

*Aswat Collective against  
sexuality*



*discrimination based on gender and*

## **Statement regarding the arrest of two homosexuals in Rabat – « Aswat »**

During the last few weeks, Aswat Collective against discrimination based on gender and sexuality has been closely following the debate in Morocco on same-sex consensual relations between adults and how the Media and the Moroccan authorities have dealt with it. For that, we emphasize and report the following:

To the contrary of what the media conveys, Aswat Collective has nothing to do with the organizing of the actions of FEMEN in the square of the Hassan historical site or the actions of the British band Placebo in Mawazine Festival. In fact, "Aswat" Collective would never participate in activities such as that of FEMEN's in Morocco simply because such actions are a contradiction to our vision and approach. We believe in different more peaceful and productive forms of activism, which does not depend on gaining attention through provocation and shock.

We report that within the context of such recent events, the Moroccan authorities have arrested two young guys in Rabat on June 3, 2015 and accused them of "Homosexuality" and with "breach of public modesty". The first detainee, M.N, is 25 years old from Marrakech and the second, H.B, is 38 years old from Rabat.

We report that on June 4, 2015, the Ministry of Interior Affairs has issued an official statement which exposed the identities of the detainees who were arrested on the square of the "Hassan Tower". According to such statement, the detainees were caught in the act of imitating the actions of FEMEN. Throughout that same day, the Moroccan official news channel made many runs of a news broadcast which highlighted the statement of the Ministry of Interior affairs and revealed photographs of the detainees and their full names.

According to police records, the detainees, while under investigation, have admitted that they are gay but they have also confirmed according to the same source that their visit to the square of the "Hassan Tower" was for pure touristic reasons and not to imitate anyone. Detainee M.N. from Marrakech was visiting Rabat for the first time and wanted to go sightseeing with his friend. They visited several touristic places that day and took photographs at different sites before they ended up at the "Hassan Tower" where they were shocked to be surrounded by police, arrested as they were holding each other and taking photographs and later accused of imitating the actions of FEMEN in that place.

On Thursday June 5, 2015, the detainees were presented to the prosecutor of the Court-of-First-Instance in Rabat on charges of "Homosexuality" and "breach of public modesty" in accordance with Chapters 489 and 483 of the Moroccan Penal Code. On its first hearing, the-Court-of-First Instance has postponed the trial to June 12, 2015.

Instead of complying with its international obligations in the field of human rights and in what was approved in the constitution of 2011 which concluded that Morocco is committed to putting an end to and prohibit all forms of discriminations due to "race, color, creed, culture, social or regional

affiliations, language or disability or private personal matters no matter what it is", we record through our observations of recent events that the Moroccan authorities continue to commit violations of the law which is embodied in the arresting of M.N and H.B, and as such, it is a confirmation that Morocco continues to arrest individuals because of their sexual orientations. In addition, the Ministry of Interior Affairs and the first official national news channel have exposed the identities of the detainees by exposing their names and photographs, all before a court ruling even takes place and without any regards to the risks and danger that may cause to the detainees and their families. The Aswat collective also records some of the psychological damage the detainees' families have already suffered as a result of two hate rallies organized in front of the houses of the detainees' families. In such rallies people chanted hate slurs against and raised in condemnation the photographs of the detainees. The police authorities did not intervene to protect the families of the detainees and did not try to break out such hate rallies.

It should be noted that the defamation mentioned above of the detainees and their families is a complete contradiction with what is provided in the first Article of the criminal code procedure which states that every person accused of a crime is innocent until proven otherwise guilty through a fair trial with all the legal guarantees provided. That article also prohibits and punishes the filming of a detained person or a handcuffed person, or publications of their photographs or their name or any reference alluding to them without the consent of the person, (...). Chapter 51 from the Press Law also criminalizes "Everyone publishes allegations, facts or photos that affect the private lives of others."

Hence, Aswat collective against discrimination based on gender and sexuality demands the Moroccan government and especially those in charge of putting the draft of the penal code to back from tightening punishment on consensual sexual relations between adults of the same sex, and make an end to discrimination based on sexual orientation through the abolition of the Article 489 of the current penal code.

Finally, Aswat denounces the oppression its activists have been facing recently, the constriction of their work, and the promotion of public hate against them in the media. We end by emphasizing our steadfastness and our continued rejection of the discrimination and restriction of freedoms and human rights in Morocco.