

Document #1454610

AI – Amnesty International

Morocco: Hirak El-Rif appeal must deliver justice after deeply flawed trial

17 December 2018, 00:01 UTC

Dozens of journalists, protesters and others detained in connection with Hirak El-Rif peaceful protests have been denied their right to a fair trial by Casablanca’s first instance court, said Amnesty International, as it published analysis (<http://www.amnesty.org/en/documents/mde29/9398/2018/en/>) exposing serious flaws in the trial, as the second appeal hearing session gets underway.

Fifty-four people with ties to the Hirak El-Rif social justice protests were convicted of security-related offences and sentenced to prison terms of up to 20 years by a Casablanca court in June 2018, in relation to protests that took place in Al Hoceima in 2016 and 2017. Eleven were granted a royal pardon in August and the cases of the remaining 43 are now being heard by the Casablanca appeal court. The court adjourned the first session until 17 December.

Amnesty International’s analysis of the trial reveals several fair trial violations, including convictions based on “confessions” extracted through torture. It also lists the names, charges against and sentences of detainees.

“The first trial proceedings resulted in a gross miscarriage of justice. The Moroccan government used these flawed legal proceedings to punish and silence prominent, peaceful social justice protesters and to intimidate others from speaking out,” said Heba Morayef, Middle East and North Africa Director at Amnesty International.

“Morocco’s judicial authorities must ensure the appeal trial does not descend into another charade marred by torture complaints and other fair trial violations. For the Moroccan authorities to show they are serious about justice they need to take concrete steps to discard any confessions obtained under torture or threat of torture and ensure all rights to a fair trial are respected during the appeal.”

As the trial was connected to protests - some of which involved clashes with security forces - the prosecution filed heavy and often disproportionate charges carrying some of the harshest penalties in Morocco’s Penal Code, including “plotting to undermine the security of the state” which can be punishable by the death penalty.

Of the 43 people whose cases are being heard by the Casablanca appeal court four were provisionally released in June and July 2017. The remaining 39 detainees are serving their sentences in Casablanca's Ain Sabaa 1 (Okacha) prison. They include prominent figures such as Nasser Zefzafi, the leader of “Hirak El-Rif”, Najil Hamjike, as well as a number of other peaceful protesters, including Mohamed Jelloul, Achraf Yakhoulfi, journalists Hamid El Mahdaoui and Rabie Lablak and citizen journalists Mohamed El Asrihi, Rabie Lablak, Hussein El Idrissi, Fouad Essaidi, Abd El Mohcine El Attari.

For its analysis, Amnesty International interviewed six lawyers for both defence and prosecution teams, as well as six families of detainees, and analysed charge sheets, the public prosecutor's arguments, the court's judgement, and reports on the case by national and international organizations and the media.

The information gathered reveals the trial proceedings were deeply flawed with cases built on questionable evidence.

Upon their arrest, none of those convicted had immediate access to their lawyers. They were transferred more than 600km away to Casablanca to be questioned, making it difficult for their lawyers to prepare a proper defence and for their families to visit. Several reported signing “confessions” in custody obtained through torture or under threat of torture.

Nasser Zefzafi told the Casablanca Court of Appeals that police officers beat him upon his arrest on 29 May 2017 and threatened to rape his elderly mother in front of him. Journalist Rabie Lablak told the court that they stuffed a cloth soaked with a foul-smelling liquid into his mouth, then stripped him and brought in masked men who threatened to gang rape him, then rape him with a bottle if he did not sign a confession.

Interrogations and the statements the defendants signed were in Arabic, a language 22 of the men, from an Amazigh speaking region, do not speak or speak poorly.

In its verdict, the court relied on these signed “confessions” as the only admissible evidence, despite the fact that they were all retracted during trial.

Defendants in the case have described their detention conditions as inhumane and some have been held in prolonged solitary confinement. Nasser Zefzafi was held in solitary confinement for more than 15 months while being investigated on state-security charges in conditions amounting to torture. Hamid El Mahdaoui has been held in solitary confinement for more than 470 days, a period of solitary confinement so long it constitutes torture.

In court, defendants were held in a high-sided box with tinted glass, a practice which is degrading and undermines the presumption of innocence.

The court also failed to make key evidence presented by the prosecution – including videos and social media posts – available to defence lawyers ahead of the trial which began in September 2017. The court also refused to accept testimonies from more than 50 defence witnesses. Of the overall 34 witnesses, only 12 defence witnesses were accepted by the court.

Background

The Hirak El-Rif protests began in the northern city of Al Hoceima and surrounding areas in October 2016 after fishmonger Mouhcine Fikri was crushed to death by a garbage truck as he attempted to recover fish confiscated by local authorities. The protesters are demanding an end to the marginalization of their communities and making social justice related demands.

Between May and July 2017, Moroccan security forces arrested hundreds of “Hirak El-Rif” protesters, including peaceful protesters El Mortada Iamrachen (<https://www.amnesty.org/en/latest/news/2018/04/morocco-quash-conviction-of-el-mortada-iamrachen/>) and Nawal Benaissa (<https://www.amnesty.org/en/latest/news/2018/10/morocco-end-intimidation-of-hirak-protest-leader-nawal-benaissa/>), as well as dozens of children. Al Hoceima Court has continued to convict hundreds of protesters, journalists and human rights defenders in trials that fall far below international standards of fairness.

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ecoi.net summary:

Right to fair trial of journalists, protesters and others arrested in connection with Hirak El-Rif protest movement violated



Country:

Morocco

Source:

AI – Amnesty International ([/en/source/10960.html](https://www.amnesty.org/en/source/10960.html))

Original link:

<https://www.amnesty.org/en/latest/news/2018/12/morocco-hirak-el-rif-appeal-must-deliver-justice-after-deeply-flawed-trial/> (<https://www.amnesty.org/en/latest/news/2018/12/morocco-hirak-el-rif-appeal-must-deliver-justice-after-deeply-flawed-trial/>)

Document type:

Appeal or News Release

Language:

English

Published:

17 December 2018

Document ID:

1454610 (former ID [374209 \(/en/document/374209\)](#))

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

