Morocco | Following the Postponement of Mourad Habal's Hearing, HuMENA Calls for His Immediate Release

Statements · Morocco · 12 August 2026

Following the postponement of activist Mourad Habal's court hearing in Marrakech from 12 to 19 August, HuMENA calls for his immediate and unconditional release and for the dropping of charges arising solely from his peaceful exercise of freedom of expression.

Mourad Habal was arrested on 5 August 2026 in Marrakech by security forces. The same day, he was brought before the Public Prosecutor at the Marrakech Court of First Instance, who decided to prosecute him while in detention under Article 299-1 of the Moroccan Penal Code, which criminalizes "directly provoking one or more persons to commit a felony or misdemeanour through public means, including electronic communication. Where the alleged provocation is not followed by effect", the provision carries a sentence of three months to one year in prison and a fine of 5,000 to 50,000 Moroccan dirhams, or either penalty.

Habal was placed in pretrial detention at Oudaya Prison in Marrakech, where he remains. His first hearing, scheduled for 7 August, was first postponed to 12 August and later on to 19 August.

HuMENA was able to review the Facebook publications reportedly underlying the prosecution. The posts raised questions about the fate of migrants and deaths reported during recent mass migration events in Ceuta and Melilla, and about the state's responsibility in addressing these issues in the absence of an official statement. Habal also criticized restrictions on the right to protest peacefully in Morocco.

The publications reviewed by HuMENA contain no direct call or encouragement to commit a criminal offence. They concern matters of clear public interest and fall within the protection of the right to freedom of expression.

HuMENA has confirmed that he does not currently have a lawyer and appeared before both the police and the Public Prosecutor without legal representation.

His detention also comes in the context of a nationwide suspension of lawyers' professional services, organized by the Association of Moroccan Bar Associations in protest against a draft law regulating the legal profession introduced by the Ministry of Justice. The Association initially announced a one-week suspension from 15 to 21 June 2026 and subsequently extended the action until further notice.

Mourad Habal is known for his involvement in the 20 February Movement, his support for the Hirak

El Rif movement, and his support for the Gen Z movement that emerged in Morocco in September 2025.

His prosecution raises serious concerns about the continued use of criminal proceedings against activists and others for peaceful expression and criticism of public policies and state institutions. HuMENA has, through its monitoring of Morocco, documented a broader pattern of prosecutions in cases involving freedom of expression, including the use of pretrial detention.

Morocco is bound by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which protects freedom of opinion and expression, and Article 21, which protects peaceful assembly. Article 9(3) of the ICCPR provides that pretrial detention should not be the general rule, while Article 14 protects the right to prepare a defence and communicate with counsel.

The 2011 Moroccan Constitution likewise guarantees freedom of thought, opinion and expression under Article 25, the right to express and disseminate news, ideas and opinions under Article 28, and freedom of peaceful assembly and demonstration under Article 29.

On the posts reviewed by HuMENA, the expression at issue does not appear to amount to the direct provocation to commit a criminal offence required under Article 299-1. Applying the provision in these circumstances raises serious concerns under Article 19 of the ICCPR.

HuMENA also recalls that pretrial detention should remain an exceptional measure and must not be used as punishment before conviction.

HuMENA calls on the Moroccan authorities to:

- Immediately and unconditionally release Mourad Habal and drop all charges arising solely from his peaceful exercise of freedom of expression.
- Ensure his immediate access to independent legal counsel, adequate time and facilities to prepare his defence, and full respect for all fair-trial guarantees for as long as he remains detained or subject to criminal proceedings.
- Ensure that Article 299-1 and other criminal provisions are not used to prosecute peaceful expression and are interpreted and applied consistently with Article 19 of the ICCPR and Morocco’s constitutional guarantees.
- Ensure that human rights defenders, activists and peaceful critics can exercise their rights to freedom of expression and peaceful assembly without intimidation, prosecution or detention solely because of their peaceful work or expression.

Published at https://humena.org/morocco-mourad-habal-freedom-expression/