



# General Assembly

Distr.: General  
21 March 2023

English only

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## Human Rights Council

**Fifty-second session**

27 February–31 March 2023

Agenda item 6

**Universal periodic review**

### **Written statement\* submitted by American Association of Jurists, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2023]

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\* Issued as received, in the language of submission only.



## **The Universal Periodic Review of Morocco: Journalists At Risk**

Although Morocco is a standing member of the core group of the resolution on “Safety of journalists” adopted by the Human Rights Council and the UN General Assembly, its policy towards journalists has led to a generalized feeling of fear that leads everyone to exercise a form of self-censorship. Several well-known Moroccan journalists are imprisoned; some have preferred to go into exile to avoid imprisonment and to be able to express their opinions freely from abroad.

The situation both in the Kingdom’s territory and in the Western Sahara territory it occupies is so severe that Reporters Without Borders (RSF) ranks the Kingdom at the 135 place in its 2022 assessment of press freedom, with a coefficient comparable to that of Libya or Afghanistan.

The American Association of Jurists welcomes the adoption by the EU Parliament on 19 January 2023 of the resolution « Situation of journalists in Morocco, notably the case of Omar Radi», urging the Moroccan authorities to respect freedom of expression and media freedom and to end their surveillance of journalists, including via NSO’s Pegasus spyware.

### **Article 275e/ Of The Penal Code**

The adoption, in August 2016, of a new article (275e/) of the Penal Code has increased the repression of media professionals and people who criticise the king’s or the government’s policies.

Article 275e/ states that "anyone who insults the Muslim religion, the monarchy or incites against the territorial integrity of the Kingdom shall be punished by six months to two years' imprisonment and a fine of 20,000 to 200,000 dirhams, or one of these two penalties”.

Since Morocco has illegally occupied and annexed the majority of the Non-Self-Governing Territory of Western Sahara and due to the fact that it considers the occupied Territory being part of the Kingdom, any reference to the right to self-determination of the Saharawi people is taken as an attempt to the territorial integrity of the Kingdom and therefore punishable, in accordance with article 275e/ of the Penal Code.

### **Journalists At Risk in Western Sahara**

In its 2019 report on press freedom in Western Sahara “Sáhara Occidental, un desierto para el periodismo”, RSF Spanish section sheds light on a territory cut off from the rest of the world, a veritable news black hole that has become a no-go zone for journalists.

Hundreds of international parliamentarians, academics, jurists, lawyers, human rights defenders have been denied access to or deported from the occupied Non-Self-Governing Territory of Western Sahara.

The Office of the High-Commissioner for Human Rights’ personnel and the UN Secretary-General Personal Envoy for Western Sahara are also barred to visit the occupied Western Sahara.

The crackdown also affect Saharawi blogs and websites, many of them including Equipe Media's official website being hacked and suspended by anonymous, while the pro Moroccan website saharawikileaks.com (registered and designed by Wassla Company in Rabat) still publishes articles defaming several human rights defenders and journalists.

The possibility spreading journalism by means of teaching is difficult as the Moroccan occupation forces threaten the participants to workshops as was the case on 10 October 2021, when participants were harassed and threatened with arrest and rape.

## **Harassment, Torture, Arbitrary Arrests and Detention**

Over the past four years, Morocco has carried out severe repression against Saharawi citizen journalists. Arbitrary arrest and detention (A/HRC/WGAD/2019/23 and A/HRC/WGAD/2020/68), prosecutions on trumped-up charges, physical abuse and confiscation of equipment are common to for those who report on events taking place in occupied Western Sahara.

### **Walid El Batal**

On 7 June 2019, Walid El Batal, 25 year old Saharawi journalist, member of «Smara News», was assaulted in his car, dragged out of the vehicle and heavily beaten by a militia. An impressive video of his arrest was later made public and went viral.

The journalist was interrogated over a period of 48 hours at a local police station in Smara. During the interrogation, he was physically abused, ill-treated and prohibited from lawyer and family visits.

On 9 October 2019, the Criminal Court of First Instance of El Aaiun sentenced him to six years in prison on the charges of “obstructing public order”, “insulting public employees” and “disobedience”; the sentence was reduced to 2 years by the Appeal Court.

After his release, he has frequently been threatened with re-arrest and torture by the authorities.

### **Khatri Dadda**

On 24 December 2019, Khatri Dadda (Salwan Media) went to the police station in Smara (occupied Western Sahara) to retrieve an identity card. He was brought to the headquarters of the judicial police and subjected to interrogation and torture for two days; he was forced to sign police records that he had absolutely no chance of understanding, as he doesn't read Arabic.

He was later sentenced to 20 years in prison on the charges of having attacked police officers and destroyed public property; the evidence being used against Khatri was the confession he had been forced to sign.

On 3 June 2020, Khatri Dadda was transferred to an unknown location which remained undisclosed for 22 days, before the family learnt that Khatri had arrived in Ait Melloul 2 prison, on the Moroccan soil.

### **Mohamed Lamin Haddi**

The 42 years old Sahrawi journalist, who participated in the 2010 Gdeim Izik camp was arrested in December the same year while he was accompanying two Belgian members of Doctors Without Borders.

Like all the members of the Gdeim Izik group, Haddi was accused by a Moroccan military court of murder and of belonging to a criminal gang. He was tortured and sentenced without proofs to 25 years imprisonment.

He is held in solitary confinement since September 2017 and since 13 January 2022, he has spoken only few times with his family.

### **Bachir Khadda**

Bachir Khadda, coordinator of video archives in Equipe Media, was arrested in December of 2010 in El Aaiun, after the dismantlement of Gdeim Izik protest camp. He was sentenced by a military court on 18 July 2017 to 20 years of imprisonment.

Bachir Khadda is held in solitary confinement in Tiflet II prison, 1.227 km away from El Aaiun where his family lives. He has not been allowed any contact with his family or a lawyer and is subjected to psychological torture, harassment and ill treatment.

### **Ibrahim Amrikli**

In May 2020, the Sahrawi journalist and human rights activist Ibrahim Amrikli was arrested in El Aaiun and detained for over two days. He was questioned about his work for the Saharawi human rights organization Nushatta Foundation. Two days later, he was charged with “breaking orders related to the health emergency status” and “offending public officials” under Article 263 of the Penal Code.

### **Lwali Lehmmad**

On 12 December 2021, Lwali Lehmmad, director of Western Sahara’s Nushatta Foundation, was kidnapped by Moroccan security forces, blindfolded and handcuffed, and was beaten in the car with an iron bar.

At the police station, Lehmmad was beaten with a baseball bat. He was told that if he did not stop his activism he would be killed or raped next time.

### **Nezha El Khalidi and Ahmed Ettanji**

On 21/22 November 2020, some 200 security personnel, including police and intervention forces, surrounded the homes of Ahmed Ettanji, president of Equipe Media, and Nezha el Khalidi, also member of the same news agency, on their wedding day.

The security personnel threatened both journalists with imprisonment, aggression and forced entry. They also stopped guests from coming to the couple’s homes and close family were prevented from entering.

### **Mohamed El Bambari**

Mohamed al-Bambary, a Saharawi media activist, co-founder of Equipe Media, was arrested on 26 August 2015 in Dakhla and released on 26 September 2021 after having served six years in prison as a result of his journalistic activities. Since then, he has been under heightened surveillance and subjected to intimidation.

### **Abdallay Lekhfaoui and Hassana Dah**

Both journalists were arrested during the destruction of the Gdeim Izik protest camp in November 2010. Abdallay Lekhfaoui has been sentenced to life imprisonment and Hassana Dah to 25 years imprisonment.

## **Conclusion and Recommendations**

The American Association of Jurists condemn the prevailing impunity for attacks and violence against journalists, and expresses concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes.

Following the recommendations made by several members of the UPR Working Group, and recommends that Morocco:

1/ create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including in the occupied Non-Self-Governing Territory of Western Sahara;

2/ abrogate any legislative provision, notably article 275 e/ of the Penal Code, that would prevent any citizen from freely express his opinions about religions, the role of the King in the national social, economic or political spheres or the decolonization of the Non-Self-Governing Territory of Western Sahara and

3/ immediately and unconditionally release journalists and media workers who have been arbitrarily arrested and arbitrarily detained.

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Equipe Media Riporteros sin Fronteras - España Emmaüs Stockholm, NGO(s) without consultative status, also share the views expressed in this statement.