

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# MOROCCO: HIRAK EL-RIF APPEAL A CHANCE TO REVERSE UNFAIR TRIAL

On 26 and 28 June 2018, a Casablanca court sentenced 54 people to heavy prison terms for their involvement in the HIRAK EL RIF protests that took place in the northern Rif region of Morocco in 2017. On 21 August, 11 of them were granted a royal pardon. Four of them were provisionally released in June and July 2017; the other 39 are serving their sentences in Casablanca's Ain Sabaa 1 (Okacha) prison.

On 17 December, Casablanca's appeal court will hear the cases of the remaining 43 individuals convicted in the second session.

Amnesty International has carried out a thorough review of available information relating to the first-instance trial and sets out below its detailed analysis and its conclusion that serious violations of the right to a fair trial were committed. It highlights its particular concern that the convictions were based on "confessions" extracted through torture. The annex of this document contains a list of the names of the 54 individuals convicted, as well as the sentences imposed on them and the charges on which they were convicted.

The human right to a fair trial is well established in international law, provided for instance in Articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 6 and 7 of the African Charter on Human and Peoples' Rights, to both of which Morocco is a state party. The Moroccan Constitution states in its Article 23 and in its Article 120 that each defendant has the right to a fair trial and that all defence rights are guaranteed before the courts.

## VIOLATIONS OF PRE-TRIAL RIGHTS

### ARBITRARY ARREST

Moroccan law enforcement officers arrested the 54 individuals with ties to HIRAK EL RIF between 26 May and 15 July 2017, including protest leader Nasser Zefzafi, peaceful protesters Nabil Hamjike, Ouassim El Boussetati, Achraf El Yakhoulfi, Mohamed Jelloul, and Mohamed El Mejaoui, journalists Hamid El Mahdaoui and Rabie El Ablak and citizen-journalists Mohamed El Asrihi, Hussein El Idrissi, Fouad Essaidi; and neighbours and friends of Nasser Zefzafi, including brothers Ibrahim and Othmane Bouziane.

Several defendants told the court that no arrest warrant was presented to them upon arrest, saying police officers neither identified themselves nor explained the reasons for the arrest or any charges brought against them. In many cases, law enforcement officials used unnecessary or excessive force upon arrest or in custody.

Abdessadak El Bouchattaoui, one of the lawyers on the defence team, told Amnesty International: "Journalist Rabie Lablalak told the investigative judge that, on the day of his arrest on 28 May 2017, he was forced to get in a car with plain-clothes police officers at 4pm and taken to a forest near Al-Hoceima. There, one of the policemen took out his firearm and threatened him, saying, 'If you speak up, I will shoot you.'"

In most cases, arrests happened early in the morning between 6am and 7.30am. At least nine of the 54 were arrested after 9pm, three of them in their homes, even though the Moroccan code of criminal procedure provides in its Article 150 that "no officer responsible for the execution of an arrest warrant may enter the home of a citizen before 5am or after 9pm".

According to international standards, an arrest or detention is permissible only if it is carried out for reasons that are established by law and is not arbitrary.<sup>1</sup> Arrests and detentions must also be carried out in a manner that is set out within the law and by people authorized by law. Moreover, when anyone is arrested or detained, they must be notified of the reasons for their arrest or detention and of their rights, including their right to counsel.

## **THE RIGHTS OF PEOPLE IN CUSTODY TO INFORM A THIRD PERSON OF ARREST OR DETENTION, TO INFORMATION AND TO LEGAL COUNSEL**

Hirak El Rif defendants were arrested and transferred to Okacha prison in Casablanca, about 600 kilometres away from their place of residence, creating problems for the preparation of the detainees' defence and a significant economic burden for visiting family members.

Most of the defendants' families were not informed of the arrests in due time which delayed the defendants' ability to access legal counsel. Few hours after their arrests, all defendants were transferred by helicopter, military plane or police vans, from Al Hoceima – the main city in their home region – to Casablanca.

“Police arrested my brother activist Mohamed Jelloul among the first ones on 26 May. Plainclothes police came into his house at around five-thirty in the afternoon, without any notice about a possible arrest. Immediately after, we went searching for him to every police station in the city of Al Hoceima, unsuccessfully. At around one in the morning, someone called telling us he was in one of Al Hoceima police stations. We went there but police said Mohamed was not held there. We had to go back again to our house without knowing anything about where Mohamed was. Late that afternoon, we got another call saying that Mohamed was in Casablanca, after which we were able to contact lawyers who visited him on 1 June.” Said Jelloul, told Amnesty International.

According to the Human Rights Committee, the right to have a third party notified of detention should be guaranteed from the very outset of police custody.<sup>2</sup> The third person is to be informed immediately, or at least promptly according to General Comment No. 35 which provides that “notice should be given as soon as possible.”<sup>3</sup>

From 26 May until 1 June, the Okacha penitentiary administration prevented families and lawyers from access to the detainees, pending transfer of the detainee's legal case from Al Hoceima to Casablanca Court. At that time, security forces arrested 31 protesters and journalists among the 54, upon a judicial order issued by the Al Hoceima tribunal.

Defence lawyer Mohamed Aghnaj, told Amnesty International that “the time that the Al Hoceima General Prosecutor took to transfer the case of the defendants to Casablanca's General Prosecutor unreasonably delayed access to the detained. The Casablanca National Brigade of the Judiciary Police in a number of cases began interrogating the detained before they could have access to any legal counsel.”

Basic Principles on the Role of Lawyers, Principle 1 reads that “All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.” Principle 17(1) of Body of Principles provides that “a detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.”

## **TORTURE AND FORCED CONFESSIONS**

Detainees told the court that when the questionings started, Casablanca's National brigade of judicial police (BNPJ) did not inform them of the charges against them, nor of their right to remain silent and not be coerced into incriminating themselves. Police and judicial authorities did not allow defence to be present during questioning of all 54 defendants. Though Moroccan laws do not provide any guarantee to legal counsel during questioning, the Human Rights Committee and the Committee against Torture have repeatedly called on states to ensure the right of all defendants to access to counsel before questioning and to the presence of counsel during questioning.

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<sup>1</sup> Article 3 of the Universal Declaration, Article 9(1) of the ICCPR, Article 6 of the African Charter, Article 14(1) of the Arab Charter, Section M (1) of the Principles on Fair Trial in Africa.

<sup>2</sup> General Comment No. 35 on Article 9 (Liberty and Security of Person), CCPR/C/GC/35, December 2014.

<sup>3</sup> General Comment No. 35 on Article 9 (Liberty and Security of Person), CCPR/C/GC/35, December 2014.

Police forced the defendants to sign the report of their interrogation which contained self-incriminating “confessions” that were in some cases extracted under torture or other ill-treatment, according to defendants.

Defence lawyer Souad Brahma told Amnesty International: “none of the investigations on torture claims on Omar Bouhrass, Rabie Lablak or Nasser Zefzafi lead to results. Instead, the court chose to dismiss what it considered as formal pleas and not look further into further claims of ill-treatment and torture by other detainees. Interrogation reports were used in the Court as the main evidence.”

On 3 July 2017, detained Omar Bouhrass told the investigating judge at the Casablanca Court of Appeals that he had been tortured. According to his lawyer, Bouhrass said that police beat him while ordering him to say “Long live the King”, stripped him of his underwear, broke two of his teeth, and threatened and insulted him following his arrest in Al Hoceima. The court ordered that he undergo a medical examination, but his lawyer was not informed of any official investigation. Instead, he was faced with an additional charge after judicial authorities opened an investigation against him for “false reporting” against the police.

Leading protester Nasser Zefzafi also told the Casablanca Court of Appeals that police officers beat him in custody and threatened to rape his elderly mother in front of him, according to his lawyer.

Detained activist Rabie Al Ablak told two lawyers and his brother that the police had tortured him following his arrest on 28 May 2017. He said they suffocated him by stuffing a cloth soaked with a foul-smelling liquid into his mouth, then stripped off his clothes and brought in masked men who threatened to gang rape him and then rape him with a bottle if he did not sign the interrogation reports.

Other defendants told the Court that they signed interrogation records without being given the proper time to read them. Other claimed that they signed several copies that differed from each other.

The right to an interpreter during questioning was also not respected. Interrogation of the defendants was carried in Arabic, a language which at least 22 defendants, including Samir Ighid, Zakaria Adhahchoure and Mohamed Bouhnouche either did not read, speak or spoke poorly which lead to signature of questioning records without real knowledge about the charges or what was written above.

In General Comment No. 32 on the right to fair trial, the Human Rights Committee set out that Article 14 involves “the right of all persons charged with a criminal offence to be informed promptly and in detail in a language which they understand of the nature and cause of criminal charges brought against them.”

As shown in the prosecution's arguments, all HIRAK defendants rejected the interrogation reports submitted by prosecutors before the Court, saying the “confessions” that they contained were extracted under torture or ill-treatment. The Court did not exclude them from the trial proceedings, in violation of international human rights law.

Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides that states parties must ensure that every “victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.” Articles 4, 12 and 13 provide that States must ensure that complaints and reports subjected to a prompt and impartial investigation, with a view to bringing perpetrators to justice.

## **PRISON CONDITIONS AND SOLITARY CONFINEMENT**

Since the start of their detention in May and June 2017 in Okacha Prison, defendants regularly protested poor and inhumane conditions of detention, including prolonged and indefinite solitary confinement of some detainees.

At least seven of the detainees were placed in solitary confinement upon arriving at the prison, including protesters and journalists Nasser Zefzafi, Nabil Ahemjike, Mohamed Jelloul, Rabie Lablaak, Mohamed El Asrihi, Mohamed El Mijaoui, Achraf El Yakhloudi and Hamid El Mahdaoui.

Wail, brother of Mohamed Al Asrihi told Amnesty International that “for more than two months, my brother Mohamed was in an individual cell, with no means to communicate with other inmates. He only got 10 to 30 minutes daily access to the

courtyard, during which he was alone. In the cell, he had no mattress. Being alone for such a long time under those conditions were extremely hard and felt like torture, every day.”.

Bochra El Mahdaoui, wife of El Mahdaoui told Amnesty International that her husband has been held in solitary confinement for more than 470 days, since his first day of arrest a period of solitary confinement so long it clearly constitutes torture.

From 1st June 2017, Nasser Zefzafi was detained in an individual cell in an empty wing of Okacha Prison, with half an hour of courtyard access twice a day and no other meaningful contact with other prisoners or staff. He spent more than 465 days in prolonged solitary confinement. He was released from solitary confinement on 7 September 2018.

Nasser Zefzafi's father, Ahmed told Amnesty international that his son “got terrible pain in his legs because of the time he spent in this individual cell, which was very small and with very little light. Spending more than 15 months in such cell in nothing else but torture.”

According to four lawyers AI spoke to, Moroccan prison authorities have used solitary confinement as a disciplinary measure against Hirak defendants. Starting 10 October, Mohcine Attari spent more than two weeks in solitary confinement as a reprisal disciplinary measure.

Under international standards, the place of detention should be as close as possible to the defendant’s home, to facilitate visits from their lawyer and family.<sup>4</sup> When Hirak detainees were transferred from Al Hoceima, where they resided to Okacha prison about 600 kilometres away from their home, this created a significant economic burden for visiting family members.

Amina Khalid, coordinator of the Hirak Support Committee told Amnesty International that “families can visit the detainees every Wednesday but the National Council for human rights (CNDH) ensures transportation from Al Hoceima to Casablanca only twice a month. Even though this is still helpful, the constraints on the families are numerous since hours of departure and return are fixed and only few hours are left for the families to visit their husbands, brothers and sons. Some of the families come more often to Casablanca but at their own cost which causes an economic burden that is hard to face for most of them.”

Hirak prisoners have carried out hunger strikes on a number of occasions, which lead to reprisal measures.

From 30 August to 7 September 2018, defendant Achraf El Yakhoulfi began a hunger strike to protest the fact that his family was not allowed to see him when they arrived for their visit. In reprisal, prison authorities transferred Yakhoulfi to another prison around 250 km away as a disciplinary measure. A few days later, they transferred him back to Okacha prison after he came to an agreement with the prison authorities.

## **PRE-TRIAL DETENTION**

To challenge the lawfulness of the detention, defence lawyers introduced four requests to release the defendants before the trial to the investigative judge and seven such requests during the trial to the court. In both cases, the requests were collectively rejected and without explanation.

The Court rejected provisional release requests, without establishing whether the release would create a substantial risk of flight, harm to others or interference with the evidence or investigation that cannot be allayed by other means.

Lawyer Mohamed Aghnaj explained to Amnesty International that in August 2017, “the investigative judge who reviewed the charges and evidences in Ilyes El Haji's case authorized the release on bail before an appeal introduced by another investigative judge resulted in the revocation of that decision.”

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<sup>4</sup> See Chapter 3 and Chapter 4.4. of Amnesty International fair trial manual.

Article 9(3) of the ICCPR provides that “It shall not be the general rule that persons awaiting trial shall be detained in custody”. The burden rests on the state to establish that it is lawful, necessary and proportionate to deprive an individual of their liberty, including pending trial, and such a decision must be constantly reviewed.

## **THE RIGHT TO PREPARE A DEFENCE**

Four lawyers from the defence team of the HIRAK detainees told Amnesty International that the Court failed to respect the right to equality before the court by failing to grant the defence team access to available non-material evidence such as phone calls, videos, Facebook posts and Whatsapp messages presented by the prosecution.

“In the name of the defence team, I presented two requests to the Court to access all evidence presented by the prosecution. The court decided not to act upon our requests neither before nor during the trial” lawyer Mohamed Aghnaj told Amnesty International.

Lawyer Abdelssadak El Bouchattaoui added: “We submitted the requests to both the secretary-clerk of the Court and the president of the Court. The court refused without justification while the secretary-clerk did not answer. As a defence team, we interpreted this as a show of partiality of the Court because there are no legal reasons for the court to not act upon our requests, especially since the prosecution had access to all the evidence.” Added the lawyer.

General Comment No. 32 provides that the principle of equality between parties “demands, inter alia, that each side be given the opportunity to contest all the arguments and evidence adduced by the other party.” Principle 21 of the UN Basic Principles on the Role of Lawyers provides that “It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.”

Any restrictions on disclosure must be strictly necessary and proportionate to the aim of protecting the rights of another individual (including those who may be at risk of reprisal) or to safeguard an important public interest (such as national security or the effectiveness of lawful police investigations).

In addition to information about the charges, the accused and their counsel should be granted timely access to relevant information – this is known as the disclosure principle. Relevant information includes witness lists and information, documents and other evidence on which the prosecution intends to rely (inculpatory material). It also includes information that might lead to the exoneration of the accused (exculpatory material), affect the credibility of evidence presented by the prosecution, support a line of argument of the defence or otherwise help the accused prepare their case or mitigate a penalty.<sup>5</sup>

As evidence to support the interrogations records, the Prosecution presented interrogation records, online posts by defendants on social media, videos posted online and taped phone calls. Only part of this material was used by the Court, generally as inculpatory evidence. The court refused the request of the defence team to show the whole length of the video as exculpatory material.

For example regarding the events of the 26 May 2017 - when HIRAK leader Nasser Zefzafi is accused of having violently interrupted a sermon in a local mosque, prompting clashes that day with security forces in front of Zefzafi's house, the Court only showed few seconds of a three hours video footage presented by the Prosecution. According to four defence lawyers, no faces could be seen on the short video. Yet, the Court considered this video as inculpatory material against detainee Samir Ighid, who was accused of throwing a stone that supposedly led to the paralysis of one policeman. When the defence team asked to show the footage in full or videos from other angles, the Court refused.

“My brother had no idea where Zefzafi's house was. He was not there on the 26 May 2017 and the Court failed to show any concrete evidence to prove his presence in the events.” Fadwa Ighid, Samir's sister told Amnesty International.

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<sup>5</sup> Principle 21 of the Basic Principles on the Role of Lawyers, Principle 12 §36 of the Principles on Legal Aid, Section N(3)(d) and (e)(iii)-(vii) of the Principles on Fair Trial in Africa, Article 67(2) of the ICC Statute, Rules 66-68 of the Rwanda Rules, Rules 66, 67(b)(ii) and 68 of the Yugoslavia Rules as well as Human Rights Committee General Comment 32, §33.

Upon investigating events that happened on 21 April 2017 in Ouled Amghare, the Court used a 10-minute clip out of a three-hours video presented by the prosecution against defendants Mohamed Haki, Nabil Ahamjike and Nasser Zefzafi.

Lawyer Mohamed Aghnaj told Amnesty International that “the court chose to use the prosecution's material, which we did not have access to ahead of trial, only to incriminate the defendants, even when the evidence presented could have also had exculpatory value.”

## **VIOLATIONS OF AT-TRIAL RIGHTS**

The trial of the defendants held in connection with Hirak El Rif began on 12 September 2017, within reasonable time after the arrests.

More than 80 trial sessions took place between September 2017 and June 2018. During the sessions, the prosecution focused primarily on acts of violence within the context of clashes between protesters and police officers. Lawyer Mohamed Karout of the Moroccan authorities, representing the Moroccan state as the prosecution told Amnesty International that those events led to around 900 law enforcement officers sustaining injuries, one of whom is disabled as a result and to severe material and immaterial damages amounting to millions of dollars.

All hearings were public. However, there were several serious flaws in the trial process which give rise to grave concerns about their fairness.

### **RIGHT TO BE TRIED BEFORE AN IMPARTIAL TRIBUNAL**

During the first session of the hearing sessions, defendants were held in a high-sided box with transparent glass cage that was tinted during the second session. Starting the third session, the court's room changed, and the defendants were held in an another high-sided box with tinted glass, a practice which is degrading and undermines the presumption of innocence. The public in the courthouse could not see the defendants through the glass.

Lawyer Aghnaj told Amnesty that “the Court ordering to hold the defendants in a tinted cage undermined the presumption of innocence and gave the impression that those detainees are dangerous and that they can create troubles or be violent during hearings.”

The Human Rights Committee has explained that “Defendants should normally not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals.”<sup>6</sup>

### **RIGHT TO A PUBLIC HEARING**

During the trial, access to the courtroom to media, civil society and others was severely hindered by stringent security measures at three different entry points. No internet or phone network were available.

The right to a public hearing means that not only the parties in the case, but also the general public and the media, have the right to be present, unless there are compelling results to do otherwise. In addition to safeguarding the rights of the accused, this right embodies and protects the public's right to know and monitor how justice is administered, and what decisions are reached by the judicial system.

### **THE PRESUMPTION OF INNOCENCE AND THE EXCLUSION OF EVIDENCE OBTAINED**

Some non-treaty standards require exclusion of evidence (including statements) obtained by means which constitute a serious violation of human rights. The Guidelines on the Role of Prosecutors state that when prosecutors come into possession of evidence that they have reason to believe was obtained through unlawful methods which constitute grave

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<sup>6</sup> Human rights Committee General Comment No. 32, Article 14: the right to equality before courts and tribunals and to a fair trial CCPR/C/GC/32, 23 August 2007, para. 30.

violations of the suspect's human rights, they must refuse to use such evidence against anyone other than those accused of such conduct.<sup>7</sup>

As shown in the Public prosecutor's arguments, even though all defendants retracted the "confessions" they had made in custody under torture or the threat of torture (see above), the Court did not exclude the interrogation records from the trial proceedings. In its judgement, the Court even used those records as the main evidence against the defendants.

## **THE RIGHT TO CALL AND EXAMINE WITNESSES**

In the case of the Casablanca trial, the court refused to accept testimonies from more than 50 defence witnesses. Only 12 defence witnesses were accepted by the Court over the 34 that were accepted overall, and their testimony focused on minor offenses.

Two lawyers of the defence team told Amnesty international that the testimonies were presented in written form and most of them, but the court still rejected them, with no explanation. Defendant and HIRAK leader Achraf El Yakhoulfi, convicted and sentenced to 10 years in prison, was refused permission to call five witnesses, without explanation.

International human rights law, for instance Article 14(2)(e) of the ICCPR, provides that people charged with a criminal offence have the right to call witnesses on their behalf, and to examine, or have examined, witnesses against them. Only in exceptional circumstances may restrictions be placed on the right of the defence to question prosecution witnesses. Such restrictions, and measures to protect the rights and safety of witnesses, must respect the requirement of fairness and the principle of equality of arms.

Samir Ighid, accused by the prosecution of throwing a stone, resulting in the paralysis of a police officer, convicted of "undermining the internal security of the state" and sentenced to 20 years imprisonment, submitted to the court three testimonies from three witnesses who confirmed that Ighid was not present at the time of the event. These testimonies were rejected by the court without justification.

## **CONVICTION FOR DISPROPORTIONATE AND INAPPROPRIATE CHARGES**

Among the 54 defendants, 53 were charged with penal code provisions. 51 out of the 54 defendants were also charged with articles 9, 11, 14 and 20 of public gatherings criminalizing "undeclared" protests.

Among the 54 defendants, 32 were convicted for inciting or participating in "undermining the internal security of the state" and other security related charges.

Under Article 201 of the Penal Code, the harshest legal provision used against HIRAK defendants, the felony of "undermining the internal security of the state through incitement to commit attacks for the purpose of causing devastation, killing and pillage in more than one region" is punishable by the death penalty. "Plotting to undermine the internal security of the state" is punishable by a five to 20 year of imprisonment. "Participating in such acts without taking part in them" carries prison sentences between one and five years. Incitement to carry out such acts is punishable by six months to three years in prison.

The prosecution has for example accused Zefzafi of "undermining the internal security of the state" and "inciting protesters to assault security forces" during their attempt to arrest him on 26 May. Amnesty International has closely examined the charge sheet and the evidence submitted by the prosecution against Zefzafi. The act in question, according to the prosecution, was when Zefzafi pointed his finger at security forces, calling them "repressive forces" and praying out loud "asking God almighty for [his] martyrdom". Such words and acts do not amount to incitement to violence their capacity to undermine internal security is doubtful.

Other defendants were convicted of security offences despite having no direct connection to the movement.

El Mahdaoui was sentenced to three years in prison for failing to report a security threat, who was already serving a one-year sentence for "inciting people to participate in an unauthorized protest." The charge was based on a phone call El

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<sup>7</sup> Guidelines on the Role of Prosecutors.

Mahdaoui received from a man who said he intended to create armed strife in Morocco, even though the journalist explained that because of the nature of his work, he repeatedly received calls from strangers.

Brothers Ibrahim and Othmane Bouziane, both were sentenced to three years in prison and 2,000 dirhams charges (approximately 200 dollars) for “undermining the security of the state,” primarily for being neighbours with Nasser Zefzafi, giving his number to mutual friends and extending him credits. It is clear from Amnesty International’s assessment that even had Othmane Bouziane provided such credit in an act of political solidarity and support – and he clearly denies that this is the case – it would not in any case constitute an internationally recognized offence.

Hussein Bouziane, father of Ibrahim and Othmane told Amnesty International that “His sons were not directly involved with Hirak El Rif. It's true that Zefzafi is our neighbour but this cannot justify accusing my sons of heavy charges and convicting them to prison term and fine.”

47 of the 54 were convicted of “incitement against the kingdom's territorial unity” for which the Penal Code provides, in Articles 265-7, sentences ranging from six months to two years’ imprisonment and fines of up to 200 000 dirhams.

47 defendants were convicted of “insulting an official body and insulting law enforcement officials”. According to Articles 263 and 265, sentences for this misdemeanour can amount to two years’ imprisonment and up to 5000 dirhams (approximately 500 dollars fine).

In its submission to the UPR working group in May 2017, Amnesty International called on Morocco to repeal Articles 263, 265 and 267 of the Penal Code considering them provisions unduly restricting the right to freedom of expression and punishing its peaceful exercise with imprisonment, in violation of Morocco’s obligations under Article 19 of the International Covenant on Civil and Political Rights.

Another charge of “pursuing a profession without meeting the necessary requirements to exercise it” was used against citizen journalists Mohamed Al Asrihi and Fouad Essaidi who run two online media platforms/websites respectively, Rif 24 and Awar TV, that are not officially recognized. Article 381 of the Penal Code provides for up to two years in prison and 5000 dirhams fine (500 dollars) for this offense.

Amnesty International considers that in addition to breaches of the right to a fair trial, the charges lodged against the Hirak defendants were in most cases disproportionate when compared against the offences of which they were convicted for.