamentary elections were finally held. According to the constitution, two-thirds of the delegates were elected directly and one-third indirectly, by community councils and agricultural,

industrial, crafts and trade union groups. Independents supporting the palace won 141 seats, the Istiqlal 49 seats, the Popular Movement 44 seats, the USFP 16 seats and the PPS one seat. The USFP claimed that the results had been falsified.

In the years 1977 to 1980 a broad national consensus emerged, including all the political parties, in favour of full integration of the Western Sahara into the Moroccan state. Parliamentary and governmental institutions functioned with little disruption; internal unrest, although still in evidence among students, workers and agricultural labourers, was on a smaller scale than before. In 1978 a new confederation of trade unions was formed, the Confédération démocratique du travail (CDT), Democratic Confederation of Labour. In the course of the next few years it demonstrated considerable strength among workers in the post office (PTT), and in the phosphate, education, tea and sugar, agriculture, health, water and electricity, oil and gas, tobacco, and municipal sectors. By 1979, UNEM had been legalized again and once more became the dominant student organization.

By early 1981 the economic situation was deteriorating as a result of the costs of the war against the Polisario Front in the Western Sahara and two successive years of extremely low rainfall, poor crop yields, and rapidly diminishing livestock herds. Discontent among students and members of the USFP grew. In January and February 1981 a number of members of both groups were arrested. In addition, the USFP was threatening to boycott the session of parliament due to begin in October 1981. It claimed that despite a referendum held in May 1980 that had extended the parliament's term from four to six years, the USFP representatives had been elected to serve only until 1981 and would serve no longer.

On 28 May 1981 the government announced large price rises on basic foodstuffs. The CDT called a strike for 20 June 1981 which was widely supported in a number of Moroccan cities. The strike led to a series of clashes between demonstrators and the police and army, to widespread arrests and to a number of deaths. Some sources cite more than 600 deaths; the official figure is 66. The two USFP newspapers, Libération and Al Mouharrir, were suspended and have not been permitted to publish since.

A number of trials were held in June, July and August following these events. Some are still pending. Many members of the USFP administrative committee and political bureau, CDT officials and militants of both organizations were sentenced to prison. In September 1981 five leaders of the USFP, including its Secretary-General, Abderrahim Bouabid, were arrested, tried, convicted and sentenced following the publication by the USFP of a document criticizing OAU resolutions concerning the Western Sahara that had been adopted in August 1981 and were supported by King Hassan II.* In October 1981, 14 USFP members of parliament announced their decision to withdraw from parliament when its new session began on 9 October. King Hassan II stated that "this minority has put itself not only outside the law, but also outside the Muslim community" (Le Monde, 12 October 1981). The 14 were placed under house arrest, which ended shortly after when they agreed to return to their seats in parliament.

* The three who received prison terms (all of one year) -- Bouabid, Lahbabi and Lyazghi -- were pardoned on 3 March 1982.

In November 1981 King Hassan II formed a new government. He excluded from the cabinet of ministers the Rassemblement national des indépendants (RNI), National Grouping of Independents, a group of approximately 70 members of parliament. During a royal audience held several days later, the RNI members were called upon by King Hassan II to become an opposition party that would be "constructive" and to form a "shadow cabinet" (Le Monde, 16 November 1981).

In December 1981, the war in the Western Sahara continued and the internal political situation was still tense, with many arrests taking place, particularly among students. A trial of 21 people charged with disturbing public order, (decree of 19 June 1935), and belonging to illegal associations, began in Rabat in January 1982 and led to 21 convictions, with sentences ranging from 8 months to 3 years.

II. POLITICAL AND LEGAL SYSTEM OF MOROCCO

A. Political system

The constitution promulgated in 1972 states in its preamble "the Kingdom of Morocco is a sovereign Muslim state, whose official language is Arabic".

In Section I, which establishes that Morocco is a "democratic and social constitutional monarchy" (Article 1), the constitution enshrines certain fundamental rights and obligations of its citizens as well as basic principles of organization. It affirms that "Islam is the state religion which guarantees to all the free exercise of their faith" (Article 6), ensures political and legal equality between men and women (Articles 5, 8) and guarantees freedom of opinion, expression and association, including belonging to trades unions (Article 9), freedom from arbitrary arrest (Article 10) and the freedom to strike (Article 14). Many of these freedoms are not absolute, but limitations "can be imposed only by law" (Article 9, and in different words, Article 14).

The role and powers of the King, and the principle of succession by primogeniture, are prescribed in the constitution's Section II. The King has the power to name and dismiss the Prime Minister and other ministers (Article 24), to dissolve parliament by decree (Article 27), to act as commander in chief of the armed forces (Article 30), to sign and ratify treaties (Article 31), to name all judges (Article 33), to pardon (Article 34) and to declare (and terminate), by decree, a state of emergency and to exercise all powers of government during the emergency period (Article 35).

Section III sets down the rules of organization, the powers, and the legislative functions of the parliament. It establishes immunity from judicial penalty for votes or opinions except where "the opinions expressed challenge the monarchical system, Islam, or constitute an insult to the King" (Article 37). Two-thirds of the members of parliament are elected by universal direct suffrage and one-third indirectly by community councils, trades unions and professional groups (Article 43). Parliament passes legislation relating to, among other matters, the individual and

collective rights specified in the constitution's Section I, the definition of crimes and their corresponding penalties, and criminal and civil procedure (Article 45); both parliament and the government are empowered to initiate legislation (Article 51). One parliamentary session per week is reserved for the government to answer questions (Article 55). Parliament has the power to determine its own rules of operation, subject to approval by the Constitutional Chamber of the Supreme Court (Article 42).

Section IV deals with the government. The government, composed of the Prime Minister and the cabinet ministers (Article 58), is responsible to the King and to parliament. It ensures the execution of the law and the administrative function. In the council of ministers (presided over by the King -- Article 25), before any decision may be taken, the government discusses all questions concerning state policy, declarations of war or states of emergency, proposals for legislation, and so on (Article 65). The relations between the legislative and executive branches are specified in Section V. This permits the King to call a referendum on legislative proposals, provided that this is not to overturn a majority vote of two-thirds of parliament (Article 68). It allows parliament to require the resignation of the government and ministers, either by defeating a vote of confidence with a simple majority or by passing a motion of censure with a two-thirds majority.

Section VI establishes the judiciary as "independent of the legislative and executive branches" (Article 76) and judges are named by royal decree on the recommendation of the Conseil supérieur de la magistrature, High Council of the Magistrature, which is presided over by the King.

Section VII of the constitution establishes a High Court, elected by parliament, to try members of the government for crimes committed in the exercise of their duties. Section X establishes a Constitutional Chamber of the Supreme Court, comprising a President of the Supreme Court, three members designated by royal decree, and three members named by the president of parliament. The constitutional chamber has the power to determine the constitutionality of parliament's own procedures (Article 42), and to resolve disputes where the government claims that parliamentary acts fall outside the parliamentary domain (Article 52). It may also determine whether organic laws (ie laws establishing government institutions) conform to the constitution (decree 1-77-176, 9 May 1977, Article 17), and decide on disputes concerning referendums and elections to parliament (Article 97).

Other sections of the constitution provide for local collectives (Section VIII), for a Council on National Planning (Section IX), and procedures for amending the constitution (Section XI).

B. The Moroccan legal system

1. Historical background

The contemporary legal system in Morocco is the product of a number of complex historically changing factors including the Islamic character of Moroccan society, the substantial variation in custom and practice between different local communities, the experience of French rule from 1912 to 1956, and the demands since independence in 1956.

Before 1912, a relatively clear distinction had emerged in the Moroccan legal system. A religious jurisdiction governed questions relating to land, personal status, and succession, and judgments were rendered by a judge (qadi) within the framework of Islamic law and local practice. (There existed, as well, rabbinical courts for the Jewish community.) A secular jurisdiction governed criminal, civil, and commercial cases and matters were decided and administered by appointed local officials (qaid, basha). There was also a consular jurisdiction for disputes taking place in Morocco involving foreigners.

During the Protectorate period, with Morocco divided into Spanish, French, and international (Tangiers) zones, legal texts were introduced which established the following jurisdictions: Islamic Law courts, government (ie secular) courts with criminal jurisdiction, rabbinical courts, French courts, Spanish courts, international courts for Tangiers, and consular courts. In addition, "customary courts" to rule on Berber matters were instituted by the French in 1930, in what proved to be an unsuccessful attempt to establish legal distinctions between the Arab and Berber populations.

After independence in 1956, the Moroccan Government sought to reform the judicial system in three major ways: 1) to unify judicial organization in the three zones; 2) to suppress the customary courts; 3) to unify the jurisdiction governing foreigners with that of Moroccans. A number of decrees moved the judicial system in these directions and, in a decree of 26 January 1965, all jurisdictions throughout the realm were unified, and the Moroccanization (the replacement of European personnel by Moroccans) and Arabization (the use of Arabic as both the official and working language) of the judicial system were made basic policy and were soon effected.

2. Legislation and types of offence

Moroccan criminal law distinguishes four categories of offence (Penal Code - CP, Article 111): 1) misdemeanors (contraventions): offences punishable by up to one month in prison or small fines (CP, Article 18); 2) police felonies (délits de police): those punishable by up to two years in prison and larger fines; 3) correctional felonies (délits correctionnels): offences the maximum punishment for which is from two to five years' imprisonment; 4) crimes (crimes): offences punishable by death, life imprisonment, imprisonment for between five and 30 years, house arrest (résidence forcée), and civic degradation (dégradation civique) (CP, Article 16).

Cases of concern to Amnesty International involve primarily the last three categories of offences, and the offences and penalties are specified in the penal code and other legislation. The cases of concern to Amnesty International have, for the most part, involved offences against the security of the state (CP, Articles 163-218), offences under the heading "rebellion" (CP, Articles 300-308), offences against decrees regulating the right of association (primarily those of 15 November 1958 and 10 April 1973), against decrees regulating the right of assembly (15 November 1958 and 10 April 1973), and against various other laws, particularly a decree of 26 July 1939 prohibiting subversive tracts and a decree of 29 June 1935, "relating to repression of demonstrations contrary to order and offence to the respect due to authority" ("relatif à la répression des manifestations contraires à l'ordre et des atteintes au respect dû à l'autorité"), both issued during the Protectorate period and still in effect.

3. Criminal procedure in cases of concern to Amnesty International

Moroccan criminal procedure, first codified during the period of French rule, remains in certain fundamental ways similar to the French system: that is, from the moment of arrest the suspect first undergoes a police inquiry carried out under the authority but not under the direct supervision of the public prosecutor (procureur du roi), then a judicial pre-trial investigation carried out by an investigating judge (juge d'instruction), and then trial. The aim of both the police inquiry and the judicial pre-trial investigation is to elicit the full truth. In principle these procedures have no opposed "parties" and are not "accusatorial". This has important implications for the rights of the suspect at each stage of the proceedings.

A number of important safeguards to protect the suspect are lacking during the police inquiry when the suspect is held incommunicado (garde à vue), for example the suspect is permitted no access to a lawyer. However in principle this is somewhat offset by the public prosecutor's duty to oversee the garde à vue, and by the obligation of the investigating judge to pursue complaints made by the suspect that refer to the garde à vue period. It is therefore of critical importance to the safeguard of the suspect's rights that both the public prosecutor and investigating judge fulfil these legal obligations responsibly.

a) Police inquiry and garde à vue

Except in cases of flagrant délit (see below), arrests must be made with the written authority of the public prosecutor. After arrest the suspect is held for police inquiry under garde à vue. During this period, the suspect is in the sole custody of the police. Although the police are under the authority of the public prosecutor they are not under his direct supervision, and are not monitored in their behaviour by any independent authority. Under the code of criminal procedure (Code de procédure pénale - CPP) of 1959, garde à vue could last for 48 hours in routine cases, with a possible extension of 24 hours upon the written authorization of the public prosecutor. These periods were doubled in cases involving

the internal or external security of the state (CPP, Article 68). For cases involving the internal or external security of the state, these periods were again doubled in 1962 (decree No. 1-59-451, Article 2); they now stand at eight days garde à vue and four days extension. In addition, the courts have often rejected appeals against repeated extensions of the garde à vue period. In practice, therefore, the period of police inquiry and garde à vue may be indefinitely prolonged.

Under garde à vue the suspect is allowed no access to lawyer, family or independent doctor. Although at each extension of garde à vue the suspect should be brought before the public prosecutor ("except in exceptional cases" - CPP, Article 82), this is apparently not done.

b) Judicial pre-trial investigation - l'instruction

When the police inquiry is complete, the case is taken by the public prosecutor from the police and given over to the investigating judge (juge d'instruction). At this point, the suspect is removed from police custody and, according to the investigating judge's decision, either released in "liberté provisoire" (provisional liberty) or moved to preventive detention in prison. (Preventive detention should be "an exceptional measure" - CPP, Article 152). The investigating judge "carries out, in accordance with the law, all actions useful to arrive at the truth" ("procède, conformément à la loi, à tous les actes d'information qu'il juge utiles à la manifestation de la vérité" - CPP, Article 86). This includes the power to seize evidence, call witnesses, and issue warrants. The investigating judge is also empowered to order medical and psychological examinations of the suspect, and may only refuse such requests by the suspect or his or her lawyer with a reasoned decision (CPP, Article 89). On the basis of the investigation, the investigating judge may order the release of the prisoner for lack of evidence, or that the case be moved to trial.

The investigating judge compiles a written dossier of the investigation, which includes a record of all the steps taken, statements by the accused and witnesses, and the record of the police investigation ("procès-verbal"); this written dossier forms the basis for any subsequent trial.

Given the importance of the judicial pre-trial investigation in protecting the rights of the suspect, it is noteworthy that decree 1-74-448 of 28 September 1974 made it obligatory only for crimes punishable by death or life imprisonment. The investigation had until then been obligatory in all crimes (those offences punishable by imprisonment of greater than five years) and optional elsewhere (according to the CPP of 1959).

c) The trial

The dossier prepared by the investigating judge serves as the basis for the trial. It contains all the evidence which has been gathered against the accused. Defence counsel has full access to the dossier and therefore all the evidence against the accused is known to both parties. At the trial the written dossier is scrutinized and the prosecutor and defence

counsel have the opportunity to point out the relative strengths and weaknesses of each piece of evidence. The trial judge himself questions the accused and all defence and prosecution witnesses. (This is different from Anglo-American common law systems, where the questioning is carried out by the prosecutor and defence counsel themselves, and where the trial judge is largely restricted to defining and deciding matters of law.)

d) The flagrant délit procedure

The judicial pre-trial investigation is now obligatory only in offences punishable by death or life imprisonment. In all other cases, the judicial pre-trial investigation may be dispensed with under the flagrant délit procedure.

The flagrant délit procedure, which allows the case to proceed directly to trial from the stage of police detention and inquiry (CPP, Article 395) is applicable where the offender is caught committing the offence or just after, where the offender is being pursued by the public, or where the offender is observed very soon after the offence with indications that lead to the presumption that he or she committed the offence (CPP, Article 58). By virtue of a decree of 13 September 1962 (modifying CPP, Article 76), the flagrant délit procedure was extended to include cases where the public prosecutor was concerned that the suspect might flee and so avoid prosecution.

In all flagrant délit cases, where there is no separate pre-trial judicial investigation, the trial judges themselves may exercise the powers of the investigating judge. However the lack of a pre-trial investigation independent of the trial itself seriously restricts the rights of the defence. In addition, in such cases, only three days are necessary between the completion of the police inquiry and the start of the trial, and even this delay occurs only if the defence requests it (CPP, Article 396).

4. The courts

The public prosecutor, in deciding that a particular offence has been committed, in effect assigns the case to the court competent to judge it.

a) Normal criminal jurisdictions

The organization of the criminal court system in Morocco is based on the Code of Criminal Procedure promulgated on 10 February 1959, on decrees of 26 January 1965, of 15 July and 28 September 1974, and on other modifications. Taken together, these laws establish four basic jurisdictions: 1) communal and district courts, which deal with minor offences punishable by small fines, and which cannot pass custodial sentences; 2) courts of first instance; 3) appeal courts; 4) the Supreme Court. Of primary concern to Amnesty International are the courts of first instance and the appeal courts.

In the courts of first instance cases are decided by one judge. Decree 1-74-338, Article 4, transformed the previous regional courts where three judges tried these cases. They judge all felonies (délits) and misdemeanors (contraventions) that are punishable by prison terms of up to five years (decree 1-74-448, Article 8). Decisions of the courts of first instance (tribunaux de première instance) may go to appeal to the Correctional Chamber of the Appeals Court (decree 1-74-448, Article 10).

The Criminal Chamber of Appeals Court is competent to try those offences classified as crimes, that is, offences punishable by more than five years' imprisonment, or the death penalty. There is no appeal against judgments of the Appeals Court, but the accused may apply to the Supreme Court for abrogation (cassation) of the verdict. In such applications, the Supreme Court does not examine evidence or re-examine the substance of the case, but may only abrogate the Appeals Court decision on the grounds that the proper procedure has not been followed or the law has been improperly applied.

b) Military courts

According to Article 4 of the Code of Military Justice of 1956, military courts are competent to try individuals accused of an offence against the external security of the state, as well as military personnel suspected of any offence in the penal code or of specifically military offences, such as desertion. (This code was modified by law 2-71 on 26 July 1971 following the coup attempt of that month.) Three major trials before military courts took place in 1972 and 1973. In January 1972, 1080 army officers and other ranks were tried for involvement in the coup attempt of July 1971 and 74 sentences were handed down, including one death sentence later commuted to life imprisonment. In October 1972, 220 air force personnel accused of participating in the August 1972 attempt on King Hassan II's life were tried before a military court in Kenitra; 32 were sentenced to prison and 11 individuals sentenced to death were executed in January 1973. In July 1973 more than 150 people suspected of participating in the events of March 1973 were tried before a military court in Kenitra. In August 15 were sentenced to death and were executed in November. Some of those acquitted or pardoned were retried for the same offence in January 1974, leading to seven death sentences, all of which were carried out in August 1974. (Several smaller military trials have taken place since.)

III. SUMMARY OF RECENT AMNESTY INTERNATIONAL ACTION ON MOROCCO: 1977 TO 1981

Between the publication of the Amnesty International Briefing on Morocco in October 1977, which presented Amnesty International's concerns in Morocco at that time, and its mission to Morocco in February 1981, Amnesty International continued to work on behalf of many Moroccan prisoners.

Amnesty International worked for the release of adopted prisoners of conscience: in all these years they numbered more than 100 and at some times more than 200. They included members of the UNFP who had been sentenced in 1967, 1973 and 1976, and members of various Marxist-Leninist movements sentenced in 1973 and 1977. Amnesty International also investigated the cases of approximately 100 civilians taken into custody by security forces in southern Moroccan towns such as Goulimine and Tan-Tan. Their detention and whereabouts have never been acknowledged by the Moroccan authorities. It also intervened on behalf of some 80 people held for several years from 1977 in Meknes Civil Prison. Many were not brought to trial until 1980, after going on hunger-strike. During this period Amnesty International investigated the cases of a number of trade unionists arrested, tried and sentenced because of their participation in strikes in early 1979, and expressed concern about arrests, trials and convictions among peasants in the Qasba Tadla region in late 1979 and early 1980. Amnesty International repeatedly urged the Moroccan authorities to disclose the whereabouts of approximately 100 people still in custody after being convicted of involvement in the coup attempts of 1971 and 1972, and called for the release of at least 15 of them whose sentences had expired.

Amnesty International sent appeals to the Moroccan authorities on several occasions after allegations of ill-treatment and inadequate prison conditions. It urged proper medical treatment for a number of prisoners in poor health.

Among its actions in these areas, Amnesty International appealed to the Moroccan authorities in November 1977 when 137 prisoners tried and sentenced in Casablanca in January and February 1977 began a long hunger-strike in protest at prison conditions in prisons in Kenitra and Casablanca. Among them were many prisoners adopted by Amnesty International as prisoners of conscience. After one hunger-striker, Saida Menabhi, died, Amnesty International again appealed to the Moroccan authorities to make an urgent review of prison conditions and the prisoners' grievances in order to bring the strike to an end.

During this period, among those prisoners for whom Amnesty International issued urgent appeals for proper medical care were Abdellatif Laabi, Zaoui el-Meliani, Hassan el-Bou, Miloud Achdini and Abraham Serfaty. (Abdellatif Laabi and Zaoui el-Meliani have since been released, but the others were still in prison at the beginning of 1982.)

Part Two

IV. THE AMNESTY INTERNATIONAL MISSION

A. INTRODUCTION

In February 1981, after an agreement in principle with Prime Minister and Minister of Justice Maati Bouabid, Amnesty International sent a three-person delegation to Morocco to discuss issues of concern to Amnesty International with officials. The delegation was headed by Amnesty International's former Secretary General, Martin Ennals, who was accompanied by a member of the organization's International Executive Committee and a staff member of its International Secretariat.

During a preliminary discussion with the Secretary General of the Ministry of Justice, Mohamed Fassi Fihri, a schedule was agreed for 10 to 12 February 1981. It included meetings with the Secretary General and other officials of the Ministry of Justice, with the Director of the Prison Administration, with the Procureur général (Attorney General) of the Rabat Court of Appeals, with representatives of the Ministry of Interior, with the Parliamentary Commission on Prisoners, and with the Prime Minister. Also scheduled was a visit by the delegates to the Prison centrale (Central Prison) of Kenitra, where they would meet the prison director, prison doctors and prisoners whom Amnesty International had adopted as prisoners of conscience because it believed that they had been convicted for acts which involved nothing more than the non-violent expression of their political beliefs.

Before the mission Amnesty International had submitted to the Prime Minister and Minister of Justice a list of the subjects its delegates wished to raise during the discussions. This list included the following:

- (i) procedures and practices relating to garde à vue (incommunicado detention, ie where the detainee is under police control, with no possibility of contacting either family, friends or lawyers): people have been held incommunicado for long periods, often months and sometimes years, without basic safeguards to protect them or to ensure that they would have the opportunity of a proper legal defence;
- (ii) allegations of ill-treatment: Amnesty International has received repeated and consistent allegations of ill-treatment, referring primarily to the garde à vue period;
- (iii) procedures and practices relating to preventive detention: people have often been held in preventive detention in prison for long periods from the time the juge d'instruction (investigating judge) took charge of the case until a decision was made -- for example, trial or dismissal of the case;
- (iv) trial procedures in Moroccan courts: at various trials in recent years the accused have been denied rights necessary to ensure a fair trial;
- (v) imprisonment of people for the non-violent exercise of their human rights: at the time of the mission, Amnesty International had adopted

approximately 110 prisoners of conscience in Morocco, and was investigating another 50 cases of potential prisoners of conscience;

- (vi) conditions of imprisonment and the availability of medical care for prisoners;
- (vii) reported "disappearances": Amnesty International had information that certain named individuals were in the custody of the Moroccan authorities but had so far been given no official confirmation of their detention or whereabouts. In some instances the authorities had denied that the individuals were in custody;
- (viii) individuals still in prison after expiration of sentence : a group of 15 military prisoners have reportedly not been released after having served their required terms;
- (ix) prisoners held under death sentences: in recent years, death sentences have been commuted consistently, but an undetermined number of people remain under sentence of death.

Because of the gravity, consistency and extent of allegations referring to human rights abuses during the garde à vue period, the delegates chose to focus during the discussions on the practice of garde à vue and violations related to it. Garde à vue permits detainees to be held for long periods in the exclusive custody of the police and interrogating officials, with no access to family, lawyer or independent medical care. In addition families are usually not officially informed of the whereabouts of detainees nor even of their arrest. The practice of garde à vue is central to several of Amnesty International's concerns raised by the delegates:

- a) it is to the garde à vue period that most allegations of ill-treatment refer;
- b) the lack of official notification to families and lawyers of arrest and place of detention creates the conditions for "disappearances", cases of which have been reported in Morocco;
- c) testimony obtained by the interrogators during the garde à vue period is frequently alleged to have been extracted under duress and such confessions appear to have led in many cases to the conviction of prisoners of conscience.

In addition to the discussion of garde à vue and related issues, the delegates also raised each of Amnesty International's concerns during the meetings.

B. SUMMARY OF THE DISCUSSIONS

1. The practice of garde à vue

Amnesty International expressed to Moroccan officials its concern with the following aspects of this practice as it is applied in cases of political imprisonment, that is where detained individuals may be charged with offences against the security of the state and public order (penal code (CP), Articles 163 to 218, and other legislation and decrees) with forming illegal associations, or similar offences.

- a) Arrest: according to persistent reports received by Amnesty International, it is routine for officials not to show arrest warrants, despite Article 139 of the Code of Criminal Procedure (CPP) which requires the arrest warrant to be shown and a copy given to the suspect. Officers making arrests usually identify neither themselves nor the service to which they belong. In many cases the arresting officers are in plain clothes. This leads to the accusation that in some cases arrests are being made by services other than la police judiciaire (criminal police), the only authority empowered to make arrests under Moroccan law.

No official notification of arrest is transmitted to the family, who must therefore find out about the arrest by themselves. Officials are reported by family members to be unhelpful and often hostile to inquiries and families are therefore often unable to obtain official confirmation that the person has been arrested until the juge d'instruction takes charge of the case and the arrested person is moved to prison, which may be many months later. Frequently, therefore, the family know of the arrest only through informal means, from acquaintances who work in the police forces or at the police station, or from witnesses of the arrest.

- b) Informing the procureur (prosecutor) of arrests: according to the Code of Criminal Procedure, the procureur du Roi (public prosecutor) must be informed of all arrests in one of two ways: an arrest warrant for an individual en fuite (on the run) can be issued only with the approval of the procureur du Roi (Article 147); or in flagrant délit (flagrante delicto, caught in the act of committing the crime) cases, the police judiciaire is obliged to inform the procureur du Roi "immediately" (CPP, Article 59). However information received by Amnesty International indicates that on many occasions when the procureur du Roi has been questioned by relatives or lawyers about an individual's arrest the procureur has denied any knowledge, although later information has revealed that the procureur was legally bound to know of the arrest. Amnesty International questioned the Moroccan authorities as to whether the procureur was in fact informed of all arrests and, if so, why family members and lawyers were not told.
- c) Place of detention: the arrested person is usually held for a short period (24 or 48 hours) in a local detention centre (often the local police station) and then moved to a central detention centre,

frequently either in Casablanca or Rabat, where systematic interrogation by the police begins. Just as the prisoner's family has usually not been informed of the arrest, the family is often not notified of the place of detention nor of any further movement of the prisoner. This has led to frequent and consistent allegations by prisoners, their families and lawyers that "secret detention centres" exist in major cities.

- d) Limits to garde à vue: under Article 68 of the CPP of 1959 garde à vue is normally limited to 48 hours, with the possibility of a 24-hour extension. These periods are doubled when the case involves "sûreté intérieure ou extérieure de l'Etat" (internal or external security of the state), (CPP, Article 68). By virtue of an amendment introduced on 18 September 1962 (D1-59-451) all time limits were doubled again in cases of "atteinte à la sûreté intérieure ou extérieure de l'Etat" (threats to the internal or external security of the state), and in such cases the power was given to the procureur or juge d'instruction to secure as many extensions as required.

Amnesty International's information indicates that in many cases of political imprisonment, garde à vue is extended to several months and often more than a year. In addition to expressing Amnesty International's view that such lengthy periods of incommunicado detention are incompatible with protecting the fundamental rights of prisoners, Amnesty International's delegates sought clarification of the reasons why this practice was permitted.

- e) Manner of extension: legislation requires that each detainee for whom an extension of garde à vue is requested by the police be brought before the procureur du Roi before the end of the initial detention period (CPP, Article 82). The procureur may then issue the extension, which must be in writing (CPP, Articles 68 and 82). In exceptional cases the procureur du Roi may extend the garde à vue without seeing the detainee, but must in such cases present his reasons for doing so ("par décision motivée" (by a reasoned decision), CPP, Article 82).

According to Amnesty International's information garde à vue extensions are often granted not within the period required by law but later. Prisoners, it is alleged, are held for long periods without the written authorization of the procureur du Roi, who, on occasion, signs such authorization retroactively, at the end of the garde à vue period which may have lasted months. In addition, testimony received from prisoners and former prisoners is absolutely consistent in affirming that the prisoner is not seen by the procureur du Roi at the time garde à vue is extended.

- f) Allegations of ill-treatment, conditions of detention and the availability of medical care during garde à vue: police officials are directly in charge of the conditions of detention and the treatment of detainees, and they are responsible for their behaviour to the procureur du Roi.

Many reports have reached Amnesty International that detainees have been treated brutally during the garde à vue period, including being beaten, given electric shocks and subjected to extremely painful techniques such as falaqa (beating on the soles of the feet), cigarette burns and hanging in unnatural positions from iron bars for long periods during interrogation (referred to by prisoners as "l'avion" (the aeroplane), "le perroquet" (the parrot), "le perchoir" (the perch)).

Furthermore according to Amnesty International's information the conditions routinely imposed upon political detainees by officials amount to cruel, inhuman or degrading treatment or punishment. By common report detainees are frequently kept blindfolded and handcuffed for months at a time, with these restrictions relaxed only when necessary to carry out bodily functions. In some cases lights in prisoners' cells have been kept on for 24 hours a day. Exercise periods are extremely limited and no communication at all is permitted between detainees.

In addition testimony reaching Amnesty International is consistent in asserting that medical care available during the garde à vue period is most rudimentary and involves only attending to injuries caused by ill-treatment during interrogation. As one ex-prisoner stated medical care is limited to "putting the prisoner back in a state to answer questions". Prisoners have also repeatedly stated that no doctor regularly visited detainees under garde à vue.

Moroccan officials' answer to Amnesty International concerns relative to the practice of garde à vue

During the meetings between the Amnesty International delegates and the Moroccan authorities, the authorities agreed that the basic characteristics of garde à vue were those of incommunicado detention: during this period, the detainees had no access to family, lawyer, or independent doctor and were exclusively in the custody of the interrogators and other police officers. However the delegates were given to understand that, in the authorities' view, Moroccan practices were fair, conformed to the relevant legal provisions, and afforded detainees sufficient protection.

- a) Arrest: the authorities insisted that, except in cases of flagrant délit, an arrest warrant is always issued. They also stated that where an individual was arrested in flagrant délit, notice of the arrest would be immediately transmitted to the procureur du Roi. The authorities insisted that the only service empowered to make arrests was the police judiciaire and that this was in fact the only service that made arrests. The authorities agreed with the delegates' contention that the representatives of the detainee were not formally notified that an arrest had been made. They emphasized that families could go to the procureur to ascertain that an arrest had been made, and that most families would learn of the arrest naturally through friends and acquaintances working with the police or who had witnessed the arrest; in the words of one official, it

was "practically impossible for them not to know". The authorities admitted, however, that the detained person had no legal right to challenge in the courts the lawfulness of the arrest nor to make any judicial appeal against garde à vue procedures. Such challenges and appeals could be made only by the procureur du Roi, to whom the detainee's lawyer might present a grievance.

- b) Informing the procureur: the authorities asserted that the procureur was always informed of all detentions including those in flagrant délit cases, where the arresting officer submits a formal note of the arrest to the procureur du Roi. The authorities also said that in each detention centre the police keep a register of all those detained -- a register which the procureur sees every 15 days and officially signs, in addition to having already received notification of the arrest.
- c) Place of detention: the Moroccan authorities said that they were certain that, contrary to information received by Amnesty International from many sources, families always knew where the detainee was held and there was therefore no need for official notification of the place of detention to be given to them. The authorities asserted that in any case, a simple question by the family to the procureur would give them this information.

The authorities expressed this view with regard to both the local police stations where detainees are first held for a short period, and the detention centres where detainees might be held for many months, far from the place of arrest. They strongly denied the existence of any "secret" detention centres, stating that all detention centres were official ones.

- d) Limits to garde à vue: Amnesty International delegates sought official confirmation that detainees had been held for long periods and to ascertain the official reasons for such lengthy stays under garde à vue.

The answers given by different officials varied considerably. Officials at the Ministry of Justice admitted that garde à vue periods were sometimes very long and that many extensions -- they cited figures of 10 to 20 extensions in a single case -- might lead in cases of "atteinte à la sûreté intérieure ou extérieure de l'Etat" to a garde à vue period of more than a month. Such lengthy stays were necessary, according to these officials, for the police investigation. They pointed out that in cases involving threats to the security of the state, the law allowed as many extensions as necessary. Ministry of Justice officials admitted that there had perhaps been excesses in the past, and that the garde à vue legal provisions were perhaps too severe. They indicated that a projected new code of criminal procedure would address this question.

The Procureur général of the Court of Appeals of Rabat expressed a different view. He said that even in cases concerning threats to state security the garde à vue could only be extended three times

beyond the initial limit of 96 hours, leading to a maximum period of garde à vue of 10 days.

According to officials at the Ministry of Interior the period of garde à vue was not long, and in any case did not last more than one month. When the delegates countered that there were well-documented cases of garde à vue lasting several months and many in which garde à vue had lasted more than a year, the officials simply said that there was no need for such long periods. When the delegates asked whether these officials could imagine any reason for such long garde à vue periods, they answered that they could see no reason why such long periods were required. The Ministry of Interior officials reiterated again and again that garde à vue was under the jurisdiction of the procureur du Roi: if there were irregularities it was the responsibility of the procureur to raise them. Police officials could not be held responsible, in their view, for improper behaviour unless it was brought to their attention by the procureur du Roi.

- e) Manner of extension of garde à vue: the officials dismissed as false all reports that a procureur had signed several forms at once to extend the period of garde à vue of an individual retroactively. They insisted that such renewal forms were submitted by the police to the procureur one-by-one as each garde à vue period expired; to claim otherwise amounted to accusing the procureurs of lying and of operating in violation of the law. Officials did admit that, on occasion, a procureur might grant a renewal of garde à vue by telephone. These were isolated instances, they said, and in every case the dossier would show that a written renewal form had been filled out.

Amnesty International's delegates cited Article 82 of the Code of Criminal Procedure which states that when an officer of the police judiciaire is obliged to hold someone in custody for longer than 48 hours, this person must be duly brought before the procureur du Roi before the expiration of this period. In exceptional cases this authorization (for prolongation of custody) may be granted, after a reasoned decision is taken, without the detainee being taken before the public prosecutor (emphasis added).

Officials at the Ministry of Justice disagreed with the delegates' view that this article required, other than in exceptional cases, that the detainee be brought before the procureur when an extension of garde à vue was requested. The officials also did not agree that, in such exceptional cases, the procureur had to give a reasoned explanation for not seeing the detainee. Officials did state, however, that the procureur did not see the detainee at each extension, and did not record the reasons for not seeing the detainee.

- f) Allegations of ill-treatment, conditions of garde à vue detention and the availability of medical care: the answers given by officials also varied considerably on these issues. The officials at the Ministry of Justice affirmed that conditions in Moroccan prisons were adequate,

that ill-treatment did not occur and that sufficient medical care was available. However they denied they had any responsibility for what happened during garde à vue, and said that they could neither confirm nor deny details of the treatment received by those under garde à vue.

Officials at the Ministry of Interior, on the other hand, insisted that although the police did have direct control over the detainees under garde à vue and administrative control over the police lay with the Ministry of Interior, legal responsibility for the treatment of detainees lay with the Ministry of Justice and in particular with the procureur du Roi. In the view of these officials the procureurs were not bringing complaints against police officers nor complaining about the conditions of detention as they are legally required to should circumstances warrant. Therefore the police themselves could not be faulted.

2. Practices under the authority of the juge d'instruction

Once the police investigation is completed the procureur du Roi determines whether the suspect is to be charged and, if so, what the charges are to be and what court is competent to hear the case. The procureur then hands over the case to a juge d'instruction attached to that court to undertake an investigation (l'instruction préparatoire) to determine the facts of the case. The instruction préparatoire is obligatory in all crimes punishable by death or life imprisonment and is optional for lesser offences.

The juge d'instruction, on the basis of the investigation, decides whether to move to trial or to dismiss the case, and, pending this decision, whether to maintain the suspect in "preventive detention" or to authorize provisional liberty.

Amnesty International's delegates expressed concern about the following practices that come under the authority of the juge d'instruction:

- a) Long periods of preventive detention (when the suspect is held in prison during the instruction préparatoire). In many political cases brought to Amnesty International's attention the instruction préparatoire lasted more than a year and during this time suspects were kept in prison. This was despite Article 216 of the penal code which states that the crimes and offences dealt with in that particular chapter (offences against state security) are dealt with as urgent cases, that is, they have priority for investigation and trial, and despite Article 152 of the CPP which states that "preventive detention is an exceptional measure". Amnesty International's delegates also remarked that on several occasions, the period of instruction préparatoire ended only after prisoners went on hunger-strike.

- b) The role of the juge d'instruction in assessing allegations of ill-treatment. Repeated and consistent allegations are made by prisoners that their statements on the police record have been extracted under duress, and the juge d'instruction is required by Article 89 of the CPP to order a medical examination where the suspect requests it or to accompany a refusal to order one with a reasoned explanation. Amnesty International's delegates therefore sought clarification of the juge d'instruction's practice in this matter.

The response of the Moroccan officials

The officials stated that long periods of examination were necessary to investigate very complicated cases involving threats to the security of the state, since the testimony of each suspect had to be compared with the testimony of others. They added that to mandate preventive detention was solely the prerogative of the juge d'instruction, that the juge d'instruction was fully independent and, if the juge d'instruction felt that the case warranted preventive detention, it would be inappropriate for either the procureur du Roi or the Ministry of Justice to interfere.

Officials at the Ministry of Justice supported decisions by the juge d'instruction to refuse requests for medical examinations, stating that allegations of ill-treatment were often the only defence once the suspect had confessed to the police, and that it was understandable that the juge d'instruction would not see fit to meet the suspect's request for a medical examination and thus give credence to such wild allegations.

3. Prisoners of conscience

Amnesty International believes that there are more than 100 prisoners currently in Moroccan prisons who are prisoners of conscience: that is, individuals who have been sentenced for acts which involve nothing more than the non-violent expression of their political beliefs. Most have been convicted on charges of attempting to substitute for the monarchy another form of government (penal code (CP), Articles 169-171; 174-175), of conspiring to generate civil rebellion (CP, Article 203), of forming illegal associations (in violation of decrees of 15 November 1958 and 10 April 1973) or similar charges. In Amnesty International's view these adopted prisoners of conscience have in fact been sentenced for expressing and propagating political criticism of the government and had not advocated or taken part in acts of violence. At the time of the delegates' visit to Morocco these prisoners of conscience included approximately 110 members of various Marxist-Leninist groups and of the Union nationale des forces populaires (UNFP), National Union of Popular Forces, who had been tried and sentenced in 1977 or earlier.

During the meetings with Moroccan officials and, particularly, in meetings with officials of the Ministry of Justice and with the Prime Minister, Amnesty International's delegates addressed three main issues relating to prisoners of conscience.

a) Release of prisoners of conscience

Amnesty International's delegates emphasized that the right to the non-violent expression of political views was guaranteed by the Universal Declaration of Human Rights and by the International Covenant on Civil and Political Rights which Morocco had ratified in 1979, and that all prisoners of conscience held in Moroccan prisons should, in Amnesty International's view, be freed immediately. Amnesty International's delegates submitted to the Ministry of Justice a list of prisoners it considered to be prisoners of conscience.

b) Pardons

Amnesty International's delegates sought clarification of the procedures leading to pardon. Amnesty International also sought an explanation for why certain prisoners of conscience had been pardoned in July 1980 while others had not. (In July 1980, 91 political prisoners had been pardoned including 20 whom Amnesty International considered prisoners of conscience.) The organization could see no significant differences between the prisoners who had been pardoned and those who had not. According to Amnesty International's information, some prisoners who had asked to be pardoned had not been, and some who had been pardoned had not asked to be.

c) The delegates also asked about the prospects for future pardons, particularly on 3 March 1981, the Feast of the Throne, marking the 20th anniversary of King Hassan II's accession.

The response of the Moroccan officials

a) Officials at the Ministry of Justice stated that there were no political prisoners in Moroccan prisons and therefore no one for whom the label "prisoner of conscience" was appropriate. The officials stated that all prisoners were equal in that they had committed crimes punishable under Moroccan law and had been judged properly according to the procedures.

However the officials did say that under the pressure of events prison officials had made adjustments to normal prison procedure to distinguish between various groups of prisoners. The officials listed these events which included 1) several hunger-strikes in which prisoners demanded political status, 2) the activity of human rights organizations in Morocco, 3) the work of a Parliamentary Commission on Prisoners, formed in December 1977 to assist in reaching a solution to prison agitation and hunger-strikes, which sought to determine whether the treatment of prisoners was in accord with the law and whether the Ministry of Justice could award political status to certain prisoners.

Ministry of Justice officials said that as a result, the prison authorities are now able to distinguish between certain groups of prisoners and to give special treatment to those who had gone on

hunger-strike, treating them "as though they are sick". (According to the officials, the changes in prison conditions requested by hunger-strikers included the freedom to publish without censorship, direct contact with visitors to prison with no barrier between, and a number of material improvements such as permission to use small gas burners in the cells for cooking. The Ministry of Justice decided that the second request could be granted but that the first and third could not, although common cooking facilities for the prisoners would be established.)

b) Although officials at the Ministry of Justice disagreed in principle with Amnesty International's view that many prisoners are prisoners of conscience and should therefore be released immediately, they took pains to point out that there were clear procedures established for pardons and that many prisoners were harming their own case by refusing to ask to be pardoned.

The officials emphasized that there are five major occasions when royal pardons are considered: 11 January (Anniversary of the Recuperation of the Saharan Territories), Aid Sghir (to celebrate the end of the fast during the month of Ramadan), Aid Mawlid (the day of birth of the Prophet Muhammad), Aid Kbir (the Feast of the Sacrifice), and 3 March. At the time of the mission pardons were being considered for 3 March 1981, the 20th anniversary of King Hassan's enthronement.

Officials stated that each request by a prisoner for pardon is considered individually and that prisoners are not pardoned in groups. There was no particular formula that a prisoner seeking pardon needed to follow, nor any special form to submit. The prisoner simply had to write a letter explaining the particular situation and asking for a pardon. The Commission des grâces (Commission on Pardons), which includes the Secretary General of the Ministry of Justice, submits a list of recommendations which is then acted upon by the King (CP, Article 53; Constitution, Article 34; Dahir (decree) 1-57-387 of 16 February 1958, and its later modifications).

c) In discussing with officials the likelihood of pardons for political prisoners on 3 March 1981, Amnesty International's delegates noted that since July 1980 several appropriate occasions for pardons had passed without any being granted to political prisoners.

Officials at the Ministry of Justice indicated that pardons for 3 March were being considered and that a large number of releases were likely. The Ministry of Justice officials also emphasized that this issue was a sensitive one and that such pardons would be jeopardized if prisoners put pressure on the government, for example by going on hunger-strike. Officials stressed that were such pardons to be granted it would be inadvisable for anyone, including opposition political parties and human rights organizations to claim credit, as this might jeopardize future releases. The likelihood of pardons was emphasized to the delegates again when they met the Prime Minister, who indicated that on the previous day he himself had submitted a list to the Palace requesting pardons for all prisoners "dits politiques" (so-called political prisoners).

4. Prison conditions and availability of medical care

Amnesty International has been concerned about conditions in certain Moroccan prisons and the availability of medical care. In some prisons, such as Laalou in Rabat, conditions are reported to be very uncomfortable and prisoners frequently complain of cold and dampness, and of rheumatism and respiratory troubles which they describe as a consequence of these conditions. At the time of Amnesty International's mission to Morocco, almost all prisoners of conscience adopted by the organization were in the Prison centrale of Kenitra. A smaller number of other prisoners whose cases Amnesty International was following were held in the Prison civile (Civil Prison) of Kenitra, in Marrakech, Settat, and Beni-Mellal, but the delegates did not have the opportunity to discuss conditions in these prisons with the authorities.

Discussions with officials focused on conditions within the Prison centrale of Kenitra and, in particular, on medical care available within the prison. The Amnesty International delegation also spent one afternoon at this prison meeting the prison director and doctors responsible for medical care at the prison, and visiting those areas in the prison devoted to health care. In addition, the delegates met seven prisoners adopted by Amnesty International as prisoners of conscience. This was in the presence of the prison director, despite a verbal agreement with the Secretary General of the Ministry of Justice that the delegates' meeting with the prisoners would be private. (When the delegates informed the prison director of this agreement, he immediately telephoned Rabat and then refused to permit the private meetings.) On the following day the delegates were able to meet the Parliamentary Commission on Prisoners, and discussed with its members the medical care available to prisoners.

a) Prison conditions in Kenitra Central Prison

Recent testimony from the prisoners visited by the Amnesty International delegates, reports from other sources, statements by prison officials and by Ministry of Justice officials all agree that the living conditions in Kenitra Central Prison are reasonably good: recreation facilities are called satisfactory (the prison library comes in for particular praise), visits take place twice a week and need no prison authorization, cooking facilities are available and cell conditions are adequate. Prisoners stressed, however, that many improvements had been introduced only after a period of prolonged protest in the prisons, including lengthy hunger-strikes in 1976 and 1977. Prisoners still complained of censorship of the mail: parcels sent to them often did not arrive, they said, or arrived opened with some of the contents obviously missing, and mail they sent out was censored. Prison officials denied this.

b) Summary of discussions on medical care available at Kenitra Central Prison

- 1) Amnesty International's questions: the Amnesty International delegation did not include a doctor and Amnesty International did not intend, as a result of its mission, to reach a professional, medical appraisal of prison medical care nor of the treatment given to specific prisoners. Nevertheless, in response to persistent reports that Amnesty International has received in recent years alleging that the medical care available in

Moroccan prisons is inadequate, the delegation raised questions about the administration of medical care in prisons. The questions covered: 1) the length of time elapsing before prisoners are examined by a doctor and the thoroughness of those examinations, 2) the time taken to administer prescribed medicines, 3) the availability of specialized care, 4) the adequacy of the medical dossiers and records, 5) conditions in the medical wards in hospitals, particularly in the prisoner ward in Avicennes Hospital, Rabat, and the psychiatric ward in ar-Razi Hospital in Salé.

2. Information received and views expressed during meetings: on the issue of the availability and quality of medical care a basic disagreement existed between the distinctly critical views of prisoners and those of Moroccan officials. One official at the Ministry of Justice went so far as to describe the medical care available for certain prisoners as "better than the care available for the King".

- a) In meetings with the prison director and the prison doctors of Kenitra Central Prison the following information was conveyed to the Amnesty International delegates:

1. The population of Kenitra Central Prison numbered more than 1,000.
2. Of the three doctors met by the delegates two (a specialist in kidney ailments and a general practitioner) had been in their posts for several weeks only and therefore could not draw on past experience in the prison. The third (a psychiatrist) had been working in the prison for two years. In addition a dentist present for part of the meetings had been working in the prison for a substantial period.
3. The hospital infirmary had 42 sick beds and, in addition, 35 beds for psychiatric patients. There were four male nurses who made initial assessments of ailments and determined whether a doctor's visit was to be recommended. This is similar to the practice in hospitals outside the prison.
4. One general practitioner was available, on call, in the city of Kenitra. He was said to visit the prison twice a week, from 14.30 to 16.30 if necessary and would see five or six patients each time.
5. As well as the general practitioner and the two specialists cited above, an eye specialist and a lung specialist were both said to visit the prison twice a week. A surgeon and cardiologist were also said to have visited the prison regularly but both had now ended their association with the prison and the prison administration was seeking replacements.
6. The most common physical problems cited by the prison medical staff were rheumatism, asthmatic and gastro-intestinal ailments; the psychological problems appearing most often were insomnia and headaches.
7. Prisoners were said to be given medical examinations upon their arrival in the prison.
8. A thorough medical dossier was said to exist for every prisoner, with a record of examinations made at every stage of detention, including garde à vue, and at every point of transfer.

- b) The delegates then made a short tour of the prison medical facilities, briefly examined several medical dossiers, and spoke to seven prisoners in the presence of the prison director. From this the following points emerged:
1. The prisoners, who were speaking to the delegates in the presence of the prison director, directly contradicted the officials' statement on the frequency of visits. The prisoners claimed that although they had been told that doctors would visit every week, doctors often came only every two weeks and sometimes only once a month. The prisoners also said that laboratory analysis took much too long and that the delivery of medicines was often delayed. They also stated that in wards set aside for prisoners in Avicennes Hospital in Rabat and in ar-Razi Hospital in Salé, prisoners were often harassed by the police on duty.
 2. In their brief examination of the medical dossiers the delegates noted that there was no record of any medical examination on entry to the prison or of medical treatment given during the garde à vue period. When the delegates pointed this out to prison officials, the officials stated that prisoners usually arrived in prison without a medical dossier and that no medical examinations were given when they arrived, thus contradicting what they had said previously. The delegates also noted that the dossiers did not indicate when prescribed medication was actually delivered or administered.
- c) In a meeting the next day between the delegates and members of the Parliamentary Commission on Prisoners, the four doctors present said that, on the whole, medical care in the prison was adequate. They stated that on their one visit to Kenitra Central Prison as members of the commission they could find no fault with the medical care administered there.
- During the discussion the doctors did say, however, that prisoners are not examined when they enter prison, that the doctors themselves had never been consulted during garde à vue and that the medical dossier did not accompany the prisoner when he was seen by a specialist. Amnesty International's delegates concluded that although they were not professionally capable of assessing the treatment given in specific cases, there were certainly areas in which the administration and organization of medical care within the prisons could be greatly improved, and were not in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (in particular rules 25 and 27).
5. Other issues of Amnesty International concern: "disappearances", military prisoners held after expiration of sentence, trial procedures, death penalty cases

During the meetings, the delegates also raised other issues: a) "disappearances", b) certain military cases, c) trial procedures, d) the death penalty. Information reaching Amnesty International since the mission took place in February 1981 has increased Amnesty International's concern about the first

three of these issues (see Section C below).

- a) "Disappearances". For several years Amnesty International has received two types of allegation referring to "disappearances": that is, cases of people in official custody whose detention is not (or is no longer) acknowledged by the authorities.
1. Allegations that civilians in southern Moroccan towns such as Goulimine and Tan-Tan have been taken into custody, some as long ago as 1975, in the context of the dispute between Morocco and the Polisario Front for control over the Western Sahara. Many of these people have not reappeared since and the Moroccan authorities have never officially admitted that they were in custody.
- Amnesty International raised this matter with officials and gave them a list of approximately 30 such cases which Amnesty International groups have been investigating. After stating that it was difficult for any government and, in this case, for the Moroccan Government to know with certainty the whereabouts of any named individual -- especially in southern Morocco which was described by the officials as a war zone where much of the population is nomadic -- officials at the Ministry of Justice promised to make inquiries about the individuals on the list and to send Amnesty International any further information they succeeded in obtaining. The list was also given to officials of the Ministry of Interior who made a similar promise.
2. Amnesty International has also received the names of a number of individuals alleged to have been taken into custody in separate incidents dating back as far as 1973, who have not reappeared since. Amnesty International's delegates presented to officials of the Ministries of Justice and Interior a list of 13 such individuals, including two people who had "disappeared" after their trial while they were officially in custody. Eye-witnesses reported on the other 11 that they had seen the individual taken into custody by Moroccan security forces. Officials at the Ministries of Justice and Interior promised to inquire about these people. (For more recent developments see Section C below.)
- b) Military cases. At trials in the aftermath of two attempts on the life of King Hassan II in 1971 and 1972, more than 1,200 members of the armed forces were brought before military tribunals and more than 100 were sentenced to prison terms. (Ten officers were summarily executed after the 1971 attempt; 11 were executed after being tried for involvement in the 1972 attempt.)

Since that time the prison terms of a number of these prisoners have expired but none of the prisoners has been released. Amnesty International is concerned that these individuals had already served the required time and were now being kept in prison arbitrarily.

The delegates gave Ministry of Justice and Ministry of Interior officials a list of 15 such prisoners who had already served their

sentences and who had not yet been freed. The delegates also expressed the organization's concern that the whereabouts of the entire group of military prisoners still serving sentences had not been officially made known, and that they appeared to be allowed no contact with their families or with the outside world.

Officials at both the Ministry of Justice and at the Ministry of Interior insisted that the military cases were not their responsibility but the responsibility of the Ministry of Defence. Officials at the Ministry of Justice added that if those convicted had not lost their officer status, it was perfectly in order for them to be held "en forteresse" (in a fortress), outside the normal prison system. (The officials were unable to say whether or not the officers had indeed lost their officer status.) Officials at the Ministry of Justice agreed to look into the cases on the list handed to them and to communicate the results to Amnesty International. (For more recent developments see Section C.2 below.)

- c) Trial procedures. The delegates raised only briefly the issues of trial procedures and were told that the projected new code of criminal procedure might modify those procedures significantly. In view of this and of the urgency of Amnesty International's other concerns in Morocco, the delegates chose not to discuss this matter at length. (For more recent developments see Section C.3 below.)
- d) Death penalty. Amnesty International opposes the death penalty unconditionally. The delegates asked officials for clarification of the circumstances in which death sentences are commuted. Officials noted that death penalties had been commuted systematically in the recent past but that a period of one year at least would have to elapse before the Commission des grâces would consider commutation of a death penalty.

The Ministry of Justice promised also to provide a list of names of those under sentence of death.

6. Safeguards and remedies to guarantee the fundamental human rights of people in custody

Amnesty International's delegates also paid attention to mechanisms in the legal, administrative and political system for monitoring human rights violations and encouraging adherence to human rights standards. These mechanisms are primarily the following: a) those within the prosecution and judicial systems; b) those relating to the role of parliament; c) those relating to Morocco's obligations under international law.

a) Control by the judicial and prosecuting authorities

1. The parquet (prosecutor's office)

The Ministry of Justice, the Procureur général (Attorney General), (who is charged with ensuring the application of criminal law

throughout the region under his responsibility (CPP, Article 47), and the procureur du Roi (who is responsible to the Procureur-général) have the major responsibility for ensuring the proper application of the law. The police judiciaire exercises its functions under the immediate direction of the procureur du Roi (CPP, Article 16) and under the higher authority of the Procureur général (CPP, Article 51).

The procureur du Roi may begin legal action against members of the police judiciaire (CPP, Article 44), for infractions including abuses of authority committed by employees of the state against individuals (CP, Articles 224-232) and, specifically, for acts of violence against the person (CP, Articles 401-403). The Ministry of Justice has powers of a similar sort, being able to initiate legal action against any public official (CPP, Article 48).

During the meetings Amnesty International's delegates expressed their concern at the laxity of procureurs in fulfilling their legal responsibilities to protect the rights of people held under garde à vue (see Section B.1). In addition Amnesty International asked officials on several occasions whether, to their knowledge, the procureurs or the Ministry of Justice authorities had recently initiated legal action against the police judiciaire for abuses of authority, and whether legal sanctions had been imposed in the recent past on members of the police judiciaire for such infractions. The officials were unable to cite any specific instances of such sanctions but did mention one inquiry being carried out by a juge d'instruction into the death in custody of Mohammed Grina, who died in 1979 as a result of alleged ill-treatment. According to the officials this case is still being investigated after more than one year.

2. The juge d'instruction

Despite frequent complaints by detainees to a juge d'instruction that they had been ill-treated while detained, the juges d'instruction have usually refused to call for a medical opinion or to inquire into the allegations. Officials could cite only the inquiry into allegations of ill-treatment in the case of Mohammed Grina. Officials at the Ministry of Justice stated that this was the first inquiry of this kind.

b) Parliament

According to the Moroccan Constitution of 1972, the Chamber of Representatives enacts legislation relevant to the penal code, to the Code of Criminal Procedure, and to the fundamental individual and collective rights guaranteed by the constitution (Articles 44, 45, Articles 1-18). According to Article 59, the government is responsible to the King and to the Chamber of Representatives.

The members of the Moroccan Parliament, two thirds of whom are elected directly by the population and one third indirectly by communal councils and agricultural, industrial, craft and trade union bodies, were first elected in 1977. That parliament is still sitting (its term was extended from four to six years in a referendum held in May 1980). It has adopted all proposed laws submitted to it by the government, and has opened discussions on its own initiative of very few proposals.

Besides its legislative function parliament might exercise control over the executive in the following ways: 1) by putting motions of censure; 2) by posing oral and written questions to executive officials during the weekly question time; 3) by creating parliamentary commissions of inquiry.

- 1) A motion of censure can be put only if it is signed by a quarter of the members of parliament, and is then voted by an absolute majority (Constitution Article 75). No such motions have been brought forward in the present parliament.
- 2) Questions -- both oral and written -- are frequently put to government ministers. For example during the 1979/1980 session, 33 oral questions were examined of the 80 posed, and 40 written questions answered of 40 put (Lamalif January 1981, page 18). During a meeting with members of the Parliamentary Commission on Prisoners in the presence of representatives of the Ministry of Justice, Amnesty International's delegates asked about the effectiveness of such questions in monitoring the administration of justice. The members of parliament responded by stating that it was perfectly proper for questions concerning the administration of justice to be posed during the question period. The representatives of the Ministry of Justice, on the other hand, stated that the administration of justice was independent of parliamentary supervision and had its own procedures of internal control, under the higher authority of the Supreme Court (for the relevant role of the Supreme Court, see Dahir 1-74-338, 15 July 1974, Articles 13-21). The members of parliament reiterated their view that they possessed the right to ask such questions, but then said that they would probably receive a reply from the executive similar to the one that the representatives of the Ministry of Justice had just offered: a reply which bars effective monitoring of the administration of justice by parliamentary questions.
- 3) According to laws and jurisprudence now in effect parliament does not have the power to constitute commissions of inquiry and control. Although according to the Constitution the parliament establishes its own rules and regulations of operation, these can only be put into effect after the Constitutional Chamber of the High Court determines that these rules "conform . . . to the Constitution" (Article 42). The power to constitute such commissions was explicitly proposed by parliament in November 1977 but rejected in April 1978 by the Constitutional Chamber, which stated that "these commissions do not figure among the means of control of governmental activity, such as

defined by the constitutions and organic laws in effect" (Sehimi, Revue juridique, politique et économique du Maroc 5: 169). The role of the Parliamentary Commission on Prisoners is quite different from that of a parliamentary commission charged with inquiring into, monitoring and controlling government activity. As representatives of the Ministry of Justice and members of the commission present at the meeting with Amnesty International's delegates stated, this commission was constituted, not by parliament, but by the Ministry of Justice, as a particular response to several prolonged hunger-strikes by prisoners. The commission had met formally only twice since being constituted in December 1977 (its meeting with the Amnesty International delegates was its third); on each occasion the meeting was convened by the Ministry of Justice.

Although the Parliamentary Commission on Prisoners has undoubtedly had the effect of focusing a certain amount of legal, medical and political attention on the fundamental rights of prisoners, it is also true that the commission has no independent power to control the executive and was created by the executive to assist it in solving certain problems related to prisoners.

c) International law

Morocco, in ratifying the International Covenant on Civil and Political Rights (ICCPR) on 3 August 1979, became a State Party to the covenant and undertook to ensure to all individuals under its jurisdiction those rights guaranteed by the covenant. States Parties to the covenant agree a) to submit to the Human Rights Committee an initial report within one year of ratification on measures adopted to implement those rights; b) to submit additional reports as requested (Article 41, ICCPR). Morocco submitted its initial report in February 1981, and it is still too early to assess how far its ratification of the international covenants will promote the observance of the specified human rights.

However Amnesty International believes that in many respects Morocco does not ensure and indeed violates some of those rights. These violations are specified in the conclusion.

C. DEVELOPMENTS SUBSEQUENT TO THE MISSION

During its meetings Amnesty International received clarification of the official Moroccan position on many issues. On some, officials promised to provide relevant information in the near future. Amnesty International takes this opportunity to report that in December 1981, 10 months after the mission, the Moroccan authorities had not yet fulfilled their promise to provide further information. There have also been significant developments since the mission on a number of human rights issues within Amnesty International's mandate which give the organization further cause for concern.

1. Garde à vue: prospects for new legislation; continued violation of current legislation

In discussions about procedures under which suspects may be held garde à vue, officials pointed out that a new code of criminal procedure which might substantially improve garde à vue procedures was then under consideration by the government and that the new code would shortly be submitted to parliament for discussion and eventual enactment. Officials promised to inform Amnesty International of future developments in this matter.

On 27 February 1981, immediately after the mission, Amnesty International's Secretary General wrote to the Moroccan Ministry of Justice seeking information on the progress of the projected new code of criminal procedure. To date, no reply has been received on this matter. Amnesty International understands from information it has received from other sources that the new code of criminal procedure has not yet been submitted by the government to parliament. In addition Amnesty International has received information that in many of the arrests taking place in the aftermath of the events of June 1981, current provisions relative to garde à vue have been violated (for examples see Section C.5 below).

2. Pardons for prisoners of conscience

Despite oral assurances given to the Amnesty International delegates by officials at the Ministry of Justice and by the Prime Minister himself that a substantial number of prisoners of concern to the organization would probably be pardoned on 3 March 1981 (the Feast of the Throne and the 20th anniversary of King Hassan's accession to the monarchy), no political prisoners or prisoners of conscience were granted pardons on that date. On 23 March 1981 Amnesty International's Secretary General sent a cable to the Prime Minister and Minister of Justice expressing "profound disappointment that . . . the pardons granted on the occasion of the Feast of the Throne did not affect either prisoners taken up by Amnesty International nor other political prisoners still held in Moroccan prisons". Nor, at the time of writing in December 1981, have there been any pardons granted to political prisoners or prisoners of conscience since that date.

3. "Disappearances"

In the course of their meetings with the Amnesty International delegates, officials at the Ministry of Justice promised to inquire into the whereabouts of approximately 45 individuals named on lists handed to them by the delegates. These include approximately 30 individuals who had "disappeared" from southern Moroccan towns and 13 who had "disappeared" in apparently unrelated incidents in various other parts of Morocco, some as long ago as 1973. On 27 February 1981 Amnesty International's Secretary General sent a letter to officials at the Ministry of Justice reiterating Amnesty International's request for further information on this matter. To date there has been no reply from the Moroccan Government.

Since February 1981 Amnesty International has been able to confirm the "disappearances" from southern Moroccan towns of 63 other people. Some "disappeared" as long ago as 1975. In each case Amnesty International has received eye-witness reports that they were taken into custody by Moroccan security forces. All of these individuals have now been taken up for investigation by Amnesty International adoption groups. A list of those 63 individuals is appended to this report.

Amnesty International is seriously concerned at the pattern of such "disappearances" and fears that, if other reports reaching the organization are true (which Amnesty International has not yet been able to confirm), the number of such cases may amount to several hundred. Amnesty International urgently requests the Moroccan authorities to inquire into the whereabouts of all the individuals named by Amnesty International who have reportedly "disappeared", and, consistent with their promise to Amnesty International's delegates, to communicate the results of their inquiry to Amnesty International.

4. Military cases

In the course of their meetings, officials at both the Ministry of Interior and the Ministry of Justice agreed to seek further information on the disposition of the cases of members of the armed forces tried, sentenced, and now serving terms of imprisonment for participation in the attempts to assassinate King Hassan II in 1971 and 1972. Amnesty International emphasized that it had not stated that these individuals were prisoners of conscience. Amnesty International was concerned about the status of the cases of 15 individuals who had apparently already served their full prison terms but had not yet been released and about the whereabouts of all those individuals sentenced. In its letter of 27 February 1981 Amnesty International reiterated its request for information on these cases. There has as yet been no reply from the Moroccan Government.

Recently, Amnesty International has received disturbing information concerning the whereabouts, conditions and fate of a number of these prisoners. At least 58 appear to be held in a secret detention centre in Tazmamert, and are completely isolated from the outside world. They are permitted no contact and no correspondence with their families. The information indicates that the sanitary and medical conditions in the detention centre are totally inadequate.

Most disturbing are recent reports that as many as 15 of these prisoners may have died in custody in part as a result of the extremely unhealthy conditions and lack of medical care. Amnesty International is able to name eight of them.

5. Trials of Amnesty International concern since February 1981

During the mission to Morocco Amnesty International's delegates did not pose detailed questions concerning trial procedures since at the time of the mission other issues were more urgent. However since February 1981 many trials of concern to Amnesty International have taken place. In February and March 1981 several trials in the cities of Tiznit and Beni

Mellal involved militants of the Union socialiste des forces populaires (USFP), Socialist Union of Popular Forces, and resulted in more than 20 convictions of up to two years, some of which were later reduced on appeal, on charges of acts "tendant à troubler l'ordre public" (tending to breach the peace) (Dahir, 29 June 1935). Following widespread strikes and demonstrations in June 1981 in which at least 66 people were killed by Moroccan security forces and more than 2,000 arrested, more than 1,000 individuals were tried in a number of separate trials. (All these figures are official; opposition sources cite much higher numbers.) In September USFP First Secretary Abderrahim Bouabid was tried along with four others; all were convicted and received sentences of up to one year's imprisonment.

Amnesty International is seriously concerned that a substantial number of those sentenced in these trials were convicted merely for expressing their political beliefs in a non-violent manner. In addition Amnesty International believes that in a number of significant ways the rights of defendants have been seriously violated. Amnesty International here summarizes its concerns in two trials that have taken place since the February mission: the trial of 82 defendants in Rabat between 13 July and 30 July 1981, which was attended by an Amnesty International observer, and the trial of Abderrahim Bouabid and his co-defendants in September 1981. What follows is therefore not a complete presentation of Amnesty International concerns in trials held after the events of June 1981, but is rather an illustration of these concerns.

1. Trial of 82 defendants before la Chambre criminelle de la Cour d'appel de Rabat (Criminal Chamber of the Appeal Court of Rabat): 13 to 30 July 1981.

a) Background

On 20 June 1981 a general strike called by the Confédération démocratique du travail (CDT), Democratic Confederation of Labour, to protest against recent rises imposed by the government in the prices of basic food-stuffs was widely supported. It resulted in major confrontations between strikers and the Moroccan security forces in which, according to official figures, 66 demonstrators were killed. (Unofficial reports indicate that the number of demonstrators killed may have been as high as 637, but Amnesty International has not been able to verify these reports.) Shortly before, during, and immediately after the demonstrations, more than 2,000 people were arrested and at least 1,070 kept in detention. Many of those tried were convicted, including at least 250 in Casablanca alone. (These are official figures.)

Among those arrested and tried in cities throughout Morocco, (in some of which the strike call was not generally supported), were many national and local officials of both the CDT and the USFP. It is difficult to establish precisely the numbers tried and convicted but, as a first approximation Amnesty International presents the following list which was transmitted verbally by officials at the Ministry of Justice to Amnesty International's trial observer. (It should be noted that this list underestimates the extent of convictions since Amnesty

International has been able to ascertain independently that in Rabat the true figure was at least 120, rather than the 90 given in the list.)

List given orally at the end of July 1981 to an Amnesty International trial observer by officials of the Ministry of Justice -- Mr Balkaziz, Director of Criminal Affairs, and Mr Bouziane, Head of Coordination -- setting out the official figures for detentions and trials in the whole of Morocco following the events of 20 and 21 June 1981:

Province	Detainees	Sentences passed	Awaiting trial
Rabat	90	8	82
Salé	45	45	-
Sidi Kacem	4	-	4
Kenitra	16	16	-
Mohamadia	91	82	9
Fez	17	17	-
Sefrou	7	7	-
Taza	3	3	-
Marrakech	15	15	-
Kalaa Seraghna	2	2	-
Benguerir	2	2	-
Safi	13	13	-
Meknes	24	-	24
Agadir	13	8	5
Tanger	2	2	-
Tetouan	1	1	-
Larrache	9	7	2
Settat	5	5	-
Beni Mellal	12	12	-
Oued Zem	5	4	1
Oujda	5	5	-
Nador	7	7	-
Sidi Bennour	5	5	-
Casablanca	250	250	-

b) The trial of 82

The 82 defendants, who included approximately 20 officials of the USFP and the CDT as well as Abderrahman Ben Aneur, lawyer, former President of the Lawyers' Association of Rabat and former President of the Corporation of Lawyers, were charged variously with:

- arson (CP, Articles 580-581)
- voluntary destruction of private property (CP, Article 590)
- voluntary traffic obstruction (CP, Article 591)
- pillage and voluntary devastation (CP, Article 594)
- voluntary destruction of public property (CP, Article 595)
- incitement to rebellion (CP, Article 304)
- voluntary aggravated assault (CP, Article 403)
- breach of Dahir (15 November 1958) on public freedoms and gatherings
- breach of Dahir (29 June 1935) on demonstrations affecting public order and offences of disrespect to authority.

On 30 July 1981 the verdict was announced. Twenty defendants were acquitted. The prison sentences passed were:

- 1) Abderrahman Ben Aneur; three years' suspended sentence.
- 2) Ahmed Izzi (member of the administrative commission of the USFP): one year without remission.
- 3) The 17 union officials of the CDT: one year without remission.
- 4) Four other USFP officials: one year without remission.
- 5) Twenty-six other detainees: four months without remission.
- 6) Thirteen other detainees: six months without remission.

c) Amnesty International concerns

Amnesty International's analysis of the conduct of the trial leads it to conclude that in several crucial respects the rights of defendants were violated, both with regard to garde à vue and during the trial itself. In particular, Amnesty International draws attention to the following:

(i) Illegal extension of garde à vue

Despite Moroccan law which requires a written authorization from the procureur du Roi for an extension of garde à vue after the initial period of 96 hours, there was no such written authorization in most cases where garde à vue had been extended to between seven and 10 days.

(ii) Use of flagrant délit procedure in situations for which the law does not provide for it

The flagrant délit procedure provides, according to Article 10 of the Dahir of 28 September 1974, that the Criminal Chamber should fulfil the role of the investigating judge: that is, there is no separate investigation and the Criminal Chamber itself regulates proceedings before the trial.

According to CPP Article 58 flagrant délit procedure is applicable where:

- a) The offence is being committed or has just been committed when the offender is apprehended.
- b) The offender is still being pursued by public outcry when apprehended.
- c) The offender is found carrying arms or objects implying participation in the offence, at a time very close to that of the offence.

During the trial no substantive evidence was brought forward that any of the defendants was arrested in one of the above situations. At the trial itself none of the witnesses called by the prosecution, including agents of the auxiliary police forces, could be at all precise on this matter. None could identify any of the 82 defendants as perpetrators. The defence was not allowed to produce any witness to confirm the testimony of the accused that they had not been arrested in a situation of flagrant délit.

For instance Abderrahman Ben Aneur was arrested in the morning of 22 June 1981 upon his return to his office in Rabat, after spending Sunday 21 June in Temara. The 17 CDT leaders all stated that they were arrested at the union's office in Rabat on 20 June at around 11.00 pm and no evidence to the contrary was presented to the court.

(iii) Absence of formal notification of the proceedings as fixed by law

Articles 367 and 369 of the CPP provide that all defendants should receive, at least 15 days before the trial, a statement indicating ". . . the nature, date and location of the offence . . ." or the proceedings may be declared null. This rule is also applicable in flagrant délit cases (CPP Article 76). However this principle was not observed. The 82 defendants were brought before the Criminal Chamber without the formal notification required and were all held generally responsible for all the offences mentioned earlier. The individual charges were only brought during the trial, and were not fully individualized. The defendants were charged according to global categories: that is, all the charges except arson for 30 defendants, breach of the Dahir of 29 June 1935 for four others, and so on.

This was undeniably a formal defect in the proceedings, violating the rights of the defence. It meant that the defendants were not able to know the precise nature of the actions of which they were individually accused and against which they had to defend themselves. On the first day of the trial the defence lawyers raised this, but it was rejected by the court on the grounds that it had not been raised at its proper time, that is before any other plea, or before the defence based on the substance of the trial had begun.

(iv) The court rejected all requests for the hearing of witnesses for the defence

The testimony of witnesses produced by the prosecution did not enable any individualized judgment to be made on the role and culpability of each of the accused. The court therefore restricted its attention to the reports and written statements of the dossier of inquiry, rejecting systematically all requests for additional investigation. This was despite the very serious criticisms that could be made of the dossier established by the police.

The court refused to hear the witnesses brought forward by the defence. Numbering 30 in all, they included officers of the police judiciaire, whose testimony the defence had hoped would demonstrate the inaccuracy of the police reports. The court's refusal to summon the defence witnesses 24 hours before the hearing, as provided for in Article 470 of the code of penal procedure, was on the grounds that the profession of one person had been omitted from the list of witnesses.

(v) The tenuousness of the evidence

The prosecution based itself on the dossier of inquiry, made up of police reports, and in its indictment referred to these without bringing forth any new material.

The reports themselves were singularly lacking in conclusive evidence. In fact legal principles provide that, in criminal matters, statements taken down in police reports have only indicative value, and that oral testimonies have priority over them. (See for example the provisions of Articles 463 to 498 of the code of penal procedure.) However it is known that none of the witnesses for the prosecution, including the witness from the rapid intervention corps of the auxiliary police forces, specified any reprehensible act directly attributable to a defendant.

The tenuousness of the evidence is also shown by an analysis of the reports drawn up by the police itself. Apart from the fact that none of the defendants admitted that the confessions that were extracted from them were accurate, a comparison of the police reports shows the material impossibility of the activities attributed to certain defendants. As an example, the President of the Lawyers' Association, Abderrahman Ben Ameur was said in the reports to be in four different places in Rabat, several kilometres apart, at the same time -- 9.30 pm on 20 June 1981 -- inciting the population and lighting fires. Similarly some of the 17 CDT leaders surrounded in the union's central office from 3 pm that day were, according to some police reports, arrested while rioting in the street at 8.30 pm, and according to others, seen inciting disorder, disturbances and fires at various locations in Rabat between 9.30 pm and 9.45 pm.

Close attention to the police reports ought to have led to their accuracy being questioned or at least to supplementary investigations

being carried out. However none of this was authorized by the court, in spite of repeated requests by the defence.

It should also be noted that in a criminal trial the law requires exhibits to be deposited in the courtroom. However the only exhibits brought to the court were about 20 sticks, which were in fact coarsely-shaped tree branches, each similar to the others.

2. Trial of Abderrahim Bouabid and four co-defendants in Rabat, 21 to 24 September

a) Background

On the night of 8 September 1981 the Moroccan police arrested Abderrahim Bouabid, First Secretary of the USFP; Mohamed Mansour, USFP member of parliament; and Mohamed Forkani, member of the USFP Political Bureau. On 10 September 1981 Mohamed Lyazghi, USFP member of parliament and director of the AL-Mouharrir and Libération newspapers, and Dr Mohamed Lahbabi, member of the USFP Political Bureau, presented themselves voluntarily to the authorities.

The five were originally charged with offences involving "atteinte à la sûreté extérieure de l'Etat" (CP, Article 188) and with acts "tendant à troubler l'ordre, la tranquillité et la sécurité" (tending to disturb order, peace and security) (Dahir, 29 June 1935). At their appearance in court on 11 September 1981 the prosecution dropped the first charge and announced that only the second would be retained.

b) The trial

During the trial the defendants were charged with an offence in connection with only one act: the dissemination of a declaration made on 5 September 1981 by the USFP which criticized resolutions adopted by a committee of the Organization of African Unity (OAU) at the end of August 1981 concerning the conflict in the Western Sahara. The resolutions adopted by the OAU committee were in the spirit of proposals presented to that organization by King Hassan II of Morocco.

Each defendant was found guilty and received the following sentence:

Abderrahim Bouabid	one year's imprisonment
Mohamed Lahbabi	one year's imprisonment
Mohamed Lyazghi	one year's imprisonment
Mohamed Mansour	two years' imprisonment suspended
Mohamed Forkani	one year's imprisonment suspended

The verdict is now under appeal.

c) Amnesty International concerns

Amnesty International has closely examined the USFP declaration of 5 September 1981, the dissemination of which is the only act of which the defendants were convicted. In Amnesty International's view this declaration involves nothing more than a critical political analysis of the OAU resolutions, pointing out the dangers that the USFP feels these resolutions pose for what the party perceives to be Morocco's true interests. In this it is a statement of a political position and in no way involves the use or advocacy of violence. Amnesty International therefore concludes that the defendants have been convicted in violation of legal provisions which guarantee freedom of expression in Morocco, including Article 9 of the Moroccan Constitution and Article 19 of the ICCPR, which Morocco ratified in 1979.

D. CONCLUSION

After considering the discussions held by Amnesty International's delegates with Moroccan officials in February 1981 and examining testimony received by Amnesty International over recent years concerning human rights violations in Morocco, Amnesty International concludes: 1) that in a number of crucial respects the legal and administrative procedures currently applied in Morocco do not provide sufficient protection against ill-treatment for people in custody; 2) that legally responsible individuals are frequently not carrying out the law, or are interpreting their legal responsibilities in such a fashion as to enhance the likelihood that the fundamental rights of people in custody will be violated; 3) that legislation has been and is currently being applied in a way that has led to the arrest and conviction of numerous "prisoners of conscience"; 4) that a number of blatantly illegal practices, contravening both Moroccan law and the international covenants on human rights which Morocco ratified on 3 August 1979, have led to serious human rights violations involving the "disappearance" of large numbers of people and the deaths in custody of others; 5) that Moroccan officials have not taken the opportunity offered them during and immediately after the Amnesty International mission in February 1981 to provide additional information and clarification of a number of relevant matters, despite having promised to do so.

These conclusions are drawn from the following summary of Amnesty International's concerns:

1. The practice of garde à vue (incommunicado detention) and ill-treatment

Amnesty International believes that Moroccan officials are failing in their legal and moral obligations to arrested individuals by routinely arresting without showing warrants (in violation of Moroccan law); by not informing families and lawyers of the arrest or of the arrested person's place of detention; by extending repeatedly the garde à vue period so that it often lasts months and sometimes more than a year (interpreting the relevant provisions of Moroccan law too broadly); by furnishing such extensions without seeing the detainee and doing this without providing a reasoned written

explanation (as required by Moroccan law); by providing no way for the arrested person to appeal directly against wrongful arrest. The procureur du Roi, who is legally responsible for the observance of law and the protection of the rights of the detainee from the moment of arrest until the case is handed to the juge d'instruction is particularly lax in exercising that responsibility; in many political cases the procureur du Roi has not exercised that responsibility in an appropriate manner and, in some instances, appears to have contravened the law.

Without the careful supervision of the procureur du Roi the long periods of garde à vue where the detainee is held incommunicado in the sole custody of police and interrogating personnel, with inadequate medical care available, create the preconditions for torture and ill-treatment. On the basis of all the information in its possession, its assessment of the conditions of garde à vue, and the consistency between the numerous allegations it has received of ill-treatment and torture in Moroccan police detention centres, Amnesty International concludes that such treatment has frequently taken place and may be occurring routinely.

These practices contribute to violations of the ICCPR Article 7, violate Article 9, paragraphs 1, 2, 3, 4 and Article 10, paragraph 1, and are contrary to rule 92 of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

2. Practices under the authority of the juge d'instruction

In cases of political offences, suspects are usually kept in preventive detention for long periods contrary to the spirit of Moroccan law, and directly in violation of ICCPR, Article 9, paragraph 3. The juge d'instruction routinely refuses to investigate allegations made by suspects that they have been ill-treated while in custody, despite the fact that the juge d'instruction is required to do so by law. In declining to do this, the juge d'instruction contributes to violations of ICCPR, Article 7 and Article 10, paragraph 1, and acts contrary to Article 9 of the United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. Prisoners of conscience

Despite the claims of officials that "prisoners of conscience" are not held in Morocco Amnesty International continues to view as "prisoners of conscience" more than 100 individuals who were convicted and have been in prison since 1977 or earlier. A significant number of prisoners tried in July, August and September 1981 are also considered by Amnesty International to be "prisoners of conscience". Amnesty International concludes, therefore, that Moroccan legislation, administrative practice and abuses of the rights of defendants continue to lead to the imprisonment of individuals for non-violently exercising the rights of expression and association guaranteed by the Moroccan Constitution and by ICCPR Articles 19, 22, and that trial practices sometimes violate ICCPR Article 14.

4. Prison conditions and medical care

- a) Amnesty International's delegates did not attempt to investigate prison conditions in Morocco. Information they received during the mission suggests that in Kenitra Central Prison, at least, conditions are adequate. On the other hand some reports received by Amnesty International indicate that conditions in other prisons, particularly Laalou in Rabat are quite inadequate and unhealthy. However Amnesty International's delegates were not able to verify these reports first-hand.
- b) Although Amnesty International did not send a medical mission to assess the medical care available to prisoners, Amnesty International believes that in a number of crucial ways the provision of medical care in prisons is deficient:
- i) there do not appear to be sufficient medical staff available to prisoners for long enough periods to avoid substantial delays in receiving treatment;
 - ii) prescribed medication does not appear to be distributed promptly;
 - iii) the medical records of prisoners are not complete, and do not record treatment given at all stages of detention; in particular the records do not include information referring to treatment during the garde à vue period;
 - iv) medical examinations are not given at the time of entry to the prison.

These practices are contrary to rules 24 and 25 of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

5. "Disappearances"

Amnesty International is able to confirm the "disappearance" of approximately 100 individuals from towns in southern Morocco since 1975, in the context of the dispute over the Western Sahara. This figure probably substantially underestimates the true number of individuals taken into custody in this region by the Moroccan security forces whose arrests have not been officially admitted by the authorities.

In addition Amnesty International is seriously concerned about the fate of 13 individuals who "disappeared" in separate incidents, some as long ago as 1973.

Amnesty International believes these practices to be in violation of Moroccan legislation relating to arrest and detention, and also in violation of Article 9 of the ICCPR.

Amnesty International formally requested a response from the Moroccan authorities in these cases but has so far received none.

6. Military cases

Amnesty International is gravely concerned at the fate of approximately 100 military prisoners convicted of involvement in attempts to assassinate King Hassan II in 1971 and 1972. Amnesty International is concerned that:

1. at least 15 of them have served their sentences and have not been released;
2. the whereabouts of this entire group of prisoners has not been acknowledged since their transfer from Kenitra Central Prison in 1973;
3. the conditions of imprisonment of this group, reported by unofficial sources to be held at Tazmamert, are said to be appalling;
4. perhaps as many as 15 of these prisoners are reported to have died, in part as a result of the appalling conditions and complete lack of medical care.

Amnesty International believes that in these cases Morocco is guilty of violating many of its own laws as well as Articles 7, 9 and 10 of the ICCPR.

E. RECOMMENDATIONS

I. Amnesty International, therefore, recommends that the Government of Morocco institute a public and impartial commission of inquiry to:

1. examine legislation and practice relating to arrest and garde à vue with a view to:
 - a) enforcing existing legislation which requires arrest warrants to be shown;
 - b) informing the family and lawyer of the place of detention of every arrested person immediately upon arrest and at every stage of detention;
 - c) establishing clear time limits and a reasonable maximum period for garde à vue and enforcing the procureur's legal obligations during and upon extension of garde à vue;
 - d) providing arrested individuals with access to family, lawyer, and medical care promptly after arrest and at brief, regular intervals thereafter;
 - e) providing arrested individuals with direct legal appeal mechanisms against wrongful arrest.
2. examine ways of enforcing and improving existing legislation which stipulates that preventive detention should be an exceptional measure and that cases of "atteinte à la sûreté de l'Etat" should be judged quickly;
3. examine legislation and practice designed to control abuses of authority committed by officials, with a view to establishing ways to monitor the behaviour of the police during garde à vue, and enforce the legal obligation of the juge d'instruction to call for

a medical examination in cases where allegations of torture and ill-treatment are made by detainees;

4. examine the nature and quality of medical care in prisons and detention centres, with particular attention to the unacceptable delays experienced by prisoners in receiving medical examinations and prescribed medication, to the incompleteness of medical records, and to the medical care provided during garde à vue.

II. Amnesty International also urges:

1. that details of the arrest, detention and current whereabouts of the more than 100 "disappeared" people named in this report be made public and that all those unlawfully held be released;
2. that details of the fate of all prisoners currently held for involvement in the 1971 and 1972 coup attempts be made public, including their whereabouts since they were moved from Kenitra Prison in 1973, their current whereabouts and conditions of detention, and their current states of health. Amnesty International also calls upon the Moroccan Government to release immediately all those prisoners who have served their full sentences.

III. Amnesty International also urges King Hassan II to release from prison the more than 100 individuals believed by Amnesty International to be prisoners of conscience, as well as all those tried during 1981 who have been convicted for the non-violent expression of their political beliefs.

Amnesty International also calls for the irregularities in the trials noted in part C.5 of this memorandum to be redressed.

APPENDIX 1

INTERNATIONAL PROVISIONS CONCERNING HUMAN RIGHTS CITED IN THIS REPORT

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful....

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person....

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by a law....
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- c) To be tried without undue delay;
- d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- a) For respect of the rights or reputations of others;
- b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take

legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS AND RELATED RECOMMENDATIONS

Article 24

The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

Article 25

1. The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
2. The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

Article 92

An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

APPENDIX 2

CASES SUBMITTED BY AMNESTY INTERNATIONAL TO THE MOROCCAN AUTHORITIES

A. "Disappearances"

1. "Disappearances" from southern Morocco (submitted during the mission of February 1981)

Fadel ABDELKADER

Mohamed Said Ould ABEIDI

El Moutaly AHMADOU

Daoud el Khadir Ould Mohamed el AYAD

Daoud Ahmed Salek Ould Mohamed el AYAD

Mohamed Brahim el Araj Ould BABBEIH

Maatallah BABDIH

Addah Ould BALLALI

El Bellal Ould Lahbib el BELLAL

Sellouk Ould CHEIK

Fatimattou Ment Mohamed Ali Ould DAHOUBAR

Leili Fatma el GHALYA

Fattahi HACEN

Khnaitha Ment HAIDASS

Cheik Ould HAMMADI

R'Gueibi Lahbib Ould KHALIL

M'Barka Ment MAILED

Boukhaled Ould MOHAMED

Sahel MOHAMED

Darjaoui MOHAMED

Khaouaja Abderrahmane Ould MOHAMED

El Idrissi MOKHTAR

Lahna MUSTAPHA

Dahi Ould Mohamed NAJEM

Zaoui Ould Heimed el OMAR

El Admi Moulay Ould Hamdatt Ould Mohamed el OUALI

Mohamed M'Bark Ould SALAH

Abd el Khalek Ould Abd SALAM

2. "Disappearances" from southern Morocco brought to the attention of the Moroccan authorities-by Amnesty International groups since February 1981

	<u>Place of "disappearance"</u>
Maimouna Ment ABDALLAHI	Tan-Tan
Ment Sidi Ould Sidi ALI	Goulimine
Louali Ould BABEIT	Tan-Tan
Abdi Ould Mohamed EL BACHIR	Zag
Mohamed Ali Ould BACHIR	
EL BERBOUCHI	Tan-Tan
Mohamed EL BOUDDA	Goulimine
Mouloud Ould BOUDDA	Tan-Tan
Mouhamd Cheikh Ould EL BOUKHARI	Tan-Tan
Brahim Ould BOUZAIID	Tan-Tan
Mayara N'Aija Ment Ali Ould BRAHIM	Tan-Tan
Bahima Ould BREIKA	Tan-Tan
Ahmed Ould CHACRMHA	Zag
Aichatou Ment CHAFI	Tan-Tan
Mohamed Salem Ould Abba Ould D'Khil (Azzaz)	Agadir
Lafreitiss Mohamed FADEL	Tan-Tan
Aheimed Ould Aheimed FENDU	Tan-Tan
Abdallehi Ould EL GHAILANI	Tan-Tan
B'Neiba Ould EL GHAILANI	Tan-Tan
Hamma Ould Bellal Ould HADDA	Tan-Tan
Lahbib Ould EL Bellal Ould HADDA	Tan-Tan
Sayeh HASSAN	Tan-Tan
Beira Ould HASSINA	Tan-Tan
Mohamed Ould HAIMED	Tan-Tan
Dammaha Ment Ali Ould H'MAIDAT	Tan-Tan
Moulay Ould H'MAIDAT	Tan-Tan
El Moujahid Ould H'MEIDI	Tan-Tan
Bahaha Ould EL HOCINE	Tan-Tan
H'Miedi Ould HONDOUD	Tan-Tan
Abdi Ould Mohamed EL Bachir Ould EL KHALIL	Tan-Tan
Fala Ment KHANDOUUD	Tan-Tan
Laaroussi KHATTARI	Tan-Tan

Nenni Ould KHATTARI	Akka
Boubba Ould EL KOURI	Tan-Tan
Lahbib Ould Hmed LAHCEN	Tan-Tan
Mohamed Lambarek Ould LAMMAHED	Tan-Tan
Alouat Ould LAMSEITI	Tan-Tan
Ahmed LASSOUIDI	Tan-Tan
Ayyat LBAAMRANI	Tan-Tan
Leili Med Fadel Ould Moulay Ahmed LEILI	Tan-Tan
Mimouna Ment LEILI	Tan-Tan
Moulay Ahmed Ould LEILI	Tan-Tan
Chighali Ould MAGIYA	Ourzazate
El Bechir Ould Labbat Ould MAYARA	Tan-Tan
Mayara Ali Bouya Ould Omar Ould MAYARA	Tan-Tan
Mayara Cheikh Ould Omar Ould MAYARA	Tan-Tan
Mayara Haiba Ould Omar Ould MAYARA	Tan-Tan
Mayara Saiddah Ould Omar Ould MAYARA	Tan-Tan
S'Laima Ould MAYLID	Zag
S'Louk Ould MAYLID	Zag
Salama Ould MENNOU	Tan-Tan
Mohamed Ould M'NAICIR	Zag
Mohamed Mbarek Ould MOUHAD	Tan-Tan
Mohamed Lambark Ould Mahmoud Ould Sidi MOULOUD	Tan-Tan
Ben Nasser Ould Ahmed NAH	Zag
Ouled RABAH	
Hamdi Ould Bouzaid Ould RABBANI	Goulimine
Sid Ammou Ould SAID	Tan-Tan
Eddaoudi SALEH	
Ment Allah Ould SALEK	Zag
Salek Ould ABD-ES-SAMED	Tarfaya
Abeidi Ould SOUHAILI	Goulimine

3. Other "disappearances" (submitted during the February 1981 mission)

a. Individuals who "disappeared" after their trial:

- 1) Omar ben Abderrahman KSISER, tried before the military court at Kenitra, August 1973.
- 2) Kacem ben Muhammad OUEZZAN, tried before the military court at Kenitra, August 1973.

b. Individuals who "disappeared" after being arrested by local officials:

- 1) Moha OUFROKH, "disappeared" in May 1973 in Imilchil, Errachidia province. Resident of Ksar Agdal. Cercle Imilchil. Age: 50.
- 2) Bassou ou Zaid ou ABBOU, "disappeared" in May 1973 in Imilchil, Errachidia province. Resident of Ksar Boukhannan, Cercle Imilchil. Age: 30.
- 3) Moha ou Moh OULHAOUS, "disappeared" in March 1973 in Imilchil, Errachidia province. Resident of Ksar Boukhannan. Age: 75.
- 4) Fatma Moh ou HARFOU, "disappeared" in March 1973 in Imilchil. Resident of Ksar Sounatane, Cercle Imilchil. Age: 35.
- 5) Moha ou Haddou ou BEZENDI, "disappeared" in Imilchil. Resident of Ksar Sountate, Cercle Imilchil. Age: 60.
- 6) Haddou ou FDIL, "disappeared" in March 1973 in Aghbalou Nkerdouss-Goulmina. Resident of Ksar Aghbalou Nkerdouss, Cercle Goulmina, Errachidia province. Age: 80.
- 7) Lahbibe BALOUK, "disappeared" in 1975 after being arrested in March 1974 by the royal police force. Resident of Goulmina. Age: 50.
- 8) Bassou LOUZI, "disappeared" in March 1973 in Ouarzazate. Age: 35.
- 9) Abdesslem ben el Bashir AMERKRAZ, "disappeared" 19 September 1978 in Souihla, Marrakech province. Employed as a manager of SODEA in the Marrakech area.

c. Other cases:

- 1) Mohammed el ABDI, "disappeared" in 1973.
- 2) Hussein el MANOUZI, sentenced in absentia at Marrakech, June 1971.

B. Non-released military prisoners having already served their complete sentence (submitted during the mission of February 1981)

Judged in Kenitra, January 1972

<u>Name</u>	<u>Rank</u>	<u>Penalty</u>
ABABOU Abdelaziz	sergent chef	5
ABDESSADEK Mohamed	sergent	5
ABOUL Maakoul Mohamed	adjutant chef	5
AZENDOUR Boujemma	s/lieutenant	5
BEL Kebir Abdellatif	lieutenant	4
BOUTOU Madih		3
DIK Jilali	adjutant chef	5
GHALLOUL Mohamed	capitaine	5
MERZAK Ahmed	s/lieutenant	5
MESSAOUDI Abdelkrim	lieutenant	4
MOUJAHID Mohamed	lieutenant	4
SADKI Abderrahmane		3
SEFRIQUI Moueddene	s/lieutenant	5
TIJANI Ben Redouane	s/lieutenant	5

Judged in Kenitra, October 1972

SKIBA Bouchaib		3
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C. Prisoners of conscience (submitted during the mission of February 1981)

1. Casablanca trial 1973 Prison number

Abdelhamide AMINE	18624
Sion ASSIDON	18603
Mohamed BARI	18605
Mohamed BELMEJDOUB	18622
Abdeljelil DERJ	18614
Abdellatif DERKAOUI	18609
Hamid EZZROURA	?
Ali FKIR	18620
Ahmed HERZENNI	?
Mohammed el-KHOTBI	18613
Abdelaziz LOUDIYI	18627

2. Casablanca trial 1977

Abderrahime AFARKI	19253
Brahim AHMICH	19183
Mohamed AISSAOUI	19163
Ahmed AITBENNACER	19236
Larbi el-ALAMI	19159
Mohamed el-MOUAFFEQ	19165
Abdelkader AMASRI	19250
Mohammed AMGHAGHA	19273
Brahim ben Houcine AMNAY	19237
Said ASGHEN	19267
Allal el-AZHAR	19195

Mohamed AZIBOU	19170
Abdelmajid AZMANI	19187
Abdeslem el-BAHI	19202
Lahcen BARAKAT	19215
Mokhtar BELKHTIR	19172
Mohamed BELLOUT	19146
Abdelali BENCHEKROUN	19208
Habib BENMAKIK	19274
Jamaleddin BENOMAR	19251
Ahmad BENSAID	19247
Driss BENZIKRI	19203
Hassan el-BOU	19260
Ahmed BOUGHABA	19257
Rekab Driss BOUISSEF	19244
Mustapha BOUKARTAS	19227
Abdelkader Loudiyi CHAOUI	19155
Ahmed CHARAFI	?
Mimoun CHICHAH	19212
Habib el-TITI	19239
Mustapha FAZZOUANE	19243
Mohamed FELLOUS	19168
Ahmed FESSAS	19269
Mohamed FIKRI	19174
Mahjoub AITGHANOU	19189
El Ghazi ben lahcen GORTAT	19272
Ahmed HABACHI	19158
Farid el-HADDAD	19224
Mohamed HAISSANE	19201

Abdelhamid HAJJAJI	19259
Abdelali HAJJI	19185
Mohamed HAMMANI	?
Safi HAMMEDI	?
Abdullah HARIF	19199
Abdeljabar HASSOUN	?
Fouad el-HILALI	19192
Miloud JDAINI (ACHDINI)	?
Mohamed KADA	19152
Mustapha KAMAL	19149
Mohamed KAMOUNI	19182
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Mustapha KHATTABI	19271
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Mohamed LAGHRISSI	19175
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Ahmed LAKHLAFI	19256
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Mustapha MEFTAH	19156
Mohamed el-MEHDI	19171
Allal MELKAOUI	19229
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Abdelaziz MIMOUNI	19217
Brahim MOUATTA	19145
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Bel Abbes MOUCHTARI	19232
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Younes MOUJAHID	19252
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Rachid NAZHARI	19160
Mustapha NEFLOUS	19161
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APPENDIX 3

PRISON WRITINGS

Amnesty International presents here a small selection of the testimony that it has received from Moroccan prisoners over the last few years.

The views expressed do not necessarily reflect those of Amnesty International, nor does Amnesty International vouch for the specific details mentioned; the reader should also bear in mind that the situations described and the authors' views may themselves have changed since the time of writing.

1. TESTIMONY OF A MOROCCAN POLITICAL PRISONER (translated from French)

My name is Zaazaa Abdellah, I was born in Casablanca in 1945; a worker since 1964, I have successively been a part-time metal worker, an electro-mechanic, an electrician and a mechanic, depending on the various establishments where I have worked.

As a worker I started getting involved in trade union activity in 1968 and in political activity in 1970. The purpose was to take part, within my limited capacity, in the workers' struggle and in their organizations; to organize militant workers and set up a working class party; to denounce the present Moroccan regime and to give my opinion, among the workers and other strata of the population, on a democratic society governed by democratic freedoms, and which could only come about through the struggle of the working class and of other oppressed and exploited strata and eventually on the distant objective of a classless society where man would not be exploited by man....

For this activity I was abducted by the police on 28 January 1975 and held incommunicado with other militants in a place of detention in Derb Moulay Cherif in Casablanca, under the pretext of various charges: "plotting against the monarchy in order to overthrow and replace it by another regime", "endangering the internal security of the state", "setting up illegal organizations" etc. On 15 January 1976 I was transferred to the central prison of Kenitra together with 25 other political detainees.

On 3 January 1977 the trial of 139 political detainees opened before the court of first instance in Casablanca; none of us was allowed to conduct his defence. On 15 February, I was sentenced, together with four other comrades, to life imprisonment plus another two years' imprisonment and a 5.000 DH fine; the other accused were sentenced to 32, 22, 12, 7 and 2 years' imprisonment and all received a five years' suspended sentence and a 5.000 DH fine. No one was acquitted at that trial.

As for my arrest itself: on 28 January 1975, as I was crossing the road, at 18.35, in Marechal Square in Casablanca, near the Vox Cinema (which has since been pulled down), about 10 people surround me and throw themselves on me; some are crouched and trying to immobilize me by holding me by the thighs and hips; while others hold my back and arms, trying to handcuff me, and do not succeed, and a crowd has started gathering round us, one of them shouts "stop struggling, this is the police". "You are not the police, can you prove it?" A hand is pushed into my face and two fingers press hard on my closed eyes. The fingers continue to press hard on my eyes until I stop resisting. They knock me to the floor like a sheep about to be slaughtered, a knee presses my face against the roughened road surface while someone handcuffs me.

They make me stand up and one of them seizes me by the collar of my jacket, pulls it over my head and my eyes and drags me after him so that I have to follow, bent double and unable to keep my balance. They take me into a small alley behind the Vox Cinema, stand me against the wall and start searching me. After they have taken from my belt a copy of Al Mounadil (a militant students' paper) and a pamphlet, "Let us fight for the legality of the National Union of Moroccan students" (distributed on the occasion of 24 January, the anniversary of the UNEM's dissolution) someone says "that's him" and they push me into a black American car which, under other circumstances, I would have found quite comfortable. When the car moves off, it is overloaded. The interrogation starts immediately after I have been blindfolded.

- Have you seen "A state of emergency"? Well, this is the state of emergency your name?

- Zaazaa Abdellah.

- Where do you live?

- Derb El Miter, street 8, house 8...

- ...No, we want your real name, your pseudonym and the headquarters of your organization.

- I don't know what you are talking about. My name is Zaazaa Abdellah. Who are you?

I get a series of punches in the face, the stomach and the ribs. Then the same questions and answers start all over again while blows start raining on me non-stop from all sides.

- Be a man, you are Antar Abdelkader.

- No my name is Zaazaa Abdellah.

- You lived in a house in Derb Milan, then you left, come on show us your new house.

- I don't know what you are talking about.

- Yes you do; you worked at the Energy then left for Sid Kacem... Come on, talk.

I don't reply any more. During the whole trip I continue to receive blows punctuated from time to time with one or two questions.

When we arrive at the police station in Derb Moulay Cherif... the interrogations begin.

- Listen, we are democratic people but only with those who show us that they too are democratic by not hiding from us whatever they do. Either you are willing to talk frankly and we won't touch you or you refuse and then we will be forced to use the means necessary to make you talk.

- It's no use being stubborn. You've read the brochure "On repression" haven't you? Others like you believed it. We'll show you that there is no "resistance".

They take me somewhere else, make me sit down and resume the interrogation. At the same time, I feel a rod-like object, with a rounded end against my cheek, giving out a continuous electric current. The object moves over my cheeks, between my lips, round my nose, over my eyelids, round my ears and neck. Then they stop, tell me to lie on my stomach, take off my handcuffs then tie my hands behind my back. My feet too are bound round the ankles. They push a bar between my arms and legs, lift it and prop the two ends on a stand. This is the "aeroplane" position. My body, from the neck to the knees, is bent in a semi-circle. I am hung from the bar by the ankles and wrists. My shoulder joints support nearly the whole weight of my body. From time to time, they put a chair between my body and the bar to keep my spine twisted. During this time they have begun hitting both feet, with an object which could be a stick because it is hard and seems to be rounded, and from time to time one of them puts his cigarette out on my stomach.

I ask them to take me down, I drink some water and smoke a cigarette before the interrogation starts again. Still unsatisfied with my replies, they tie me again but this time in the "parrot" position. I remain seated while they bind my ankles and my wrists which this time are tied in front and not at the back. They force me to bend my knees and make my knees, pressed tightly together, pass between my open arms. They then push the bar between the back of my knees and my arms and lift me again. My thighs and knees are crushed against my stomach and chest. My face is tilted upwards.

They put a rag over my mouth, pinch my nose with two fingers and start pouring water on the rag. When I try to breathe through the mouth they pour water on the rag, which is soaked and lets very little air through. They add even more water to the rag which forces me to try and swallow water more quickly than they can pour it on the rag, just so that I can gulp some air. However they always pour much more water than I can swallow. From time to time they slow down so that I can suck in some air, then ask one or two questions and start again. When they feel that I can't take any more, they stop, tilt my body lightly so that the soles of my feet are in the right position for them and they start hitting them again with their stick.

Between my arrival at the police station at about 7 pm until about 8 o'clock in the morning, they make me change position three or four times ("aeroplane" or "parrot"). The blows on the soles of my feet and the rags alternate, with a few minutes' pause during which I remain in a hanging position and two pauses of about 20 minutes so they can go and check the false addresses I have given them. With all the water that I had drunk I urinated several times in the different positions I was put in and the urine would drip from various parts of my clothes. My body was soaked in sweat and urine and I felt very thirsty in spite of all the water I was swallowing. All this time I was in the dark as I was still blindfolded, I could only recognize them by their voices.

In the morning they take me down from where I had been hanging in the "parrot" position but leave me bound with the bar between my arms and the back of my knees, like someone who would be sitting with his chin on his knees and his arms around his folded legs. Whenever I fall on my side because of tiredness, one of the guards would press on the other end of the bar until the pain I feel in my arm joints forces me to get up again. Sometimes I fall backwards but they hit me on the back with a stick and I'm forced to get back up.

When the policemen, who had gone for their breakfast after taking me down, come back, they untie me, handcuff me and make me sit on a blanket but they don't let me put my feet on the blanket so as not to stain it with blood; then they start talking all morning, asking questions from time to time. I touch my feet; the soles are like two large and very ripe watermelons which have burst on one side ...

When out of tiredness I open my knees, a foot crushes my genitals exposed under my torn clothes. "Next time you show them again, we'll cut them off..."

...For 10 more days I am kept on my own in an office, blindfolded and handcuffed, my wrists bleeding and bandaged like my feet, my arms and hands tightly cramped because of the stiffness of my muscles and my whole body in a feverish state. I am constantly being interrogated. When I am allowed to go to the toilet, I go on my knees and elbows followed by a guard who whips me to make me move faster. Once in the toilet I could only urinate by standing on my knees. Many times I looked at the toilet hole in despair and went back without relieving myself fully because I could not squat. Sometimes in those first 10 days and afterwards, one of the guards would show some sympathy, when he was on duty at night, he would make me sit on a chair, and with the help of another prisoner, would carry me to the toilets

.... My bandages were changed about once a week and only when the pain became unbearable. And each time, a male "nurse" would cut with his scissors into bare lumps of putrefied flesh which gave off a disgusting smell.

In the first days, I had to bring my face straight over the plate to eat my "soup" and lap up my food directly with my lips because I couldn't use my hands. When a guard took pity on me he would take the bread, cut it in small pieces and throw it in the plate so that I could eat it, otherwise I would not be able to. To drink, I had to go near a plastic bottle, wedge it between my elbows before lifting it to drink, the muscles in my arms and hands were so stiff. It was only after a month that my hands started readapting.

Because of the risk of gangrene on my feet, I was taken to the Avicennes Hospital in Rabat on 22 February 1975, in the ward on the "fifth floor" (in fact I was on the second floor), the only change in my situation was that I wasn't blindfolded during my stay at the hospital, which ended on 13 April, and the Tetracycline injections I was given every day. During the day I was handcuffed (over my bandages) and at night only one of my hands was handcuffed to the bed. At first I could not stand up to go to the toilet and even at night the light was not switched off.

At the end of May they took off the bandage on my right foot for good and in early June the bandage off my left foot.

2. LETTER CONCERNING THE DEATH IN LAALOU PRISON (RABAT) OF BRAHIM ZAIDI, DECEMBER 1978 (translated from the French)

I started this letter to you on the 12th. It is the 26th today. This delay is due to many things. First we went on a symbolic hunger-strike on the 18th and 19th, to commemorate the martyrs of repression, torture, assassinations, etc (most political detainees of all prisons joined that strike). Although it was short, I was slightly affected by it because after a total of about 70 days on hunger-strike (over the years) I can't bear hunger so easily...

...Finally, after my arrival here, I had one of the worst experiences in my life. Someone died in the cell where I was. As we were like sardines in a tin (besides, the prison in Rabat is one of the oldest, louisiest prisons you can imagine) it would be more accurate to say that he died right up against me. He was an old militant, a veteran of prison life, he first went to prison in the 40s. He'd just left the police station where he was detained with four other militants from July 1974 until August 1978!! (The police, it's true, claim they only took them in in July 77!) He spent the whole time in a cellar, blindfolded and handcuffed -- not to mention the inevitable ill-treatment -- he did not fail, of course, to contract various illnesses. The utmost disgrace was that they refused to give him medical treatment until he was almost dying. It would really be too distressing to go into his problems at the prison infirmary in detail. The night before he died, he complained about chest pains and a cold sensation in his left arm, he vomited several times and did not stop moaning. The following night he experienced the same pains but more acutely (it was the night of the 24th to the 25th). We tried to help him as we could, especially one of us, an old man who was a bit of a traditional doctor. But at one point he, who at least knew about these things, warned us that his condition was serious. We then called the jailers. We had to make a terrible din before they finally came and decided to go and find someone higher up to take the dying man to hospital. By the time they got back with a stretcher, our friend had died. It must have been about 4 o'clock in the morning.

You have here an example of the incredible inhumanity in which we live and in the midst of which wonderful people die as if they were rubbish. Cynicism is king. You end up having strong doubts as to the chances of love...

PS I forgot to name the dead comrade: Zaidi Brahimould el Haj M'barek, from Figuig, dead at the age of 54.

3. LETTERS ON PRISON LIFE (translated from the French)

In your last letter you asked me about my studies...As far as my "academic studies" are concerned, they only take a month's preparation a year. A month before the examination, I stop my program to devote myself entirely to preparing the exam. To start with, I only get lessons from the faculty in the form of notes taken by a student during the class. A student friend sends me a photocopy of his notebook at the end of the year, together with some books. It is only then and with very limited means that I start studying -- the faculty syllabus does not change much -- the students are always either on strike or on holiday! Fortunately, every year, I pass my exams. The only thing that the prison officials would do for us in this matter is to agree to enrol us at the faculty and give us the opportunity to take the exam here at the end of the year. On the day of the exam the faculty gives us the same tests as those taken by the students outside. So much for the written exam. Once you have passed this, you are entitled to take the oral examination in Rabat prison. This is the only time in the year you see the teachers, when they come from the faculty to the prison to conduct the oral exam. In spite of all the difficulties, most prison candidates manage to pass.

My mother came to see me a few weeks ago. She cannot afford to come every time or else she would not hesitate to come at least once a fortnight. Last time she went back very happy -- she was asked to a meeting in Rabat in our support. She was also glad to see my pictures put up at the university and to see, quite by chance, a student demonstration in support of political detainees.

It is already 1 o'clock in the morning. I shall leave off here and carry on writing tomorrow. I forgot to tell you that I was listening to music while writing this. That may seem surprising to you as we are not allowed to have either radio or television...I shall tell you one of my secrets: well, I have a small six-transistor radio, a 'Philips', small but powerful. I got it in the summer after three years of preparations. First I had to find a way to smuggle it in: it only took me a year and a half to find out how I could do it, but the problem was to find a hiding place (our cells are searched from time to time). I did not want to take unnecessary risks, in my experience the guards easily discover hiding places. So you had to try and outdo them in this and therefore be patient. I could have had the radio a long time ago but I preferred to act methodically <dans les règles de l'art> as the French say, to avoid the slightest error which might cause me trouble later. At last, after three long years, I succeeded; my cell has been searched several times since I've had my radio. I am sure they'll never find it. I'll stop here for now. I can hear Jacques Brel on France-Inter -- it's my favourite song by him, I am sure you know it: "Of course, we went through many storms, 20 years of love and my beautiful love, from clear dawn till the end of the day, I still love you you know, I still do..." You see, the words are very romantic! And the music is very soft. I am overjoyed! I hadn't heard this song since my arrest, more than four years ago...my eyes are closing by themselves, good night...

* * * *

Dear friend: I continue my letter with much pleasure. Reading back what I wrote yesterday, I realize I opened a bracket which I did not close, I lost my way! I must go on telling you how we spend our days.

In the courtyard everyone stands on the sunny side to make the most of it for a little while. In their long existence our cells have never seen the sun. There is not much to do in the yard: either you sit and read a book or you walk round and chat in groups of five or six. You only do sport three times a week, we have football, volleyball matches...some fellows do judo exercises. I usually play football, we have great fun, unfortunately the pitch is too small. We get lots of magazines, I only manage to read the most important article in each.

We go back inside at 11 o'clock. The cells remain open, only the door of the corridor is closed. Lunch is served then. It always consists of starchy food and a few carrots, we get a ladleful each. The meal is badly cooked, inedible. We have to wash it with boiling water and re-cook it ourselves. We don't have electric or gas stoves, we are not allowed to have them. We have built very "primitive" stoves which burn table oil. They make a lot of black smoke but they still work. We eat in groups of four to six people and within each group we cook in turn. Most of what we eat is brought by our families.

At 3 o'clock in the afternoon it is time again to go out in the yard. Mail is usually distributed during this time from the window of one of the administrative offices looking onto the yard, which means that everyone waits impatiently for the window to open. When it opens a crowd immediately gathers, we all push each other to see whether we have any mail.

At 5.30 pm dinner is announced. It usually consists of a ladleful of rice or some potatoes (three or four) boiled in a bad tasting goo. We are also given five little pieces of meat of bad quality every week, half a tin of sardines every Sunday and every four days, a tin of concentrated milk enough to make one litre.

From 6 pm, locked in my cell, I prepare my dinner. It usually consists of a boiled egg, some bread, some butter, an orange if I have one. I rush through it, I eat very quickly to catch the 6 o'clock news on the BBC or France-Inter. Then I immerse myself in my books, I only stop working when I feel more tired. I then lie down to listen to some music, a record or two, then go back to work.

At 10 pm, I brew some tea, listen to the news and go back to work until 1 o'clock in the morning. Since I've had my radio, I am in the habit of going to sleep only after listening to music for a few minutes. I usually have the volume on very low so that it cannot be heard from outside the cell. Tonight I have turned it up a bit; you can hear it from outside if you put your ear against the door hatch. I do this on purpose, not out of carelessness. The guard on duty in this area tonight is very nice -- we made each other's acquaintance and became friends some time ago. He is someone who "turns a blind eye" on forbidden things. He even does me favours. He is the one who brings me batteries for my radio when I need it. You see, in this world of oppression, however dark it may be, you can always find people outside, even those who are the instruments of oppression, who still have human characteristics and who would act out of sympathy. There are not many of them but they can still be found.

4. LETTERS FROM MILITARY PRISONERS CONVICTED OF PARTICIPATING
IN ASSASSINATION ATTEMPTS AGAINST KING HASSAN II (translated from the French)

FIRST LETTER

I have tried in this letter to give a detailed account of everything that happened since we were transferred from the central prison of Kenitra to the accursed prison of Tazmamert. The memorable night of 7 August 1973 changed our lives. We were woken up roughly and without prior warning, bound tightly, blindfolded and finally thrown like sacks into military trucks which took us to the Air Base. Two military planes flew us as if we were packages to Ksar es-Souk where other military trucks took us, in the same way, to the dreaded prison of Tazmamert. On our arrival in the morning, we were stripped and immediately taken to our concrete cells where we were locked in individually, not to come out again.

These cells were four square metres, without air and light; they stank; the toilet, inadequate and without a flush system, is situated in one corner. There are no windows. A hole in the ceiling allows a pale light to filter through; a faint light, there is a double ceiling of corrugated iron which enables us to distinguish day from night in this dismal continuity. Real ovens in the summer, the cells turn into cold rooms in the winter (8 months). The furniture consists of a plastic pitcher, plate and pot knocked out of shape. The prisoner's bedding which he shares with bugs and cockroaches, unchallenged masters of the place, consists of two moth-eaten blankets spread on a flat stone base. Scorpions proliferate. Sometimes snakes chase rats in the corridor to the great joy of the stick-carrying jailers, "gloomy guardians of hell", revelling at that gruesome sight. The cawing crows and hooting owls make the sinister prison look deserted.

The director, a "shrewd businessman", knows how to get the best out of this sinecure by converting the yard reserved for the prisoners' walks into a sheep pen. Thirsty sheep and goats come and wake us up suddenly in the middle of the night, butting against the entrance. We recognize daybreak by the familiar bray of a donkey in a neighbouring village, a creature which reminds us that there is another and so much happier world. Our only friend seems to be an old toad which comes regularly and laughs at the ridicule and smallness of human beings.

The change in the penal regime surprised then dismayed us. Expressionless and sceptical jailers open our cells one after the other just long enough to give us our food (three times a day), such a big word for so little. The food always consists of a glass of black coffee, tasteless and cold, and half a piece of bread, often stale if not rotten (daily ration) for breakfast. For lunch, they distribute at random and with great speed (the smell irritates them) some dishwater which they call soup in which float a few greens. Same ritual in the evening, pasta mixed with leftovers from lunch. When they give us, once a fortnight, a piece of meat, a few grams, often a bone, it is a real godsend. The distribution of two sardines and a boiled egg after many years of privation was a big event for us and was the subject of all our conversations for several weeks. There is not enough water and it is rationed to one 5-litre pitcher a day.

The prisoner's life is a constant struggle. Struggle against the cold: winter is fierce, it snows in Tazmamert. The prisoner wakes up shivering in the middle of the night, numb with cold, shaking all over in a crazy dance. The creaking of the corrugated iron roof sounds sinister at night. A rusty piece of barbed wire found by chance in the cell is promptly turned into a makeshift needle, a precious instrument in prison given the state of the blankets. In the summer, the heat is scorching, you virtually suffocate in the cells and the prisoner has to press his nose against the hatch in the door to get some air and when exhausted, his chest on fire, he wants to find some rest on his stone bed, he is relentlessly besieged from all directions by all sorts of parasites (fleas, bugs, mosquitoes, cockroaches, spiders etc.). Scorpions creep under the blankets; the threat of this hideous animal prevents us from making any rash movement: many prisoners have been stung. Boredom, moral and physical, weighs heavily on the prisoner. To break his deadly routine, he has to grope about but the space is limited. All conversation is made impossible by the layout of the cells and the din of other voices turn the building into a market place. His last refuge is in prayer or prostration. The Koran was a great help during the whole of our detention (many of us have learnt it by heart, orally of course). The prisoner is in rags, his bare feet and his hair and beard which haven't seen a barber for many years give him the disquieting look of an authentic tramp. The autumn rains turn most cells into ponds and then into swamps.

The days followed one another, the officials were showing no respect for our rights. When we complained, the reply was prompt and categorical. It came from a jailer more pious than the others, who whispered to us; "Don't waste your breath, the only right you have here is to remain silent". We made our first attempt to go on hunger-strike for eight days. It was met by total indifference from the officials and to tell the truth, it was convenient for the jailers who only came in once a day, in the morning, to discharge an already too heavy task. In fact, the only result we got was the reduction of the already insufficient food rations. The jailers became much stricter and much more malicious. Our detention worsened, the heat became more oppressive and with the total lack of hygiene came the first illnesses. A comrade fell ill "let him die if he feels like it". We protested "His Majesty the King whom God glorifies will never accept such monstrosities". We were kept four days without food, a punishment which was to be repeated many times. In July 1974, two comrades finished their sentence and when they were not released as expected, one of them complained. "How long did you get?" the jailer asked him. "Three years". "Don't say three, say forever". One after the other falls ill, one after the other is kept in detention. The jailers became more and more cruel, punishments would rain down on us, the slightest hesitation, the slightest movement wrongly interpreted would be severely sanctioned. The punishment would vary, depending on the gravity of the fault, from five to 10 days, and beware of a second offence. The corridor had become a real rubbish tip: unable to stand the smell any longer, the jailers came to clean it. A commotion which marked a milestone in our history.

A comrade who was in excellent health told us that his nose was bleeding heavily; later he told us that his legs could not support him. Left on his own, he could not go to the door to take his food any more and was relieving himself in his rags. The jailers only opened and closed the door, they did not care whether he was eating or not. The comrade was brave and every day kept us informed about the state he was in, his morale was good. He became partially then totally paralysed, later his delirium made us share with him nightmarish nights. When he no longer spoke, they wrapped him up in his blankets and took him out. A few minutes later, they brought him back and left him on the freezing floor of his cell; "we gave him an injection" they said hypocritically. The next day, the comrade breathed his last. They came with masks on (because of the smell) and took his rags off and buried him without any religious ceremony in the yard. We learnt later that it was the 25th of October 1977. Through the unexpected transfer of some comrades to the other building we learnt that by that date six people had already died. And also that there was an enormous pit in the middle of the yard. This was certainly the communal grave where they buried all the dead. This unhappy event changed our method of action. Every time there was a festival, we asked to write to His Majesty, may God protect him; the reply was negative. Things are speeding up, we are getting weaker and the food is getting worse. On 2 January 1980, a second comrade died of rectal haemorrhage. Same ritual as for the first comrade. A third is agonizing, three others are gravely ill and semi-paralysed, the rest of us have at least three diseases (digestive system, various bleedings, sight problems, psychopathy, scurvy, etc.). Such is our present situation; the spectre of death haunts us day and night, an ambiguous silence reigns over the building and sometimes one of us rebels against the horror of the situation. He is immediately put down with punches and blows. Those who remain are on the verge of insanity - the director and his henchmen are watching. This letter is an accurate testimony. Through it I want to make you realize the urgency of our situation.

SECOND LETTER

Sweet mother, dear father, beloved brothers and sister, my family

I cannot find the words nor the expression to describe the plight of these few wretched sufferers among human beings. For since Adam's arrival on earth, such occurrences have been rare. A horrible death is slowly forced down on us, bit by bit. Since we arrived in this black hole, we have not been out in the sun for a single day ... Hunger, darkness and dirt ... Loneliness... Diseases ... The lack of care, the routine, the lack of air, the despair? As a result, nearly a quarter of our comrades have died in the worst possible conditions. The prisoner moaning, alone then slowly dying among the garbage with no one to bring him a glass of water. Then he is wrapped in a dirty blanket and buried in the prison courtyard, a few yards away from the cells, and no one will be any the wiser! Thus the walls of Tazmamert hide the most terrible secret known to mankind. As for the comrades who survive, there are those who have to lie all day and those who move about on all fours ... Disintegrating bones, withered skin. Of only you knew! Come to our rescue if we still live in your heart, help us before it is too late; speak up for us, do not remain silent about this massacre, unite, ask for our release. There is a parliament, there is the Palace, there are lawyers and the press. It is inconceivable that no one has spoken about us for seven years... I kiss you all and pray that you do not forget me.

5. LETTER FROM A PRISONER TO AN AMNESTY INTERNATIONAL ADOPTION GROUP (KENITRA CENTRAL PRISON, OCTOBER 1981) (translated from the French)

... I must say that it is difficult to write these letters when I don't know what will happen to them, and it is necessary to find a sure and regular method of communicating; that's my wish but I don't know if it is yours too. I dwell on this question for I want to develop my relationship with you, and not only as regards your support of the principle that you show bonds of friendship, more human and warm, for I believe that personal bonds between men are a way to comprehend each other. So, let's be friends, and we'll understand each other better, all the more since ultimately we have the same goal, to serve the cause of liberty here and everywhere.

A commission authorized by Amnesty International and made up of three people visited the Prison centrale of Kenitra (I don't remember the exact date but it was between December and January '81). They asked to see some prisoners and I was one of those whom they saw. We gave them a lot of information concerning our detention in the police stations (arrest, interrogation, torture etc...). During the interview one of the members of the commission asked this question: "We are often told that among the prisoners there are some who have remained in the hands of the police for several months. Is this true? And do you have some examples?"

He was very surprised at my reply which was as follows: "The examples are innumerable, I'll give you several names of people who have remained in the hands of the police for more than five years, and whom I know personally, but I should point out to you that I myself was kept by the police for almost a year and a half ... and this is confirmed in my official file for the Moroccan law permits garde à vue for an unlimited period ..."

It's difficult for me to tell you all that happened during our meeting with the commission from Amnesty International, but as for the conditions of detention in prison, we all remarked (my comrades and I) that there has been a clear improvement since '78 (for example, we have not been physically tortured since that date, visits have become better ...) but that we still have problems concerning the following points:
Health care: certain comrades who require specialized tests, or who need operations, are refused this legitimate right. The director of the prison administration, who was present during this interview, strongly disputed that the administration is responsible, and affirmed that it does all it can to care for the sick prisoners, but we replied that the medical facilities which are located outside the prison are controlled by other services (the police) who pressure the doctors to refuse to receive the sick or who create unbearable conditions in the hospitals which force the sick to try to return to prison as fast as possible.

The mail: there is constant censorship, above all with regard to letters, the director denied this categorically but we insisted on the point (in fact, and this we didn't say, we are subjected to a double censorship, that of the prison administration and that of the police, since the privacy of the mail is not really respected in the country, and in the post offices, there is effective control by the police, which affects all those suspected of one thing or another).

We have no right to daily newspapers, Moroccan or foreign, and the comrades who study or write articles, brochures or books don't have the right to get them out or have them published. The commission stated after hearing us that AI's task does not involve the material situation of the prisoners, and does not work for their betterment (except in exceptional cases); what AI does is defend prisoners of conscience and works for their release, and it was for this reason that they were interested in our cases and would do their best to obtain our release.

That was our meeting with AI, but I want to make several remarks to you regarding the meeting:

- it is incontestable that our situation has improved in prison, but our situation is very precarious, since

it is based on no judicial text (the government does not recognize having political detainees, and we are officially considered common law criminals). In other words, the "privileges" we have obtained thanks to the struggles we have waged in prison and the support given to us at the international level by many organizations, above all AI, all these "privileges" are constantly threatened

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In July 1971 the Moroccan army rose up against the regime in a failed coup, then in April 1972 a second attempt by the military failed in turn.

After each coup there were summary executions without trial, but certain officers were judged in a trial and were condemned to death or to terms of imprisonment.

Those who were condemned to death were executed, but the others, after a short stay in the official prisons, disappeared in 1975 and no one has been able to see them since that date, nor to have any contacts, even indirect, with them. At the present time, a certain number of them should legally be released, having served their term, but none of them has been released! According to unofficial reports, these prisoners are held in a military barracks in the Ksar es-Souk region in the south of the country, where they are incarcerated in medieval conditions, and a quarter of them are already dead.

Personally, I associate my voice with that of the families of these prisoners in order that the world come to their aid. I ask you to do whatever you can to inform international opinion and interested organizations. In order that the most elementary human rights of these prisoners be respected.

Those who have served their sentences must be freed immediately! Those who must still be imprisoned, let it be in conditions which conform to the laws and Morocco's international agreements.

* * * *

... I am telling you this because I refuse to adopt machiavellianism in my political convictions.

The silence which surrounds the situations of the disappeared military officers ... are for me a shame, for I know that these people, not being adept at the politics of the legal parties ... are quite simply forgotten by everyone. I don't like opportunism, even in politics, and I prefer to be an idealist who defends certain rights for all men, without exception. I don't share the opinions and the methods of the ... military officers, but I cannot accept that men, even criminals, be subjected to conditions which injure their human dignity. I hope that you will agree with me and that you'll do all that's possible to support these people.

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