

Response of the Moroccan authorities to the Human Rights Watch letter on the sealing of homes of al-Adl wa al-Ihsan Association members, received by Human Rights Watch on September 28, 2012

The case of Mr. Lahcene Atouani

On June 13, 2006, the judicial police arrested 48 people belonging to the Adl wa al-Ihsan association who were present in the home of Mr. Lahcen Atouani in a public assembly without authorization. They were taken to the police station, and the home of the concerned party was sealed by order of the local authorities. After police confirmed their identities, they took statements from four of them, who were questioned by the Public Prosecution for convening a public assembly without a permit, pursuant to Section 9 of Ordinance November 15, 1958 on public assemblies. They were charged with a minor offense, file no. 209/2006, and they were referred to court, which on December 5, 2006 fined them 3,000 dirhams.

On February 7, 2011, Mr. Lahcen Atouani filed a complaint on the matter with the Public Prosecution. The complaint was closed as the house had been sealed pursuant to an order issued by the public authorities. The interested party was told that to challenge the sealing order, he should follow the code for filing appeals of actions taken by the administration.

It should be noted that the Interior Ministry has been notified with the intent of finding a solution to the matter.

The case of Mr. Mohamed Abbadi

The Moroccan Territorial Administration, in the person of the governor of the Eastern Region, issued a decree on May 26, 2006 ordering the closure of the structure on 42 Allal Ben Abdellah Street in the city of Oujda, owned by Mr. Mohamed Abbadi, which was being used by the Adl wa al-Ihsan association to hold unlicensed meetings. The site was subsequently sealed.

The owner of the locale, Mr. Mohamed Abbadi, through his defense counsel, filed an expedited petition with the Oujda Administrative Court contesting the material assault of the directorate, which raided and sealed his home. On June 5, 2006, the administrative court ruled that the judge for expedited cases did not have the jurisdiction to rule on the petition.

On June 13, 2006, Mr. Mohamed Abbadi and a group of Adl wa al-Ihsan followers broke the seal and entered the home. The police filed a report, taking the statements of the concerned parties, who confirmed the actions attributed to them. A new seal was then placed on the house.

Pursuant to this, [Abbadi] and those with him were charged for having broken the seal. The Oujda Court of First Instance convicted him of the charges against him and sentenced him to one year in prison while rejecting the petition to lift the sequestration and seal. The ruling was upheld on appeal. After an appeal before the Court of Cassation, the Supreme Council issued a ruling on November 21, 2007 rejecting the petition. [n.b. Authorities have not executed the prison term that the court imposed on Abbadi.]

Mr. Mohamed Abbadi on March 1, 2011, went to the Oujda Appeal Court to inquire about the status of his house. He was met by the general crown prosecutor, who instructed him to file a suit on the matter before the competent administrative court.