

# URGENT ACTION

## HEALTH CONCERNS FOR ELDERLY PRISONER

**Relatives of a 72-year-old Moroccan man serving a 12-year prison sentence for exercising his right to freedom of expression are concerned for his wellbeing, given his age and the medical conditions he suffers from. According to his son, he has been held in solitary confinement since the beginning of December 2009.**

**Kaddour Terhzaz**, a former high-ranking military officer, is held in Salé Prison, near the capital Rabat. His family are very worried about his health. Kaddour Terhzaz suffers from high blood pressure and high cholesterol. He needs to take regular medication for both these conditions and to have regular check-ups. The prison administration does not always allow his family to bring him the medication he needs, and has denied his family visits on at least two occasions.

Kaddour Terhzaz was imprisoned for threatening Morocco's "external security" through divulging a secret of "national defence". He was convicted following a trial before a military court in November 2008 that did not fully meet international fair trial standards. For instance, Kaddour Terhzaz has stated that the principal defence witness was not called to testify. The trial hearing took place some two and a half weeks after his arrest, leaving little time to prepare an adequate defence. According to Kaddour Terhzaz, the request of the defence to postpone the hearing to allow for more time to prepare was not granted by the court.

Amnesty International believes that his conviction represents an unjustified restriction on freedom of expression as set out in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a state party.

Kaddour Terhzaz will celebrate his 73<sup>rd</sup> birthday on 15 April.

### **PLEASE WRITE IMMEDIATELY in Arabic, French or your own language:**

- Urging King Mohamed VI, as head of the Moroccan armed forces, to immediately and unconditionally release Kaddour Terhzaz, since he is detained solely for exercising his right to freedom of expression;
- Noting that Kaddour Terhzaz is approaching his 73<sup>rd</sup> birthday;
- While he is detained, calling on the Director of Prison Administration and Rehabilitation to ensure that Kaddour Terhzaz has access to all necessary medication and regular medical check-ups, as well as regular family visits and access to his lawyers.

### **PLEASE SEND APPEALS BEFORE 10 MAY 2010 TO:**

His Majesty King Mohamed VI  
Bureau de Sa Majeste le Roi  
Palais Royal  
Rabat, Morocco  
Fax : +212 53 776 8515  
Salutation: Your Majesty

Director of Prison Administration and Rehabilitation  
Angle Avenue Ibn Sinaa et Rue Oued ElMakhazine  
Immeubles nos 1 et 2  
Agdal  
BP 123 Rabat, Morocco  
Fax : +212 537 67 47 85  
Salutation: Dear Sir

**Also send copies to diplomatic representatives of Morocco accredited to your country.** Please check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

The conviction of Kaddour Terhzaz was based on an undated letter he wrote to King Mohamed VI, which reportedly contained confidential military information. The information in question was his claim that Moroccan planes were not equipped with anti-missile systems at the time of the armed conflict between Morocco and the Polisario Front from 1975 to 1991. The Polisario Front calls for the territory of Western Sahara to be independent from Morocco.

In the letter, Kaddour Terhzaz urged King Mohamed VI, as head of the armed forces, to improve the situation of former pilots who had been held captive by the Polisario Front. Kaddour Terhzaz shared the contents of the letter with a former Moroccan pilot who had himself been held by the Polisario Front.

He says that in the letter he recounted witnessing, as the former second-in-command of the Moroccan Royal Air Forces (Forces royales air, FRA), the bravery of former pilots who had participated in difficult and dangerous missions in planes not equipped with an anti-missile system. He lamented that they had not been treated with due respect and appreciation since their release. He placed the blame on the leadership of the Royal Armed Forces (Forces royales armées, FAR). Kaddour Terhzaz maintains that he gave a copy of the letter to a former pilot, Ali Najab, to support him in his efforts to create an association for former prisoners of war who had been held by the Polisario Front.

On the basis of his letter, he was convicted on 28 November 2008 by the Permanent Military Court of the Royal Armed Forces in Rabat under Articles 187 and 192 of the Penal Code of threatening Morocco's "external security" through divulging a secret of "national defence". The Supreme Court upheld the decision of the Military Court on 13 May 2009.

Amnesty International believes that revealing information that Moroccan planes lacked an anti-missile system at the time of the conflict between Morocco and the Polisario Front does not represent a genuine threat to national security, particularly as a ceasefire has been in place since 1991. The ruling of the Military Court was based on the consideration that this information is a secret relating to national defence and that Ali Najab, even though he was a former pilot, did not have the right to know this "secret". This reasoning fails to take into account that Ali Najab himself flew planes for the FRA, before being captured in 1978 by the Polisario Front. In addition, Ali Najab was quoted in an article appearing in a Moroccan weekly in 2006 as stating that, at the time of the conflict, the pilots knew that the planes were not equipped with anti-missile defence systems. Kaddour Terhzaz fears that he is being targeted due to his criticism of actions of the military leadership and of the treatment of former prisoners of war of the Polisario Front.

UA: 72/10 Index: MDE 29/008/2010 Issue Date: 29 March 2010

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