

Report

International mission of investigation

Morocco Human Rights abuses in the fight against terrorism

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I. Introduction

1. Membership and work of the FIDH mission

During the summer of 2003, the International Federation for Human Rights (FIDH) sent two investigations to Morocco to study the human rights situation, particularly in the context of the fight against terrorism.

The first mission was there from 13 to 19 July 2003. The members were: Mrs. Souhayr Belhassen, vice-president of the Tunisian League of Human Rights, Mr. Patrick Baudouin, President of Honor of FIDH and Mr. Olivier Guérin, prosecutor at the Court of Cassation in Paris.

The second, led by Mr. Madgid Benchikh, professor of law, took place from 19 to 25 August 2003.

During these missions, the delegates were able to have an exchange of views with the following persons:

- Mr. Mohammed Tozy, professor of political sciences,
- Mr. Ali Amar, journalist and director of the Journal Hebdomadaire,
- Mr. Mouloud Batach, president of the Casablanca bar, and several lawyers from Casablanca and Rabat, particularly counsels for the defense of persons alleged to be connected with "terrorism",
- The public prosecutor at the Casablanca Court of Appeals,
- Mr. Mohammed Bouzoubaâ, Minister of Justice,
- Mr. Mohammed Aujjar, Minister for Human Rights,
- Mr. Driss Benzekri, Secretary General of the Consultative Committee on Human Rights,
- Leaders of the Party for Justice and Development,
- Leaders of the Moroccan Association for Human rights (AMDH), of the Moroccan Organisation for Human rights (OMDH) and of the Moroccan Forum for Truth and Justice (FVJ),
- Members of defendants' families.

The members of the missions were also able to visit the Okacha jail in Casablanca and attend a hearing of the Casablanca criminal court.

2. The context

2. 1. The terrorist attacks on 16 May 2003 and their consequences

On 16 May 2003, five terrorist attacks occurred in Casablanca. 42 persons died, counting 11 suicide bombers, and more than a hundred were wounded. Among the victims were seven foreigners. A hotel, two restaurants, the headquarters of the Israeli alliance and a Jewish cemetery were targeted. These criminal attacks were unanimously condemned by national and international public opinion¹. The authorities and many of the national media immediately attributed them to local groups connected with Al Qaeda. A certain number of persons directly involved in the attacks were arrested, probably on the basis of information given by a suicide bomber who had not been killed. A campaign of arrests was launched throughout the Kingdom, aiming at hundreds of people who were indiscriminately labeled members of "Salafiya Jhadia", often said to be a kind of vague Islamic grouping advocating violence and terror. Several theologians and preachers, some of whom are former Moroccan volunteers in Afghanistan and had been arrested before May, were said to be the instigators of this tendency. At the same time, journalists found links between the series of attacks and the ideas put forward by Islamic parties, either accepted or tolerated, particularly the Party for Justice and Development that has representatives in Parliament.

In this atmosphere, a bill against terrorism was adopted with very little discussion. In January 2003, several parliamentary groups and the Moroccan and international organisations for the defense of human rights² introduced it with urgent procedure and strongly criticized it. The law was printed in the Official Journal on 29 May 2003, i.e. less than two weeks after the Casablanca attacks. It had been sharply criticized: it led to the setting up of a national network of associations to oppose its adoption and to the organisation of a study day at the Chamber of Representatives on 13 April 2003 by parliamentarians and human rights activists. It was finally adopted just after 16 May, without taking any account of the main recommendations and concerns of civil society and some members of Parliament. The two FIDH missions took place right in the middle of the campaign of arrests and while the first trials of those arrested after 16 May were taking

place. The information collected by the missions led FIDH to issue two press releases on 21 July and 29 August 2003 in which it expressed its strong fears concerning the violations of many provisions of Moroccan and international law. Furthermore, as will be explained later, we pointed out as a result of the inquiries, that certain illegal acts found by the missions had been committed before the Casablanca events and had simply increased at that time. OMDH published a thorough analysis of the arrests in 2003 and pinpointed the many violations that took place in the course of the trials³.

2. 2. Morocco and the "fight against terrorism" before 16 May 2003

The links between the events on 11 September 2001 and the Moroccan government's policy in the fight against terrorism are obvious, for its activities increased a great deal after the attacks in New York. On 14 October 2001, the Moroccan authorities deposited the Kingdom's instruments of ratification of the Arab Convention against terrorism with the League of Arab States (LAS). On 22 April 1998, the Council of Ministers of Justice of the Arab League adopted the convention. It entered into force on 7 May 1999 but Morocco only ratified it on 30 August 2001⁴. It defines terrorism as being: "any act or threat of violence, whatever its aim or objective, committed to carry out a criminal action, individually or collectively, to terrify populations by endangering life, liberty or safety; or to cause damage to the environment, to public property or infrastructure, or to occupy or seize these; or to endanger national resources". On the basis of this definition, which is vague and lacks precision with respect to international law, the Arab convention has taken several measures, particularly creating a database in each state on "terrorist groups", organizing an exchange of information between police forces of each country, supervision of the activities of "terrorist groups" and extradition of any person considered by his or her country of origin as being engaged in "terrorist activities" and having sought refuge in another State Party.

On 13 November 2001, Morocco ratified four international treaties concerning the fight against terrorism⁵. Considering that, the government believes the ratification procedure of seven other international instruments had reached "its last stage", in December 2001, Morocco was party to 24 conventions and treaties 'that have a direct or indirect link with terrorism'.

On 18 June 2002, the King's Prosecutor at the Casablanca Court of Appeals announced that a terrorist network, made up of three Saudi nationals and Moroccan accomplices, was said to prepare attacks against NATO ships cruising in the Gibraltar Strait as well as others against cafés on the Jammaa El Fna in Marrakech, very popular among tourists, and against urban buses. It was quickly learned that the members of this "network", dubbed "the dormant Al Qaeda cell" had been arrested several weeks earlier: two were found in Casablanca and two in Agadir on 12 and 13 May. They were charged with organizing a criminal gang, with attempted premeditated murder and attempt to destroy public property with explosives. The three Saudis were sentenced to 10 years imprisonment in February 2003. Their five Moroccan accomplices, two men and the three wives of the Saudis were sentenced to three to eight months. The trial of the "dormant cell" took place at the time of the controversy on the anti terrorist bill. The trial was characterized by a number of irregularities (see below) and several incidents. The defense pinpointed the fact that the defendants had been detained at length and illegally and that they had been tortured.⁶

In July 2002, Youssef Fikri was arrested in Tangiers. He stated that the group of which he was the leader had committed several murders in different Moroccan cities, among which that of his own uncle. This self-proclaimed emir has no theological training, but says that these crimes are considered lawful by the religion and that he is entitled to seize the property of "miscreants" in a society that he says is non-religious. He will be tried with thirty accomplices in July 2003 in a situation affected by the attacks of 16 May. Ten death sentences will be pronounced at this trial where several defendants have denied having any relations with the so-called emir.

1. To give an example, the very day of the attacks, OMDH (Moroccan Organisation for Human Rights) adjourned its congress to join a demonstration to denounce these crimes. On 25 May a big demonstration was organized in Casablanca, in the presence of several members of the government. All the political and social forces in Morocco were present except for Islamic groups either accepted (Party for Justice and Development) or tolerated (Al Adl wa Al Ihsane, Sheikh Abdessalam Yacine's Justice and Charity). They had not been included despite the fact that they had clearly and unequivocally condemned the attacks.

2. See the joint letter of the Presidents of FIDH, OMDH and AMDH dated 21 February 2003 and sent to the Moroccan authorities.

3. "Trials that undermined justice", OMDH report, October 2003.

4. See the Moroccan report to the anti-terrorism Committee of the United Nations, dated 27 December 2001.

5. These are : the Protocol for the suppression of unlawful acts of violence in airports which serve international civil aviation (24 February 1988) ; the Convention for the prevention and suppression of offenses against persons having international protection, including diplomatic personnel (14 December 1973) ; the Convention for the suppression of illegal acts against the safety of sea-going vessels (10 March 1988) ; the Protocol for the suppression of illegal action against off-shore installations on the continental shelf (10 March 1988).

6. The OMDH report dated October 2003 shows that the Saudi ambassador in Morocco, a country that cannot be suspected of leniency towards terrorism, stated to the court that he had not been informed of the date of the arrest of the defendants nor of their hearing before the investigating judge.

II. The FIDH mission

1. Analysis of the legislation applicable to the fight against terrorism

1.1. Legislation prior to the law dated 28 May 2003

The Kingdom of Morocco drafted a report at the end of 2001 on the measures taken by the government in view of the implementation of resolution 1373 of the UN Security Council dated 28 September 2001, concerning the fight against terrorism. The report refers to penalties applicable to terrorist acts and lists a number of legislative measures that are thorough and repressive. In answer to a question concerning offenses and the resulting penalties, the report states:

"The Moroccan criminal code provides serious penalties for crimes that can be deemed to be acts of terrorism. Articles 163 to 207 concerning crimes and offenses against the security of the state, articles 392 to 424 concerning crimes and offenses against persons, articles 436 to 441 concerning attacks against the freedom of individuals and hostage taking and articles 607b and 607c concerning plane hijacking and damaging air traffic facilities will be punished by penalties for civil offenses, up to 2 to 5 years imprisonment, or penalties for criminal offenses up to 5 to 30 years and possibly life or death sentences depending on the seriousness of the act."

We would also mention the provisions of articles 293 to 299 of the criminal code that concern the suppression of criminal conspiracy, abetting criminals, or even the fact of giving information about criminal acts.

Thus, the report of the Kingdom of Morocco managed at the same time to:

- recall that Moroccan law does not define terrorism with precision and that terrorist acts were to be punished in the same way as ordinary offenses,
- and emphasize that " terrorist acts and those considered to be such by foreign legislation and international legal instruments are considered to be criminal offenses and are punishable by the most severe penalties, from 5 years to life imprisonment or the death penalty ".

Therefore, Morocco has applicable legal texts that are quite enough to bring action against those who commit terrorist

acts and to suppress them. This is obvious considering that for acts committed before the new legislation adopted on 28 May 2003, alleged terrorists are presently judged and sentenced very severely on the basis of previous provisions.

Nevertheless, the Moroccan authorities, in the aftermath of the all out movement for security following 9/11 2001, endeavored to increase their store of anti terrorist repressive measures as can be seen from the wording of the report based on resolution 1373 (2001) of the Security Council on the fight against terrorism and sent to the president of the Council:

"Terrorism is considered to be a crime and this is now part of the new provisions that the Moroccan legislators are going to add to the Moroccan criminal code in the framework of its reform".

The reform prepared by the Moroccan government has, however, been sharply criticized and has faced much resistance. This made it impossible to have it adopted until the attacks of 16 May 2003.

After the trauma due to these events, the authorities rushed the bill through Parliament and eliminated opposition that was trapped by the fact that rejecting the text was considered to be supporting terrorism.

1.2. The law on the fight against terrorism, adopted on 28 May 2003

Unfortunately, this law which is based on some of the provisions of French anti terrorist legislation, itself highly questionable, includes articles that concern the Moroccan criminal code and the code of criminal procedure.

a) The criminal code

The law adds to the criminal code definitions of offenses and penalties linked with terrorist acts. Article 218-1 thus defines as acts of terrorism a number of offenses if they are committed "intentionally in relation with individual or collective action aiming at gravely affecting law and order by intimidation, terror or violence".

This definition, both broad and vague, will apply when it can be related to offenses as different as: willingly endangering the life or physical integrity of a person or affecting his or her freedom; kidnapping or detaining persons; making counterfeit or otherwise tampering with money or public credit securities; destroying, impairing or deteriorating, hijacking or degrading aircraft, ships or other means of transportation; deteriorating means of communication; robbery or extortion; illegally manufacturing, possessing, transporting, disseminating and using weapons, explosives and ammunition; offenses connected with automated data processing; forging or altering checks or other means of payment; participating in an association or agreement aiming at preparing or committing any act of terrorism; wittingly receiving products obtained by terrorism. Thus, ordinary offenses can be deemed to be acts of terrorism if they are said to be a part of an individual or collective enterprise that aims at affecting law and order through intimidation, terror or violence.

Since the text mentions "destroying, impairing or deteriorating", one can seriously fear that it could be used in cases such as violence occurring during a trade-union demonstration.

The penalties provided are extremely severe, since article 218-7, which has also been added to the criminal code, provides that when the acts committed are considered to be terrorist offenses, the maximum penalties are the following:

- death sentence if the normal penalty is life sentence,
- life sentence when the maximum penalty is thirty years,
- the maximum prison sentence shall be double, but no more than 30 years when the normal penalty is imprisonment,
- when the normal penalty is a fine, the maximum amount is multiplied by 100 and shall not be lower than 100000 dirhams,
- if the defendant is an organisation, it will be dissolved.

The May 28, 2003 law also considers as acts of terrorism:

- the fact of willingly, individually or collectively disrupting law and order, disseminating a substance which may endanger the health of humans or animals. This will lead to serious penalties, from 10 years' imprisonment to the death sentence when the offense has caused the death of one or several persons (article 218-3);

- the fact of supplying, collecting or managing funds, securities or property with the purpose of using them, or with the knowledge that they will be used, to commit an act of

terrorism, whether or not such an act is actually committed; the fact of assisting or advising in view of such an act will also be punished severely, up to 5 to 30 years' imprisonment or heavy fines or the seizure of property (article 218-4). By the same token, a person who abets or instigates someone in committing a terrorist act is liable to the penalties provided for such an offense (article 218-5).

Accomplices will also be severely suppressed and may even be sentenced to 10 to 20 years' imprisonment " if they wittingly provide a person who commits, aids or is an accomplice to a terrorist act, with weapons or other instruments to commit it as well as financial means, support, assistance in correspondence or transportation, or even providing meeting, living or hiding places or helping to dispose of the product of the act or assisting in any other way " (article 218-6).

Justifying terrorist acts, whether in writing or orally is punished by 2 to 6 years' imprisonment and a fine of 10000 to 200000 dirhams (article 218-2).

Any person having knowledge of plans or acts aiming at carrying out terrorist offenses will be punished by 5 to 10 years' imprisonment unless she/he has informed the authorities as soon as he or she knows the information. However, the penalty may be waived in the case of members of the family, up to the fourth degree, of the co-author or accomplice (article 218-8).

A last article concerns the persons who confess and repent; the author, co-author or accomplice will be exculpated if, prior to any attempt to commit such a crime and before public action has commenced, he or she informs of the plan or existence of the organisation; there may be remission of the penalty if information is given after the fact (article 218-9).

b) The code of criminal procedure

Several measures have been adopted that restrict rights and freedoms; when the act is a terrorist act, the following can apply:

- exceptionally, homes may be searched before 6:00 am and after 9:00 pm with an authorization from the Office of the Prosecutor (Article 102).

- in urgent cases, the King's prosecutor may exceptionally decide to monitor and record phone conversations without the authorization of the First President of the Court of

Appeals, which is normally required (article 108, 4th paragraph).

- the duration of detention pending trial is of 96 hours, renewable twice for the same amount of time, each time with the written authorization of the Public Prosecutor. This could mean 12 days in custody (article 66, 4th paragraph).

- at the request of the police, the representative of the public prosecution may delay the defendant's contact with a lawyer, but not for more than 48 hours as from the first renewal. This means that communication with a lawyer may be prohibited for 6 days (article 66, 4th paragraph).

- if financial operations or transfers of funds connected with the financing of terrorism are suspected, the judicial authorities have broad powers to command the freezing, seizure or confiscation of funds connected with such suspicion.

- despite the rules governing competence, the Rabat Court of appeals is said to be the only competent body to proceed, investigate and judge acts deemed to be acts of terrorism. These provisions, adopted by the Moroccan Parliament in the vote on the 28 May 2003 law are a formidable repressive tool in the hands of the authorities. This can only lead to serious deviations in the police, which are already insufficiently controlled and whose powers are thus reinforced, and among judges, whose independence, though often proclaimed, is far from being a reality.

2. Police violations

2. 1. Thousands of arrests

In addition to the arrests that took place before 16 May 2003, which, according to information available amounted to a few dozen, during the months following the Casablanca attacks the Moroccan authorities made thousands of arrests. These campaigns covered the whole national territory, and in the poorer districts of the suburbs of the large cities, such as Fez or Casablanca, for instance, at times took the form of real roundups. According to the mission, it is clear that persons were arrested, not on the basis of evidence of their participation in criminal acts, but because of their appearance, because of where they lived, supposedly a hotbed of "fundamentalism", or simply because they wore a beard. Numerous witnesses described scenes of wagon loads of young men being taken away, dozens at a time. Although they were often released within 24 hours, after being

questioned briefly, a police file was opened on each of them. The peak in the number of arrests was attained during the months that followed the tragic events of Casablanca, but it was rumoured that men were still being taken in for questioning during the first months of 2004; this was also reported in the press. Up until the date of publication of this report, the Moroccan authorities issued only once an overall statement of the number of such arrests. Following the issuing of the first FIDH press release on 21 July 2003, giving an initial estimate of 2,000 to 5,000 arrests, the Minister for Justice, Mr. Mohamed Bouzoubaa, announced at a press conference on August 6, 2003 that 1048 persons had been brought in for questioning between 16 May and 4 August. FIDH expresses serious doubts about that figure. According to police sources quoted by the socialist daily *Al Ittihad Al Ichtiraki* on 26 June 2003, 920 persons were brought in for questioning in the city of Fez alone, of whom 27 were indicted. In the same issue the newspaper added that the police had drawn up a standard questioning form for that purpose, and that many mosques and Koranic schools were under close surveillance, or had been closed.

There are therefore serious reasons to fear that massive arrests have taken place, clearly violating the right to freedom and personal safety.

2. 2. Illegal arrests and searches

In addition to the persons arrested and questioned in police stations, put on file and then released, hundreds of others were arrested and detained arbitrarily, sometimes for months on end, before being put on trial; this is a clear breach of Moroccan legislation and international standards.

The lawyers encountered, like the Moroccan human rights organisations and indeed many accounts of witnesses published in the press, all told the same story: The arrests could be made by day or by night, in the street or at peoples' homes, by men in plain clothes, who usually had no warrant or official identity card, using ordinary cars, who would carry out house searches and seize documents in total disregard of the provisions of the Moroccan Code of Criminal Procedure. It is also a well-known fact that a lot of people were arrested by officials of the Direction de la Surveillance du Territoire (DST), who does not have judicial⁷ police powers. Homes were searched outside the authorised times (between 5:00 am and 9:00 pm), without the authorisation of the tenant or the landlord, or in their absence, and without an official search report being drawn up, and without the items seized being placed under seals, as required under Moroccan law. These

facts are established both before and after 16 May 2003. In the Youssef Fikri case, several families of suspected members of the network described to the mission members the circumstances of the arrest of the suspected persons. Other reports were received directly from the arrested persons themselves or their lawyers, either by FIDH itself, or via the Moroccan associations, or were published in the press.

Halima had been married to Bouchaib Kermej for two months, when on 20 September 2002 plain clothes policemen entered her home at midnight, turning everything upside down, taking documents, cassettes, CDs, in the absence of her husband who was in the North, buying plants, in which he traded. "The next day, at 6 am, they took me to the police station, with my father" she said, "in order to question us separately. How was Boushaib dressed? Who are his friends? What does he do all day? Etc... On 27 September, someone called me on the telephone to say that my husband would meet me in front of the Dar Ghallef (a district of Casablanca) mosque, where I waited in vain from 4:00 pm to 10:00 pm".

Much later Bouchaib Kermej told his wife the circumstances of his arrest. "I was abducted on 27 September in Darg Ghallef, in front of the mosque, and forced into a Fiat Uno, which was followed by another vehicle. My face was pressed into the seat of the car, and long before arriving at our destination, I was blindfolded and handcuffed. When we arrived I was put into a cell on my own". Bouchaib Kermej was sentenced to death in July 2003.

On 6 August 2003, Mrs. Bochra Khaïri, Mohamed Damir's wife, was with her husband, their children and three other couples in the home of Rabi Ait Ouzou at Sidi Moumen, a district of Casablanca. At 10:30 pm a group of armed civilians broke open the door, entering the sitting room carrying handguns. The men present tried to escape through the window, and were fired on. The three women shut themselves up in the kitchen, from where they heard shouts, cries, and shots. The attackers then dragged the women brutally into the passage; Bochra Khaïra then asked for her children (aged 4 1/2 and 2 1/2) who were with their father. They were brought back to her "covered with blood". Rabi Ait Ouzou died of his wounds two weeks later in a hospital in Rabat, while Damir's family only learnt 2 months later that Mohamed was in hospital in the same city. Mohamed Damir was sentenced to death in July 2003.

Abdelkébir Ktoubi (aged 32, sentenced to death in the same trial) was at his home in the Dar Lamane district of Mohammadia on Friday, 20 September 2002, when around

11:00 pm the door was forced open by four people who entered the house, finding his mother and his young brother, Mustapha. The policemen in plain clothes twisted the latter's arm so that he should keep quiet, and opened the door of Abdelkébir's room, where he was saying his prayers. Abdelkébir then handed over to the police his identity papers, except his passport, which he said he had lost. The policemen took him away, telling his family that "there was a matter he was involved in, but that he would be back the next day". When Abdelkébir Ktoubi was taken away in a car, followed by another one, his brother Mustapha ran after the kidnappers to find out where they were taking him. "Find the passport and come and see us" was their answer. The next day Aicha, Ourida, Gozlane and Zohra Ktoubi tried in vain to find Abdelkébir, enquiring at all the police stations. The day after, other police officers came to ask the family if Abdelkébir Ktoubi bore the same name as his father. "The strange thing was", the witnesses told us, "that the policemen asked us who were the persons who had taken Abdelkébir away two days earlier, and if the car was really a police car, and they expressed surprise at the fact that the "policemen" had not exhibited official police identity cards! The family wondered whether there were two separate police departments at work, or whether it was a stratagem to make people think the police had nothing to do with the kidnapping. Ktoubi's uncle and brother were then taken away to be questioned separately. Pressure was exercised on the brother for him to become a police informer, telling the police about Abdelkébir's activities. Later Abdelkébir Ktoubi described how he had been taken to a place close to a butcher's shop. "I was handcuffed, and we stayed there for a quarter of an hour, while they asked me questions about people I did not know. I was then bundled into a Fiat, blindfolded, and after a short drive we changed cars again, and then waited for someone for a long time. When he turned up, they asked me if I wouldn't like to go with them to Marrakech, which was a way of deceiving me concerning my final destination (which, as I was to learn later, was Témara, the DST headquarters near Rabat). When we stopped to get petrol, they covered my head so that people would think I was sleeping. They kept me that way until we reached our destination, where they took me down the stairs".

Mohamed Chtoubi was arrested on 29 September 2002 in the Oued Daheb housing estate at Salé. According to his story and to what his sister told us, he was leaving his shop when he was surrounded by a mass of plain clothes policemen who threatened to fire at him. "I tried to escape, but they knocked me over with a car. Since then, I have a disability, and my knee has not got better. When they threw me into the car, they phoned their superiors to tell them that the "order" had been

completed. A rendezvous was arranged at Salé airport, where I was transferred to another car with other individuals, who immediately handcuffed and blindfolded me, and handed me a bottle of mineral water... I drank, and only woke up to find myself in an individual cell".

The story of Salah Zarli, who was tried and sentenced to death on 17 July 2003, is very similar. On 6 August 2002 around 9:00 pm he was in a car park near his home in the Lalla Mariam housing estate at Casablanca. "A man came up to me, pretending that he wanted to buy my car", he wrote in a letter to F.V.J. "Suddenly I was surrounded by a number of very heavily built men, and when I tried to understand, one of them handcuffed me. I tried to ask a question and was punched in the face, and then bundled into a car, and threatened with a gun. Insults then rained on me, and I was blindfolded".

Kamel Hanouichi, also sentenced to death in the Youssef Fikri group, was arrested in broad daylight in a Casablanca market. At 10:00 am he had met a friend, and they decided to have a glass of tea together. "We had only just sat down", he says, "when a man lent over my basket, grabbing my arm, while two other people helped him to push me into an Audi. My friend was taken away in a police vehicle". On Wednesday, September 18, 2002 Abderrazek Faouzi, also condemned to death in the Youssef Fikri trial, was kidnapped at 6:30 am while selling fish as usual in the port of Casablanca. "Four men in plain clothes descended on me and led me to a car, saying they were security agents and they needed me just for a few minutes. Once in the car (an ordinary one) they handcuffed me, and when we reached the Rabat motorway they blindfolded me".

Abdallah Meski was kidnapped on 15 July 2002 as he was leaving his home at 10:00 am, in broad daylight, on his way to his usual cybercafé. Six individuals in plain clothes attacked him, forcing him into one of the two cars that drove up alongside, and which had no number plates. "One of them showed me his official identity card, with "commissaire principal" on it", he told us.

2. 3. Unlawful police detention

Almost a year before the 16 May 2003 events, Moroccan public opinion discovered that the methods of questioning and the arbitrary detention problem, which they thought belonged mainly to the past, had reappeared. It is in this context that there are increasing testimonies to the existence of one specific centre in particular, run by the DST and situated on the outskirts of Rabat, at Témara. While symbolic

pilgrimages are organised to the secret prisons of earlier decades (Tazmamart, Kalaat M'gouna, etc.), the latest discovery came as a severe shock, especially as it seems certain that the centre, where torture is practised, was extensively used after the criminal Casablanca attacks. The Saudis in the so-called "dormant cell" case were presented to the investigating magistrate on June 18, 2002, claiming that they had been held in a Moroccan security centre since their arrest, which took place, it will be recalled, on 13 and 14 May. It was however mainly after the arrest of the persons suspected of belonging to the Youssef Fikri group that the matter came to the notice of the public. Having no news of the detained persons, some of whom had been arrested before their very eyes, mostly during the summer of 2002, the families appealed to the Moroccan Human Rights associations. At the end of 2002 these associations approached the ministers of the Interior and of Justice, asking for news of the fifteen people kidnapped between 25 June and 28 December 2002, and kept in arbitrary detention since that date. Shortly afterwards, the fifteen persons were released (including Abdallah Meski interviewed by the mission) or put on trial, whereas several ministers vigorously rejected the charge of kidnapping and arbitrary detention. In response, nine detainees belonging to the group published a letter in the Assafiha weekly, in which they confirmed that they had been taken to Témara, sometimes transiting through a police station, to be kept in detention for many months for some of them, and that they had been tortured. These accusations were repeated publicly in the House of Representatives in January 2003⁸, and to the FIDH mission by the victims themselves, or by persons close to them, or their lawyers.

According to his family, Mohamed Chtoubi, aged 20, sentenced to 20 years' imprisonment in the Youssef Fikri trial, disappeared from 29 September to 14 November 2002: for two months his relatives or friends had no news from him. Mohamed Chtoubi himself guessed that he must be in Témara, says his sister, because he could hear the crowds in the football stadium nearby. It was indeed the Moulay Abdallah sports grounds, on the outskirts of Rabat on the Casablanca road.

"I was taken to a police station, where I was surrounded by about thirty people who insulted me, shouted questions at me, mostly about Mohamed Damir (who was sentenced to death in the Fikri group trial). I told them that my brother rented his apartment. This answer displeased them, so they beat me up and took me to another police station, still blindfolded, handcuffed and hemmed in by the men. On

arrival the questioning resumed, continuing without interruption until the afternoon of the next day, the teams taking it in turns, always asking me the same questions..."

Salah Zarli, who was kidnapped on 6 August 2002, tells the following story: "They took me to the nearby police station, and started to question me. This lasted a whole day, during which I was beaten and insulted, and humiliated in various ways. They were a group of 8 to 15 men, asking me hundreds of questions. It was only towards the evening that they blindfolded me, with black material, to take me to what they called "the second stage". This was certainly underground, because I had to go down steps, and there was a deathly silence. I was subjected to a body search, they removed my shoes, and confiscated all my I.D. papers. They then put me in solitary confinement".

Abderrazek Faouzi was arrested in Casablanca, handcuffed, and bundled into an ordinary car that took the Rabat motorway. He was blindfolded. "When I asked what was going on, I was slapped in the face and hit from all directions. An hour later, we entered a building, where I had to go down two floors to get to an individual cel. I remained there for about two months. I was taken then to the Direction de la Sûreté to sign a statement that they had fabricated".

Abdallah Meski, a computer engineer who had emigrated to Saudi Arabia in 1991, had been on holiday at the home of his wife's family since 26 May 2002. He was arrested on July 15 2002. "I remained at the Ben Maik police station from 12:30 pm to 6:00 pm. I was questioned in the normal way, about my activities abroad. As the questioning proceeded, the policemen reported the results by telephone". He was then put in a car, blindfolded, and taken somewhere else. "There I was questioned on my commitments, my travels, for instance in Syria, and whether I knew any Moroccans there, and in Saudi Arabia. As I had nothing to say, they started to hit me with an iron rod; they threatened me with rape, and to rape my wife".

Early in 2003 Abdallah Meski was released after five and a half months' arbitrary detention; in July 2003, he had still not recovered his papers, his cell phone, his computer, his passport, and his wife's passport. He had of course lost his job in the meantime.

Amina Amiba is the mother of a detainee, Oussama Aboutahar, who is married, with two children, aged 5 and 2. He disappeared on two occasions. The first time, she says, he had left Morocco on the small pilgrimage (Omra), and from

Saudi Arabia he went to Iran, and then to Syria. Their the Syrian security forces arrested him, tortured him, and despatched him to their colleagues in Morocco. For a whole year Oussama Aboutahar disappeared, and despite strenuous efforts his family was unable to discover his whereabouts. It was only on 5 December 2002 that his friend Idriss Boulakoul, on leaving Témara, informed the Assahif (a newspaper) that Aboutahar was being held in solitary confinement.

A campaign was then launched by the Moroccan NGOs, and his family. He was released on 1 March 2003. Then his family discovered the suffering he had been subjected to during his disappearance. The torture inflicted on him led him to be admitted to the hospital for an operation to relieve a blocked kidney. "On 8 June 2003", says his mother, "while we were at home, someone knocked at the door and asked to see my son in a café for a few minutes. Oussama never came back. For over a month I went to all the police stations and several prisons, and then I learnt that he was at Salé. At the prison the guard told me that he was there, but that I could not see him because he was being questioned by the investigating magistrate. Watching the news on Moroccan television, channel one, we learnt that Oussama was among those suspected in connection with the May 16 events".

Safia Damir had a son killed in Afghanistan, and another condemned to death in the Fikri group trial. She testified before the FIDH mission, and in the Moroccan press, about the kidnapping on 17 May 2003 of her third child, Rachid. When we met her on 15 July 2003 she still had no news of him. "He was putting his car in the garage, when a blue Peugeot 405 with five men in it drove up and parked next to him. The neighbours said that it was them who kidnapped him". When we put the question to the Public Prosecutor, who by law must be immediately informed when anyone is detained by the police, he said he had no information on the subject. Rachid Damir was abducted 24 hours after the attacks, and released in October 2003, without, to our knowledge, ever being charged.

Many other examples have been given to the FIDH mission concerning the quasi -systematic exceeding of time periods for police custody in the wake of 16 May 2003. Thus, the families of Abdelhaq Moutarbid who was abducted in May and of Abdelhakim El Mouaffak abducted on 19 June after a search of his home by men in plain clothes, were still without news of their relatives as of mid-July. For the clients of Atty. Messaïef, the custody lasted from 13 days (Haroun Nana, Nourredine Chedli) to 32 days (Zouhair Toubéïti, Hilal

Ousseiri). In Rabat, a lawyer told us that of the 19 accused that he was defending after 16 May, only three had not been detained in the Témara centre.

All witness accounts agree in indicating the existence of this centre for secret detention that must be located within or next to the new headquarters of the DST in Témara. Before being used for the last two years for the incommunicado detention of Islamist militants or alleged terrorists, it would have also been used in the mid-1980s and early 1990s, as has been publicly stated by two witnesses who had also been illegally detained for years during this period.⁹ Besides Témara, other sites of detention and interrogation had apparently been set up in farms and other premises after some hurried modifications, like Tit Mellil in the suburbs of Casablanca, according to some information.

2. 4. Torture and cruel, inhuman and degrading treatment

In such centres, interrogations are conducted in violation of both the whole set of principles for the protection of all persons subjected to any kind of detention and imprisonment that were adopted by the United Nations in 1975 and of the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment of 1984, ratified by Morocco.

At the Témara centre that receives most of the arrested persons, abuse, violence and torture are current practice according to witness accounts received. The cells, in the basement, are lit day and night. During any movement, as for interrogations, detainees are blindfolded. Interrogations are often very long, 16 hours a day we are told, with the policemen relaying each other. Insults and blows are usual, and individuals are sometimes stripped. Finally, several cases of torture by electricity were pointed out. 22 of the accused in the Fikri group wrote to AMDH (Moroccan Association of Human Rights) in March 2003 to testify: *"My cell at Témara had high walls and a small window with thick bars just under the ceiling. There was a hole for a toilet, and a water pail".* Assaulted during his arrest and suffering from a sprained knee as a result, the witness adds: *"I was in agony and requested treatment since my knee was enormously swollen and had turned blue. A guard's response was to say 'I'm going to cut off your f..... knee with a saw".*

Since the 18th of September 2002, Abderrazek Fawzi was kept in a windowless individual cell with only a sponge mattress and a worn out blanket thrown on the floor. Blindfolded and handcuffed, he was "grilled". *"This*

interrogation at Témara" he writes, *"was conducted through punches and kicks, humiliation and insults and interspersed with cigarette burns on my hands. These practices inflicted twice a day caused me physical and mental suffering that have left me with obvious traces, not to mention nightmares and lack of sleep". "...I was taken secretly to Témara where I endured several interrogations using dreadful methods since, 'I should never again see the sun' according to them" said Salah Zarli. "I admitted having gone to Afghanistan. They then asked me to work with them to learn more about the "Afghans" especially the Moroccan "Afghan" and the Islamists in Milan, where I was working at the Islamic Institute. Four days later, they let me go while asking me to inform them."*

Released, S. Zarli was re-arrested on 3 September 2002: *"four individuals accompanied me to my home, searched everywhere and took away all my papers. Again, they took me to Témara where they kept me for a month and a half in an individual cell that I left only to be questioned for 16 hours non-stop: an interrogation that began at 8:00 am and lasted until midnight. They have beaten me all over my body, stripped me, and I endured insults, spitting, threats, and I'll leave out the rest. All that without seeing the faces of my torturers. They were interested in the Islamists in Italy and those who went to Afghanistan or Bosnia. They tried to buy me off by promising me a commercial license." Cases of rape have been indicated. Thus, Abdelghani Bentaous declared that he had been raped three times. Abdelmadjid Rais stated that he had been sodomised with a bottle and burned with cigarettes. Other detainees report having been burned with cigarettes and kept strung up for hours or subjected to torture by forced to swallow water. As for Bouchaieb Kermej, he reported to his sisters that besides the beating and threats, he was once apparently given an injection in the upper spinal column, following which he thought he lost consciousness.*

Several detainees refusing to sign interrogation statements, finally signed after having been tortured. For example, this is what Abdelghani Bentaous and Atchane stated to their lawyers and to the judge. *"...Handcuffed and blindfolded, I was taken to the torture room where I was made to kneel and put my arms over my head and was kept that way during the long interrogation that followed. Each time I hesitated or stuttered or made a mistake, I was beaten with a braided electric wire. The blows were to my head, back, soles of the feet, and thighs, accompanied by slaps and punches on the face, which resulted in deafness in my left ear. A doctor then came to see me and prescribed some medicines. When I returned to the torture room, one of the torturers tore my shirt in front of my young brother who screamed, I heard him*

without being able to see him since I was blindfolded. I was taken to torture sessions where I spent the first night sleepless since I was questioned practically non-stop" (Kamel Chtoubi).

The family of Mohamed Chtoubi affirms that he was raped with a bottle and they were insistent in telling us that he was denied care at the Okacha prison when he was unable to sit down, which they noticed during his trial. The blackmail constantly used with Mohamed Chtoubi was to say, " admit the facts and your brother will be released". *"The day I saw him", his sister continued, " he had his nose and mouth deformed by the beating".*

"The perversity that they added as this nightmare went on" recounts Mohamed Chtoubi, "was that they threatened to rape my mother, my wife and my sisters before my eyes. Nevertheless, they didn't forget about physical torture because they used electricity, strung me up, choked me with wet rags, etc. They gave up on me because my condition had seriously deteriorated and I spent entire nights screaming because of horrible nightmares that haunted me as soon as I tried to sleep, not to mention that I was incapable of swallowing anything. They refused to give me sleeping pills just as they refused to give me a Koran [...] The hardest thing was first, the fear of being raped, an act they constantly threatened me with, and the screams of those being tortured [...]. After 40 days of this regime, I no longer had any idea where I was, what I said or what I did... One day in the month of Ramadan (November 2002) I took off the covering of my mattress to make a cord that I attached to the window in order to hang myself... It was my gasps that brought the guards. The doctor I was taken to blindfolded, told them that my state of hypotension could lead to serious consequences". At that point, the prison directors summoned Mohamed Chtoubi to tell him that any other such attempt on his part would cost him his life and that he would be "buried in the nearby forest without anyone knowing what had happened to him...". Three or four days later, new torturers took over using the same methods...

Abderrahman Majdoubi, arrested in Tangiers the night of 2 July 2002, speaks of a place he was taken to the 2nd day of his arrest where 5 individuals were present, *"some of whom questioned me and others hit me. One of them used the edge of a cleaver to hit me and another used a metal pipe covered in rubber to hit my knees... then I was pulled and dragged on the ground to be taken to another cell where a torturer hit me on the face with his boots while his accomplice questioned me... That night, I was put into a car and at the approach to*

Rabat, I was blindfolded". He was given an exceptionally violent reception and one of the torturers then promised Abderrahman Majdoubi that he would not leave this place until he was reduced to a few kilos. "At night, I heard the noises of forest animals...". The same night, the interrogation was started again, with slaps and kicks and threats of rape with a bottle, and went on until dawn "... This torture lasted 20 days... I was in such pain from my knee that I did my prayers seated and they had to take me to a doctor. In this place, I spent my last three days handcuffed and blindfolded. When I requested a little water for my ablutions, I was told I could do them without water and without moving..." Kamel Hanouichi, sentenced to capital punishment at the trial of Youssef Fikri, reports for his part that when he was taken to Témara after his arrest in Casablanca he, like most of his accomplices, was shut into an individual cell characterized by the "arctic cold that prevailed". Fingerprinting completed, Kamel Hanouichi was no exception to the ritual blindfolding, but it was his feet that were bound. Since he did not walk quickly, he was beaten even before being interrogated. "That I was beaten on the arms and soles of the feet with electric wires as hard as ropes, was less painful than the idea that they could act on their threats to rape my sisters... for 15 days in a row, it was the same torture and the same questions: my life, my commitments, my friends, 15 days at the end of which I was taken to another location still handcuffed and blindfolded. There, I stayed that way from Thursday evening until Monday morning in a cell stinking of filth in the company of three other detainees in the same state as I and guarded by three teams of 10 to 12 guards who relayed each other 24/24. It wasn't until Monday that we were interrogated by the investigating magistrate and transferred to the Okacha prison in Casablanca".

2. 5. Suspicious deaths

On 28 May 2003, the Public Prosecutor of the Casablanca Court of Appeals announced the death in custody of Abdelhak Bentasser, who had been arrested on 26 May. According to the communiqué released by the Public Prosecutor, an autopsy had revealed that death was due to a heart illness and liver problems caused by taking medicines. Abdelhak Bentasser, or "Moulasabat", as he was known, was also depicted as an important emir involved in the 16 May 2003 attacks.¹⁰

Abdelhak Bentasser was 30 years old and had left school after two years in secondary school. According to one of his sisters, he was in good health and had never been ill or taken any medicines. Abdelhak's family chose to meet us at a café

in Fez, beneath the vigilant eye of a "civilian" who came and sat at the table next to ours, supposedly to read his newspaper. Rather than staying, Abdelhak's wife had taken their children (Omar, age 4 and Mériam, age 1) from their house in the Ibn Al Khayat neighbourhood north west of Fez, and gone to live with their grandparents in Al Massira, another residential area of Fez.

On 21 May 2003, at around 6:45 pm., a large number of uniformed and plain clothes policemen entered Abdelhak's house and took him away without any arrest order. Abdelhak told his son to go and get his mother, but Abdelhak was taken away before she arrived. The police went over "Moulasabat's" house and shop with a fine-tooth comb and took everything away: audio and video cassettes, books, personal papers, documents and even a pot of glue. The family immediately began visiting police stations in Fez and the wilaya (region), courts and the Court of Appeals, but the answer was always the same: "We don't have this name on our lists", "We don't know him".

On 26 and 27 May, Abdelhak's wife was called into the police station and told her husband was on the run. She was even given a telephone number to call if she had any news. On 28 May, a neighbour told her she had just heard of Abdelhak's death on the 1:00 pm. television news bulletin. The family had this news confirmed on the 5:00 pm. news. Once again, Abdelhak's sisters and wife went round the police stations and were told they should go to Inb Rochd hospital in Casablanca. There they were directed to a room with a crate; the odour was horrible and became intolerable when they were shown the face and upper torso of a dead man. What they saw was decomposing flesh "as black as this coffee" with tufts of hair and beard, according to the sister who identified him. Abdelhak's wife and father-in-law were incapable of identifying the body, but his sister noticed the cavities in the body's incisors and identified the corpse as Abdelhak's. Then came the death certificate at the town of Al Anouar and the funeral cortège: one of the family's cars, an ambulance for the body and a police car. The body was taken to the "A'rrahma" cemetery in Casablanca.

Upon request by the Public Prosecutor's office, an autopsy was performed by four forensic surgeons, who concluded that the cause of death was natural, and related to heart and liver problems. They also noticed a number of bruises, said to have been caused by Abdelhak's resistance to arrest, but according to the authorities these bruises were superficial and not linked to his death.

These conclusions are contested by his family, who had not seen the autopsy report when we made our visit. Requests for a second autopsy made by the AMDH (Moroccan Association for Human Rights) and the OMDH (Moroccan Organisation for Human Rights) have not been answered. It should also be noted that police in Fez claimed that Mr. Bentasser was on the run on 26 and 27 May, while the Public Prosecutor in Casablanca states that he was arrested on 26 May.

As for Mohamed Bounit, whose body was discovered in Marrakech on 24 June 2003, his sister Naima and other family members--along with human rights organisations--are still requesting an autopsy. His family tells the following story:¹¹ On 17 July 2003, five people claiming to be policemen appeared at Mohamed Bounit's house in Taroudant. The leader of the group questioned Mohamed on an article that had appeared on the Internet and had been reprinted in a Swedish newspaper. Mohammed Bounit admitted that he had written the article, but not in its entirety--he claimed certain paragraphs had been added. According to his sister Naima, this questioning did not go on for a long time, but ended with a proposal to Mohamed Bounit to teach at Rabat university, a proposal he refused. In the evening, the policeman called Mohamed several times to discuss one of his books, which the policeman considered a call to the Jihad. The policeman also asked questions about Mohamed's relationship with Abou Ketada and Hassen Kettani. Mohamed declared that he did not know the first man, but the second was his friend. As for the lessons he gave at his house, Mohamed considered them purely scientific.¹²

On 21 June 2003, the policemen came back and took Mohamed Bounit away. His family tried to reach him at the police station, where they were told a team had come from Rabat to Agadir specially to question him. On 24 June 2003, the policemen came to ask the family to identify Mohamed's body. According to his family, Mohamed's skull was shattered.

According to the authorities, Mohamed Bounit died when he jumped out of the car, during a trip to Casablanca where he was being taken by "unexperienced" policemen. The policemen supposedly "panicked" and threw the body in a Marrakech street. On 21 July, the Minister of Justice confirmed this thesis before a delegation from the OMDH and the AMDH and announced that an inquiry would be opened. At the end of December 2003, the Moroccan press announced that a judge had been named and three policemen indicted.

In any case, Mohamed Bounit left a letter on his computer

refuting the police's accusation that he belonged to Salafiya Jihadiya. In the letter he stated that he was against the movement's propaganda methods and its attacks on other Islamist movements. Nor did the Salafiya have the right to excommunicate and sacrifice people. "Having examined their texts in the light of the precepts of the Sunna, I know they are in the wrong. I detest extremism and am open to other cultures, which I find enriching."

Hassan Dardari, the 30-year-old father of three, is the third person to die in mysterious circumstances. His death is particularly suspicious because it occurred 48 hours before the 16 May attacks. Dardari had gone to live in Afghanistan with his family some time before the September 11 2001 attacks. He left Afghanistan after the American invasion, was arrested and detained for one month in Iran, and arrived in Morocco on 7 July 2002. He was arrested at the Tangiers station and taken by car to Rabat, where he was blindfolded before entering the city. He was then taken to the Témara centre. He later stated that he was questioned for one month, under torture, concerning Al Qaeda and Moroccans present in Afghanistan, and was shown hundreds of photographs for identification.¹³

Released at the end of December 2002, Hassan returned to the neighbourhood where he lived on the outskirts of Kénitra. On 14 May, on his way back from late afternoon prayers, he was killed in the presence of several eyewitnesses: a car without any lights knocked Hassan down and a second car crushed his head. The article published by the Moroccan weekly Assahifa after Hassan's death cites statements of his relatives saying that Hassan was under continual pressure from security services, who were urging him to collaborate with them.

2. 6. Extraditions and police cooperation: from Guantanamo to Témara?

On 26 December 2002 the Washington Post published an article on cooperation established between the American security services and those of several Arab countries entitled "The United States denies engaging in violations and defends the vigorous interrogation techniques used on persons suspected of terrorism and detained in secret facilities abroad."

Calling attention to prisoners illegally detained at the American base at Bagram, Afghanistan, which was declared a closed military area, the article revealed the fact that prisoners refusing to cooperate were handed over to foreign security services "whose use of torture was known by the

American government and by human rights organisations." Naming in particular Morocco, Jordan, and Egypt among the countries involved in this security cooperation, countries "whose security services are known for their use of brutal methods," the article gave the figure of 3000 Al Qaeda members and sympathizers detained worldwide, including the 625 persons imprisoned at that time at Guantanamo. The American newspaper further stated, "Official sources consider that fewer than 100 persons have been handed over to third-party countries. With American help, thousands of others have been arrested and detained in countries known for their brutal treatment of prisoners." Besides the illegal detentions centers in Guantanamo, Bagram, and Diego Garcia, the article added that "the CIA has other secret detention centers located overseas and makes use of other foreign security services." The article from the American daily, translated by the weekly Assafiha, was published practically at the same time as the first accounts given by Moroccans freed from the Témara center. They described the conditions of their questioning and their incommunicado detention, and they noted the presence of persons detained at this center who had been extradited from another country or who had been transferred from Guantanamo by the United States.

On 23 December 2002, and again on 2 January 2003, the daily Attajdid and the weekly Al Ayyam published the account of Hassan Dardari, who returned from Afghanistan at the beginning of the summer of 2002 and who was detained in Témara from July to December 2002. He asserted that he had also been interrogated there by "very polite" foreign investigators who he thought were Americans, about the organisation and the structures of Al Qaeda. The tragic conditions surrounding the death of Mr. Dardari on 14 May 2003, shortly before the Casablanca attacks, have been reported. At the end of January 2003, Assafiha published a letter from nine detainees thought to be from the group Youssef Fikri, abducted during the summer of 2002 and brought to a court of justice at the end of the year, after several months of incommunicado detention. In their account, they stated that 23 Moroccans [like Mohamed Al Alami, Mohamed Tabarek, Saïd Boujaïdia] coming from Guantanamo were detained in Témara at the same time as them, and they noted the presence of foreigners among the detainees, including a Saudi [Assem Addoub], a Mauritanian, and a Syrian. They further asserted that Moroccans extradited from foreign countries were also detained at Témara, including two handed over by Syria [a certain Jelililb and one called Anouar Aljabri] and three from Pakistan [a certain Abi Ahmed, Ahmed Al Makni, and Chouaib with dual Moroccan and Italian nationality].

Information gathered by the FIDH confirms that an Italian-Moroccan, Abou Al Kassem Britel, was detained in Témara during this same period, and it gives credibility to the account of the nine presumed members of Youssef Fikri. Mr. Britel's itinerary also attests the international security cooperation that was set up after 11 September 2001 and the arbitrary injustice that it brings about.

Abou Al Kassim Britel had emigrated to Italy in 1989, was naturalized in 1999, and married an Italian. He had not returned to Morocco since 1997. On 10 March 2002, he was questioned by the Pakistani security services in Lahore, where he had gone, according to his wife, to work on the translation of books about Islam. Detained in secret, tortured and kept blindfolded, Mr. Britel was prevented from contacting the Italian embassy in order to prove that his Italian passport was authentic. Transferred to Islamabad, he was interrogated four times by the American secret intelligence services, who had set up in a large house in that city. During the night of 24-25 May 2002, he was illegally transferred to Morocco in a small American plane. Taken to the DST [Directorate for the Surveillance of the Territory (Morocco's domestic intelligence service)] in Témara, he was detained incommunicado and tortured until 11 February 2003.

Set free without having ever been charged with anything, Mr. Britel was nevertheless denied the restitution of his passports which would allow him to rejoin his wife in Italy. It was only on 12 May, four days before the Casablanca attacks, that he received from the Italian Embassy in Rabat a transit pass [N. 8/2003, good until 24 May], and it was on 16 May itself that he went in the early afternoon to the border post at Bab Mellilia in northern Morocco. He was arrested, and he disappeared once again, except that this time his detention was reported by the Moroccan daily *Al Ahdath Al Maghribia*. On 19 May 2003, this paper did report the arrest while asserting that Mr. Britel had been sought in connection with his past ties to the Al Qaeda network. Four months later, on 18 September 2003, Mr. Britel's family learned that he had been incarcerated in the Salé prison for forty-eight hours and prosecuted for forming an illegal group. After his court trial on 3 October, he was sentenced to 15 years' imprisonment, a sentence reduced upon appeal in 2004 to 9 years.¹⁴

Thus reconstructed, the Abou Al Kassim Britel affair confirms the news reported in the American press, as well as the contents of the aforementioned letter from the nine presumed members of the group Youssef Fikri. Transferred from Pakistan, Mr. Britel was indeed held at Témara at the

same time as these nine, and the report concerning him, probably drawn up during his detention in this center and used as the basis of his trial, presents him as "Chouaib", his pseudonym in the "terrorist networks", according to the Moroccan police. Also to be taken into consideration is the belief of several families of Moroccan detainees at Guantanamo, who assert that persons transiting through the Témara center, after having been detained in Guantanamo, confirmed to them the presence of their relatives at that center.

3. The judicial phase

As is the case with arrests, it is difficult to make an all-inclusive and exact listing of the number of persons arrested and tried since the 16 May attacks. By mid-July, the Ministry of Justice indicated to the FIDH the figure of 780 persons arrested and detained for acts linked to Salafiya Jihadiya. At his press conference on 6 August, the same minister gave out a lower figure: 634 persons, from eight "extremist" groups. As far as FIDH knows, no other listing has been presented publicly since that date. The listing is all the more difficult to draw up, since the operations have been spread about. Trials began at the end of June 2003 in various jurisdictions, although the most important trials were held in Casablanca and Rabat.

There was no "mass trial"; numerous small groups were tried separately, without any apparent logic to the groupings or the distinctions made among the cases.

But it must be recalled that trials are continuing to be held at the start of 2004. Whatever the situation, besides those presumed responsible for the Casablanca attacks, hundreds of persons were tried in just a few months, during the three summer months of 2003, for the most part. Two reasons might explain this swiftness. It may be that the Moroccan authorities wanted to act quickly to reassure national and international public opinion, as well as their allies. But some jurists also point out the fact that the new code of judicial procedures, relatively respectful of the rights of the accused, was to enter into force the 1st October 2003. In any event, it appears indisputable that the right to a fair trial for persons arrested in connection with the events of 16 May, as guaranteed by Moroccan legislation, has been violated in a fairly systematic manner.

3. 1. A defaulting Public Prosecutor's Office, a prosecution investigation

One can only be surprised by the extreme diligence shown in the investigation and trial of persons involved.

The investigation proceedings, which used to take months - one year for the Fikri case - were suddenly speeded up following the 16th of May. Within a few weeks, the accused, who were facing heavy sentences, were referred to criminal court after an especially summary investigation; the judge sought only to confirm the statements obtained by the police.

After the witness testimony gathered by the police, the defendants were brought before the public prosecutor's office, which designated an investigating magistrate. An investigation proceeding is required, moreover, exclusively for cases carrying a sentence of life in prison or the death penalty.

In the public prosecutor's office, where defendants were often brought in blindfolded, thus believing that they were still in the police station, the rights guaranteed by article 76 of the Moroccan Code of Criminal Proceedings [CCP] have almost never been respected, according to the unanimous opinion of lawyers contacted. This article guarantees the right to choose a lawyer, the presence of the lawyer at this first hearing, the right to a medical examination if the person claims to have been ill-treated, and the creation of a written report. Apparently confronted by the need to have immediate results, the investigating magistrates evidently took great leeway with the measures of the Moroccan legislation:

"The investigations took place under quite abnormal conditions, often after midnight and even at 3:00 am or 4:00 am," said one lawyer. The accused waited for hours in the police van, where they were sometimes given something to drink. According to another lawyer, the examination itself went practically according to a pre-arranged line of questioning, with the accused having to respond to exact questions. "Do not talk to me about anything outside of the case," said a magistrate to a defendant who wanted to explain himself. The accusations were sometimes backed only by a denunciation or a statement from a third party or from another defendant, most frequently after ill-treatment or torture. The case files rarely contained documents attesting the possession of firearms or explosives or even participation in illegal organisations.

In their statements to FIDH representatives as well as to the Moroccan press, several lawyers cited the large number of

articles from the CCP that had been violated before the investigating magistrates, notably articles 127, 128, 129, and 132. The first guarantees the right of the accused to a lawyer or to legal assistance, the right to abstain from making a statement, and the right to a medical visit, which may be requested by the accused or ordered by the investigating magistrate if he observes results or indications of ill treatment. Article 129 requires the presence of the defense at hearings before the judge, with the lawyer having been notified by letter 48 hours in advance of any hearing, with lawyer access to the case file at least 20 hours before the hearing [article 132]. According to lawyers contacted in Casablanca as well as Rabat, the reports written by the investigating magistrates during the preliminary phase of the investigation were based essentially or exclusively on reports from the District Attorney's Office. Judges did not allow any challenges to the reports and made some defendants sign the reports without authorising a prior access to the documents.¹⁵

This was the situation, for example, for Dakik Al Arbi, a client of Atty. Idrissi, who had to sign in the margin of the report without being able to read it. Neither the District Attorney's Office nor the investigating magistrate authorized any doctor during these dozens of proceedings which concerned literally hundreds of persons. These medical visits would have constituted a guarantee not only for the accused individuals, but also for police officers accused of torture. In addition, requests by lawyers to call expert witnesses and to subpoena witnesses and call them to the stand were systematically denied.

3. 2. The verdict: quick trials, a defense often in default

The defense of the accused is carried out either by chosen lawyers or, as is often the case, by lawyers officially designated by the President of the Bar. The especially low socio-economic level of many of the accused explains in part the relatively high number of appointed lawyers.

The President of the Bar of Casablanca assured us that he chooses colleagues who are particularly competent on criminal law and that the defense was carried out under good conditions, without the judges posing any obstacle. The information we gathered leads one to substantially qualify these affirmations.

The 16 May attacks were strongly condemned by a very large majority of the Moroccan people, and this is good. But in

some ways, this stigmatization has spread to persons who seem linked with the accused, their families as well as their defenders. Thus several lawyers chosen by the accused or their families have withdrawn, in order not to appear to support a condemned cause. Some lawyers who had responsibilities with the PJD [Justice and Development Party] have declined, so their party would not be suspected of approving the attacks.

Furthermore, action was taken against two lawyers, Atty. Mohamed Lamari and Atty. Ahmed Azmiri Filali, for acts related to "terrorism", although charges against them do not seem proven. Accused of concealing persons being sought after and of breach of professional confidence, the first was sentenced to 3 months' imprisonment and the second to 4 years' imprisonment. There are newly licensed lawyers, inexperienced or unmotivated, who have been assigned a case, sometimes on such short notice that it was impossible to mount any real defense. Several times some lawyers told the families that they met their client only 48 hours before the trials, which were crucial for them. Some appointed lawyers, according to what we have observed, gave a minimal defense, since they were as convinced as the prosecution of the necessity of a harsh repression of "terrorist acts", or else they left it up to the wisdom of the court. As for the lawyers determined to fulfill their role, some presiding judges had frequent recourse to threats, brandishing respect for the court at every turn. Moreover, the lawyers who withdrew to protest the violation of the rights of the defense were immediately replaced.

Evaluating the series of trials which were held, the OMDH report states that the breaches of justice that occurred "*at this decisive stage*" are linked "*to the illegal composition of some legal entities[...], to the systematic violation of the rights of the defendants and of the defense, to violations in the publicity of the proceedings in certain cases. Some of the accused were tried twice. Additionally, the marathon sessions allowed neither calm trials nor the individual assigning of accountability.*"

Retained by the accused from the Youssef Fikri group, Atty. Khalil Idrissi, for example, confirms this last point. "I was among the members of the defense team who requested that the court file of my clients be separated from the Youssef Fikri one. A realistic and legal request. [...] In this file exists no direct relation within the group of defendants, no link between Youssef Fikri and his group (no more than 5 persons) who have committed crimes against people killing or robbing them - and a second group who acted in a completely different

mindset, that of righting wrongs, with the idea of educating. Moreover there exist still other persons with ties to neither of these two groups. The case of Omar Mâarouf [1] is clear: here is someone who is linked to Mohamed Damir [one of the defendants] only through friendship and through discussions on the situation of Muslims in the world in general."

Moreover, numerous lawyers believe that the composition of the criminal chamber of the Casablanca Court of Appeal, which had to handle numerous cases after 16 May 2003, was illegal since the time of the so-called "dormant cell" affair [June 2002]. Indeed, the composition of this chamber was changed during the course of the Saudis' trial, in violation of the provisions of the Dahir [law] of 15 July 1974. This law stipulates that the court is composed of a presiding judge and four assessors elected by the general assembly of the Court of Appeal, with the presiding officer chosen among the presiding judges and the assessors among the other judges of the Court of Appeal. However, the judge who was designated to handle the case of the Saudis had been brought in from a Casablanca court of original jurisdiction and was not designated by the general assembly of the Court of Appeal which was held on 26 December 2002. So what existed was a court presided over by a magistrate normally assigned to another jurisdiction and specially designated by the head presiding judge of the Court of Appeal under circumstances which appear contrary to the rules of procedure and which are subject to censure by the High Court of Appeal. It was this court which handed down several death sentences and some particularly stiff prison sentences.

In this court, as in other jurisdictions, judges systematically refused to consider evidence that the defense wished to present, testimony by defense witnesses, and confrontation witnessing necessary for the establishment of facts. They based their proceedings exclusively on one-sided accusations unsupported by proof. In a systematic way, the courts first deferred the calling of witnesses to the end of the deliberations. Following this, they decided to join the requests by the lawyers to the substance of the cases, handing down verdicts without ever having permitted these witnesses to testify, even though this is guaranteed by several articles [319, 430, 464...] of the CCP.

Moreover, the requests by the defense arguing the lack of jurisdiction of the Rabat Court of Appeal were denied, as OMDH points out, in the trial of the French Robert Richard and of the so-called Salé cell. Documents seized during searches were often not introduced during witness testimony despite repeated insistence on the part of the lawyers, which OMDH

reports constitutes "a precedent in the annals of Moroccan justice. Even military courts have not rejected such requests in the past." As well, requests to separate court cases were systematically denied.

Unfortunately, it is obvious that all defense objections concerning violations occurring during the periods of police custody and investigation, noted above, were also denied in all proceedings, without any exception of which we are aware. In this same regard, no request for a medical report to prove allegations of ill treatment was accepted.

4. Detention

Between the arrests of July 2002 and those of May 2003 there has been a slight improvement in the detention conditions, according to the prisoners' families and human rights activists, thanks to the interest taken by both. However, they also bear witness to a serious deterioration in the situation after the 16th May 2003

4. 1. Detention conditions

According to one of the lawyers, Atty. Messaïef, the accused are in individual cells of 2.5 by 1.5 metres. They are badly treated and are not treated like ordinary prisoners. They no longer have the right to exercise in the prison yard, are of course forbidden any reading matter or medical visit and any excuse will do to ban family visits while investigations are continuing. Clothes are provided by the prison. Very often the guards make the prisoners walk around blindfold and handcuffed, forcing them to hold up their heads by gripping their necks.

At the time of our visit to Okacha prison, on 18 July 2003, there were, according to the governor, 6,087 prisoners, most of them common criminals, 5,682 men and 391 women. Before the royal pardon on 11 June 2003, there were 10,500 prisoners, split up in three large wings over four floors, each accommodating between 1,500 and 1,800 prisoners, and three smaller wings which can hold between 300 and 800 prisoners. Okacha, which covers an area of 10 hectares, was built in 1991 and is the largest prison in Morocco, compared with Salé with its 3000 prisoners or Marrakech with between 1,800 and 2,000.

Also during this visit we were able to see the 2.5 by 1.5 metre cells which were empty at that time. They had a toilet area in a corner and a small window near the ceiling. They had been newly painted and sprayed with detergent which caught your throat. These cells were to receive the 31 condemned

members of the Youssef Fikri group, but when we asked to meet some of them the governor claimed that they had been transferred to Kénitra. In fact, as we left the prison we met some of the families of these prisoners who told us that they had been able to see them.

According to his sister, Kamel Chtoubi has been put in with the normal prison population and as the conditions of his imprisonment are so harsh he went on hunger strike to put an end to his suffering. "He is in a cell holding 48 people. In the prison everything is for sale", his sister continues, "from hashish to hard drugs. Kamel would ask us for money and we were scared he would start his wheeling and dealing again just like before his brother Mohammed sent him to Pakistan and Afghanistan to become a good Muslim".

Kamel Chtoubi's family wrote to the Minister for Human Rights and the Minister of Justice to ask for an improvement in the conditions of his imprisonment. "The Minister of Justice wrote to me in Spain", (the mother and one of the sisters of Kamel Chtoubi are living in Spain where they work picking mushrooms), "to assure me that he was taking a personal interest in the case, but since the events of 16 May I have heard nothing", says his sister.

Visitors arrive at Okacha prison at 11:00 am, they do not get into the prison yard until 3:00 pm and cannot access the visiting corridor until 5:00 pm and then for only 20 minutes. When they get to the huge basement corridor which leads to the visiting room, a din that sounds like a demonstration fills the whole place and as you get nearer the din grows louder. You go into something more like an animal's lair than a room, where a weak lamp casts a pale light on creatures clinging to the bars and howling to raise the dead. On 18 July 2003 the heat was stifling and the smell of wild animals was foul. Impassive warders patrol the corridor between the cells. On one side are the prisoners, on the other their families. Two screaming masses trying to communicate. The prisoners' conditions have been very difficult since 16 May, because they have been sent all over the kingdom. It is equally true that the number of arrests has led to prison overcrowding and even to a certain amount of new construction in some of them. At Salé, for example, an entrance and a special wing with individual cells with no windows have been built to house those arrested, accused or sentenced to do with the 16 May. In addition and according to their own statements, the families of the prisoners are exploited by the warders and they know the bribery rates by heart ; the "right to go in" is between 20 and 50 Dirhams handed over to the warder. The price for enough space for a mattress is 200Dh given to the

'chief', who hands on half to the warder and if there is a cell change the bribe must be paid again. Cooking costs 100Dh. Stocking the weekly basket works out at between 200 and 800Dh for the families who continue to bleed themselves dry to be able to meet and look after 'their' prisoner.

Although the prisoners have the right to a visit from three close relations at the same time, common criminals can meet up to five people.

4. 2. Deterioration in detention conditions for prisoners of conscience

Following the events of 16 May, detention conditions for prisoners of conscience deteriorated across the board given the prevailing tension in the country and the penitentiary administration in particular. However, it is important to notify the specific case of the detainees convicted by the 1994 military trial. They were part of a group of nine prisoners including two Algerians: one in Kénitra prison near Rabat and one in Aïn Borja prison in Casablanca. They wrote a letter to the FIDH on 14 July 2003 to protest about the backslide in their conditions in Salé prison and started a rotating hunger strike with some twenty other common law prisoners. They condemned their loss of rights, which was confirmed by the accounts given by their wives met in Rabat. These three detainees - Hassen Ighiri (a 43-year-old shopkeeper), Hassen El Mouadden (a 40-year-old shopkeeper) and Abdelkader Ben Jilali (a 38-year-old teacher), convicted to 20, 12 and 10 years of prison respectively - were "abducted" from their homes between 24 and 27 April 1994.

Consequently each of the wives embarked upon what is a now classic endless toing and froing for families of relatives who disappeared: police stations, prisons, hospitals and courthouses, all to no avail until 16 May 1994, when they learned that their husbands were in Salé prison. Relatives and wives (Hassen Ighiri's wife, Rachida Ourhzif, was seven months' pregnant) brought baskets of food, clothes and blankets and waited packed into the prison courtyard behind barred gates from 14 to 17 hours without being allowed to see their husbands. The day they saw them through the bars of the prison visiting room, they barely recognised them, especially Hassen Ighiri, whose face was still black and swollen and whose right arm was swollen, and Abdelkader Ben Jilali, who could neither stand nor speak normally. The detainees mentioned these marks of torture in their letter to the FIDH " ... the methods of torture," they write, "known or unknown, continued in Témara for 25 days and it was only campaigning by our families and national and international NGOs following our disappearance that got us out of there."

Following the 6 June 1994 trials "without any investigations and with no respect for the right to defence", the convicted detainees were taken to Essafi (Ighiri), Marrakech (Mouadden) and Kénitra (Ben Jilali). For their wives, this was the start of what was to become an obstacle course spanning the kingdom for years as their husbands were "lugged" to prisons some 500 km to 600 km away from their families. "I spent the night in Essafi railway station to be on time for the following day's visit and to save money," says Ighiri's wife, Rachida Ourhzif. Al Aoud, then director of Souk El Arbaa prison, refused to allow Ben Jilali's wife, Fatma Abjaghan, to see her husband on Saturdays, her only day off. This refusal lasted one year and a half until he was transferred to Khenisset.

From 1997 to 1999, these prisoners of conscience (and others in the kingdom of whom there were about fifty at the time) went on a serious hunger strike relayed to the outside world by their families and human rights activists in order to obtain better treatment for prisoners of conscience. And, as the wives report today, certain aspects of their husbands' detention conditions did improve. For nearly four years, all three of them were held in Kénitra closer to their families, with the exception of Rachida Ourhzif who moved to Meknes with her four children and still had a two-hour journey to make to reach Kénitra prison with only the means to take two children at a time to see their father.

In addition to obtaining access to the hammam and their own cells (in Marrakech, Houcine was with 63 common law prisoners, which prevented him from studying, among other things), the three detainees were given the possibility of studying for degrees in law and Spanish while Ben Jilali and Mouadden took a PhD course on Islamic studies. In Kénitra, an area was set up for the detainees to see their families with no more limits on the number of people allowed and the length of visits.

Lastly, a separate cell was set aside for couples and access to the public phone was free of charge. The events in Casablanca changed this situation. Showers are strictly rationed, baskets are searched, visits from relatives last one quarter of an hour and close relatives who do not bear the same family name are turned away. The telephone is no longer accessible, time spent out of the cells is limited and sporting activities have been cancelled. The families fear the effects of the hunger strike. Houcine Mouadden started his hunger strike like everyone else on 11 June 2003. On the night of 14 June, he was rushed into hospital with asthma (caused by the humidity in the prisons) and an ulcer. Ben Jilali has dental problems, which are no longer treated since there have been no doctors in Kénitra since 16 May.

These prisoners of conscience and their families ask firstly for the reinstatement of their hard-earned rights and hence the acknowledgement of their status as political prisoners, which, as their cases show, is never definitive. They also ask for amnesty measures, which have been on the increase in recent years, to be extended to them. Aside from 1994 and 1998, the enthronement of King Mohammed VI, his marriage and the birth of the heir to the throne have been missed opportunities for those who have already spent a decade in the Moroccan jails and have the same stretch yet to serve. "My husband," says Rachida Ourhzif, "is like a bleached tee-shirt. He's lost his colour with his youth spent in prison."

4. 3. The Deplorable Treatment of Families

Families - wives, mothers, and sisters - are the first group that suffers and must deal with the extortions and injustices carried out by police, corrections staff, judges, and even by some lawyers. Every act of law enforcement touches their lives and disturbs it from top to bottom, leaving the options either of putting on a stoic face or giving in to confusion and dismay. These women live one day to the next in an endless nightmare over which they have no control. Mina Hassine, Abderahmane Atchane's wife, is afraid of everything and voices those fears at each stop on her door-to-door journey, which she feels compelled to make. She left her four children (12, 10, 8 and 1 ½ years of age) with her neighbours when she made her way to the Moroccan Human Rights Association headquarters in Rabat, where she has come for help in the search for her husband. She has just learned that he is in jail in Salé. Abderahmane Atchane worked for 17 years as a technician for the Société marocaine d'électricité in Casablanca. He lives in the Salmia district where, at 11:45 am on 18 June 2003, five people returned him home handcuffed and told his wife, without presenting any identification, that they were the police. They proceeded to search the house, including the fridge, and seized everything -

from the computer and CDs to books and magazines - anything mentioning Islam or the Palestinian cause.

Before leaving, her husband shouted, "Go! Go! Find a lawyer, alert Human Rights and the media!" For Mina Hassine and others in her position, it was as if an abyss had opened beneath her feet. What is even more incredible is that she is completely alone. She has no support; it is the unknown that terrorises her. Furthermore, as they were leaving, the police told her not to do anything. After several days she made her way to the region of Wilaya de Casablanca, where a guard forbade her to enter and told her to leave. Ten days after her husband's arrest, the national TV station announced that Abderahmane Atchane had appeared before the General Prosecutor of Rabat.

When we met her on July 16, 2003, she had not managed yet to see her husband. In truth, the confusion and dismay these women must face is outweighed by their strength. Zahra Zarli has become a political activist, attending demonstrations, sit-ins, circulating petitions and tirelessly visiting non-governmental organisations and newspapers, all in an attempt to find her son Salah Zarli, missing for 45 days. Others find themselves without any legal identity papers, and therefore without the ability to take action or even to travel far from home, while at the same time facing daunting debts owed to the bank, as was the case of the "Moussabat" family, who had recently purchased a boutique.

The deplorable treatment of families has transformed these women into scapegoats for the entire law enforcement and legal hierarchy. They are forbidden entry into prisons and legal proceedings under the pretext that their faces are covered with the "nikab" and that, unless it is removed, they will not be allowed to see their loved ones.

7. In addition to the testimony of the victims, on numerous occasions the Moroccan press has reported that the DST took part in such arrests.

8. On 8 January 2003, during the debate on the budget of the ministry for Human Rights, the members of the Justice and Development Party raised the issue of detention in solitary confinement, and questioned Mohamed Aujjar. In his reply, he denied the existence of any disappearances in Morocco, adding that the persons who exceptionally had been arrested had been either released or put on trial. Their arrest had taken place in accordance with the law.

9. Witness accounts of Mohamed Mossadek Ben Khadra and Mrs Khadija Hamed, published in *Al Itihad Al Ichtiraki* in April and June 2000.

10. "Moulassabat", or "the shoe man" was, as his nickname indicates, a shoemaker by profession.

11. Mohamed Bounit, doctor of philosophy and teacher, is the author of two books on Islam.

12. Abou Ketada is an Islamist theoretician of Palestinian origin currently imprisoned in England. Hassan Kettani is a Moroccan preacher who was arrested before 16 May 2003.

13. At-Tajdid's 23 December 2002 interview with Mr. Dardari, and Assafih's 2-8 January 2003 interview, noted by the OMDH in its report.

14. The police report indicated that Mr. Britel had been questioned on 10 September 2003, although he had been arrested back on 16 May. Besides the information reported by the Moroccan newspaper, the Italian wife of Mr. Britel and his family took several steps to inquire about the fate of their relative, starting in May 2003. On 27 May Mrs. Britel went to the Ministry of Justice and asked to see the Minister, Mr. Mohamed Bouzoubaâ. The next day, she spoke to his office manager, who set up a meeting for her with the office of the District Attorney of Casablanca. On 29 May, Mr. Bannani, a colleague of the District Attorney met with her and denied the arrest of her husband. That same day, Mrs. Britel filed a complaint with the office of the District Attorney, filed as number 791/2003, asking for an investigation of abducting and disappearance, but without result. After returning to Italy, Mrs. Britel filed complaints with the Ministry of Justice [13 June and 8 July] and the Ministry of Human Rights [3 July 2003] via registered letters with confirmation of receipt. She filed by letters, fax, and e-mail with the Prime Minister, the Minister of Communication, of Foreign Affairs, ... Her sister-in-law, residing in Morocco, and her Italian attorney, Mrs. Francesca Longhi, took similar action, but there was no response until 18 September 2003.

15. Interview with Atty. Tawfik Messaief, Al Ayyam, 2 October 2003, quoted by OMDH [Moroccan Human Rights Organisation].

III. Conclusion and recommendations

Conclusion

The repression of terrorist acts which occurred in Morocco is essential. This is clear, but there needs to be forceful action taken; such terrorist acts undermine the Rule of law, and responsibility lies with the authorities to effectively put an end to them, as a matter of every person's right to life, freedom, and security. However, a state subject to the Rule of law must also uphold the rules it implements as well as signed international agreements guaranteeing Human Rights, even if those Human Rights deny the state's legitimacy and fail to recognize its basic founding principals. It is not enough to simply respect international obligations; the fight against terrorism must be effectively guaranteed by radically renouncing, without becoming extremist, the temptation of unfettered will. FIDH missions have provided positive proof that violence against those charged with crimes, including torture and cruel, inhuman or degrading treatments, violation of the right to a fair legal process, including the rights of the defendant, which are known to be flagrant.

On the other hand, when certain people charged with crimes adamantly claim responsibility, then others, against whom the charges are minor or insignificant, get caught up in a wave of repression and end up grouped with, and treated as serious criminals. Authorities can take their share of the blame for the development of this violence. They have tolerated calls for the jihad and anti-Semitism, and have helped to establish schools where only the strictest, most bigoted Islam is taught. Faced with these acts that have deeply disrupted the Kingdom, the repression so badly needed cannot be the country's only response. This terrorism is also a symptom of the deplorable social conditions - the uneven distribution of wealth and the resulting exclusion.

For the sake of democracy, Morocco, which took action too carefully and too slowly, must continue with the social reforms necessary to give every person their voice and recognition. Legislation must follow the recently implemented positive changes regarding family law and the status of women. Other legislation must be developed, most notably regarding the fight against social inequality and the fight for guaranteed freedom of the press - a key factor in a multi-party democracy. It is imperative that without further delay, Morocco effectively guarantee and respect all Human Rights in the framework of

the fight against terrorism. To this end, the country must implement the following recommendations:

Recommendations

The FIDH demands the Moroccan authorities to:

- 1- Explicitly include in criminal legislation the prohibition and repression of torture. This can be accomplished by amending section 231 of the Criminal Code to include not only abuse but also torture, as defined in section 1 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as ratified by Morocco on 21 June 1993.
- 2- Re-evaluate rules pertaining to the duration of police custody, specifically those mentioned in the anti terrorist law, and ensure they meet international standards and case law.
- 3- Establish efficient and systematic methods of monitoring arrests, interrogations and detentions, in light of protecting arrested and/or detained persons in accordance with section 11 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and establish effective sanctions against those who contravene the Convention.
- 4- Ensure that detention centres are legally identified and are equipped so as to ensure a human treatment to the detainees and respect for their dignity.
- 5- Continuously carry out improvements and upgrades to raise the standard of living in prisons and to ensure prisoners' rights to health, safety, physical and psychological security, education and rehabilitation.
- 6- Establish criminal, administrative and judicial sanctions for violations of the legal proceedings (arrests, family notification, access to legal representation, treatment of detainees, consistency of statements, etc.).
- 7- Immediately begin independent and impartial enquiries into the actions surrounding all deaths that occurred while the detainees were in police custody, as well as into all allegations of torture, in accordance with section 12 of the Convention

Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8- Ensure that all individuals accused of committing acts of torture or violence be systematically brought before tribunals, so as to avoid impunity.

9- Ensure that all concerned legal authorities, especially the public prosecutor, implement Moroccan legislation, which states that all accused persons may undergo a medical examination when requested or when there is reason to believe that it is necessary.

10- Adapt and generalize education, information and training programs for civil servants and for military staff responsible for implementing the law, specifically members of the military and regular police forces as well as prison guards.

11- Strengthen cooperation between Human Rights organisations and the general public to ensure that Morocco's commitments under various international Conventions related to the protection of Human Rights are duly upheld.

12- Impose an immediate moratorium on the death penalty, followed by the swift and decisive repeal of the death penalty law.

FIDH represents 141 Human Rights organisations

141 organisations

Afrique du Sud-Human Rights Committee of South Africa	Chine-Human Rights in China	Defense des Droits de L'Homme	Droits Humains	des Droits des Personnes et Libertés Publiques
Albanie-Albanian Human Rights Group	Colombie-Comite Permanente por la Defensa de los Derechos Humanos	Guinée Bissau-Liga Guineense dos Direitos do Homen	Mauritanie-Association Mauritanienne des Droits de L'Homme	Rwanda-Collectif des Ligues pour la Defense des Droits de L'Homme Au Rwanda
Algérie-Ligue Algerienne de Défense des Droits de L'Homme	Colombie-Corporacion Colectivo de Abogados Jose Alvear Restrepo	Irak (Royaume Uni)-Iraqi Network for Human Rights Culture and Development	Mexique-Comision Mexicana de Defensa y Promocion de los Derechos Humanos	Rwanda-Ligue Rwandaise pour la Promotion et la Defense des Droits de L'Homme
Algérie-Ligue Algerienne des Droits de L'Homme	Colombie-Instituto Latinoamericano de Servicios Legales Alternativos	Iran-Centre des Defendeurs des Droits de L'Homme en Iran	Mexique-Liga Mexicana por la Defensa de los Derechos Humanos	Sénégal-Organisation Nationale des Droits de L'Homme
Allemagne-Internationale Liga fur Menschenrechte	Congo Brazzaville-Observatoire Congolais des Droits de L'Homme	Iran (France)-Ligue de Defense des Droits de L'Homme en Iran	Moldova-League for the Defence of Human Rights	Sénégal-Rencontre Africaine pour la Defense des Droits de L'Homme
Argentine-Centro de Estudios Legales y Sociales	Côte d'Ivoire-Ligue Ivoirienne des Droits de L'Homme	Irlande-Irish Council for Civil Liberties	Mozambique-Liga Mocancicana Dos Direitos Humanos	Soudan (Royaume Uni)-Sudan Organisation Against Torture
Argentine-Comite de Accion Juridica	Côte d'Ivoire-Mouvement Ivoirien des Droits de L'Homme	Irlande du Nord-Committee On the Administration of Justice	Nicaragua-Centro Nicaraguense de Derechos Humanos	Soudan (Royaume-Uni)-Sudan Human Rights Organization
Argentine-Liga Argentina por los Derechos del Hombre	Croatie -Civic Committee for Human Rights	Israel-Adalah	Niger-Association Nigerienne des Droits de L'Homme	Suisse-Ligue Suisse des Droits de L'Homme
Autriche-Osterreichische Liga fur Menschenrechte	Cuba-Comision Cubana de Derechos Humanos y Reconciliacion National	Israel-Association for Civil Rights in Israel	Nigeria-Civil Liberties Organisation	Syrie-Comite pour la Defense des Droits de L'Homme en Syrie
Azerbaïdjan-Human Rights Center of Azerbaijan	Ecosse-Scottish Human Rights Centre	Israel-B'tselem	Nouvelle Calédonie-Ligue des Droits de L'Homme de Nouvelle Calédonie	Tanzanie-The Legal & Human Rights Centre
Bahrein-Bahrain Human Rights Society	Egypte-Scottish Human Rights Centre	Israel-Public Committee Against Torture in Israel	Ouganda-Foundation for Human Rights Initiative	Tchad-Association Tchadienne pour la Promotion et la Defense des Droits de L'Homme
Bangladesh-Odhikar	Egypte-Egyptian Organization for Human Rights	Italie-Liga Italiana Dei Diritti Dell'uomo	Pakistan-Human Rights Commission of Pakistan	Tchad-Ligue Tchadienne des Droits de L'Homme
Belarus-Human Rights Center Viasna	Egypte-Human Rights Association for the Assistance of Prisoners	Italie-Unione Forense Per la Tutela Dei Diritti Dell'uomo	Palestine-Al Haq	Thaïlande-Union for Civil Liberty
Belgique-Liga Voor Menschenrechten	El Salvador-Comision de Derechos Humanos de El Salvador	Jordanie-Amman Center for Human Rights Studies	Palestine-Palestinian Centre for Human Rights	Togo-Ligue Togolaise des Droits de L'Homme
Belgique-Ligue des Droits de L'Homme	Equateur-Centro de Derechos Economicos y Sociales	Jordanie-Jordan Society for Human Rights	Panama-Centro de Capacitacion Social	Tunisie-Conseil National pour Les Libertés en Tunisie
Bénin -Ligue pour la Defense des Droits de L'Homme Au Bénin	Equateur-Comision Ecumenica de Derechos Humanos	Kenya-Kenya Human Rights Commission	Pays Bas-Liga Voor de Rechten Van de Mens	Tunisie-Ligue Tunisienne des Droits de L'Homme
Bhoutan-People's Forum for Human Rights in Bhutan (Nepal)	Equateur-Fundacion Regional de Asesorias en Derechos Humanos	Kosovo-Conseil pour la Defense des Droits de L'Homme et des Libertés	Pérou-Asociacion Pro Derechos Humanos	Turquie-Human Rights Foundation of Turkey
Bolivie-Asamblea Permanente de los Derechos Humanos de Bolivia	Espagne-Asociacion Pro Derechos Humanos	Kyrgistan-Kyrgyz Committee for Human Rights	Pérou-Centro de Asesoría Laboral	Turquie-Insan Haklari Derneği / Ankara
Burundi-Ligue Burundaise des Droits de L'Homme	Espagne-Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos	Lettonie-Latvian Human Rights Committee	Philippines-Philippine Alliance of Human Rights Advocates	Turquie-Insan Haklari Derneği / Diyarbakir
Burundi-Ligue Burundaise des Droits de L'Homme	Etats Unis-Center for Constitutional Rights	Liban-Association Libanaise des Droits de L'Homme	Polynésie Française-Ligue Polynésienne des Droits Humains	Union européenne-FIDH AE
Cambodge-Cambodian Human Rights and Development Association	Ethiopie -Ethiopian Human Rights Council	Liban-Foundation for Human and Humanitarian Rights in Lebanon	Portugal-Civitas	Uzbekistan-Legal Aid Society
Cambodge-Ligue Cambodgienne de Défense des Droits de L'Homme	Finlande-Finnish League for Human Rights	Liban-Palestinian Human Rights Organization	RDC-Ligue des Electeurs	Vietnam (France)-Comite Vietnam pour la Defense des Droits de L'Homme
Laos (France)-Mouvement Lao pour Les Droits de L'Homme	France-Ligue des Droits de L'Homme et du Citoyen	Liberia-Liberia Watch for Human Rights	RDC-Association Africaine des Droits de L'Homme	Yemen-Human Rights Information and Training Center
Cameroun-Maison des Droits de L'Homme	Georgie-Human Rights Information and Documentation Center	Libye (Suisse)-Libyan League for Human Rights	Roumanie-Ligue pour la Defense des Droits de L'Homme	Yemen-Sisters' Arabic Forum for Human Rights
Cameroun (France)-Ligue	Guatemala-Centro Para la Accion Legal en Derechos Humanos	Lithuanie-Lithuanian Human Rights Association	Royaume-Uni-Liberty	Zimbabwe-Zimbabwe Human Rights Association Zimrights
Camerounaise des Droits de L'Homme	Guatemala-Comision de Derechos Humanos de Guatemala	Malaisie-Suaram	Russie-Citizen's Watch	
Canada-Ligue des Droits et des Libertés du Quebec	Guinée-Organisation Guinéenne pour la	Mali-Association Malienne des Droits de L'Homme	Russie-Moscow Research Center for Human Rights	
Centrafrique-Ligue Centrafricaine des Droits de L'Homme		Malte-Malta Association of Human Rights	Rwanda-Association pour la Defense	
Chili-Comite de Defensa de los Derechos del Pueblo		Maroc-Association Marocaine des Droits Humains		
		Maroc-Organisation Marocaine des		

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La Lettre

is published by Fédération Internationale des Ligues des Droits de l'Homme (FIDH), founded by Pierre Dupuy. It is sent to subscribers, to member organisations of the FIDH, to international organisations, to State representatives and the media.

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La Lettre - France - Europe : 25 Euros - Etudiant - Bibliothèque : 20 Euros - Hors Europe : 30 Euros
Les rapports - France - Europe : 50 Euros - Etudiant - Bibliothèque : 30 Euros
Hors Europe : 60 Euros - **La Lettre** et les rapports de mission - France - Europe : 75 Euros
Etudiant - Bibliothèque : 50 Euros - Hors Europe : 90 Euros

Director of the publication: Sidiki Kaba
Editor: Antoine Bernard
Assistant of publication: Céline Ballereau-Tetu
Authors of this report : Souhayr Belhassen, Patrick Baudouin, Olivier Guérin, Madgid Benchikh.
Original : French - ISSN en cours.
Printing by the FIDH.
Dépot légal July 2004 - Commission paritaire N° 0904P11341
Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N° 330 675)

prix : 4 Euros / € 2.50