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EX-POLITICAL PRISONERS BARRED FROM LEAVING MOROCCO DESPITE LIBERALIZATION OF PASSPORT POLICIES

A recent communiqué from the Moroccan Organization for Human Rights (OMDH) and an open letter to Morocco's Interior Minister have called attention to that country's denial of passports to many former political prisoners. This practice runs counter to pledges made by the government in 1990 to liberalize the procedure for obtaining passports.

In the past, Moroccans faced various obstacles when applying for passports, including a requirement that they prove they were gainfully employed and possessed a certain amount of financial resources. The procedures were eased somewhat in April 1990, when Minister of Interior and Information Driss Basri announced what he termed a "revolutionary" decision to abolish these prerequisites and to approve all passport applications unless an applicant is determined by the Ministry of Interior to pose a risk to public order or public health or to national security. Basri also promised that all applications would be processed within one month, and that anyone who was turned down would receive a written explanation.

In November 1990, the Moroccan government claimed in its report to the U.N. Human Rights Committee that "for nationals, the freedom to leave Moroccan territory is subject only to the prior obtaining of a national passport..."¹ Nevertheless, according to the OMDH, acquiring a passport is, for many, more than a mere formality. While acknowledging that a "significant" number of new passports have been issued under the revised guidelines, the organization charged that "there are also large numbers -- the extent is not known -- of citizens who served out the prison terms to which they were sentenced or were released in a royal pardon, and even some who were found innocent in cases that had a political tinge, who have been denied the right to leave Moroccan soil."

The U.S. State Department's *Country Reports on Human Rights Practices for 1990* also reported that the streamlined procedures had not benefitted ex-political prisoners. "Though delays are not uncommon, most Moroccans receive passports within one month of application," the report stated. "This is not true for certain political activists, former political prisoners, or for Moroccan Baha'is."²

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¹ The report, Morocco's second periodic submission on measures it had taken to give effect to the provisions of the International Covenant on Civil and Political Rights, as provided in Article 40 of the Covenant, was originally due in 1986. (Morocco ratified the ICCPR in 1979. The Human Rights Committee opened its examination of Morocco's report at its November 1990 session in Geneva, and then, in an unusual step, adjourned examination of Morocco until July 1991. Deliberations were delayed further after the Moroccan delegation refused to participate in July when it discovered French television cameras poised to film the Committee's hearing. The Committee ruled that since the sessions were public, the cameras should be permitted to stay. Morocco is currently scheduled for continued examination at the Committee's next session in October 1991.

² The right to travel is also subject to gender discrimination in Morocco. Regulations require a married woman to obtain permission from her husband before she can obtain a passport. This requirement has been protested by the Democratic Association of Moroccan Women, an independent women's group based in Rabat. See also Abderrazak Moulay R'chid, *La Femme et la Loi en Maroc*, Editions le Fennec, Casablanca, 1991.

The right to travel abroad is well-established in international law and in the domestic law of Morocco. Article 12 of the International Covenant on Civil and Political Rights, to which Morocco is a signatory, provides: "Everyone shall be free to leave any country, including their own." Article 9 of the 1972 Moroccan Constitution also guarantees to "all citizens the freedom to travel and to settle in all parts of the Kingdom." In at least two cases, Morocco's Supreme Court and the Court of Appeals in Tangier have each ruled that the right to travel enshrined in the Constitution applies to foreign as well as domestic travel, and have ordered the Ministry of Interior to issue passports to persons who have filed proper applications for them.

In theory, the procedure for obtaining a passport is simple. Moroccans first submit their application to local authorities. If they do not receive their passport within one month, they then must re-apply to the Ministry of Interior, which is obliged to provide a written explanation if the passport is refused. If the applicant is rejected or does not receive a timely response, he or she may appeal to Morocco's Supreme Court.

On June 26, 1991, the National Bureau of the OMDH issued a statement condemning violations of the right to travel and the withholding of passports. "In addition to new cases ... concerning the refusal of passports to a number of citizens because of their political views or activities, there are a number of cases where passports have been taken away from their owners in an arbitrary fashion, or citizens have been prevented from leaving Morocco without legal justification, despite their possessing passports."

The OMDH has a dossier of some 20 complaints from persons who have applied unsuccessfully for passports, most of whom are former political prisoners suspected of affiliation with one of the outlawed opposition parties or movements, such as Ila al-Amam ("Forward") and the 23 Mars Movement, two Marxist groups that were active in the 1970s and early 1980s. Members of the recognized opposition parties who never have been imprisoned do not generally encounter passport difficulties.

Refusal of passports often takes the form of the government's failure to respond to an application. In an open letter to Minister Basri dated June 28, 1991, the signatories, three well-known former political prisoners and one outspoken defense lawyer associated with the opposition, charged that their passport applications, submitted one year or more earlier, had gone unanswered.

Abderrahm Berrada first applied for a passport in 1977, and applied a second time on May 17, 1990. He is a lawyer who has participated in some of the major political trials in Morocco. Although never arrested, he has been the object of threats and intimidation for his defense of persons accused of political crimes. Berrada also wrote for the magazine *Kalima*, noted for its independent coverage of controversial socio-cultural issues, such as the status of women. *Kalima* ceased publication in March 1989 after four issues of the monthly magazine had been banned over a one-year period.

The three other signatories have each been detained and/or tried in the past for their political activities:

Fouad Abdelmoumni was "disappeared" in May 1977. Like hundreds of other Moroccan political activists who have "disappeared," Abdelmoumni's arrest was never confirmed by the authorities; he was held incommunicado, and during the three years of his detention was never brought before a magistrate or formally charged. He also underwent torture. Released in March 1980, Abdelmoumni was "disappeared" again in January 1983. He was held secretly and without charge in the notorious Derb Moulay Cherif detention center, near Casablanca, until his release in December 1984. Abdelmoumni is a member of the Administrative Commission of the Moroccan Association for Human Rights, a non-governmental organization. He applied for a passport on July 11, 1989.

Abdellah Zaaza was arrested in January 1975 by men in plainclothes who forced him into an unmarked car. He was tortured during a year of secret detention at Derb Moulay Cherif, after which he was transferred to an official

prison. In January 1977, he was tried by the Criminal Court of Casablanca for his political activities with the Ila al-Amam group and sentenced to life in prison. He was not accused of any violent crime.

Zaazaa was freed by a royal pardon in May 1989. He applied for a passport on October 3, 1989 in order to visit his wife, a French citizen residing in France. After an international campaign on Zaazaa's behalf, a government official informed him during a private meeting that a decision had been made to prevent him from leaving the country. The official was not able to identify who had made the decision.

Sion Assidon was secretly detained in February 1972 and tortured. He was convicted by the Criminal Court of Casablanca in 1973 for his political activities, including membership in Ila al-Amam, and received a 15-year sentence. He was not accused of any violent crime. Assidon was freed by a royal pardon in August 1984. He applied for a passport on July 16, 1990.

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The OMDH noted that the many letters about travel restrictions it had sent to the Interior Ministry both before and after implementation of the streamlined procedures had gone unanswered. Similarly, Middle East Watch contacted the Embassy of Morocco in Washington, D.C., on July 15 requesting information about the issuance of passports and about the cases of the four signatories of the open letter, but seven weeks later has received no reply, despite several follow-up queries.

In the view of Middle East Watch, failure to reply to a passport application effectively amounts to a denial. The discriminatory denial of a passport to a former political prisoner is particularly abhorrent because it constitutes an additional extrajudicial punishment of someone who has already served a criminal sentence. Singling out citizens for their political views is also a violation of their freedom of expression.

Middle East Watch urges the Moroccan government to respect the right to travel abroad for all its citizens and to cease the arbitrary denial and seizure of passports. Middle East Watch endorses the OMDH's view that "a passport is merely an administrative document to which every citizen is entitled without distinction; that preventing citizens from leaving Morocco is within the sole competence of the judiciary, and then only of course if there are legal reasons that would justify this measure, which can only be of a temporary nature."

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To urge Moroccan authorities to issue passports to Abderrahim Berrada, Fouad Abdelmoumni, Abdellah Zaazaa, and Sion Assidon and to allow all citizens, regardless of their past or present political views or activities, to exercise their right to travel abroad, write to:

Driss Basri
Minister of Interior and Information
Quartier Administratif
Rabat, Morocco

Ambassador Mohammed Belkhatat
Embassy of the Kingdom of Morocco
1601 21st Street, N.W.
Washington, D.C. 20009

For more information, contact Eric Goldstein or Susan Osnos at (212) 972-8400.

Middle East Watch was created in 1989 to monitor human rights practices in the Middle East and North Africa and to promote respect for internationally recognized standards. The chairman of Middle East Watch is Gary Sick, the vice chairs are Lisa Anderson and Bruce Rabb, the executive director is Andrew Whitley, the research director

is Eric Goldstein, the associate director is Virginia N. Sherry, the senior researcher is Aziz Abu Hamad, and the associate is Christina Derry.

Middle East Watch is a division of Human Rights Watch, a non-governmental organization which is also composed of Africa Watch, Americas Watch, Asia Watch, and Helsinki Watch. The chair of Human Rights Watch is Robert L. Bernstein, the vice chair is Adrian W. DeWind, the executive director is Aryeh Neier, the deputy director is Kenneth Roth, the Washington director is Holly J. Burkhalter, and the press director is Susan Osnos.