

URGENT ACTION

HUMAN RIGHTS LAWYER'S CASE TO BE REVIEWED

On 10 May, 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.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Head of Government Aziz Akhannouch

Palais Royal Touarga
Rabat 10070, Morocco
Fax: +212 53 7771010
Twitter: @ChefGov_ma

Your Excellency,

*I am writing to express concern over the detention of human rights lawyer **Mohamed Ziane** as his case goes before Rabat's Court of Cassation on 10 May.*

Rabat's Court of Cassation has the power to confirm or overturn the ruling of the appeals court which sentenced Mohamed Ziane in absentia to three years in prison on 21 November 2022 on charges related to his human rights work. If the Cassation Court overturns the ruling, the detention of Mohamed Ziane will have no legal basis and so the court of appeal will be obliged to reconsider its decision, taking into account the cassation court's interpretation, which should result in his release in relation to these charges.

In Cassation Court hearings, defendants do not enter a plea, though Mohamed Ziane's lawyers have submitted their defence file to the court, in which they argue that the previous ruling against Mohamed Ziane violates the law in at least 19 ways. They argue, for example, that the charge of "adultery" under Article 491 of the Moroccan Penal Code, is unfounded in this case as Moroccan law requires a complaint made by the spouse of one or both parties. Neither parties' spouse made a complaint in this case. This charge, as well as that of "setting a bad example for children" under Article 482, are examples of outdated laws which restrict personal freedoms in ways that breach international law.

Mohamed Ziane remains detained in Arjate 1 prison in Salé, a city next to the capital Rabat, in prolonged solitary confinement since 21 November 2022, following an unfair trial of which neither Mohamed Ziane nor his lawyers were informed in advance. He is forbidden from communicating with other prisoners and is only permitted visits from his lawyer. He is only allowed out into the prison courtyard alone. Prison guards do not allow him to write letters to his lawyer and deny him access to newspapers.

I urge you to ensure that the bogus conviction and sentence of Mohamed Ziane are quashed, that he is granted a fair trial, in line with international standards, in relation to the sexual assault charge against him, and that he is immediately provided 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. Finally, I urge you to 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.

Yours sincerely,

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 21 November 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 2 December 2022, his lawyer filed a request for his release at the Rabat appeals court. On 5 December 2022, the court refused the request for his release without explanation.

On 30 March 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 10 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.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French, Spanish, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 23 June 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Mohamed Ziane (He/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde29/6397/2023/en/>

ADDITIONAL TARGETS

Please send copies via email to:

Minister of Justice Abdellatif Ouahbi
Email: CCDH@CCDH.org.ma

Mme Amina Bouayach
Presidente du conseil national des droit de l'homme
Email: CNDH@CNDH.org.ma

Mr Hakim Hajoui

Embassy of the Kingdom of Morocco

6 Grosvenor Gardens, London, SW1W 0DH

Fax 0207 225 38 62

ambalondres@maec.gov.ma