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Morocco/Western Sahara: Immediately Release Human Rights Defender

Amnesty International calls for the immediate and unconditional release of human rights defender, Chekib El-Khiari, head of the Association for Human Rights in the Rif (Association du Rif des droits de l'homme) who is in custody of the National Bureau of the Judicial Police of Casablanca since 17 February 2009. Amnesty International believes him to be a prisoner of conscience, solely detained for his anti-corruption statements and his human rights activities.

According to an article published by the official news agency, Maghreb Arab Press (MAP), in the evening of 19 February which cited a press release by the Ministry of Interior, the General Crown Prosecutor at the Court of Appeals of Casablanca ordered the National Bureau of the Judicial Police to summon Chekib El-Khiari in relation to public statements he made to national and international media regarding the implication in drug-trafficking in the Moroccan northern coastal region of Rif of high ranking State officials. According to the article, the judicial investigation revealed that the statements made by El-Khiari were baseless and that they have ulterior motives intended to "attack the image of national public and judicial authorities" as a result of their efforts to combat drug-trafficking in region. Amnesty International fears that Chekib El-Khiari is being targeted due to his outspokenness on human rights issues and his anti-corruption activities in the region of Nador. Chekib El-Khiari's detention comes amid reported arrests in recent weeks on over 100 individuals including public officials in relation to dismantling a drug-trafficking ring in Nador.

Chekib El-Khiari is a well-known and respected human rights defender in the province of Nador. He has founded the Association of Human Rights in the Rif in 2005 which addresses a number of issues such as the treatment of migrants from sub-Saharan Africa in Morocco and violence against women. Chekib El-Khiari is also known for his support of the cultural rights of the Amazigh in Morocco. In January 2009, he appeared on national Moroccan television discussing his views and opinions on a number of issues related to drug-trafficking in the region and the involvement and corruption of some public officials. More recently, Chekib El-Khiari participated in an international meeting in Barcelona on 28 January 2009 on the growth of illicit products and its consequences on the local populations. The conference saw the participation of a number of organisations representing rights of indigenous people and/or ethnic and cultural minorities such as the World Amazigh Congress.

On the evening of 16 February, law enforcement officials delivered a summons from the National Bureau of the Judicial Police of Casablanca to Chekib El-Khiari at his home in Nador. The summons, which was reportedly addressed to Chekib El-Khiari in his capacity as head of the Association for Human Rights in the Rif, did not include any reasons for the request. In response to the summons, Chekib El-Khiari travelled to Casablanca, which is approximately 550 kilometres away from Nador, to report to the judicial authorities on the morning of the 17 of February. The following morning, he returned to his family home in Nador accompanied by approximately 10 law enforcement officials in civilian dress. They searched the home and confiscated a number of items including his computer and documents. They refused to tell the family where Chekib was being taken.

This is not the first time that Chekib El-Khiari is targeted by the Moroccan authorities. In 2006, he was arrested for assisting irregular migrants. He was subsequently released without having faced formal charges.

Amnesty International views the arrest and detention of Chekib El-Khiari as an attack on the right of human rights defenders to collect and disseminate information and views on human rights issues without fear of reprisals in the forms of harassment, intimidation and prosecution, as stipulated in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 9 December 1998.

Amnesty International calls on the Moroccan authorities to uphold their obligation under Article 9 of the Moroccan Constitution and Article 19 of the International Covenant on Civil and Political Rights, to which Morocco is a state party, which guarantee the right to freedom of expression and urges the Moroccan authorities to immediately and unconditionally release Chekib El-Khiari.

Background:

The Moroccan authorities continue to curb freedom of expression on sensitive issues that touch upon national security, territorial integrity and the monarchy. Human rights defenders, journalists, lawyers and others continue to face intimidation and even prosecution when they transcend certain “red lines”. For example, in 2008, human rights defender Brahim Sbaa Al-Layl of the Moroccan Center for Human Rights served a six month prison sentences and was heavily fined after he had alleged during a television interview that law enforcement officers committed a number of violations during the break-up of a blockade and associated protests at the Port of Sidi Ifni in June 2008. In another example of limitations to freedom of expression, human rights lawyer, Tawfik Al-Moussaef, was found in breach of the legal profession’s code by the Court of Appeals in Rabat in July 2008 after he had expressed concerns during media interviews that his client faced human rights violations while detained as a suspect in a terrorism-related case. On numerous occasions, Amnesty International has called for the repeal or amendment of provisions in the Penal Code and the Press Code which criminalize the peaceful exercise of freedom of expression.