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Political imprisonment after unfair trial 22

MOROCCO

The pattern of political imprisonment must end

Introduction

The continued imprisonment of prisoners of conscience remains a dark shadow over the human rights record of Morocco. Over 130 prisoners of conscience, and hundreds of political prisoners are serving sentences of up to life imprisonment. Some of the prisoners of conscience, held simply for the non-violent expression of conscientiously-held beliefs, have been in prison for over 10 years. Tortured in prolonged incommunicado detention, they signed confessions under duress before being convicted in trials which violated international standards for fair trial. Hundreds of political prisoners accused of violence or protesters arrested after violent demonstrations or riots have been imprisoned after trials which were equally travesties of justice. If human rights are to become a reality in Morocco, the authorities must take concrete steps to break completely with the past and translate words into actions.

The Moroccan authorities have recently expressed their readiness to make amends for human rights violations which have occurred in the past. Over the last three years improvements have taken place. Yet scores of Moroccans who have committed no crime but peaceful opposition to the government or the monarchy remain in prison. Arrest and detention of government critics and peaceful demonstrators continue. As long as the pattern of political imprisonment and the legacy of past injustices is allowed to go on Moroccan protestations of a new respect for human rights remain shallow.

Amnesty International has other longstanding concerns in Morocco. Hundreds of Sahrawis and Moroccans who have "disappeared" after arrest are unaccounted for and are believed to be held in secret centres. Prolonged incommunicado detention and torture are still practised in Western Sahara. In prisons ill-treatment, lack of medical care and gross overcrowding are widespread. However, this report concentrates on the continuing detention of prisoners of conscience and the pattern of political imprisonment in Morocco. Case studies of eight out of more than 100 prisoners of conscience in Morocco illustrate a system that must be ended. With this report Amnesty International calls on the Moroccan Government to release all prisoners of conscience immediately and unconditionally and to release all political prisoners convicted in unfair trials unless they are to be promptly retried in full accordance with international fair trial standards.

Background

Political imprisonment has been used for decades to punish political opponents and government critics in Morocco. Freedom of expression in Morocco remains limited by three forbidden areas: there can be no criticism of the institution of the monarchy (for instance by calling for a republic or publicly criticising the King), the integrity of the nation (for instance, by advocating independence for Western Sahara, under Moroccan rule since 1975) or Islam. Many of those imprisoned as prisoners of conscience have been Marxists who have called for a change in the system of government and advocated self-determination for Western Sahara and Islamists whose call for an Islamic state is felt to undermine the King's position as supreme Islamic leader. But others detained have not criticized any of the three taboo subjects in Morocco. They include students who have participated in demonstrations to demand improved study conditions or negotiating rights for their union and trade unionists who have organized strikes. Men and women, members, supporters or suspected sympathizers of opposition groups, trade unionists, teachers, students, writers, artists, workers, peasants, labourers and others have all been imprisoned, targeted because they were or were perceived as political opponents and government critics.

By the 1970s a distinct pattern of political imprisonment in Morocco had developed: after arrest, often with violence and without warrant, the suspects would be held incommunicado in police stations and secret detention centres, sometimes for months, and systematically tortured and ill-treated to force them to sign

confessions and police statements (*procès verbaux*, PVs). Only when they appeared before the prosecutor (*procureur du roi*) or investigating judge (*juge d'instruction*) would they be informed of the charges against them. Statements extracted under torture were routinely accepted by the courts, often as sole evidence against the defendants. Judges systematically failed to investigate allegations that torture had been used to obtain confessions from detainees, and refused to allow defence lawyers to call witnesses who could cast doubt on the content of police statements. Political trials often took place in an atmosphere of intimidation for the detainees, their families and defence lawyers.

Although, today, outside Western Sahara, the use of torture and ill-treatment has greatly diminished, those who were sentenced in the past on the basis of confessions extracted by torture remain in prison. At the same time, arbitrary detention and imprisonment of suspected political opponents after unfair trials continues. The gravity of the offences with which prisoners are charged and the severity of the sentences they received has depended on the political atmosphere rather than on their alleged crimes. During the 1970s and 1980s heavy sentences were handed out to political opponents for actions which today pass without comment. However, the arbitrary exercise of power has for long been part of political imprisonment in Morocco; this has led to the imprisonment of some government critics for saying what others may repeat with impunity. Even at times of relatively greater freedom of expression imprisonment has been used

to punish those who have crossed the boundaries from what is considered acceptable criticism into taboo areas. Such cases may also be used to deter others from overstepping these boundaries.

Laws which lead to the imprisonment of prisoners of conscience

Prisoners of conscience in Morocco fall within three categories.

- Many have been imprisoned for offences, which they did not commit or intend to commit. Accused of having used and incited violence, attacked individuals and properties during demonstrations, or plotted to take up arms against the government they have been convicted on the sole basis of confessions extracted under duress and later denied.

- Others have been imprisoned under laws which make it possible to imprison prisoners of conscience for offences such as criticising or offending the King or other authorities, distributing leaflets or being member of an unauthorized organization.

- Others have been imprisoned under broadly-framed legislation under which offenders can be sentenced to prison terms on vague charges such as "disturbing public order".

In the past political offenders were frequently charged with attempts to change the monarchical system (*Code pénal*, CP, Penal

Code, Articles 169-71) or offences against internal state security (CP 201-7). Other articles (CP 171, 204) make any member of a group liable to the same penalties as its leader while Article 170 states that an offence exists as soon as it is attempted. Most of those tried before 1987 who remain in prison were tried under one or more of these articles.

Another article used to sentence political opponents is Article 179 of the Penal Code, which provides for a maximum sentence of five years' imprisonment and a fine of up 1,000 dirhams for offences against the person of the King or the Heir apparent.

- Hassan Al-Hajjaji, a 28-year-old student was arrested in March 1987 with scores of other people. His house was searched by police who found a notebook with handwritten verses from a poem of the Tunisian poet Belkacem Chabbi. In one of the verses the word "chains" had been changed to "throne" so that the verse read "the throne must be broken" instead of "the chains must be broken". He was tried in July 1988 and sentenced to seven years' imprisonment and 100,000 dirhams fine for insulting the King and the authorities and disturbing public order. He was released on 23 March 1994 on expiry of his sentence.

The use of this article of the penal code has increased in recent years. Political opponents and others have frequently been sentenced on the basis of alleged insults said sometimes at the heat of the moment or

denied. A trade unionist, Driss Ghenimi, was sentenced to five years' imprisonment in May 1992 for an insult to the King, allegedly said during a heated meeting between rival trade unionists; he was released only in July 1993 after a worldwide campaign. Zoulikha Lakhdari, the wife of prisoner of conscience Said Tabal, was arrested in May 1993 and held in prison with her new-born baby for several days on charges of insulting the King outside the prison five months before. The prison guards who accused her never came to testify in court and she was acquitted after a similar worldwide campaign against her detention.

Often broadly-worded decrees (*dahirs*), sometimes dating from the French colonial period, have been used to prosecute people for the non-violent exercise of their right to free expression. A 1935 *dahir* is frequently used to sentence people for "disturbing public order". Three *dahirs* of 1958, (modified, and made more restrictive, in 1973) forming the Press Code, and regulating Public Assemblies and the Right of Association are used to sentence people for writing, possessing or distributing literature considered "subversive"; expressing ideas considered offensive or subversive; attending unauthorized meetings; or belonging to an illegal organization.

- In April 1992, Noubir Amaoui, the Secretary General of the Democratic Labour Confederation (*Confédération Démocratique du Travail*), CDT, was sentenced to two years' imprisonment under the Press Code on charges of "defamation" for criticising the Moroccan Government in an interview with a Spanish

newspaper. He served 15 months before being released by royal amnesty in July 1993.

Certain articles of the Penal Code and the *Code de procédure pénale* (Code of Criminal Procedure) which give a wide definition of "complicity" and "intent" (to commit offences), make it possible to imprison people for offences they have not committed. Under Articles 129 and 130 of the Penal Code an accomplice may suffer the same penalty as the main agent of an offence. Under this law the authorities have prosecuted people present at a demonstration for offences committed by individual demonstrators.

- After a reportedly peaceful sit-in at Fes University asking for recognition of the *Union nationale des étudiants marocains* (UNEM), National Union of Moroccan Students, in December 1991, 35 students were charged with injuring others (CP 400, 401) or "complicity" in such offences (CP 129 and 130). They received sentences of up to two and a half years' imprisonment.

International Standards

The imprisonment of prisoners of conscience, the practice of torture against detainees, and the use of confessions extracted under duress as evidence against the accused violate international treaties to which Morocco is a state party.

Freedom of expression, peaceful assembly and association are guaranteed by Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, ICCPR.

Article 19(2) states:

"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".

Article 21 states that

"The right of peaceful assembly shall be recognized".

Article 22(1) states:

"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".

By detaining and continuing to imprison people for peacefully exercising their rights to freedom of expression, assembly and association, Morocco has violated these international standards.

The United Nations Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, which Morocco ratified in June 1993, prohibits the use against the accused of any statements made as a result of torture.

Article 15 states:

"Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

The pattern of political imprisonment in Morocco has been marked by the sentencing of opponents or demonstrators on the sole basis of confessions extracted under torture. Article 14 of the ICCPR, which lays down standards for fair trials - including that they should be open, recognize the presumption of innocence, and recognize the rights for the defence - has been consistently breached during political trials in Morocco.

Prison conditions

For hundreds of political prisoners detained in Morocco's prisons the hunger-strike has often been the only weapon available to protest against detention, torture and ill-treatment and to press for improvements in living conditions. Only by carrying out a long series of hunger-strikes - which have sometimes ended in the deaths of the

prisoners - have prisoners of conscience and political prisoners succeeded over the years in obtaining some improvement in their conditions of detention.

Two prisoners of conscience, Boubker Douraidi and Mustapha Belhouari, in the same group as Habib Lakdour (Case study No.2), died in hospital on 28 and 29 August 1984 during a hunger-strike which they had begun on 4 July 1984 in protest against harsh conditions and lack of medical attention after torture. Two others from the same group, who began an unlimited hunger-strike in 1985, continued their hunger-strike until they were released by royal amnesty in 1991. Throughout the six years they were tied to their beds in separate rooms at Averroes Hospital in Casablanca and were fed directly to the stomach by gastric tubes. Another prisoner of conscience, Abdelhaq Chbada, died in August 1989 only a month before he was due to be released as a result of a hunger-strike which he and three other prisoners in June 1989 in Laalou Prison in Rabat.

The other prisoners continued the hunger-strike until February 1990.

Prisoners have continued to protest by staging hunger-strikes at their continued imprisonment and at the condition of their detention. In 1993 prisoners of conscience and political prisoners in several prisons went on hunger-strikes to protest at the deterioration of their conditions of detention after the appointment of a new Director of the Prison Administration in 1992. They protested especially against their loss of direct family visits, a right which they had acquired after

lengthy and repeated hunger-strikes, and against cuts in medical care. Medical care for prisoners in Morocco is both insufficient and inadequate. In most prisons medical care is confined to a weekly or fortnightly visit by a medical doctor, even in prisons where there are over 2,000 prisoners. Thus the majority of prisoners have virtually no access to medical care. The doctors can only give out prescriptions and the prison administration does not usually provide medicines for the prisoners. Therefore, even the small minority of prisoners who manage to be seen briefly by the doctor cannot obtain medical treatment unless their families can afford to buy the medicines for them.

The conditions of detention are considerably worse for common-law prisoners, who are held in unhygienic conditions in extremely overcrowded cells. Amnesty International has received many reports of prisoners forced to sleep on top of each other in corridors and toilets.

Amnesty International's Work on Morocco

Amnesty International has worked for the release of prisoners of conscience in Morocco since the large-scale arrests of the early 1960s. During the 1970s and 1980s hundreds of Moroccans detained for expressing opposition to the Moroccan Government were adopted by Amnesty International groups.

Amnesty International representatives have visited Morocco on a number of occasions to carry out research and to discuss the organization's concerns with the government. In 1990 Amnesty International had the opportunity to discuss its concerns directly with the Head of State, King Hassan II. Between 1990 and 1993 a number of reports raised Amnesty International's concerns on Morocco and in 1991 of a worldwide Amnesty International campaign followed the publication of an Amnesty International report: *Morocco: A Pattern of Political Imprisonment, "Disappearances" and Torture* (AI Index: MDE 29/O1/91).

In May 1993, after three years during which Amnesty International was denied research access to the country, representatives of the organization were able to hold detailed talks in Rabat with the Human Rights Advisory Council (*Conseil consultatif des droits de l'homme*), CCDH, a human rights commission set up by the King in 1990. Its members are appointed by the King and represent various organizations, including professional associations, trade unions, political parties, and two human rights movements. During these talks Amnesty International discussed in detail the cases of prisoners of conscience held in Morocco and urged their immediate release. The CCDH assured the organization that "a page would be turned" on human rights violations of the past and that the cases of all political prisoners would be re-examined. Subsequently the organization sent the CCDH lists of over 150 prisoners of conscience detained for non-violently expressing their conscientiously-held beliefs. At the same time it sent the CCDH lists of over 500 political prisoners detained

after unfair trials (including prisoners of conscience, as well as people arrested after violent riots in Fes and other cities in December 1990). In August 1993, the organization sent a list of 485 Sahrawi and 79 Moroccans who had "disappeared" after being arrested by the security services. The same lists were sent to the Minister of the Interior, Driss Basri. In July 1993 two prisoners of conscience were released by royal amnesty; no prisoner of conscience has subsequently been released.

In November 1993 Amnesty International delegates in Morocco were able to meet the newly-appointed Minister for Human Rights, Omar Azziman. They handed him updated lists of prisoners of conscience, political prisoners and "disappeared" and subsequently sent more detailed lists. They were assured that these cases would be studied carefully. In March 1994, 138 common law prisoners were released by royal amnesty to mark the end of Ramadan. No political prisoners were released.

Amnesties: an arbitrary gift

The majority of the hundreds of political prisoners sentenced over the last 30 years have served their sentences in full. However some prisoners of conscience and political prisoners have been released before the expiry of their sentences after amnesties granted by the King. Fifty political prisoners were freed after a royal amnesty in 1989 and 41 political prisoners were among those freed as a result of royal amnesties in 1991.

It is not clear, in such amnesties, on what basis certain prisoners from a group have been released and others, convicted for the same offences in the same trials, continue to remain imprisoned.

Eleven out of a group of 26 prisoners of conscience arrested in October 1985 were released in the August 1991 amnesty. Six of those released were due to be freed three months later upon expiry of their six-year sentences, whilst the others had been sentenced to 10, 12, and 20 years' imprisonment. No reason for the release of part of a group and the continued detention of the rest can be ascertained apart from a desire to maintain an atmosphere of arbitrariness and uncertainty. Mohamed Nacereddine, sentenced to 12 years' imprisonment in the same trial, is one of those who remains in prison (see Case study No. 4).

Of a group of five prisoners of conscience arrested in Tetouan in 1984 and all sentenced in the same trial to 20 years' imprisonment for offences against state security and public order, two were freed in the royal amnesty in 1991 whilst the other three remain in prison (see the case of Mohcen al Khatib below).

Spokespeople for the Moroccan Government, including the CCDH, have often stated publicly that those who are released by amnesty are those who have asked for royal pardon and that the rest could be released if they did the same. However, those released in 1991 have denied having asked for a royal pardon. Prisoners of conscience state

that inasmuch as they have not committed any crime, they refuse to ask for a royal pardon.

Recent improvements in the human rights situation in Morocco

Over the past three years there have been some positive changes in the human rights situation in Morocco. In 1991 over 300 "disappeared" people were released who had spent up to 18 years in

secret detention centres in appalling conditions, during which scores had died. A law limiting the length of time a detainee may be held *garde à vue* (incommunicado) during pre-trial detention was promulgated in 1991. Over the past year, outside Western Sahara, prolonged *garde à vue* detention has not been reported and reports of ill-treatment or torture have diminished.

The first ever Minister for Human Rights, appointed in November 1993, and the CCDH have recently stated that there is a commitment on the part of the authorities to make amends for human rights violations which occurred in the past. At the beginning of 1994 detainees released from the secret prison of Tazmamert in 1991 were told they would receive compensation for 18 years' incommunicado detention in life-threatening conditions, most of them beyond the expiry of their sentences. They later received monthly payments from the authorities, although not explicitly as compensation. In March 1994, 193 prisoners sentenced to death had their sentences commuted to life imprisonment. Amongst them are 14 political prisoners convicted after unfair trials. There are still believed to be some prisoners on death row awaiting a review of their cases by Cassation at the Supreme Court.

These are considerable improvements. However, prisoners of conscience, who should never have been detained, not even for a single day, continue to be imprisoned today, some of them after over 10 years' unjust imprisonment.

Moreover, imprisonment and detention for political reasons continue to be used in Morocco to intimidate and temporarily silence political opponents and government critics. Students, trade unionists and others have been detained and sentenced during 1993 after demonstrations in universities and workplaces. Others have been detained for over nine months awaiting trial after peaceful demonstrations in protest at alleged election rigging after the general elections of 1993.

Continuing arrests and political imprisonment

Political imprisonment is still used in Morocco, even though sentences are now usually shorter and sometimes suspended.

In June 1993 hundreds of people were arrested in connection with widespread peaceful demonstrations in protest at the alleged rigging of election results in various towns and villages. Most of those arrested were released without charge or on bail and several were acquitted, but scores were given prison sentences of up to two years, and others were given suspended sentences and fines. Seven people arrested in Bouznika in June 1993 remained imprisoned awaiting trial at the end of March 1994. Many of those detained reported having been beaten and ill-treated in police stations.

People continue to be sentenced under Article 179 of the Penal Code. In September 1993 Mustapha Cha'i, said to be mentally

unstable, was sentenced to five years' imprisonment. He was arrested outside the new Hassan II Mosque in Casablanca, reportedly after he insulted the King when guards prevented him from entering the mosque.

Trade unionists are frequently arrested after strikes; they are usually released after short sentences. In February 1994 scores of people were arrested for participating in a strike organized by trade unions and distributing leaflets. Several were sentenced to up to 45 days' imprisonment in Azilal, Beni Mellal and other towns. One of those arrested alleged that he was beaten and ill-treated by police officers who arrested him from his home at night.

The Human Rights Movement in Morocco

There is a strong human rights movement in Morocco, in spite of the repression or harassment frequently suffered by human rights activists, former prisoners of conscience, and families of prisoners of conscience, political prisoners and "disappeared".

There are several human rights organizations in Morocco: the *Ligue marocaine de défense des droits de l'homme*, founded in 1972, the *Association marocaine des droits de l'homme*, founded in 1979, the *Organization marocaine des droits de l'homme*, founded in 1988, and the more recent *Comité pour la défense des droits de l'homme*, officially registered in March 1993. In addition to these movements there is also the *Association des familles des disparus, des prisonniers d'opinion, des prisonniers politiques, des martyrs et des exilés*, and the *Comités pour la libération des prisonniers politiques et syndicaux et des disparus*, initially set up as a support committee for Noubir Amaoui, which have recently undertaken public actions including press

conferences and public meetings on prisoners of conscience and "disappearances".

By putting pressure on the Moroccan authorities to stop human rights violations and by increasing awareness of human rights in the country, these organizations and associations have contributed to the changes in the human rights situation in Morocco. They have also given support and encouragement to the prisoners and their families.

Conclusion and recommendations

Amnesty International has welcomed the positive developments which have taken place in Morocco over the last few years, such as the promulgation of the law limiting the period of *garde à vue* detention, the release of some prisoners of conscience and "disappeared", and the appointment of a Human Rights Minister. However, the organization is deeply concerned at the continued imprisonment of prisoners of conscience and political prisoners convicted in unfair trials.

Prisoners of conscience who should never have been imprisoned even for a day have remained in prison for over 10 years.

Amnesty International now calls on the Moroccan Government to end once and for all the pattern of political imprisonment and:

- * Release immediately and unconditionally all prisoners of conscience;
- * Bring the Moroccan legal codes into line with international standards ratified by Morocco by abolishing the articles in *dahirs*, in the Penal Code and the Criminal Procedure Code which allow the imprisonment of prisoners of conscience;
- * Release all political prisoners convicted in unfair trials unless they are to be promptly retried in full accordance with international fair trial standards.

Case Studies

The cases highlighted below are only some examples of the prisoners of conscience currently imprisoned in Morocco. Some of them have been imprisoned individually, and others as part of different groups. They were arrested between 1983 and 1992 and their cases are listed chronologically.

1) Mohamed HAKIKI was sentenced to life imprisonment in 1984 after putting up posters attacking the monarchy

Mohamed Hakiki a 21-year-old student in 1983, was a member of an illegal Islamist organization *Shabiba Islamiya* (Islamic Youth). Members put up banners and posters with slogans against the monarchy in their home town of Mohammedia on 21 June 1983, to commemorate hundreds of victims of a general strike and riots shot down by government forces in Casablanca on 21 June 1991. As some members of the group were arrested, more posters were put up and leaflets distributed in protest. The wave of protest and arrests continued from June until September 1983. Mohamed Hakiki's house was searched in his absence by seven police officers without search warrant on 20 August 1983. They ripped apart the chairs and confiscated his books and the pictures he had painted. He went of his own accord the same day to the police station - and then "disappeared" for over five months.

"On the day of my arrest and during my stay in Mohammedia Police Station I was subject to various tortures: beatings, suspension by my feet and wrists; falaga, smothering by rags soaked in detergents...torture here was

savage, brutal and arbitrary without any desire to extract confessions as they already had all the information about me, but just for vengeance and repression for its own sake."

After four days' detention and torture in the police station Mohammed Hakiki was transferred, like other Islamists from the same group arrested earlier, to the secret detention centre of Derb Moulay Cherif. Here for five months and 23 days he and the other members of the Islamic Youth arrested in Mohammedia were kept lying down, blindfold. They were forbidden to talk.

"If we disobeyed we were severely repressed by being beaten on the soles of our feet and being made to stand on one foot with our arms above our head. Interrogations were terrifying. We heard the screams of people being tortured day and night".

After widespread demonstrations against the government throughout many Moroccan towns in January 1984, the group were brought before the investigating judge in February together with other members of Islamic Youth arrested in January for leafleting the Islamic Conference Organization. They were all charged with plotting to overthrow the monarchy and forced to sign police statements without knowing the contents.

Only then, after over five months incommunicado detention and torture, was Mohamed Hakiki allowed access to a lawyer. The court refused to order any investigations into the defendants' allegations of torture in secret detention. Although slogans on the walls and posters had attacked the monarchy (calling the King a "Pharaoh") and some had called for an *intifada* (uprising) or a *jihad* (holy war) there was no evidence that any of them had actually plotted to overthrow the monarchy or to carry out any violent action. All the accused denied any violent intent. The leaflets which were brought to court did not contain any advocacy of violence. When one of the defence lawyers in court explained to the prosecutors that a plot required munitions and arms while the accused had nothing but leaflets, banners and journals, the prosecutor reportedly replied that such opinions could overthrow a system where firearms failed.

The trial was held in July. Thirteen of the defendants were sentenced to death (seven *in absentia*). Mohamed Hakiki and 33 others (13 *in absentia*), were sentenced to life imprisonment and the rest received prison sentences of up to 20 years. There is no remission for good conduct in Morocco. They will serve their sentences in full.

Mohamed Hakiki and the others sentenced to prison terms have carried out over 20 hunger-strikes in protest against bad prison conditions. For a time they were held at Safi Prison, so far from their homes that their families could not visit them regularly. Now they have been transferred to Casablanca Prison. In 1993 Mohamed Hakiki wrote:

"An Islamist is not always a terrorist, an extremist...I defend my principles and I defended them without using force or violence...I often spend hours looking out through the bars at men, women, cows, nature, the blue of the sea. It's terrible to deprive someone of his right to live in freedom, I think it's the height of sadism..."

Eight people from this group were released after serving 10-year sentences. One other was released after a royal amnesty. Mohamed Hakiki and 35 other Islamist prisoners of conscience remain imprisoned.

2) **Habib LAKDOUR**, a student demonstrator, remains detained 10 years after a 58-day hunger-strike led to a mental breakdown

Habib Lakdour, was arrested when a student with scores of others in January 1984 following strikes and demonstrations which took place in late December 1983 and January 1984 in Marrakech. The

widespread protests began amongst secondary school students and were joined by university students and other sectors of the population.

On several occasions demonstrations were broken up by the police. In all several hundred people were arrested.

Similar disturbances took place in many other cities in Morocco and there were confrontations between the police and demonstrators.

According to official figures 29 demonstrators were killed and several hundreds injured; the actual figure is thought to be much higher. In a televised speech on 22 January 1984 King Hassan II attributed the source of the unrest to agitation amongst Marxists, Khomeinists and Zionists. Among those who were arrested at this time were also known or suspected government opponents who had apparently not participated in the demonstrations.

Habib Lakdour and 38 others were brought to trial in Marrakech in May 1984 after having spent up to two months in secret detention when they were blindfold, tortured, and forced to sign confessions. They were charged with conspiracy to overthrow the system of government, possessing leaflets threatening public order and internal security, participating and inciting demonstrations, offending the person of the King and damaging public property.

The trial violated international standards for fair trial. Defendants stated in court that their confessions had been extracted under torture, but the court accepted the confessions as the main

evidence and failed to order investigations into allegations of torture. Defence lawyers were given insufficient time to prepare their case.

Four of the group were sentenced to 15 years' imprisonment, Habib Lakdour and two others to 12 years, nine to 10 years, four to eight years and the rest to between one and five years. Eight of them were released after amnesties in August 1991 and others have been released upon expiry of their sentences. Habib Lakdour and three others continue to serve sentences of up to 15 years in Marrakech prison.

Habib Lakdour is seriously ill and in need of medical care. His mental and physical health was seriously affected by the lengthy hunger-strike of 1984 which brought about the death of two of his companions. Habib Lakdour fell into a coma on the 58th day. He is now being treated for psychosis and still has feelings of persecution, depression, and shows aggressive behaviour. He is treated by anti-psychotic medicine and tranquillizers, but recently he has been refusing to take them. At the same time, over the last few months he has developed muscular problems. He is said to receive only one visit a year in prison as his family is poor and comes from Tiznit, nearly 400 km away.

3) Mohcen al KHATIB received a 20-year sentence for demonstrations after torture and an unfair trial.

Mohcen al Khatib, a primary school teacher from Larache, born in 1957, was active in the socialist party and the *Syndicat national d'education (SNE)*, National Teachers' Union. On 24 January 1984 he was interrupted during a class and asked to go urgently to the gendarmerie. He was transferred by them to a police station where he was interrogated for three days about his alleged involvement in organizing the demonstrations in January 1994 in Tetouan against high prices.

"I heard my name called with other names, some of which I knew. I was made to stand facing the wall, my hands handcuffed behind me and I was lifted up by them, I felt as though I was flying through the air and blows were raining on me from all directions. Speak you bastard. We know everything. All your friends have confessed!. Something heavy struck my head and my knee and I felt wet, either from blood or water. Something smelling like urine was poured over my face and I fainted..."

Mohcen al Khatib spent 16 days in *garde à vue* detention in Tetouan Police Station. After being forced to sign his PV under torture he was brought before the investigating judge where he complained of his illegally prolonged detention and the torture he had received but the judge ignored his complaints. Mohcen al Khatib was tried with four students, charged with activities within illegal left-wing organizations and of organizing a high school strike which allegedly resulted in demonstrations and attacks on property and individuals (Articles 590 and 129 of the Penal Code). During the trial the courtroom was surrounded by police and the general public, including the families of defendants, were not allowed to enter. Those who had tortured the defendants in the police station were guarding them in court, creating an atmosphere of terror. The court accepted their confessions as evidence even though they denied them in court and said that they had been extracted under torture. The court also ignored evidence that the arrest dates had been falsified and refused to order an investigation into the allegations of torture. All five of the defendants were sentenced to 20 years' imprisonment. In August 1991 two of them were released by amnesty after serving over seven years of their sentence. Mohcen al Khatib, Taoufik Ziou Ziou and Omar Boudaoui continue to serve their sentences in Tanger Prison.

4) Mohamed NACEREDDINE was sentenced to 12 years in 1986 for membership of an illegal organization.

Mohamed Nacereddine was born in Settat in 1955. He completed his studies in civil engineering in 1979, and was working for the Ministry of Works before his arrest, on 29 October 1985. He was only 20 when he was previously arrested in 1975 and held for a year without trial. When he was arrested in October 1985 he was taken back to the same torture centre of Derb Moulay Cherif in Casablanca, where he had previously spent five months. He was accused of distributing leaflets of an illegal Marxist group *l'a'l-Amam* (Forward) and tortured by electric shocks and the torture known as the aeroplane (*l'avion, tayyara*) during which the victim, hands tied behind the back and feet tied together, is suspended from a pole, usually held between two trestles, and beaten. After being tortured he signed a confession without being allowed to read its contents. One of the 50 other people arrested with him was his fiancée, Nezha al-Bernoussi. Mohamed Nacereddine was tried with 26 other people in February 1986 in Casablanca on charges of conspiracy against the security of the state, membership of an illegal organization, and distribution of unauthorized leaflets. He was sentenced to 12 years' and his fiancée was sentenced to six years' imprisonment. Even though all the defendants retracted their confessions in court and said that they were made under torture and even though no evidence - not even the leaflet - was produced in court, all but one of the accused were sentenced to between one and 20 years' imprisonment. The judge ignored their illegal incommunicado detention and refused to allow medical examinations to investigate torture allegations.

The defendants had no right of appeal; they could only seek review by Cassation at the Supreme court - a procedure which only deals with procedures and does not re-examine facts.

The group, (often known as the "Group of 26") carried out many hunger-strikes - right up to 1993 - for better conditions and the right to be imprisoned together. Like many Moroccan political prisoners, Mohamed Nacereddine registered for university studies while in prison and gained a degree in economics. His fiancée, Nezha, did the same course and each year, when they took their exams together, he was able to speak to her for a few minutes. In 1990 Nacereddine was given permission to marry her.

In a 1987 letter from prison he speaks of life in prison and the torture and death in Derb Moulay Cherif of his friend, Amine Tahani, arrested at the same time as him:

"At the beginning of this month the Muslims celebrate Aid El Moulid, the birthday of the Prophet Mohammed...The prison could not stop us celebrating the day. So we could transform our damp cells into party rooms. We made tea and milk and gave cakes to the common law prisoners in nearby rooms.

We celebrated 5 November, Aid El Moulid. But for us 6 November was a time to make us remember our attachment to our principles and to let those who forbade us to breathe our

country's air know that prison would not "correct" us. That day we celebrated the second anniversary of the death of our comrade Tahani Amine who died on the night of 5-6 November 1985 as a result of torture by police officers. Tahani, a great friend and comrade of mine, was an engineer in an oil refinery - his wife Maryam was also an engineer, their boy, Aymane, is now two years' old".

Some of the 26, including Nezha Bernoussi, were released upon expiry of their sentences and others were released after the amnesties in 1989 and 1991. Mohamed Nacereddine and 11 others continue to serve prison sentences of up to 20 years' imprisonment in the prison of Oukacha in Casablanca.

5) Mohamed Amin Al-Ghalbouzouri, sentenced to 10 years' imprisonment for complicity with an illegal political movement.

Mohamed Amin Al-Ghalbouzouri was arrested near his home in Tetouan on 10 April 1987, nine days after his 23rd birthday. He had just returned from Spain and was planning to go to Europe to study music.

He was held incommunicado for 19 days in the police station in Tetouan and in the secret detention centre Derb Moulay Cherif with four others who had been arrested a few days earlier. They stated that they were tortured and forced to sign police statements. They

were brought before an investigating judge on 29 April and transferred to prison awaiting trial. During this time they had their statements published in the Moroccan opposition press appealing to the Minister of Justice, complaining about the torture suffered in police custody and asking to be brought to trial or released immediately.

The trial took place in December 1987. One of the defendants on trial with him Mohamed Amin Al-Ghalbouzouri was Mustapha Bouzinab, whom he had known since childhood and who was active in the illegal movement *Ila al-Amam* (forward) with Ghalbouzouri's brother. Mustapha Bouzinab was charged with attempt against internal state security (under Article 201 of the Penal Code) and plotting against the state (under Articles 174 and 175 of the Penal Code), and was sentenced to 12 years' imprisonment; Mohamed Amin Al-Ghalbouzouri was charged with complicity with the above charges under Article 129 of the Penal Code, which stipulates that complicity is punishable by the same sentence as the actual offence, and was sentenced to 10 years' imprisonment. One other defendant was sentenced to two years' imprisonment and the other two were acquitted.

The sole evidence against the accused was the content of the police statements they had been forced to sign under torture. Mustapha Bouzinab was accused of being a member of *Ila al-Amam*, having read the organization's literature and other studies on the

political and economic situation in Morocco and discussed Marxist-Leninist theories in meetings with others, and having planned to set up a cell of *Ila al-Amam* in Tetouan. Mohamed Amin al Ghalbouzouri, who knew Mustapha Bouzinab from childhood, was accused of having had knowledge of the activities of the Tetouan cell of *Ila al-Amam*, having housed two of its activists who escaped to Ceuta, and having been about to be recruited into the Tetouan cell of *Ila al-Amam*, as he knew about and agreed with the aims of the organization.

After his arrest Mohamed Amin al-Ghalbouzouri had to give up his plan to go to Europe to study music and has been studying law and economics from prison, but he continues to be interested in music.

In a letter to friends in 1991 he talked about his arrest and interrogation:

"So many questions, names I had never heard before. On my police statement I am an activist of *Ila al-Amam*... projects and acts which I have never carried out, and for which I got 10 years' imprisonment; its crazy.... I am 27 years old, I have lost some of my teeth, I am losing my hair, my charm, my vitality and the best years of my life, my youth, my twenties... I want to study music but I cannot afford the cassettes, the instruments and the books.... I see my dream crumbling on my head and there is nothing I can do about it. How painful it is to live with at the same time injustice, indifference and unfulfilled needs".

Seven years after their arrest, Mohamed Amin al-Ghalbouzouri and Mustapha Bouzinab continue to serve their sentences in Tanger Prison.

6) Abdessalem YASSINE has been under house arrest since 1990 without charge or trial

Abdessalem Yassine is the spiritual leader of an Islamic association, *al-'Adl wa'l-Ihsan* (Justice and Charity). Denied the right to exist as a political party, the organization continues as a charitable association whose members are frequently persecuted. *Al-'Adl wa'l-Ihsan* aims to Islamize modern society rather than to modernize Islam. In 1989 Abdessalem Yassine said:

"We are against violence of any kind. This is a basic principle...We rely on the people's choice. Our ambition is to get to power by popular consent".

During 1989 and 1990 scores of *al-'Adl wa'l-Ihsan* members were rounded up by the police. Some were released after interrogation but a number were charged with setting up an illegal organization and brought to trial. On 13 January 1990 five members of the association's governing body were arrested outside Abdessalem Yassine's house in Sale and he himself was placed under house arrest. Since then he has remained confined; for most of the time even his

daughter has not been allowed to visit him. In 1993 his lawyer was allowed to visit him, but two other leading members of *al-'Adl wa'l-Ihsan* who tried to visit him in August were detained briefly.

7) Mohamed AZIZI was sentenced to five years' imprisonment in 1991 for a cartoon he did not draw

Mohamed Azizi, a 43-year-old art teacher and president of a painters' association in El Jadida was arrested in October 1991 and accused of drawing, duplicating and sending a caricature of the King to the local authorities. He was tried in October 1991 by the court of first instance in El Jadida and was convicted under Article 179 of the Penal Code. He was also accused of having obscene material in his house and of consuming drugs, but no evidence was brought to court to substantiate these charges. He was given the maximum sentence of five years' imprisonment under Article 179 and banned from El Jadida for a further five years.

The accusation that it was Mohamed Azizi who had drawn the obscene caricature appears to have been solely based on the fact that he was an arts teacher, and the only painter in the area. The PV of Mohamed Azizi - a calligrapher - was signed by his thumbprint and he said that he had been forced to put his thumbprint under torture. Yet, even though, in Moroccan law, a thumbprint cannot be accepted as a signature from anyone able to write, the "confession" in Mohamed Azizi's PV was accepted as evidence. The judge refused to order a

medical examination and an investigation into the allegations of torture even though the signs were still visible. The court ordered a graphology study, but the evidence - which concluded that Mohamed Azizi could not have been the author of the drawings - was ignored by the court.

Before the end of Mohamed Azizi's trial the real author of the caricatures was arrested. Despite this, Mohamed Azizi was sentenced on 21 October 1991 to five years' imprisonment. El Hadi Quezzi, who admitted to being the author of the caricatures, was then tried on the same charges and sentenced to five years' imprisonment by the same court in El Jadida. The woman who had photocopied the caricature in the bookshop where she worked, and who had given information which had helped the police to find the real author, was also sentenced to two years' imprisonment.

On 4 November 1991 the appeal court upheld the conviction and the sentence for all three. Mohamed Azizi and El Hadi Quezzi remain imprisoned in El Jadida.

8) Ahmed BELAICHI was sentenced to three years in prison after a TV panel discussion on illegal emigrants

Ahmed Belaichi, the 35-year-old head of the El Hoceima branch of the Moroccan Association of Human Rights (*Association marocaine des*

droits de l'homme), AMDH, is a teacher by profession. After his imprisonment for two years in 1987 for offences against state security, he was unable to return to his job and was working as teacher in a private nursery-school.

In August 1992 the AMDH had published the testimony of four people who had survived a boat accident in which 20 others had died during the illegal crossing to Spain. In November 1992 Ahmed Belaichi took part in a panel discussion on an independent Moroccan television channel. During the programme Ahmed Belaichi said that Morocco had become "the guardian of Western Europe", and expressed concern at the "militarization of the north of Morocco", in the context of an agreement signed by Morocco and Spain in 1992 providing for increased policing of borders to stop Moroccans and other Africans from entering Spain illegally. He was arrested on 20 November 1992 at 10pm from his home in El Hoceima; his house was searched and books and manuscripts of his poems were confiscated.

Ahmed Belaichi was tried in Casablanca in January 1993 on charges of offending the institution of the Army under Articles 263 and 265 of the Penal Code and disseminating information to undermine its morale of the Army under Articles 43 and 45 of the Press Code. On 4 January 1993 Ahmed Belaichi was sentenced to three years' imprisonment and 1,000 dirhams fine and was refused bail pending appeal. In March the sentence was upheld by the appeal court and he remains imprisoned in Oukacha Prison in Casablanca.

Political imprisonment after unfair trial

In addition to over 100 prisoners of conscience, Amnesty International also has on its lists hundreds of cases of political prisoners convicted in unfair trial. Some of those detained - including many of those arrested in the mass demonstrations of 1981, 1984 and 1990 - may be prisoners of conscience; the organization is not able to assess whether individuals have indeed performed the acts they are accused of. But almost without exception, including those who have used or advocated violence, they have been sentenced in trials which were flagrantly unfair. The three prisoners below were all just 19 years old when they were sentenced to 15 or 20 years' imprisonment in unfair trials for allegedly participating in violent demonstrations:

- Azzeddine FAKKI, born in 1962, was arrested in Casablanca during the general strike of June 1981, when clashes between police and demonstrators led to hundreds of deaths, injuries and arrests in Casablanca. Over 12 years later eight demonstrators are still in

prison; three are sentenced to 20 years' imprisonment and Azzeddine Fakki and five others were sentenced to five years.

- Abdellatif BENAZZOUZ, born in 1965, came from a poor family in the north of the country. The January 1984 demonstrations against price rises in the provincial centre of El Hoceima spread, two days later, to the small town of Temassint 36 km away where most of the youths were labourers, petty traders or unemployed. During the demonstration the gendarmes arrived, armed with submachine-guns; the demonstrators responded by throwing stones. There was shooting and an unknown number were killed or wounded; the others fled. The next day a group of young men from the town were arrested, allegedly beaten up and brought to trial. In El Hoceima teachers and fellow-students struck on behalf of the detained student demonstrators arrested earlier and all but four were released. But, amidst thousands of arrests in nearly every major town, the arrest and later trial in camera of unemployed youths from Temassint received almost no attention. Twenty-four of those detained received sentences of between four months and 20 years' imprisonment. Over 10 years after that demonstration six, including Abdellatif Benazzouz, sentenced to 15 years' imprisonment, are still imprisoned in Tanger Central Prison.

- Keltoum Lounat Ahmed LABEID worked as a secretary when Sahrawis in Smara started demonstrating for Saharan autonomy in September 1992. Dozens of demonstrators were arrested and some

were reportedly tortured and held in illegally prolonged incommunicado detention. Seven young people, one in absentia, were tried in July 1993 in two trials before the Military Tribunal in Rabat, accused of "attacking external state security". Keltoum Lounat was tried with three other defendants accused of having Polisario flags, and petrol cans and setting fire to cars. She and another defendant denied the charges; the other two admitted them. The trial was held in camera, notwithstanding the protests of defence counsel. The judge showed his antagonism throughout the trial, telling the defendants not to make political statements but to answer by a simple "Yes" and "No", while allowing the prosecutor to make a lengthy a political speech. All seven were sentenced to 20 years' imprisonment. The Moroccan authorities have stated that they are held in Agadir Prison, but there are reports that they may be detained elsewhere.