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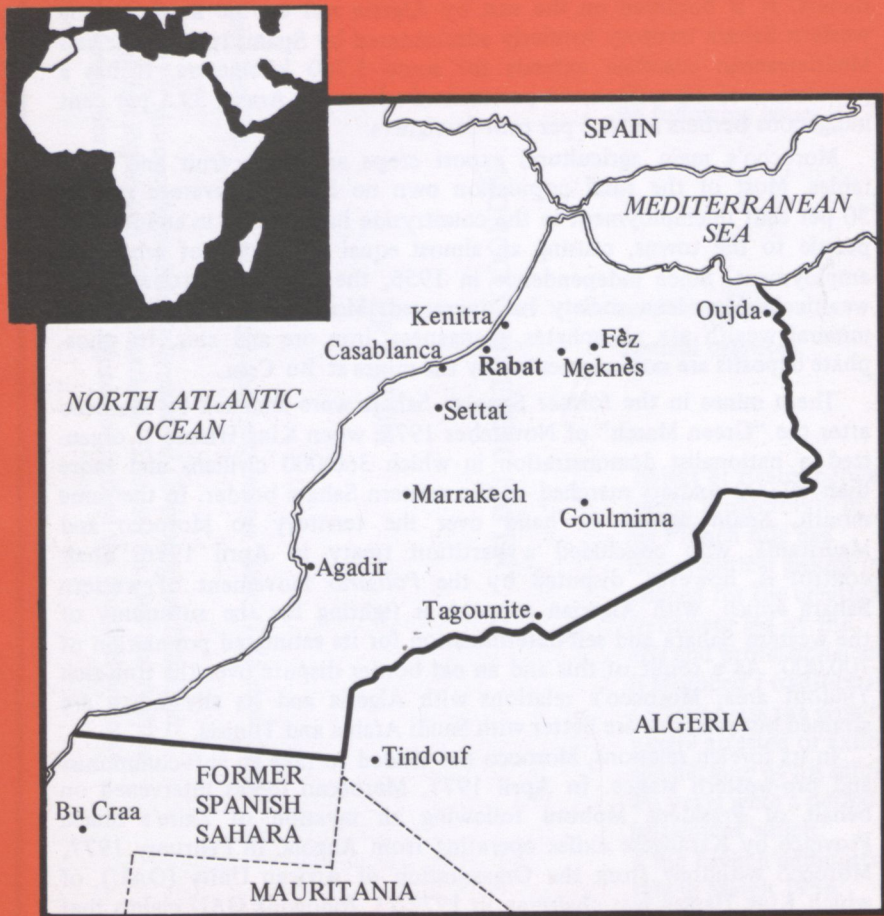
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*Amnesty International Briefing*

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# MOROCCO



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October 1977

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## MOROCCO BRIEFING PAPER

### ERRATUM

*Page 8, under heading: (v) International Legal Instruments, lines 41-45 should read:*

*In January 1977, Morocco signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. However, Morocco has neither signed nor ratified the optional protocol to the latter.*

## MOROCCO IN OUTLINE

The Kingdom of Morocco has a total land area of 456,000 square kilometers. It is bordered on the east by Algeria and on the south by the western Sahara territory formerly administered by Spain. Its Atlantic and Mediterranean coastline extends for some 1,700 kilometers. It has a population of 18 million, 60 per cent of whom are Arabs, 39.5 per cent indigenous Berbers and 0.5 per cent foreigners.

Morocco's main agricultural export crops are citrus fruit and vegetables. Most of the rural population own no land. An average rate of 30 per cent unemployment in the countryside has resulted in an influx of people to the towns, causing an almost equal percentage of urban unemployment. Since independence in 1956, the unequal distribution of wealth in Moroccan society has increased. Morocco's main sources of mineral wealth are phosphates, manganese, iron ore and zinc. Its phosphate deposits are now augmented by the mines at Bu Craa.

These mines in the former Spanish Sahara were annexed by Morocco after the "Green March" of November 1975, when King Hassan II organized a nationalist demonstration in which 360,000 civilians and more than 10,000 soldiers marched to the western Sahara border. In the same month, Spain agreed to hand over the territory to Morocco and Mauritania, who concluded a partition treaty in April 1976. Their control is, however, disputed by the *Polisario* movement of western Sahara which, with Algerian support, is fighting for the autonomy of the western Sahara and self-determination for its estimated population of 100,000. As a result of this and an old border dispute over the iron-rich Tindouf area, Morocco's relations with Algeria and its ally Libya are strained but relations are better with Saudi Arabia and Tunisia.

In its foreign relations, Morocco has tended to take an anti-communist and pro-western stance. In April 1977, Moroccan forces intervened on behalf of President Mobutu following an invasion of Zaire's Shaba Province by Katangese exiles operating from Angola. In February 1977, Morocco withdrew from the Organization of African Unity (OAU), of which King Hassan was chairman in 1972-73, following OAU claims that Morocco had participated in an invasion of Benin the previous January, and because *Polisario* representatives appeared at the OAU meeting.

Its most important diplomatic, trading and military links are with France and the US. Germany and the Netherlands are also important trading partners. An Association Agreement was signed (1969) between Morocco and the European Economic Community (EEC).

## Morocco

### 1. Introduction

Amnesty International is particularly concerned about the following issues in Morocco:

- a) prolonged incommunicado detention before trial;
- b) torture and death in detention;
- c) infringement of legal procedure during trial;
- d) use of state security laws to suppress political and social opposition;
- e) use of the death penalty for certain political and criminal offences;
- f) extremely bad conditions in detention centers.

### 2. The Political Situation

Following the many years during which Morocco was an object of rivalry between the European colonial powers, the country was made a French Protectorate in 1912. By the 1930s, however, a nationalist reaction against French rule had developed which culminated in 1943 in the merger of various political groups to form the *Istiqlal* or Independence Party. This party campaigned for the creation of an independent Moroccan state under a constitutional government led by the Sultan, and derived most of its support from trade unionists and professional and commercial groups. The French authorities, together with Morocco's traditional aristocracy and the French settler community, attempted to suppress the growth of the nationalist movement. A number of *Istiqlal* leaders were arrested or exiled. In 1953, Sultan Mohammed V was himself forced into exile because of his refusal to cooperate with the French administration. The next two years were a period of considerable violence, but culminated in a negotiated settlement which resulted in the return of Mohammed V, the withdrawal of the French administration and the recognition of Morocco as an independent state in March 1956.

In 1958, amidst debates about the form that the future political system would take, the *Istiqlal* put forward a program for a constitution and elected government. However, the King rejected such changes and continued with his policy of consolidating the power of the crown. As a result, a split occurred within the *Istiqlal*, its left wing breaking off under the leadership of Mehdi Ben Barka, who formed the *Union Nationale des Forces Populaires* (UNFP). The new party aimed to campaign more vigorously than the *Istiqlal* for constitutional and social reform.

At first, UNFP members held positions within the Government, but in December 1959, 60 UNFP supporters were arrested and charged with plotting against Crown Prince Hassan. All those arrested were released during the next six months, but this period also saw the dismissal of all UNFP ministers from the Government.

Mohammed V died in 1961 to be succeeded by his son King Hassan II. The country's first Constitution was promulgated in 1962 and approved by national referendum. The UNFP and the leading trade union *Union Marocain de Travail* (UMT) attempted to boycott the referendum on the grounds that the Constitution reinforced the power of the crown. Under the Constitution the King is Head of State, Commander in Chief of the Armed Forces, and retains the right to appoint and dismiss members of the Government. His sovereignty is also reinforced by his position as the country's religious leader; under Koranic law his power derives from God. The Constitution provided for the formation of a House of Representatives (elected by universal suffrage for a period of four years) and a House of Councillors (abolished in the amended Constitution of 1970). The 1962 Constitution guaranteed all citizens freedom of movement, speech and opinion, and the right to join political organizations and trade unions. These rights were reiterated in the two subsequent Constitutions, which were introduced, and again approved by referenda, in 1970 and 1972 respectively. The current 1972 Constitution contains provisions designed to safeguard the independence of the judiciary. According to its preamble, "Morocco will adhere to the principles, rights and obligations of those international organizations of which it is a member."

The introduction of the first Constitution in 1962 was followed, in May 1963, by elections to the new House of Representatives. Both the *Istiqlal* and UNFP contested the elections in opposition to the King and his newly formed royalist party, the *Front for the Defence of Constitutional Institutions* (FDIC). Although the FDIC won only 24 per cent of the votes cast, it obtained 69 of the 144 seats in the new parliament—just insufficient to give it an absolute majority over the opposition parties.

The FDIC Government appointed by the King lacked popular support. Several *Istiqlal* deputies who claimed the elections had been corrupt and mismanaged were temporarily detained. Then in July 1963 the UNFP was subjected to a wave of repression. Twenty-one members of parliament were among more than 100 people arrested for an alleged conspiracy against the King. Then followed the first major political trial of King Hassan's reign: 104 UNFP members were brought to trial in Marrakech in November 1963. At the end of the trial, 11 people were sentenced to death and others were sentenced to from five to 20 years. All the death sentences were subsequently commuted, and an amnesty in April 1965 resulted in the release of many of those serving prison terms.

By the mid 1960s, discontent was evident in educational institutions. Student groups developed into organizations advocating widespread social reform. In 1965, the Government made its first attempt to limit the student movement by banning the *Union Nationale des Etudiants Marocains* (UNEM), but this was overruled after an appeal before a special tribunal in Rabat. Student unrest first escalated into violence in March 1965, especially in Casablanca where urban workers protesting against unemployment and inflation joined the student

demonstrations. Several hundred people are estimated to have been killed when police and troops opened fire on the demonstrators.

It was after this that King Hassan granted the amnesty of April 1965. He also proposed various administrative and economic reforms, and offered the *Istiqlal* and UNFP positions in the Government. Both parties refused, and jointly demanded democratic elections and the formation of a government by the party with a parliamentary majority. Rather than accept these conditions, King Hassan declared a State of Emergency in June 1965, assumed full legislative powers, dissolved Parliament and suspended the Constitution. This was followed in October 1965 by the disappearance in France of the UNFP leader, Mehdi ben Barka. A French court charged General Oufkir the Moroccan Minister of the Interior with complicity in Ben Barka's disappearance and presumed murder, and sentenced him *in absentia*.

The State of Emergency in Morocco lasted from 1965 to 1970, when the promulgation of a new constitution was followed, in August 1970, by elections to a new single chamber parliament. The *Istiqlal* and UNFP united in a national front—the *Kutla Wataniyya*—to oppose the King's methods of government, and organized a boycott of both the constitutional referendum and the elections. As a result the *Kutla Wataniyya* members did not feature in the new Parliament, but independent members heavily outnumbered the government party, the *Mouvement Populaire*. The new Parliament was dissolved shortly after it assembled. The elections had taken place against a background of widespread arrests of the more radical members of the UNFP. A year later, 193 UNFP members were tried at Marrakech on various charges of endangering state security. The sentences imposed in September 1971 included five death sentences which were later commuted, and six sentences of life imprisonment. However, by 1972 all but 30 of those tried at Marrakech had been released.

In July 1971, an unsuccessful attempt was made on the King's life when army units attacked the royal palace at Skhirat. In the aftermath, 10 officers were summarily executed and more than 1,000 members of the armed forces were brought before a military tribunal in Kenitra in January 1972, and charged with complicity. They received sentences ranging from one year to life imprisonment. Since the King's faith in the armed forces, which had been the backbone of royal power, was diminished by the attempted coup, fresh efforts were made at a reconciliation with the opposition parties. The talks collapsed early in 1972, because of the appointment of the King's brother-in-law, Ahmed Osman, as Prime Minister, and the promulgation of a third Constitution without consultation with the opposition parties. As in 1970, the opposition boycotted the elections, and claimed that the results, showing more than 90 per cent approval, were false. A second unsuccessful attempt on the King's life was made in August 1972 when his plane was attacked by its fighter escort during a return flight from France. Two hundred and twenty members of the air force were arrested and tried at Kenitra in November 1972. Eleven were sentenced to death and executed in January 1973 and many received prison sentences. General Oufkir, Chief of Staff of the Armed Forces, and until then the King's most trusted adviser, was implicated in the coup attempt, and his subsequent death although attributed to suicide, may have been by summary execution.

In March 1973, the Government announced the discovery of another plot to overthrow the King. There were attacks by armed bands on police stations in the Middle Atlas region and bombs were planted in Rabat and Casablanca. Colonel Ghadaffi of Libya was said to have supported the insurrection, and the UNFP was allegedly implicated. More than 2,000 people were arrested as a result, including whole families. The first trial resulting from the March 1973 uprising was held before a military tribunal in Kenitra in September 1973. There were 159 defendants. The severe penalties imposed included 16 death sentences, which were carried out in 1974. Seventy-two people (mainly leading UNFP members) who were acquitted or received suspended sentences were immediately rearrested on fresh charges and detained until August 1974. Meanwhile, several hundred others arrested after the March uprising, including UNFP members, remained in detention without trial.

It was also in 1973 that the government increased its repression of the radical student movement. The leaders of UNEM, which was banned in January 1973, were left-wing activists who had succeeded in organizing student groups and publications on a large scale. In 1972 the *Syndicat National des Lyceens* (SNL) was formed as a separate organization when school students were forbidden by the Government to join UNEM. During 1972 and 1973, demonstrations and strikes in schools and universities were followed by widespread expulsions and arrests of students and teachers. In August 1973, in a trial of 80 UNEM associates at Casablanca, 48 defendants appeared in court and received sentences of up to 15 years' imprisonment. The remainder were tried *in absentia*.

Signs of a possible reconciliation between the King and the political parties appeared in 1974. The issue over which they were able to agree was the King's claim that the western Sahara should revert to Morocco when it ceased to be a Spanish colony in 1975. However, despite the nationalist fervour aroused in Morocco by this issue, the opposition parties laid down certain conditions for their support of the King in his struggle for the Sahara—including an amnesty for all political prisoners, and the holding of elections.

There was a series of trials, amnesties and releases of political prisoners between 1974 and 1976, which seemed, in the context of the King's discussions with the opposition parties, to show his desire for reconciliation. In August 1974, most UNFP members who had been sentenced at the Kenitra trial in September 1973 were released, including those originally released and then re-detained. In April 1975, more than 50 left-wing students arrested in 1973 and 1974 were released on provisional liberty. In December 1975, 55 prisoners were amnestied, including 14 UNFP members who had been sentenced at Marrakech in 1971. In April 1976, 54 UNFP detainees were released who had been held since March 1973. During July and August 1976, eight major trials of political detainees were held in Meknes, Fez, Rabat, Settat and Casablanca, involving more than 370 people. The charges included planning to overthrow the Government; but most of the defendants had been detained on account of their allegiance to the UNFP, UNEM or SNL during the 1973 disturbances. The 1976 trials resulted in one death sentence, but more than 200 were either acquitted or sentenced to terms of three years or less which had already been served by the time of their trial. Towards the end of 1976 it therefore seemed as though the Government intended to

placate the opposition parties by releasing political prisoners before holding elections.

However, during the 1970s, an increasing number of the King's opponents have not belonged to the established political parties. The new radicals, generally known as *Frontistes* are Marxist-Leninists who aim to create a socialist republic in Morocco (The original Communist Party in Morocco was banned in 1960 and its leaders have since formed the more moderate *Parti du Progres et du Socialisme-PPS*). *Frontiste* groups have developed mainly in educational institutions, where they gained control of UNEM and SNL in 1971, but they also sought to involve the working classes and trade unions. As well as being left-wing, most *Frontistes* advocate self-determination for the Western Sahara, thus isolating themselves further, since this is the main issue on which King Hassan has managed to arouse national support. The first widespread arrests involving some 200 *Frontiste* sympathisers, took place during November 1974. Some were released the following April, but there were further arrests in 1975 and 1976. In December 1976, 104 suspected *Frontistes* were released from Casablanca Prison without being charged. Then in January and February 1977, 178 *Frontistes* were tried by the Casablanca Criminal Court of Appeal. Their heavy sentences proved that the King's reconciliation with the opposition parties did not include leniency towards *Frontistes*—whom King Hassan himself has described as outlaws. In June 1977, there was a further wave of arrests, estimated to involve about 300 *Frontiste* suspects, including a number who had been detained previously.

The elections promised by the King in 1974 finally began in November 1976 with municipal elections, and ended in June 1977 when voting for Parliament took place. The leading political parties are still the *Istiqlal* and USFP (*Union Socialiste des Forces Populaires*)—which was formed in 1974 from the dominant Rabat branch of the UNFP, and has since absorbed the old party. The Government controlled the election procedure. Some areas were allowed to campaign freely; in other areas opposition members were intimidated and even arrested. In November, three *Istiqlal* members were killed by police and eight wounded in Rabat when they protested against the arrest of a newly elected municipal councillor. In January 1977, 11 young USFP members stood trial in Casablanca for distributing tracts and violent behaviour. Their two-year sentences were reduced on appeal and they were released in March. Also in March, Abderahim Bouabid, the USFP leader, and Mohamed Boucetta, the *Istiqlal* leader, joined the Government. However, in June Bouabid failed to gain a seat in Parliament since the ballot paper issued for his constituency of Agadir did not include his name. When the election results were announced, the King's supporters—the so-called Independents—formed a two-thirds majority. There is therefore no guarantee that in the future the opposition parties will not be repressed, as in the past.

### 3. The Legal Situation

#### (i) Legislation under which political prisoners are tried

The provisions of the November 1962 Penal Code which relate to offences against state security and the authority of the crown have been expanded during political trials in order to convict people who have been arrested on account of their opinions or because they formed political parties or unions or because they

produced or received publications which oppose the King's policies.

Articles 163-180 of the Penal Code deal with offences against the monarchy. Article 169 prescribes life imprisonment for attempting to change the regime by overthrowing the monarchy by force. Article 170 states that such an attempt can be considered to have been made as soon as it is planned. Article 171 extends the penalties to all members of a group who are apprehended while undertaking such an attempt, or to any recognized members of the group even if they are not present. Articles 174-5 allow 10 to 30 year prison terms for conspiracy against the regime accompanied by active opposition; if no action has been taken the penalty is five to 10 years. Article 179 prescribes a five-year sentence for the publication of material offensive to the sovereign.

Articles 201-212, which relate to the internal security of the state prescribe penalties of five to 20 years' imprisonment for conspiring to start a civil war or insurrection and for forming groups hostile to the state. If nothing has been done to carry out the conspiracy, the penalties are one to five years' imprisonment. Article 129 extends the penalties for all offences against state security to accomplices who, without directly participating, have, by gifts, promises or threats provoked or aided the action, or who have knowingly procured arms or equipment for such actions, or have provided lodging, hiding or meeting facilities.

Articles 263-5 prescribe prison sentences of one month to one year for disturbing the peace.

A *Dahir* (royal decree) of April 1973 enabled the Government to restrict the right of association by making it conditional on prior permission. If the activities of a party or political association are judged to be a threat to public order it can be suspended (as the Rabat branch of the UNFP was for four months in 1973) or dissolved (as UNEM was in January 1973). Forming or joining an illegal association is punishable by one to six months' imprisonment.

#### (ii) *The Judiciary*

The Supreme Court of Rabat, created in September 1957, is responsible for the interpretation of the law and regulates the jurisprudence of Morocco's courts and tribunals. The judges are appointed on the recommendation of the Supreme Council of the Judiciary, and presided over by the King. Local and regional tribunals, which deal with civil and criminal cases, form the basis of the court system. Trials involving state security were formerly heard before the criminal courts of the regional tribunals, presided over by three magistrates with three jurors. However, a *Dahir* of October 1974 amended the Code of Penal Procedure, and such cases are no longer tried in a court of first instance but are heard by the Criminal Appeal Courts, composed of five magistrates, from which there is no appeal. On certain occasions, special military tribunals have been created to try those accused of political offences.

#### (iii) *Detention without Trial*

According to Article 216 of the Moroccan Code of Penal Procedure, the trials of those charged with endangering the safety of the state should be given priority. However, those arrested by the security police because their political opinions

have made them suspect, have in the past been detained for up to three years without trial. The initial period of pre-trial detention is spent in police detention centers, where prisoners are held incommunicado and their whereabouts unknown even to their families. According to Article 82 of the Code of Penal Procedure, incommunicado detention by security police may last no longer than four days, with a possible extension of 48 hours if this is authorized by the prosecutor. In practice, the prosecutor (*procureur du roi*) is able to prolong secret detention indefinitely, and this authorization may be given retrospectively when the detainee is finally presented by the police. In cases where the person detained has been sentenced *in absentia*, Article 509 states that the police must immediately inform the attorney general of the detention; however this rule is not observed.

Seventy-two UNFP members released after the trial at Kenitra in September 1973 were immediately re-arrested on fresh charges and secretly detained for six months before being brought before an examining magistrate. They were released on provisional liberty in August 1974 and tried in July 1976. Also on trial during July 1976 were more than 150 people, including many USFP members, who had been detained since 1973.

Abdelaziz Menebhi and Abdelwahed Belkebir, President and Vice-President of UNEM, were arrested in January 1973 when UNEM was banned. They were secretly detained by the police for 13 months, during which time they were tried *in absentia* in August 1973, police claiming they were in hiding. In February 1974, they were transferred to Casablanca Prison and held in preventive detention until brought to trial again in August 1976, when they were acquitted.

In March 1973, 40 members of SNL were arrested and held first in secret detention centers, then in the Prison Civile in Casablanca, until 1 June 1975, when all but five were freed on provisional liberty. The five remained in preventive detention in Casablanca until their trial in August 1976, when they were all acquitted.

Of the *Frontistes* tried in January 1977, 79 had been held in secret detention centers from the time of their arrest in November 1974 until they appeared before an examining magistrate in August 1975. A further 26, the leaders of the movement, who had been arrested between January and November 1974, remained in secret detention until January 1976; they were then transferred to Casablanca Prison for a further year of preventive detention before their trial.

The examining magistrate does not always give permission for people in preventive detention to see a lawyer before appearing in court. The police however are present during the court examination. They make statements about the interrogation, which the defendants are frequently asked to sign without having read. And defendants have little opportunity to defend themselves during the hearing.

#### (iv) *Trial Procedure*

Observers from international human rights organizations, including Amnesty International, have been allowed to attend most of the major political trials in Morocco since 1963, although some observers have faced official obstruction. The Constitution guarantees the independence of the judiciary. However, the procedure used during the trials of those charged with endangering the safety of the state through their political beliefs or activities, has frequently revealed the

courts' prejudice against the defendants, which is sometimes so great that they do not keep to their own rules of penal procedure. The unconstitutional prolonged duration of some pre-trial examinations seems due in part to the dissatisfaction of the prosecution when the only evidence obtainable is of ideological commitment. Defence lawyers are hindered in gaining access to clients and their dossiers, and have sometimes been intimidated. In court the right of accused persons to speak in their own defence has often been limited, especially if they wish to explain their political commitment, or make statements relating to torture they have undergone while detained by the police.

During the trial of the *Frontistes* in January-February 1977 before the Criminal Court of Appeal in Casablanca, the rights of political prisoners to defend themselves, and to be defended by their lawyers, were restricted in a manner which exceeded all previous deviations from standard trial procedure in Morocco. Open hostility was shown by the President of the Court from the start of the proceedings when he refused to allow the charges to be read, and throughout the trial in the way he treated the defendants. They were not allowed to speak in their own defence since any statement was regarded as a political speech, nor were they allowed to report the secret detention and torture they had undergone. Any defendant who refused to be silenced was expelled from court. The defence lawyers were under continual surveillance and leader of the team, Maitre Berrada, was openly threatened. They were prevented from intervening during cross-examination, although the prosecution did so constantly. Nor were they allowed to communicate with their clients during the hearing. Consequently they resolved, at the request of their clients, to "plead by their silence". After two weeks of this procedure the defendants created an uproar in court, accusing the prosecution of fascist behaviour. As a result, they were confined to their cells and were summoned one by one for their hearings. They therefore went on hunger-strike. It lasted 14 days and those who appeared in court were seriously debilitated. The defendants were not in court for the prosecution's summing up, and were allowed back only for the reading of the sentences during an all-night session on 14 February. As a result of their protests about the conduct of the trial, they received an additional sentence of two years' imprisonment for contempt of court.

(v) *International Legal Instruments*

In November 1956, Morocco became a member state of the United Nations. The preamble of the Moroccan Constitution of 1972 includes a commitment to the "principles, rights and obligations of those international organizations of which it is a member". Under the UN Charter, Morocco is pledged to promote "universal respect for, and observance of, human rights and fundamental freedoms for all". The *Universal Declaration of Human Rights* lists these rights and freedoms. However, the Government of Morocco has not, to date, signed or ratified the international instruments intended to ensure implementation of these rights. These instruments are the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights*, and the optional protocol to the latter.

#### 4. Number and Analysis of Prisoners

Political prisoners in Morocco fall into a number of categories according to their political allegiance, but the major division lies between political prisoners who have been tried and sentenced, who numbered more than 200 in July 1977, and those detained without trial. Several hundred people are known to be in this situation, but the exact number is unknown.

a) *Convicted political prisoners*

*USFP*: Approximately 70 USFP (and former UNFP) members are estimated to be serving sentences imposed during political trials in which they were convicted under the state security laws of attempting to change the structures of the state or plotting against the King. One such prisoner, Mohamed Atlas, was arrested in 1963 with 13 other UNFP members and tried in 1968. The charges included possession of weapons, and four death sentences were passed, later commuted to life imprisonment. Members of this group are now held in Kenitra Prison. The other longest-term prisoners, the associates of UNFP leader Sheik el Arabe, were arrested after he was shot by police in 1964. They were brought to trial in 1967 and charged with belonging to a terrorist band. Nine are still in Kenitra Prison serving sentences of from 15 years to life imprisonment.

In the major UNFP trials of 1971, 1973 and 1976, members of the opposition party were alleged to be involved in plots against the King's Government, and received heavy prison sentences following evidence about their political allegiance. Despite subsequent amnesties, 30 prisoners are still serving their sentences and are now held at Kenitra. In March 1977, a further 17 UNFP members from Safi, arrested after the insurrection of March 1973, were brought to trial in Marrakech; four were acquitted, but the others, having been found not guilty of plotting against the Government, received sentences of one-and-a-half to two years for breach of the peace. Seven USFP members from Goulmima, arrested in March 1973, are still being held without trial at Tagounite.

*UNEM*: Eighty members of UNEM were sentenced in Casablanca in 1973 on charges under Article 201 of the Penal Code with intent to replace the monarchical system with a socialist regime. Evidence was produced that they spread propaganda and organized strikes. Their ideological commitment was not denied, and from this the court deduced that they were planning violent opposition to the regime. Eighteen are still in Kenitra serving sentences of eight, 10 or 15 years. One other, Anis Balafreji, has been held in Mohamed V Hospital in Rabat since November 1975, when he became gravely ill as a result of renewed torture after a hunger-strike.

*Frontistes*: 178 were tried in Casablanca in February 1977 on charges of forming illegal associations which aimed to overthrow the Government. No evidence of violence was produced in court, apart from examples of left-wing literature. However, the prosecution argued that in advocating a "people's republic" in Morocco they had effectively plotted the overthrow of King Hassan's Government. There were no acquittals and the sentences, which were unusually heavy even by Moroccan standards, ranged from five to 30 years, with 44 life sentences. One hundred and thirty-three *Frontistes* are now serving these sentences in Kenitra and four in Casablanca. Thirty-nine of the life sentences were passed

*in absentia*, but it is feared that those in hiding were in fact arrested in May 1977, and are now being held incommunicado in police detention centers.

b) *People Detained without Trial for Political Reasons*

Probably at any given time in Morocco several hundred people are being held, in police detention centers, incommunicado and without proper legal procedures having been followed. Since their arrest is not officially announced, and relatives and former detainees are often silent for fear of reprisals, it is impossible to provide an accurate estimate of their numbers. Among those who risk this type of detention are members of political opposition parties and groups—even during the period of reconciliation, during the recent elections, arrests of *Istiqlal* and USFP members were reported. Migrant Moroccan workers in Europe who join local trade unions rather than belong to the "*Amicale*" union sponsored by the Moroccan Government, are liable to be arrested as suspected dissidents on their return to Morocco. Moroccan members of French, German and Dutch trade unions have experienced this treatment.

In areas where the Government mistrusts the local population, arbitrary arrests are made often on a massive scale. This happened during 1973 in the Middle Atlas region; and since early 1976 when the Moroccan army became engaged in the western Sahara, detention camps have been established, not only for prisoners of war, but also for members of the civilian population suspected of sympathizing with the *Polisario* guerillas. The number held in this way in Morocco itself is estimated to be between 100 and 150. The Moroccan authorities maintain great secrecy about the names and number of those detained; and in the western Sahara there may be several hundred members of the local population held in army camps. Fear of such treatment has caused many thousands to flee from southern Morocco and western Sahara into Algeria.

Following the attempted coups of 1971 and 1972, many members of the armed forces were arrested on the grounds that they were on duty at the time of the attempts. In July 1973, between 80 and 100 of them were transferred from Kenitra Prison to a detention center in southern Morocco, where they have been held incommunicado ever since.

At least 300 *Frontistes* suspects are believed to have been detained during a wave of arrests in June 1977, including a number who have been detained on previous occasions. No official report has been given of the reason for the arrests, nor the number or names or whereabouts of those held.

5. Location of Prisons and Detention Centers

a) *Prisons*. Political prisoners in Morocco have no separate status since there is no recognized definition of political crime. During periods of pre-trial detention, and after conviction, political prisoners are held in the central prisons of the main towns in Morocco including Rabat, Meknes, Fez, Settat, Oujda, Marrakech and Tagounite, but the most important are the Prison Civile and the Prison Ain Borja in Casablanca, and the Prison Centrale in Kenitra. During the period of imprisonment before trial (after they were transferred from police detention centers) the *Frontistes* tried in Casablanca in January 1977, including women, spent a year in Ain Borja in Casablanca. This was also

what happened to the UNEM and SNL prisoners brought to trial and acquitted in August 1976. In March 1977, the *Frontistes* were transferred to the Prison Centrale in Kenitra, where the student leaders convicted in Casablanca in August 1973, and USFP members still serving sentences, are also held. The three women *Frontistes* convicted in January 1977 are now in the Prison de Rhbila in Casablanca; Abraham Serfaty the *Frontiste* leader was transferred there after the trial, in order to keep him more isolated.

b) *Detention Centers*. People arrested for political reasons are held by security police for interrogation in special detention centers. This period of incommunicado detention can last from six months to two years. The location of these detention centers is never officially revealed. However, from the statements of former prisoners it is known that the two main secret detention centers are in Casablanca. One is in the Moulay Cherif area of the town, the other is near the ANFA Airport for domestic flights. The detainees are held in the Airport's old workshops, which consist of four corrugated iron sheds permanently exposed to the sun. There are also important detention centers at Dar el Mokri, eight kilometers from Rabat, and a few kilometers south of Kenitra on the Rabat road. Near Oudja there is a detention center known as "*ferme slovaque*". There are also places in other parts of the country where political suspects are believed to be held secretly by the police.

6. Conditions of Imprisonment

a) *Conditions in Detention Centers*

Detainees held in secret detention centers are not allowed to communicate with their families or lawyers, nor are they given any official reason for their arrest, nor any information about their situation. They are not allowed to communicate with one another and are beaten if they try to do so. Many remain handcuffed and blindfolded from the time of their arrest throughout the period of police detention. They are periodically interrogated and tortured, and are able to hear the screams of others undergoing torture. There is no medical care in the detention centers, even for those who are injured by torture, or who have contagious diseases. Former detainees have described how other inmates of the detention centers died. People of all ages have been kept in such centers, including children. They are seriously malnourished. The diet consists of bread and soup. Detainees are not allowed to wash for months. In addition to the injuries caused by torture, the effects of this treatment on the detainees' health is permanent. Doctors who have examined former detainees have reported that intestinal disorders, rheumatism, lung disease, loss of vision and psychological problems are the most common and enduring results.

b) *Prison Conditions*

When detainees are transferred to prison they are no longer entirely at the mercy of the police. They are allowed visits from their families and lawyers, and normally they are allowed to receive food to supplement the extremely poor prison diet. Most prisoners are allowed books and letters provided these are passed by the prison censors; and certain students have been able to continue their studies.



They are normally allowed exercise in the prison yard for an hour each morning and afternoon. The discomfort of prison conditions is due mainly to extreme overcrowding. According to statistics published in Morocco in 1974, the prisons were filled to five times their capacity and this has increased to 10 times when large numbers of prisoners have been transferred from detention centers, or after trials. In such conditions hygiene is very poor, and the prisons become infested with rats and vermin. The only bedding consists of blankets on the floor. Medical attention is inadequate. A French doctor who visited the Casablanca prisons in November 1976 reported that there were two untrained nurses for 3,000 prisoners, with one doctor and one dentist who visited twice a week for about two hours. There must be special authorization before a political prisoner may be transferred to the prison hospital or receive any specialist treatment.

On a number of occasions, political prisoners have protested about their prison conditions. To back up their demands to be brought to trial, Anis Balafrej and his group went on a 32-day hunger-strike in 1973. Abdelaziz Menebhi and his group went on hunger-strike twice in 1975, the longest lasting 36 days. In August 1976 and again in November 1976, 240 *Frontistes*, then held in Casablanca, went on hunger-strikes, the first lasting 12 days and the second 18. Another reason why prisoners go on hunger-strikes is because of the ill treatment of individual members of their group by prison guards or the police. At Ain Borja in October 1975, two prisoners accused of having transistor batteries in their cells were beaten so severely that one suffered a fractured leg. They were then put in isolation cells and went on hunger-strike until they were removed for emergency hospital treatment.

A similar incident at Kenitra the following month, during which three prisoners were removed by the police and severely tortured, provoked an 18-day hunger-strike. One prisoner became so ill that he has been in hospital ever since. The most recent such incident took place in Casablanca in March 1977, when all the *Frontistes* were systematically beaten on the orders of the prison director before being moved to Kenitra, where, in July, 60 of them went on hunger-strike for 12 days in protest at their conditions of imprisonment.

### 7. Allegations of Torture and Death in Detention

Trial observers, ever since the early UNFP trials at Marrakech in 1963 and 1971, have all reported allegations of torture. These allegations were made (when permitted) during the trials, by defendants, their relatives, lawyers and doctors, and by former prisoners themselves. The consistency of these reports indicates that torture is routine security police practice during the interrogation of political detainees. It is inflicted mainly to terrify and humiliate the detainees, but also to extract confessions and gain information about their political activities and associates.

Methods of torture include being bound by the wrists and ankles and suspended for long periods from a metal bar; beatings, especially on the head and soles of the feet, often with old metal instruments; electric shocks on the eyes and genitals; the stuffing of rags soaked in excrement into the mouth until the victim chokes; intimidation by police-dogs and simulated executions.

In 1973, the Amnesty International observer attending the UNEM trials in

Casablanca, and the UNFP trial at Kenitra, collected substantive allegations that almost all the detainees had undergone torture, although no statements were allowed in court. Several of those tried *in absentia* in Casablanca were being kept in police detention because their condition made it impossible to produce them in court—one was severely deranged after 17 consecutive days of torture.

During the series of USFP trials in July 1976, the reports that a number of detainees had died as a result of torture following their arrest in 1973 were finally confirmed. According to the accounts of witnesses who shared their detention fourteen are known to have died and eight to have disappeared. Among those who have disappeared is Houcine ben Ali el Manouzi, a UNFP member last heard of in 1975 when he escaped from a police detention center in Kenitra. After a few days, he was re-arrested and is now feared dead.

During the UNEM and SNL trials in Casablanca in August 1976, the defendants were all allowed to make statements giving details of the torture they had suffered while held by the police in secret detention centers. No such statements were allowed during the *Frontiste* trial of January 1977, although the scars on Abraham Serfaty's fingers were clearly visible, and Abdellah Zazaa's foot was shown to be mutilated when he removed his shoe in court. A French doctor who visited Casablanca Prison after the hunger-strike of 240 *Frontistes* in November 1976 reported, after his examinations, that many of the prisoners still suffered from the effects of torture. These included pains in the legs and insomnia due to beatings on the soles of the feet; pains in the hands and arms from electric shocks on the fingers; eye damage and mental disorders due to pain and fear—the most notable example of the last being Mohamed Kerfaty, who cried out uncontrollably in court for two days until he was finally taken away for treatment. The *Frontiste* leader Abdelatif Zeroual, who was arrested in November 1974, is reported to have died in Rabat five days after his arrest as a result of torture. He was suffering from water on the lungs and severe injuries on the feet, and his eyes were damaged. The authorities attempted to conceal his death, and have not as yet officially admitted to it.

### 8. Capital Punishment

According to the Moroccan Penal Code of November 1962, the death penalty may be imposed for crimes of violence including murder and arson, and for certain acts which endanger the safety of the state. The death penalty is mandatory (Article 163) for an attempt against the life of the monarch. Attempts against the life of the heir to the throne or other members of the royal family are also punishable by death (Article 165-7). Articles 201-2 of the Penal Code, which relate to the internal security of the state, prescribe the death penalty for those who attempt to instigate civil war by providing arms or inciting the people to arm themselves. Article 181, which relates to the external security of the state, prescribes the death penalty for giving information or aid to potentially hostile foreign powers. The death penalty is carried out by military firing squad on the order of the minister of justice.

Since 1958, death sentences have been passed in more than 80 cases in trials of people charged under the above Articles with endangering the safety of the state, or plotting against the King or his heir. There have been at least 50

executions. In 1960 two people charged with plotting against the heir to the throne were executed. In 1963, two at least were put to death for an alleged attempt on the King's life. In March 1965, 14 were executed for arms smuggling during the border dispute with Algeria. The death penalty was increasingly used to deal with those involved in the coup attempts of the early 1970s. Eleven executions were carried out in January 1973 following the attack on the King in August 1972 and subsequent trial in Kenitra. In August 1973, 15 were sentenced to death at Kenitra, and executed in November for their part in the insurrection of March 1973. A sixteenth defendant was pardoned after giving evidence to the police when the safety of his family was threatened, but he was tried again for the same offence, along with six others, in January 1974. All seven were executed in August 1974.

Those sentenced to death for crimes against the safety of the state but who have not been executed (notably the defendants in the UNFP trials of 1963 and 1971) included some who were sentenced *in absentia*. Others were pardoned or had their sentences commuted to prison terms after appeal. One person, Abdallah Malki, remains under sentence of death, having been convicted in July 1976 of involvement in the March 1973 insurrection.

There have also been extra-judicial killings in Morocco. After the attempt on the King's life in Skhirat in 1971, 10 army officers were summarily shot. The "suicide" of General Oufkir in 1972 may also have been an extra-judicial killing. And the Government has been suspected of involvement in the assassination of two leading UNFP politicians, both of whom were originally sentenced to death in 1963. In 1965, Mehdi ben Barka disappeared in France and a French court accused members of the Moroccan Government of complicity. In 1975, Omar Benjelloun was killed in Casablanca; eight people arrested for the crime were said to belong to the right-wing Muslim Brotherhood, but they have not been brought to trial. There have been other attempted political assassinations—parcel bombs were sent to Omar Benjelloun and Mohamed el Yazghi of the UNFP in January 1973, and in October 1975, Abderahman Meniaou of the PPS was stabbed, but survived.

#### 9. Action by Amnesty International

Amnesty International has worked for the release of political prisoners in Morocco since the first large-scale arrests of the 1960s. Missions have been sent to observe all the major trials; first the 1963 UNFP trial in Marrakech; most recently the January 1977 Casablanca trial. Amnesty International trial observers have stated unanimously that members of opposition groups charged under the state security laws have in fact been tried because of their political convictions. Trial observers have consistently reported torture, and on a number of occasions they have commented on the obstruction of defence procedures. Amnesty International has sent missions to talk to members of the Moroccan Government, and to meet representatives of opposition parties and lawyers, the most recent occasion being April 1976.

Amnesty International has protested vigorously against death sentences passed for political offences; also against the use of torture and the miscarriage of justice during trials. The organization has campaigned repeatedly for the amnesty of all

political prisoners in Morocco. Amnesty International groups work on behalf of from 100 to 200 individual political prisoners in Morocco. In addition, when urgent action is necessary against the use of torture or the death penalty, approximately 1,000 appeals are launched by Urgent Action groups. At the time of writing, there are more than 170 Amnesty International adoption and investigation cases in Morocco.

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