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## **RIGHT TO REPLY FROM MOROCCAN GOVERNMENT REGARDING MR. MAATI MOUNJIB**

Amnesty International publishes here below, in response to their request for a right to reply, two letters received from the Moroccan government on 26 November 2020 and 12 January 2021 about the case of Mr. Maati Mounjib.

Embassy  
of the Kingdom of Morocco  
London



سبلة المملكة المغربية  
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To: Mrs Amna Guellali  
Deputy Regional Director for the Middle East and North Africa  
**Amnesty International**  
Peter Benenson House,  
1 Easton Street,  
London, WC1X 0DW,  
United Kingdom

Ref: 23/21

12<sup>th</sup> January 2021

**Dear Mrs Amna Guellali,**

I am writing to you regarding your publications related to M. Maati Mounjib's case.

Kindly find attached the Moroccan authorities' response to clarify the details related to this case.

I remain at your disposal for any further information.

Best regards,

**H.E.M Abdesselam Aboudrar**  
**Ambassador of the Kingdom of Morocco**





### Mr Maati Mounjib Case: Elements of clarification

- The attitude of the Moroccan authorities related the case of Mr. Maati Mounjib **remains subject to the fundamental principles enshrined in Moroccan legislation and universal principles, namely the confidentiality of the investigation and the presumption of innocence.**
- The Constitution of the Kingdom enshrines the rule of law, in accordance with the **fundamental principle of the separation of powers** between the executive, the legislature and the judiciary, as well as responsibility and accountability.
- In addition, the Basic Law stipulates on the one hand that it is the Government which exercises the executive power and has the administration under the authority of the Head of Government and on the other hand that **the judicial power is fully independent of the legislative power and executive power.**
- From there, the General Directorate of Territorial Surveillance (DGST), which is a national citizen institution and not a “political police”, accomplishes its mission within the framework of regulated powers, and this in accordance with the aforementioned provisions of the Constitution and the laws in force, while remaining under the supervision of the Ministry of the Interior.
- **In the wake of the relentless support of Mr. Mounjib to install the wrong message that he has been arbitrarily arrested and that his detention is also arbitrary, the following clarifications should be made:**
- Mr. Mounjib was arrested legally and not arbitrarily on December 29, 2020, by agents of the National Brigade of the Judicial Police (BNPJ), reporting to the General Directorate of National Security and this, after refusing to acknowledge receipt of a prior summons from the justice. He was placed in preventive detention, following a decision of the investigating judge at the Rabat court of first instance, with a view to continuing the investigation into his alleged involvement in acts that may constitute elements of the crime of money laundering.



- Regarding the allegedly arbitrary arrest of Mr. Mounjib in a restaurant, Moroccan law does not specify a specific place to question the defendants, knowing that the Code of Criminal Procedure CPP defines the jurisdictional competence according to the place where the crime was committed, where the accused lives, or where he was arrested, which means that the law allows the arrest of the suspect where he is.
- With regard to the allegations supporting that Mr. Mounjib was arrested "without prior summons by justice", it should be noted that the latter was indeed summoned by the BNJP to appear, on December 29, 2020 at 9:00 a.m., before the public prosecutor, but he had knowingly chosen to ignore this summons. Consequently, **the refusal to comply on the part of Mr. Mounjib is at the origin of the decision of the investigating judge to place him under a committal warrant for the needs of the investigation**, knowing that the recalcitrant attitude and unjustified failure to honour his summons has fundamentally called into questioning the judicial guarantees of his appearance in court.
- Regarding the fact that Mr. Mounjib was brought before the public prosecutor in the absence of his lawyer, it should be noted that **article 47 of the CCP does not consider the presence of the lawyer before the public prosecutor to be imperative whether in flagrante or at the stage of preliminary investigation**. The law requires the presence of the lawyer only before the examining magistrate or before the court according to the legal procedures in force. It is certain, in this regard, that the examining magistrate informed Mr. Mounjib of his full right to appoint a lawyer, knowing that this is a usual routine procedure.
- Despite the publication of several press releases from the Public Prosecutor's Office having certified the legal nature of Mr. Mounjib's arrest, the fact remains that **certain parties persist in maintaining the confusion and untruths, by knowingly concealing the fact that Mr. Mounjib was arrested by court order to answer charges stipulated in the penal code, in full respect of article 23 of the Constitution**.
- The twenty postponements of Mr. Mounjib's trial can be explained by the absence of certain suspects, including Mr. Abdessamad Ait Aicha, Mr. Hicham Mansouri, Mr. Hicham Khrichi alias Miraat, who were able to flee Morocco at the instigation of Mr. Mounjib, for fear that they will turn into defense witnesses in this trial. This absence prejudices the good progress of the trial and therefore seriously hinders the course of justice, at a time when Mr. Mounjib and others falsely claim that the postponement of their trial proves the alleged emptiness of the prosecution file.



- According to statements made to the national and foreign media by his lawyer, Mrs Naima ElGuellaf, of the Rabat bar, **Mr. Mounjib enjoys a satisfactory state of health, and was able to receive visits from members of his family who provided him with his medicines.** Likewise, his other lawyer Abdelaziz Nouidi, Rabat Bar, affirmed on social networks that he was able to visit on January 5, 2021, Mr. Mounjib with his colleague Mr. Abderrahman Benameur and that they were able to speak with the latter for two hours during which Mr. Mounjib declared "**not to have to complain about his material conditions in prison**".
- The facts alleged against Mr. Mounjib, in the wake of his arrest on December 29, 2020, are fundamentally distinct from the grievances at the origin of the 2015 case, which is still ongoing, and which concerns the following facts: infringement to state security (article 206 of the Penal Code); fraud (article 540 of the Penal Code), as well as the fact of directing an association exercising an activity not in conformity with that provided for by its statute (articles 3, 5 and 36 of Dahir 1. 58.376 regulating the right of association).
- On the basis of the investigations carried out by the BNPJ under the supervision of the competent public prosecutor's office, it turned out, in the context of the 2015 case, that **foreign funds had been received by several people in connection with Mr. Mounjib; in violation of national legislative provisions, in particular with regard to the legal obligation to declare (for associations) to the General Secretariat of the Government of said funds, and in conditions liable to fall under various criminal qualifications.**
- Mr. Mounjib had established in 2009 a study and research center (named IbnRochd center) in the form of a limited liability company (SARL) through which he received substantial foreign funds, notably from international NGOs. In 2014, he unilaterally decided to close the center in question and dissolve the related commercial company, alleging against a background of victimization that the public authorities were preventing him from carrying out its activities.
- The 2015 case gave rise to the opening of a trial on November 19 of the same year before the Rabat court of first instance. The last hearing took place on December 30, 2020.
- Regarding his current case for which he was arrested on December 29, 2020 and as was specified in the press release from the King's Prosecutor at the Rabat Court of First Instance, dated October 07, 2020, a preliminary investigation carried out with Mr. Mounjib and members of his family was opened following a referral received by the General Prosecutor's Office

from the Financial Intelligence Processing Unit (UTRF), which includes data on facts that may constitute a money laundering offense.

- Knowing that the information received by the UTRF includes data on facts likely to constitute an offense of money laundering, the public prosecutor's office instructed the BNPJ to conduct a preliminary investigation into the source and nature of the transactions and financial transfers carried out by the persons concerned, to identify the source of the real estate object of suspicious transaction reports, and to determine its links with other criminal acts, considered as predicate offenses for the purposes of money laundering.
- **Mr. Mounjib's case in court in no way concerns his positions and views. Likewise, the person concerned, like all Moroccan citizens, cannot avail himself of any status or immunity to claim to place himself above the law.**
- In addition, the following should be emphasized: since the beginning of this affair, Mr. Mounjib has continued **to express himself freely both through national and international media.** Also, **the Moroccan authorities recall that the Kingdom of Morocco is irreversibly committed to promoting and respecting human rights, as they are universally recognized.**



Embassy  
of the Kingdom of Morocco  
London



سفارة المملكة المغربية  
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Mrs Julie Verhaar  
Amnesty International  
International Secretariat  
1 Easton Street, London,  
WC1X 0DW, UK

Ref. 582/20

London, 26<sup>th</sup> November 2020

**Dear Mrs Julie Verhaar,**

Following the release on Amnesty International Website of the joint statement concerning the case of Mr. Maati Mounjib, entitled "Morocco: Intimidation and harassment campaign against human rights defender Maati Monjib must end", I would like to bring the clarifications, attached herewith, consolidated by the relevant Moroccan authorities, about the allegations contained in the above-mentioned statement.

In this regard, we hope that this information will be taken into consideration by your organization and be published as a right of reply of Morocco.

Kindest regards,

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Abdesselam Abou Drar'.

**Abdesselam Abou Drar**  
Ambassador of the Kingdom of Morocco





26<sup>th</sup> November, 2020

**Subject:** Elements of information in response to the allegations regarding the case of Mr. Maati Mounjib.

**Background:**

- The Moroccan authorities recall that the Kingdom of Morocco has taken, in a strategic and irreversible manner, the commitment to promote and respect human rights, as they are universally recognized.
- In Morocco, freedoms of opinion and expression are enshrined in the 2011 Constitution and are protected by the national legislation in order to guarantee their free exercise regarding the protection of individuals' privacy and reputation, justice, security and public order.

**Maati Mounjib 1<sup>st</sup> case (2015):**

- The lawsuit against Mr. Maati Mounjib was not linked to his activities as a human rights defender and / or as a university lecturer.
- Pretending to be a human rights defender or even a journalist would not constitute an exempting element to legal action for incriminating common law contraventions.
- On the basis of the investigations led by the National Brigade of Judicial Police, monitored by the competent Prosecutor's office, it has been found that foreign funds have been received by many individuals linked to Mr. Mounjib; violating the national legislative dispositions regarding the legal duty to declare (for associations) to the Government's General Secretariat of the aforementioned funds, and in conditions that are likely to fall under different penal qualifications.
- Mr. Mounjib has created a studies and research center (called "centre Ibn Rochd") in the form of a for-profit business which allowed him to receive significant foreign funds, namely from the Netherlands and Denmark through Free Press Unlimited or Privacy International. He dissolved that center in 2014 by fear of lawsuits.
- He never stopped orchestrating a whole self-support campaign through different relays in order to elude the question regarding the true nature of his behavior.
- Mr. Mounjib did not hesitate to involve many family members or close relatives in his endeavors.



- Following the investigations led under the supervision of the King's Prosecutor of the Court of 1<sup>st</sup> Instance in Rabat, authorities have decided to file charges against Mr. Mounjib for undermining the internal security of the State (article 206 of the Penal Code), fraud (article 540 of the Penal Code) and leading an association exercising an activity non-compliant to those set out in its statutes (articles 3, 5 and 36 of the Royal Decree 1.58.376 regulating the law on associations).
- His case was forwarded to the competent jurisdiction for trial, the Court of 1<sup>st</sup> Instance in Rabat.
- Although the defendant is risking penal sanctions concerning the charges against him, the Moroccan authorities recall that the procedure is still unfolding and that no judgment has been rendered to date.
- Mr. Mounjib and the individuals involved are enjoying all the guarantees inherent to due process.
- The defendant is prosecuted while remaining free and the competent Prosecutor's office has given its instructions to the National Brigade of Judicial Police in order to lift the ban on leaving the country that was issued against Mr. Mounjib, following the forwarding of the case in front of the jurisdiction of judgment in compliance with article.40 of the Penal Procedure Code. An audience is scheduled for December 30<sup>th</sup>, 2020.
- Since the beginning of this case, Mr. Mounjib continued to freely express himself unlike what he alleged.

#### **Maati Mounjib 2<sup>nd</sup> case (2020):**

- Mr. Mounjib is currently the subject of investigations led by the judicial police, on instruction and under the supervision of the competent Prosecutor's office, on the basis of a declaration of money laundering suspicion emanating from the financial Information Processing Unit (UTRF) related to questionable financial and real estate transactions, incompatible with his known income as well as some members of his family.
- The UTRF's declarations of suspicion fall within the framework of its missions and legal prerogatives, complying with the international standards in fighting against money laundering.
- Based on article 18 of the law 43.05 on the fight against money laundering, the UTRF is authorized to collect information highlighting facts liable to constitute money laundering offenses and communicate it to the Prosecutor's office in Rabat to open judicial information about it.
- The UTRF treats hundreds of cases per year. The case of Mr. Mounjib is only one case among others. Each year, the UTRF publishes its activity report that traces the suspicious transaction reports recorded, information

requests and “transmissions to the public prosecutors” of facts suspected of being related to money laundering.

- Seized of the declaration of suspicion concerning Mr. Mounjib, the Prosecutor’s office in the Court of 1<sup>st</sup> Instance in Rabat ordered the opening of a preliminary investigation by the National Brigade of the Judicial Police.
- A statement from the Prosecutor’s office was made public on this subject on October 7<sup>th</sup>, 2020. In this context, he was summoned by the investigating service.
- The annual report of the NGO “Free Press Unlimited” for 2016 indicated that the activities of the NGO being the funder of “Ibn Rochd Center”, were financed by unidentified “third-party activities” and Morocco appears in the list of beneficiary countries of a project grant without any additional indication.
- The 2015 annual report contains a sentence about “a local partner in Morocco”, brought to justice. Morocco is on the list of countries to which funds have been sent. These projects focus on strengthening “media participation of vulnerable groups”, “professionalization of media organizations” and “access to information in areas where press freedom is not respected”. An “anonymous donors” mention appears in the 2015 annual report. The Dutch Embassy in Morocco was also among the donors for 2015.