



Urgent Action Office 3-1992 Yonge Street Toronto ON M4S 1Z7 Phone: (416) 363-9933 Fax: (416) 363-3103 urgentaction@amnesty.ca
Second UA: 10/23 Index: MDE 29/6727/2023 Morocco of April 28, 2023

MOROCCO HUMAN RIGHTS LAWYER'S CASE TO BE REVIEWED

On May 10, the case of prominent Moroccan human rights lawyer and ex-minister of human rights, Mohamed Ziane, opens before Rabat's Court of Cassation. The Court of Cassation can determine that Mohamed Ziane is being held on an illegal basis, which would oblige the appeals court to reconsider its three-year sentence.

Mohamed Ziane was convicted and sentenced in November 2022 on bogus charges that stem from his work defending activists, journalists and victims of human rights abuses. At least six of the 11 charges violate his right to freedom of expression.

Write to the Head of Government urging him to:

- Ensure that the bogus conviction and sentence of Mohamed Ziane are quashed.
- Guarantee that he is granted a fair trial, in line with international standards, in relation to the sexual assault charge against him.
- Ensure that Mohamed Ziane is immediately provided with an opportunity for his ongoing detention to be reviewed by a court, with a presumption that he will be released pending the end of his trial.
- Amend or repeal all laws which prohibit freedom of expression, including Articles 263, 265, 266, as well as Article 491 which criminalizes consensual sexual relations between adults.

Write to:

Head of Government Aziz Akhannouch
Palais Royal Touarga
Rabat 10070, Morocco
Fax: +212 53 7771010
Twitter: @ChefGov_ma
Salutation: *Your Excellency:*

And :

Her Excellency Souriya OTMANI
Ambassador
Embassy of the Kingdom of Morocco
38 Range Road
Ottawa, ON K1N 8J4
Tel: (613) 236-7391, -7392, -7913, 6064
Fax: (613) 236-6164
Email: sifamaot@bellnet.ca

ADDITIONAL INFORMATION

Mohamed Ziane (79) is the ex-minister for Human Rights in Morocco. In 1996 he resigned his role in the Moroccan government, saying he no longer agreed with their policies. Since leaving government, he has defended several activists, journalists and victims of human rights violations.

In 2021, the ministry of the interior made 11 accusations against Mohamed Ziane. In February 2022, the Rabat First instance tribunal found him guilty of the 11 counts and sentenced him to three years in prison and a 5000MAD fine. His lawyer appealed the verdict but was not informed of a date for the appeals process. On November 21, 2022, the appeals court confirmed the sentencing and ordered his immediate imprisonment on request by the public prosecution, under articles 392 and 414 of the penal procedure code, which allows the prosecutor to order that the accused be put in detention immediately.

In detention, prison guards have denied Mohamed Ziane access to any reading or writing materials. Mohamed Ziane has ongoing health conditions which require special treatment that is not provided in the prison. On December 2, 2022, his lawyer filed a request for his release at the Rabat appeals court. On December 5, 2022, the court refused the request for his release without explanation.

On March 30, 2023 the criminal chamber closed its investigation into the charges and told Mohamed Ziane that his case would be reviewed by the Court of Cassation, Morocco's highest court, on 19 April. On 19 April, the hearing was postponed until May.

In November 2021, a complaint was filed against Mohamed Ziane for sexual harassment, blackmail, making immoral allegations, and threats. Sexual harassment accusations must each be considered on their merits and Amnesty International is not well placed to assess their veracity. Amnesty International notes that there has been a recent pattern of sexual assault charges being brought against critics of the government in the context of detention or prosecutions related to the exercise of their right to freedom of expression. In one case of a detained newspaper publisher Omar Radi, the UN Working Group on Arbitrary Detention (WGAD) found that his detention in relation to rape accusations amounted to "judicial harassment attributable to nothing other than his investigative journalism". In the case of journalist Suleiman Raissouni, detained since 22 June 2020 on sexual assault charges, the WGAD concluded that the violations of his right to a fair trial are of such gravity that they render his detention arbitrary.

In a European Parliament resolution adopted in January 2023, lawmakers strongly condemned the "misuse of allegations of sexual assault to deter journalists from performing their duties", saying it "endangers women's rights". Moroccan lawmakers, in turn, rejected the European resolution.