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Morocco: Intimidatory measures against the right to freedom of expression

The human rights defenders who appeared on 28 February 2001 before the Court of First Instance in Rabat accused of organizing an unauthorized demonstration on 9 December 2000 risk a sentence of up to three years in prison if they are found guilty.

This trial should never have taken place. It forms part of a wave of judicial proceedings against human rights defenders in Morocco and the banned Islamist association *al-Adl wa-l-Ihsan* (Justice and Spirituality), said Amnesty International. If they are imprisoned, they will be considered as prisoners of conscience.

Among these human rights defenders are members of the *Association marocaine des droits humains* (AMDH), Moroccan Association of Human Rights, including its president Abderrahmane Benameur and vice-president Amine Abdelhamid, as well as members of the executive office of the *Forum pour la vérité et la justice* (Forum for Truth and Justice) and of the *Comité de coordination du groupe des Sahraouis victimes de la disparition forcée et de la détention arbitraire* (Coordination Committee of the Group of Sahrawi Victims of Enforced Disappearance and Arbitrary Detention). An Amnesty International delegate observed the hearing. The trial will resume on 5 April.

Meanwhile, around 130 members and sympathizers of the banned Islamist association *al-Adl wa-l-Ihsan*, including seven members of the family of the group's spiritual leader, Abdessalam Yassine, are being or have recently been prosecuted in courts in several cities in Morocco following demonstrations which took place on 10 December 2000. These were organized by the association to commemorate the 52nd anniversary of the Universal Declaration of Human Rights and to demand the legalization of the association and the repeal of the ban on its publications.

In another development damaging to freedom of expression in Morocco, two journalists, Aboubakr Jamaï and Ali Amar, both of whom work for the Moroccan weekly *Le Journal Hebdomadaire*, were sentenced in Casablanca yesterday to respectively three and two months in prison. They were prosecuted for a series of articles which accused the Minister of Foreign Affairs, Mohamed Benaïssa, of embezzlement while he was the ambassador to the USA. They were also forced to pay damages of two million dirhams (approximately \$200,000) and fined 20,000 dirhams. The two journalists are out on bail and are awaiting an appeal before the court of appeal. If they are imprisoned, Amnesty International would consider Abdoubakr Jamaï and Ali Amar to be prisoners of conscience, condemned solely for the peaceful expression of their beliefs.

Amnesty International recognizes that public officials, in Morocco as elsewhere, may wish to seek legal redress for statements that they consider defamatory, but believes that such complaints should be addressed solely in civil proceedings.

A Criminal legislation should not be used in such a way as to stifle criticism of public officials,@ Amnesty International added.

On 22 February 2001 the Court of First Instance of Rabat sentenced 15 people, four of whom were members of Abdessalam Yassine's family, including his daughter Nadia Yassine, the association's spokesperson, to a four-month suspended prison term and fined 1,000 dirhams (approximately \$100) for an unarmed gathering liable to disturb public order. Three others were acquitted.

On the same day in Marrakesh 19 people received sentences of four months= imprisonment and today in Fes eight others were given a three-month suspended prison sentence and fined 1,000 dirhams on similar charges. Other trials of members and sympathizers of a/->Ad/ wa=l-lhsan are taking place in Casablanca, Tetouan, Agadir and Oujda.

Background

On 9 December 2000 around 42 people were arrested during a sit-in which had been organized by the AMDH in front of the parliament in Rabat and detained for one night. Six people were freed the following day without charge.

The 36 others were charged with involvement in the organization of an unauthorized demonstration and taking part in an unarmed gathering in a public place liable to disturb public order, and freed awaiting trial. At the first session on 12 December the trial was postponed to 28 February 2001. Dozens of demonstrators were beaten by the security forces during the break-up of the sit-in.

The sit-in had been organized to commemorate the 52nd anniversary of the Universal Declaration of Human Rights and to renew the call that the whole truth be revealed about past human rights violations and that those responsible be brought to justice. Leading members of the AMDH had informed the authorities about the sit-in, but received, the day before the event, a prohibition notice which made reference to Asecurity reasons@ but without specifying them. Some days before the sit-in, the AMDH had written to the Moroccan parliament asking it to set up an independent commission to shed light on the alleged participation of 16 senior Moroccan officials in the torture and Adisappearance@ of opposition activists during the last few decades.

On 10 December the security forces had arrested hundreds of members and sympathizers of al->Adl wa=l-lhsan during the violent break-up of demonstrations organized by the association in Rabat, Casablanca, Marrakesh, Fes, Tetouan, Agadir, Oujda and El-Jadida. The majority were released the same day after questioning. Dozens of others were beaten and injured.

The spiritual leader of al->Adl wa=l-lhsan, Abdessalam Yassine, was released on 15 May 2000 after more than 10 years as a prisoner of conscience under house arrest. Amnesty International welcomed this positive development.

The right to freedom of expression and peaceful association is enshrined in international treaties to which Morocco is a state party. According to Article 20 of the Universal Declaration of Human Rights, AEveryone has the right to freedom of peaceful assembly and association.@

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly of the UN in

March 1999, states moreover that, AFor the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully@.

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