



Morocco

**Trial in Rabat arising out of
disturbances on 20 and 21 June 1981**

**Report of an Observer Mission
by Prof. André Tremblay**

JUST-CIJL-1.1*MOR

**INTERNATIONAL COMMISSION OF JURISTS
and its CANADIAN SECTION**

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International Commission
of Jurists (ICJ)
Geneva, Switzerland

R E P O R T

to the

International Commission of Jurists

by

Maitre André TREMBLAY,
Professor at the Faculty of Law of the University of Montreal
and member of the Bar of Montreal

on

a mission in July 1981 to Morocco to attend as an observer a trial
in Rabat of a number of persons accused of "arson, unlawful
assemblies and the destruction of public property and other
crimes".

JUST-CIJL-1.1 * MOR

C. 455

Introduction

by

Niall MacDermot

Secretary-General of the International Commission of Jurists

The International Commission of Jurists has for many years sent international observers to leading trials in Morocco. Its observers have always been well received and offered all the usual courtesies for the accomplishment of their missions.

In July 1981, the International Commission of Jurists sent Professor Tremblay, a Canadian advocate and a member of its Canadian national section, to attend an important trial in Rabat.

After attending the opening of the trial on 13 July, Professor Tremblay, in company with other international observers attending the trial, was expelled from the country in the early hours of the morning of 14 July in the manner described in his report.

The International Commission of Jurists immediately asked for an explanation from the Minister Plenipotentiary of the Moroccan Mission to the United Nations at Geneva. No reply has been received, but on 15 July 1981 a government statement concerning the expulsion of Professor Tremblay and the other international observers was published in all Moroccan newspapers in the following terms:

"Foreign lawyers asked to leave the national territory
for having exceeded their rights

According to sources close to the Ministry of Justice and the Security Services, we have gathered the following comments:

Since the incidents which occurred on 20 June at Casablanca, Morocco has become the target for calumnies and false information fostered by certain ill-intentioned foreign circles.

If Morocco is known for its legislation guaranteeing collective and individual freedoms, in particular those relating to freedom of expression and movement, and for the possibility to plead before its national courts which is given to foreign lawyers who make a regular application to do so, it cannot indefinitely tolerate that people take advantage of these rights in order to meddle in the internal affairs of Morocco in violation of its laws.

In this way some foreign advocates and jurists arriving in Morocco as tourists have sought fit to arrogate to themselves the right to act as defence layers in legal proceedings for which they have sought no prior authorisation.

Realising that they could not plead without regularising their position in accordance with the legal regulations, these foreigners constituted themselves, once again in violation of the internal laws, as observers in order to meddle in Moroccan affairs, moved in all this by a desire to harm the good name of Morocco at the instigation of the very people who provoked the regrettable incidents at Casablanca.

Having had proof of the manipulations directed at these lawyers and of the unacknowledged objectives which they were pursuing, the Moroccan authorities asked them to leave the national territory and to conform in future with the laws in force governing the exercise by foreigners of the right of defence before the courts of the country.

The gratuitous malevolence and the sentiments of hostility towards Morocco of which certain foreign circles have given proof can be illustrated, let it be recalled, by the latest lying and fallacious declarations made in Paris by advocate Pierre Mignard."

In so far as this statement related to Professor Tremblay it is completely unfounded. Professor Tremblay never had any wish or intention to act as a defence counsel and had never been asked to do

so by or on behalf of any of the defendants. His sole object was to attend the trial as an Observer on behalf of the International Commission of Jurists.

His nomination as an ICJ observer at the trial was communicated by telegram to the Minister of Justice as a matter of courtesy before his departure for Morocco. No permission was requested, since he did not require a visa to enter the country and, the trials being in public, he like any other person visiting Morocco was entitled to attend the trial. The International Commission of Jurists is unaware of any Moroccan law forbidding international observers to attend public trials in the country. On previous occasions when the International Commission of Jurists has sent observers to trials in Morocco the same procedure has always been followed without any objection.

The Moroccan government's objection is all the more incomprehensible in view of the courteous reception which Professor Tremblay and the other observers received from the presiding judge, Mr Zoubiri, who expressly told them they could attend as observers, and repeated this authorisation in open court. It was clear, therefore, that this was the sole capacity in which they wished or sought to attend the trial.

It is hardly necessary to add that neither the International Commission of Jurists nor Professor Tremblay have any hostility or malevolence towards the people, government or institutions of Morocco.

It is a frequent practice for international observers to be in touch with and receive background information from defence counsel and any organisation to which the defendants may belong as, more often than not, it is these people who have requested the observer mission.

Professor Tremblay has reported in full on the information he received in this way, and the reader will be able to judge of his motivation and objectivity. As he states in his report, he had explained to those with whom he spoke that he intended to ask the

government for their side of the case, but he was expelled from the country before he was able to do so.

After its Introduction, Professor Tremblay's report is in five parts. The first describes the origin of the events of 20 and 21 June which gave rise to the trial; the second with the consequences of those events; the third with the trial and his criticisms of it; the fourth with other matters of human rights in Morocco giving cause for concern; and the fifth with his arrest and expulsion.

The International Commission of Jurists considers that this report is of sufficient interest to merit publication in full. A supplement has been added by the Secretariat of the International Commission of Jurists giving information about further developments in this and other trials since Professor Tremblay's expulsion.

Geneva

September 1981

R E P O R T

by

Professor André Tremblay

I received my instructions (ordre de mission) from the International Commission of Jurists on Thursday, 7 July 1981. I was appointed as an observer to the trials due to take place in Morocco between 13 and 18 July following riots that had recently occurred there.

Before my departure, fixed for Saturday, 11 July 1981, I was able with the help of Canadian friends to collect together the available documentation, which helped me to understand the background to the riots of 20 and 21 June, the political situation in Morocco, the organisation of the judicial system, and the legislation under which the prisoners would eventually be tried.

I arrived in Casablanca on the morning of 12 July. I noticed that the customs officials were asking that all suitcases be opened and in certain cases they carried out a rigorous search. In my case, my baggage was opened and a cursory check was made. I gave the immigration official my debarkation form which indicated among other things that I was a lawyer. The immigration official did not ask me any questions and I was able to enter the country easily.

At the airport, I met a Moroccan lawyer representing the International Commission of Jurists who was accompanied by a member of parliament of the Socialist Union of Popular Forces (U.S.F.P.) and an active member of the same Union (elementary rules of prudence and loyalty towards my Moroccan informants and hosts prevent me from mentioning their names in this report).

On my arrival, I learned from my Moroccan hosts that other

international observers would be arriving during the course of the day.

Indeed, that same Sunday, the following persons arrived:

Maître Yves Kleniec, advocate at the Court of Appeal of Aix-en-Provence, representing the International Association of Democratic Lawyers and the French General Confederation of Labour.

Maître Michel Zavrian, advocate at the Paris Court of Appeal, representing the International Federation for Human rights and the International Movement of Catholic Jurists.

Mr Raul Wittenberg, a journalist representing the journals of three important trade union confederations in Italy, the C.G.I.L., the C.I.S.L., and the U.I.L.

In order to carry out my mission fairly and correctly and to avoid any subsequent reproach by political representatives of the State of Morocco I pointed out to my Moroccan hosts as soon as I arrived that I had decided to contact officials of other political groups in the country to find out their account and assessment of the facts. I especially emphasised on Sunday, 12 July, that I intended to get in touch with the authorities at the Ministry of Health (at the very least with a view to questioning the injured persons kept in the hospitals); at the Ministry of Justice to find out the number of people killed, injured, detained or sentenced; and at the Ministry of the Interior to hear their version of what happened. Unfortunately, on 14 July, having been hastily questioned and arrested by the police from the Ministry of the Interior (Division of Internal Security) and subsequently deported from Moroccan territory by the first available plane, I was prevented from meeting the official representatives of the Moroccan government. My mission which was to have lasted a week was, therefore, considerably shortened. However, on 12 and 13 July I was able to meet more than a dozen leaders of the Democratic Confederation of Labour (C.D.T.) and of the U.S.F.P. as well as several defence lawyers in the Casablanca and Rabat trials, amongst whom were several presidents of regional bar associations. I was also able to meet several colleagues of the Rabat bar. The following report is

therefore based on these discussions, meetings and personal contacts. It is also based on what I was personally able to observe. Finally, my knowledge of the internal situation in Morocco was assisted by the articles I read in "Le Monde Diplomatique", "Le Monde", "Jeune Afrique", "L'Express", and "Le Nouvel Observateur", among others.

As a final preliminary remark, I should like to emphasise the complete cooperation that I received from Me Kleniec and Me Zavrian as well as the Italian journalist, Mr Wittenberg. We were able to work together and to help and comfort each other when our missions came to a painful end. As regards the two Arab lawyers who were also deported from Morocco on 14 July, there was neither the time nor the opportunity for them to be of any help to us. We did in fact meet Mr Maghrabi Abdel Azim, representative of the Arab Lawyers' Union, and Dr. Ragah Gabal, commissioned by the Union of Egyptian Jurists. The meeting with these two Arab jurists, who were investigating the same facts, took place on 13 July in Rabat during the trial, and the following day we learned that they also had been expelled from Morocco.

I. THE ORIGIN OF THE EVENTS OF 20 and 21 JUNE

It may be useful, in spite of the abundant literature available on the subject, to recall rapidly these events.

On the eve of the month of Ramadan, the Moroccan government promulgated a very steep increase of about 45% on the price of basic necessities. In certain cases, the increase went up to 80%. These considerable increases jeopardized further the subsistence of the lower classes and the shaky equilibrium of the most destitute families during a period of agricultural failure and unemployment. As a result, a spontaneous revolt against misery flared up and legitimate discontent was expressed by all political groups which condemned the price increases.

This discontent was expressed by a nation-wide strike called by the U.S.F.P. and the C.D.T. after the Moroccan government refused to enter into any discussions about these price increases, and especially the use of the money available in the compensation fund. It must be said here that neither the U.S.F.P. nor the C.D.T. are necessarily opposed to price increases, but these two organisations do not want to consent to significant increases without knowing the manner in which the compensation fund will function and the use to which its contents will be put.

The leadership of the C.D.T. and the U.S.F.P. maintain that there is corruption even among the managers of the compensation fund (this fund should normally moderate the prices of basic commodities by a system of subsidies, but these only benefit the well to do). It is this corruption of which the Moroccan government is accused that is said to explain to a large extent the events of 20 and 21 June. As the government refused to give any explanations to the U.S.F.P. and the C.D.T., these two organisations maintained their call for a general strike for 20 June. However, according to the leaders of the U.S.F.P. and the C.D.T., the authorities resolved to break the strike and, more especially, to fragment the unified national movement that was forming in the country.

This is why the government organised, in conjunction with the Moroccan Labour Union (U.M.T.) - a union with a government bias - a strike for 18 June with the aim of undermining the strike of 20 June which was to express a national consensus of protest. This U.M.T. strike, which the C.D.T. supported, was organised with the compliance of the police. But it was not a strike of the C.D.T. or of the U.S.F.P.

Consequently another strike took place on 20 June. But, according to the information received, the government sought to undermine the national strike of 20 June.

According to those leaders of the U.S.F.P. and the C.D.T. who have not yet been arrested, the government's aim was to take advantage of the general strike of 20 June to get rid of the leadership of the U.S.F.P. and the C.D.T., and also to isolate the opposition forces grouped behind the U.S.F.P. More particularly, it was a matter

of destroying the image of these two organisations by making them support the turmoil which would follow the general strike. This analysis was made by the leaders of these two organisations who, to prove their allegations, pointed out

- (1) that the arrest of local leaders of the trade unions or the socialist opposition occurred in some places before the incidents of 20 June, including 180 arrests in the city of Casablanca as from 19 June;
- (2) that the headquarters of the C.D.T. were surrounded by the police from 14 June and that from then on entry was forbidden;
- (3) that on 20 June members of the U.M.T. and "uncontrolled" elements, some of whom were paramilitary personnel, "participated" in the strike. In particular, paramilitary personnel were requisitioned to drive buses which were sent under heavy police guard into the poorer quarters where they diverted from the regular bus routes making a great deal of noise with their horns;
- (4) that from 2 p.m. on 20 June, when no violence had yet taken place, the hospitals of the city had been warned and asked to take the necessary action to set up an emergency service;
- (5) that even before the troops began to fire into the crowd, the government had ordered that the poorer quarters and town centre be put under tight control, rendering access to them impossible;
- (6) that officials of the U.S.F.P. and the C.D.T. were arrested in towns where there were no incidents: Beni Mellal, Nador, Kénitra, Safi, Bennour, Jadida, Tanger, Agadir, Meknès, etc.

Furthermore, my Moroccan informants pointed out that the decision to fire into the crowd was taken by the government and that neither the C.D.T. nor the U.S.F.P. incited their members to participate in the riots which took place in Casablanca. My informants also pointed out that it was neither in the interest of the C.D.T. nor the U.S.F.P. that the general strike of 20 June should end in bloodshed. In their view,

while the government took fright at the magnitude of the strike, it had every interest in discrediting the opposition movements. All this, in the eyes of the leaders interviewed, demonstrates the existence of an intent to provocation.

II. CONSEQUENCES OF THE EVENTS OF 20 and 21 JUNE

I would point out that the disturbances mostly took place on 20 June but it is alleged that troops also fired into the crowd the following day, that is Sunday, 21 June. The following direct consequences of these disturbances may be noted:

- (1) The top echelons of the U.S.F.P. and the C.D.T. were under attack and their leaders at all levels were removed. It is to be noted that 13 of the 66 members of the national administrative commission of the U.S.F.P. were arrested, that is 20% of the total number of its members.
- (2) There was a large number of injured, dead and arrested persons. According to the government there were only 67 deaths and 2000 arrests. According to the opposition parties there were initially 637 disappeared persons but during my stay in Morocco, 641 dead had been counted. As families of disappeared persons are being terrorised and refuse to talk, the figures, according to my informants, could be much higher. Furthermore, according to the government, there were no deaths by shooting and the deaths were all caused by blunt instruments; but all the reports I read and all the eye-witness accounts I heard indicate to me that the troops fired. Finally, with regard to the number of persons injured and arrested, it goes as high as 2000 and 6000 respectively according to the opposition parties. But I must call the attention of the Commission to a communiqué issued by the Ministry of Justice, which was reported by the

government press, in which the government states that "the number of arrested persons was no higher than 2000 of whom 930 were released by the Ministry of Public Affairs as soon as it was proved that there was insufficient evidence against them. The others have been referred to the proper correctional and criminal tribunals."

- (3) The opposition press has been silenced. The offices of the newspapers "Al Mouharir", "Libération" and "Al Bayane" were occupied by the police and closed after the events. Mr Mustapha Karchaoui, member of the administrative commission of the U.S.F.P. and editor in chief of "Al Mouharir" was put in jail.

- (4) Other arrests made after the events. These arrests were fewer in number but continued during my stay. An example is the case of Ahmed Bendjelloul, a young advocate in pupillage and a member of the administrative commission of the U.S.F.P., who was arrested on 1 July and who was still in custody on 13 July in spite of the provisions of Article 68 of the penal code which limits police custody to 144 hours subject to a written authorisation from the state prosecutor. During my visit, his family had not seen him since his arrest and no lawyer had been able to visit him. His brother Amar, a leader of the U.S.F.P., had previously been killed in tragic circumstances.

Other consequences flowed directly from the events of 20 and 21 June. Thus during my visit the government maintained its ban on demonstrations in public thoroughfares and on the use of trade union premises, and its suspension of the powers of the leaders of so-called "strategic" unions in fields such as water, electricity and transport. Other freedoms, individual and public, restricted by the government will be examined in the next section on the Rabat trial and the violations of rights which it reveals.

III. THE RABAT TRIAL AND ITS VIOLATIONS OF INDIVIDUAL RIGHTS

The trial which I was authorised to observe took place before the Criminal Chamber of the Court of Appeal before which appeared 81 people, most of whom were between the ages of 14 and 22 or 23 years, as well as Me Abderhmane Benhameur, president of the Rabat Bar Association, former president of the National Association of Moroccan Lawyers, president of the Rabat Association for Human Rights and an active member of the U.S.F.P.

My colleagues, Kleniec, Zavrian and Wittenberg, and I were easily able to enter the Law Courts even though entry was controlled by military personnel who violently drove back unauthorised persons. We were first received by the presiding judge of the Criminal Chamber of the Court of Appeal of Rabat, Mr Zoubiri, who, after verifying our respective mandates, told us that we could attend the trial as International Observers. This happened at 10.30 a.m. After this, we were received by the hierachical superior of the president, the First President of the court, Mr Drissi Kaitoni, who, after an initial sign of ill-humour and after a careful verification of our identities and mandates welcomed us and added: "If there are any new developments, we will let you know." We all subsequently thought that the remark of the First President was not wholly unconnected with the decision to expel us from Moroccan soil which struck us the next morning.

I should like to note in passing that I asked Judge Zoubiri if I should wear my gown during the proceedings. He told me that this was not necessary and that I would moreover have a good seat in the court which would enable me to take all the notes wanted. Since the proceedings were delayed (they only began at 11.30 a.m.), we had the opportunity to talk for several minutes with the President of the Rabat Bar, Mr Seddiqui. We were also able to see the charges and the legislative texts that could eventually be cited to support them. I should point out that all the defendants were alleged to have been caught in the act (en flagrant délit) with regard to the crimes charged against them. Specifically, those charged were accused of having committed one or other or several of the following crimes:

- (1) participating in arson;
- (2) placing obstructions on the public highway;
- (3) Damaging public property;
- (4) Misuse of public property;
- (5) Unlawful armed assembly and armed incitements;
- (6) participating in unlawful assemblies without notice;
- (7) participation in disturbances to peace (ordre public).

The articles upon which these charges were based were Articles 590, 591, 594, 596 of the Moroccan Penal Code. The charges were also made in accordance with the dahirs (decrees) of 29 June 1935 and 15 November 1958.

I must emphasise that all the defendants were tried together (it was a collective trial) and that the proceedings consisted of charges based on police statements. In no case was there an enquiry before an investigating magistrate (judge d'instruction).

300 people were crowded into a room which was 10 x 20 metres. The 82 defendants, about 50 police officers (several of whom were in plain clothes), about 20 witnesses for the prosecution, about 50 representatives (screened) of the families of defendants and about 120 lawyers, in fact, almost all the members of the bar, were there to defend their president. Also attending were members of every regional bar in Morocco to hear the presiding judge say of their prosecuted president that "he could only count up friends".

The police were relatively relaxed, and lawyers and defendants could converse freely. Thus Mr Kleniec and I were able to talk quite freely with some of them. Mr Kleniec was able to have a long conversation with the president of the bar, Benhameur, who described to him the conditions under which he had been kept in custody (in a

toilet); those under which he had been interrogated (blindfolded); those under which he was cross-examined, and the fact that his statement indeed bore an apocryphal signature, being forged and not written by him.

At the opening of the hearing, the president of the Rabat Bar, Mr Seddequi, brought to the attention of the court the presence of international observers and gave our names and mandates. He asked the court to accept us which was done. The court, composed of the President and five assessors, indeed expressly authorised our presence and permitted us to take all the notes we wanted.

Although the language of the proceedings and hearing was Arabic, I was assisted at all times with the kind help of Rabat colleagues by an excellent translation of the proceedings. These revolved around preliminary questions during the whole day; the first being a request for the examination of witnesses by the defence. The second concerned the invalidity of statements due to non-observance of the proper limits of the period of police custody. Personally, I was shocked that the court refused, after deliberating on the speeches for the defence, to allow the defence to present any witnesses because they had not been cited within the time limit; and yet the court permitted the state prosecutor, Ahmed Bedjelloul, to present witnesses for the benefit of the prosecution who had not been cited and announced during the time limit.

As to the question of the invalidity of the statements, it had not been concluded by the end of the first day of the hearings. The defence alleged that there had been a legal irregularity with regard to police statements, that the time limit for police custody stated in the penal code had been exceeded in most cases: a state of affairs which led to improper detention and the nullity of all subsequent proceedings.

The defence also pleaded that a request for prolongation cannot be made after the time limit for detention has expired and that each case must be tried individually and not collectively. The defence went so far as to say that the writers of the police statements upon which the charges were based sought to fabricate a file to get the defendants sentenced for reasons other than those put forward in the statements.

The last fact to which attention must be drawn is that for most of the defendants this was a first time arrest and more that half of them were youths of 14-17 years of age who all resembled each other, which, in the context of the trial, made it difficult to identify them individually and to link them with the crimes of which they had been accused.

I now wish to inform the International Commission of Jurists of my deep concern about two violations of individual rights which I was able to observe during this mission. (1)

The first violation concerns the group trials or collective trial. These trials were no doubt inspired by a directive for severity and speed. They were put together hurriedly and proceeded on the basis of police statements which, as I have already stated, do not abide by the Moroccan criminal procedure code. These statements are not dated, do not contain the date of arrest; the signatures are often forged or extracted by force and do not indicate how the detention has been prolonged or the length of the police custody. The maximum period for detention is 144 hours but in most cases it was exceeded. Personally I consider that the defence was correct in claiming that the period of detention is a basic and fundamental procedure under the Moroccan Code of Penal Procedure. When this limit is not abided by, it means that the detained person is kept in a police station incomunicado without access to a lawyer or members of his family who, in any case, do not know where he is. In this context, it is understandable that justice can easily become a farce and that its administration rests on documents elaborated in doubtful circumstances.

Furthermore, I maintain that a defendant, who sees the court spend one minute of its time on him before receiving a sentence which may be for up to 20 years imprisonment, can with justification complain that he did not receive a just and fair trial when the court is filled

(1) Morocco has ratified the International Covenant on Civil and Political Rights. It should respect its Articles 14 and 15 dealing with the rights to a fair trial.

to capacity, hemmed in with police, while the Law Courts themselves are surrounded by soldiers. Personally, I do not believe that justice can truly exist under such conditions.

The second violation which I must condemn concerns the refusal of the court to permit the defence to present its witnesses. Doubtless, due to our presence, the presiding judge wanted to maintain appearances of legality. Also he publicly manifested his concern that all 82 persons arraigned before him should have lawyers to ensure their defence. But when the court refuses the defence its fundamental right to present witnesses, one can legitimately believe that justice only appears to exist.

A third matter on which I am unable to offer any opinion myself concerns the judiciary. Many persons with whom I spoke, and in particular more than a dozen Moroccan advocates, assured me that the accused would not enjoy the right to be tried by an independent court. The judiciary, it was said, is subordinate to the executive authorities.

All my informants were unanimous in saying that the President of the Court would receive instructions from the Ministry of Justice and that everything was decided in advance.

I must also inform the International Commission of Jurists of my great concern regarding other aspects of the trial which I was able to observe. My first preoccupation arises from the ages of the accused. I said above that more than half of them were between 14 and 17 years old. They were practically children and almost all of them resembled each other. I do not know how the police could proceed to make valid identifications and link the accused to the crimes of which they were charged.

My second preoccupation arises from the use of the police and judicial machinery fundamentally to repress opposition movements. I became convinced after my observations and the evidence I received that charges were often unfounded or false and that the accused were being charged on the basis of their political orientation. Another source of concern is the use against most of the accused who were

members of the C.D.T. and the U.S.F.P. of the dahir (decree) of 29 June 1935 which was disinterred for this particular situation and which is the most repressive law applied by the French Protectorate in Morocco. This law permits the criminalisation of almost all human conduct and is itself a denial of any idea of rights.

IV. OTHER REASONS FOR CONCERN

I should also like to draw the attention of the International Commission of Jurists to some disturbing facts of which I have precise pieces of evidence which tally and which constitute a very legitimate basis for concern about the human rights situation prevailing in Morocco. The first fact which I ought to report to the Commission is that the government seized and confiscated all the bodies of rioters killed during the events. When I was expelled from Morocco, the government was still refusing to return the bodies of victims to their respective families. This behaviour appears to me to be totally reprehensible. It seems to me equally reprehensible that injured people were arrested by the police and that their families were forbidden to see them: they were transported to hospitals and prisons.

We have evidence to the effect that in one case 35 (thirty five) injured persons were packed one on top of the other in a cramped cell (2 x 3 meters) and that 32 died of suffocation. We also have specific evidence from Casablanca that, before our arrival in Morocco, there was a court sitting at which injured persons appeared on stretchers and during which three of them died. A third distressing fact is the existence of torture. We have reliable evidence that detainees in Rabat and Casablanca in particular were tortured and the forms of torture now thought up and applied enable the police to make detainees say anything they want them to say. The fourth fact that I must report involves children who have been killed by the police. It was reported to us in Morocco that a little girl of 5 years had been hit in the throat by a bullet and died, and that numerous other children had been killed by the police. In this regard, I believe that the

International Commission of Jurists should join with the International Federation for Human Rights in demanding the formation of an international commission of enquiry with the aim of ascertaining whether or not there was a massacre of children during the events.

Finally I should like to express my concern about other situations reported by Moroccan witnesses:

- (1) The Casablanca criminal court being irregularly constituted: magistrates without training for criminal trials were appointed as assessors at the criminal court. This was in violation of Moroccan law which provides that it is the general assembly of the court that elects assessors.
- (2) The absence of lawyers for the majority of the Casablanca defendants. It was also reported to us that lawyers who represent defendants are generally appointed by the court and do not have time to prepare their case, since very often the trial takes place the day after the termination of police custody (garde à vue) during which the detainees can neither communicate with their lawyers nor families.
- (3) The threats of reprisals against families with dead or wounded members if they dared to talk.
- (4) Particularly difficult conditions of detention. A detainee with whom I had a conversation reported to me that in Rabat 160 people were detained in a room 6 x 9 metres.

V. ARREST AND DEPORTATION

It does not appear to me necessary to recount in detail the way in which we were arrested and expelled from Morocco. I say that we were arrested from the moment that the National Security Police entered

my room on the morning of 14 July 1981 at 7.40 a.m. to the moment of our boarding the plane, because we were guarded by a contingent of policemen who were never less than five in number. When I tried to go outside the hotel, I was immediately joined by a policeman who took me back inside. In short, the police stayed around us all the time watching all our movements and not even allowing us to go to the toilet without a police escort. When we told them we had been arrested, the head of the police detachment told us that such was not the case as we had not been handcuffed.

I report very briefly to the International Commission of Jurists the sequence of the expulsion.

- (1) The Police for the Interior appear in my room at 7.40 a.m. and politely requested me to leave Moroccan territory immediately by the first plane bound for Paris. This plane took off at 9 a.m.
- (2) While the police were out of my room and before packing, I took advantage of a few minutes at my disposal to examine my files in order to destroy documents that could incriminate my Moroccan informants.
- (3) Fruitless attempt to get in touch with my ambassador.
- (4) Conveyance to the airport by police escort.
- (5) Forced purchase of a ticket for Paris.
- (6) Search and seizure of documents. I should like to emphasise that no incriminating documents were seized. the only documents kept by the police were public documents published by Amnesty International and Moroccan opposition parties.
- (7) At the airport I emphasised that I had not been able to meet government authorities in order to hear their version of the incidents. I asked the officer in charge of the police escort to tell the government authorities that we had intended to contact the

heads of the ministries of Justice, the Interior and Health on 14 July.

(8) Departure for Paris.

At the airport I strongly insisted to the group of police that I be given, before my departure, my lawyer's gown which had been left in the office of the president of the Bar in the Rabat Law Courts. The response was that this was out of the question and that the police would see to it that I got it. At the time of writing this report I have still not received my gown. Upon my arrival in Paris, I immediately contacted the Canadian ambassador, Mr Gérard Pelletier, who was particularly generous in the help he gave me. I should like to emphasise in this report that Mr Pelletier showed himself to be a defender of human rights.

On the same day I also contacted the International Commission of Jurists in Geneva and received its authorisation to communicate with the press and to hold a press conference in Paris on Thursday, 16 July.

Together with Me Zavrian of Paris I made arrangements for communications with the press which were essential under the circumstances. On Thursday, a press conference was held. The following day, I sent to the Commission a copy of the statements which I had made to the press.

I should say in passing that I realised during and after my mission that the International Commission of Jurists enjoys a very solid credibility and reputation. It goes without saying that it was a source of great astonishment to me that a representative of the Commission was deported from Morocco.

CONCLUSION

I conclude this report with much sadness over the bad state of health of democracy in Morocco. This country in my view has just made a somersault and is unfortunately heading on the road to repression. It will be necessary to follow the internal evolution of the country, particularly the circumstances of policial prisoners.

It is obviously for the International Commission of Jurists to take any necessary steps with a view to improving the situation in Morocco. As things now stand, the standards for the administration of justice leave much to be desired, there are numerous violations of the rights of the individual; democracy is repressed; the rule of law has been under attack; and proceedings before the Criminal Court of Morocco are not capable of ensuring respect for the rights guaranteed under the International Covenant on Civil and Political Rights.

S U P P L E M E N T

by

The International Commission of Jurists

Subsequent to Mr Tremblay's mission, on 30 July 1981, Maître Abderrahmane Benameur was found guilty of inciting strikes and disturbing the peace (incitation à la grève et troubles à l'ordre public) and given a three year suspended sentence by the Criminal Chamber of the Court of Appeal (Chambre Criminelle de la Cour d'appel) of Rabat. Of the remaining 81 tried together with Me Abderrahmane, 21 active members of the U.S.F.P. and the C.D.T. were sentenced to 18 months imprisonment and 26 others to 4 months imprisonment. 13 others were given 6 months suspended sentences and 21 were acquitted.

Mr Mignard, a French lawyer, had stated in "Le Monde" of 11 July 1981 upon his return from a fact-finding mission in Morocco that 6 to 8 thousand arrests have taken place in Casablanca alone. This figure was denied by the Minister of Justice, who insisted on the figure of 2,000 which had been quoted on two occasions by King Hassan II.

The Minister stated that the numbers do not exceed 2,000 of which 930 have been freed due to lack of evidence against them.

The trial of 82 observed by Mr Tremblay follows the pattern of trials that have taken place throughout Morocco after the events of 20 June. Apart from the capital, Rabat, trials have been completed in Agadir, Beni Mellal, Casablanca, El Hoceima, Fès, Kelaa Seraghna, Kénitra, Larache, Meknès, Oujda, Ouazzane, Safi, Salé, Sefrou, Tanger and Taza. Sentences relating to some 160 persons which range from 1 month to 1 1/2 and 2 1/2 years, accompanied sometimes by heavy fines and exile outside their provinces, have been passed. Several trials are still in progress.

In Casablanca, two separate groups of persons were brought before the courts on 11 July 1981. In one trial, Mr Karchaoui, the editor-in-chief of the socialist daily newspaper Al Moharrir, which has been banned, Mr Karam, member of the central committee and provincial secretary for the U.S.F.P. branch in Casablanca, Mr Amaoui, Secretary-General of C.D.T., and Messrs Damrani, Lehzaoul and Chenaf, members of the Executive Office of C.D.T., faced similar charges as the 81 in Rabat. During the trial, the defence challenged the period of police custody (garde à vue) as illegal for exceeding the limit of four days stipulated by the Moroccan Penal Code. However, in order to pre-empt this objection, the date of the arrests had been recorded as 7 July 1981 although the arrests had in fact taken place on 20 and 21 June. A supplementary investigation has been ordered by the court. This has resulted in a delay in the trial.

Among the group tried in the second trial in Casablanca on 11 July was Mr Moustaghafir, Secretary-General of the National Union of Small Shopkeepers (Syndicat National des Petits Commerçants) and member of the regional secretariat of U.S.F.P., who was considered by the authorities to be responsible for the refusal of shopkeepers in Casablanca and Rabat to open on 20 June. On 18 July, they were given six months suspended sentences together with a fine of 700 dirhams. Other U.S.F.P. activist, amongst them Mr Amini, the organiser of the Socialist Youth (La jeunesse Socialiste) for Casablanca, were sentenced to terms of imprisonment ranging from 2 to 3 months.

In Meknes, Mr El Jahri, Secretary of the U.S.F.P. in Meknes and 11 others were sentenced to 18 months of imprisonment. On appeal against the sentences to the Court of Appeal in Meknes, their sentences were increased to a period of 2 years for some appellants and 3 years for Mr El Jahri and 4 others.

In Agadir, the batonnier de l'ordre des avocats (President of the Bar Association), Mr Taieb Sassi, and member of the administrative committee of U.S.F.P., was arrested on 11 July. He was charged with disturbing the peace (trouble à l'ordre public), distribution of leaflets and calling for a strike. His defence lawyers alleged that he was subjected to torture. He was given a four months suspended sentence

on 28 July 1981. This relatively light sentence has been contrasted with that of Mr Ahmed Ben Salah, organiser of the C.D.T. in Tanger. He had been convicted of the same offences as Mr Sassi but was sentenced to two years imprisonment on 24 July. This apparent discrimination in sentencing was explained by many as due to the furore raised at the arrest of Mr Sassi having resulted in a lighter sentence.

It may be noted that in its annual report of 1980, Amnesty International had shown concern over the "arrests and trials of trade unionists and other people working in health and education in the aftermath of the widespread strikes and industrial actions" which occurred throughout 1979 (particularly in the first part of the year and in November) as well as in January and February 1980 and again in April 1980 on the anniversary of the 1979 actions. There were also reports of widespread arrests in December 1979 of Muslim activists, said to be students, shopkeepers, civil servants and police. Unofficial estimates put the number of detentions at up to 4,000; most detainees were reported to have been released after a brief period. (2)

During 1980 there were signs of relaxation by the authorities. In July and August 1980, an estimated number of 91 political prisoners were released as a result of royal clemency measures. The majority of these were U.S.F.P. members who had received prison sentences for alleged anti-state activities between 1973 and 1977. To secure these releases, trade unions and the main students' union had organised a series of strikes and boycotts of lectures in early 1980 in support of the demand for amnesties for political prisoners and exiles. However, the recent arrests and trials of trade unionists and political activists indicate that there is once again cause for concern over the situation in Morocco.

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September 1981

(2) Amnesty International Report 1980, p. 348.

PUBLICATIONS ICJ

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The International Commission of Jurists

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Its headquarters is in Geneva, Switzerland. It has national sections and affiliated legal organisations in over 60 countries. It enjoys consultative status with the United Nations Economic and Social Council, UNESCO and the Council of Europe.

Its activities include the publication of its Review, Newsletter, and CIJL Bulletin; organising congresses, conferences and seminars; conducting studies or enquiries into particular situations or subjects concerning the Rule of Law and publishing reports upon them; sending international observers to trials of major significance; intervening with governments or issuing press statements concerning violations of the Rule of Law; sponsoring proposals within the United Nations and other international organisations for improved procedures and conventions for the protection of human rights.



INTERNATIONAL COMMISSION OF JURISTS
P.O. Box 120 109, Rte de Chêne CH-1224 Geneva Switzerland

INTERNATIONAL COMMISSION OF JURISTS
— CANADIAN SECTION
236 Metcalfe St. Ottawa Ontario Canada K2P 1R3

ISBN 92 9037 010 0