

## Essential Clarification

### **Minister of Communication and the Moroccan government's spokesman is trying to influence the judiciary on behalf of the executive**

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We were arrested on Thursday 8<sup>th</sup> October 2009 at 1:30 afternoon GMT, at Mohammed V airport in Casablanca by the National Group of the Judicial Police and in the presence of all the Moroccan security services, both public and secret. We had just returned from the Sahrawi refugee camps in Tindouf, south of Algeria, after a two-week visit for humanitarian and purely human rights reasons.

On Thursday 15<sup>th</sup> October 2009, after eight days of interrogation at the headquarters of the aforementioned group in Casablanca, we were – in a dangerous precedent - referred to the military court in Rabat. On that very same day, the investigatory judge near the same court ordered to put us in preventive detention in the local prison of Salé, pending trial for set charges for which thousands victims of political persecution had been previously tried in Morocco and Western Sahara. Examples of such charges are threatening the State's external security ... etc. In Salé prison, we were imprisoned in a quarter that was originally intended for complete isolation, where we faced a strictly punitive system, deprived of all rights, for more than four months.

To legitimize the arrest and to provide at least prima facie justifications for the Moroccan and the international public opinion, a hired group of Moroccan political parties, media outlets and human rights associations engaged in a broad campaign, a week prior to our arrest. This racist and chauvinistic campaign spat out exciting heading with aggressive contents, such as "Algeria's agents" and "plotting with military and security hostile parties" and other fabricated scenarios such as the alleged suitcase full of foreign currency the police seized, banned publications and other falsehoods.

All of this does not hide the deliberate intention of creating requirements for prior conviction in an obvious attempt to mislead the world through modification of the issue from its objective and legal context originally associated with the exercise of the right of opinion and expression as framed by United Nations Organization, and other continental and regional institutions such as the European Union and Parliament, the African Union, governmental agencies. .. as well as international and Moroccan human rights organizations such as Amnesty International, Robert F. Kennedy Memorial, Human Rights Watch, Freedom House, Front Line, World Organization Against Torture, International Observatory for Human Rights Defenders, International Federation for Human Rights, Moroccan Association for Human Rights, Moroccan Organization for Human Rights, the Mediator for Democracy and Human Rights and hundreds of human rights and humanitarian associations and organizations which followed the lead of its predecessors.

At the "Hiwar" talk show of Tuesday 16<sup>th</sup> of February 2010, aired on the Moroccan first channel, the Minister of Communication and spokes person for the Moroccan government, Mr. Khalid Naciri, used a superficial and erroneous speech in his reply

to journalists asking questions about the proceedings in our case. The Minister used terms such as “seven traitors”. He went on to add that “ ... the reason this group has been referred to the military court is due to security and military activity with parties hostile to Morocco, under the umbrella of the so-called human rights...”. We were surprised by this negative and irresponsible attitude, which we consider as an extension of the campaign led by the Moroccan regime which exploits – as usual – political parties, human rights NGOs, the judiciary and the media, in a direct attempt to influence justice and to interfere with the progress of the investigation – which is supposed to remain free from any tutelage or pressure since the case is still pending trial and only the judiciary power is authorized to settle it. We indeed deem this to be a violation of human rights, specifically the right to a fair trial in accordance with Article X of the Universal Declaration of Human Rights.

In this regard, it might be in vain to remind Mr. Khalid Naciri of the content of Article 159 of the Moroccan Penal Code Procedure about the impact of the presumption of innocence in the Moroccan legislation, specifically regarding pre-trial detention as an exceptional measure and the release of the accused, as well as the known legal basis stating that the accused is innocent until proven guilty.

However, even though these laws are to be respected by an independent and impartial judiciary, they are not respected by the Moroccan judiciary – which Moroccan and international human rights organizations in their reports consider being a tool of the executive power, employed to punish and deter the opponents of the Moroccan regime.

We regret that these statements come from a man who worked in the field of human rights and who was one of the founders and former presidents of the Moroccan Organisation for Human Rights – which deems us prisoners of conscience and human rights defenders. Mr. Naciri was moreover a former member of the Advisory Council for Human Rights, the former President of the Arab Committee for Human Rights and member of the Socialism and Progress Party, formerly known as the Moroccan Communist Party before being changed to Liberalisation and Socialism Party that was banned twice and whose activists endured fierce repression. Given his personal history, one would expect a member of a progressive party to be consistent with the expressed convictions by respecting individuals who are worldwide regarded as prisoners of conscience, even if the Minister does not agree with the content of this opinion.

To conclude, we emphasize that the way our case was reported by the Moroccan media holds no truth and is nothing more than pure fabrication. During the investigation by the national group of the judicial police in Casablanca, and in all stages of the investigation, we’ve categorically and continuously rejected all the accusations and we’ve maintained that our arrest was made on the grounds of our opinions and our human rights activism; contrary to what some of the Moroccan press has put out.

Local prison of Salé / Morocco.

March 18<sup>th</sup>, 2010

Signed by Sahrawi Human Rights defenders of / Prisoners of conscience:

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- Brahim Dahane
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