



Human Rights Watch

UPR Submission

Morocco

November 2007

Morocco continues to present a mixed picture on human rights. It has made great strides in addressing past abuses, allowed considerable space for public dissent and protest, and reduced gender inequality in the family code. But authorities, aided by complaisant courts, continue to use repressive legislation to punish peaceful opponents, especially those who violate the taboos against criticizing the king or the monarchy, questioning the “Moroccanness” of the Western Sahara, or “denigrating” Islam. The police used excessive force to break up demonstrations, especially in outlying areas.

Controls were particularly tight in the restive and disputed Western Sahara region, which Morocco administers as if it were part of its national territory.

Several hundred suspected Islamist extremists arrested since the Casablanca bombings of May 2003 continue to serve prison terms, despite a series of royal pardons that freed a few hundred of them. At least 20 of the suspected militants were among the more than 100 prisoners facing death sentences. Many of those rounded up in 2003 had been held in secret detention for days or weeks and subjected to mistreatment, and sometimes torture, while under interrogation, and then convicted in unfair trials.

The Justice System and Legal Reforms

In cases with a political color, courts routinely denied defendants fair trials, ignoring requests for medical examinations lodged by defendants who claim to have been tortured, refusing to summon exculpatory witnesses, and convicting defendants solely on the basis of apparently coerced confessions. Courts in the cities of Agadir and Ksar el-Kbir convicted and imprisoned seven members of the Moroccan Human Rights Association (Association Marocaine des droits de l'Homme, AMDH) for "attacking sacred values" by allegedly chanting slogans against the king during May Day marches.

Recommendation: The Moroccan government should ensure fair trial standards, as guaranteed by international standards, for all cases. Judges should be encouraged to use their discretion to grant motions for impartial medical examinations of defendants, in keeping with Morocco's obligation under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to take steps to prevent torture and mistreatment.

Freedom of Association, Assembly, and Movement

Authorities generally tolerate the work of the many human rights organizations active in Rabat and Casablanca. They also do not hamper foreign human rights organizations visiting Morocco, and often respond to their letters of concern. However, in the Western Sahara, surveillance is tighter, and harassment of rights defenders more common.

Most types of public assemblies require authorization from the Interior Ministry, which can refuse permission if it deems them liable to "disturb the public order." This discretion is exercised more often when the demonstrators' agenda is critical of government policies. Although many of the frequent public protests in Rabat run their course undisturbed, baton-wielding police have broken up others with brutality. For example, they forcibly dispersed a small demonstration on June 15 in front of parliament in Rabat called to demand the release of the imprisoned AMDH members (see above). Police violently dispersed demonstrations in various cities in May by pro-independence Sahraoui students, and courts later sentenced some of them to prison terms on trumped-up charges of engaging in violence. Police are rarely held accountable for human rights violations.

Repression of public protests was fiercer in the Western Sahara than elsewhere. Police systematically used force to disperse peaceful sit-ins in favor of self-determination, and used excessive force in responding to incidents when demonstrators threw rocks and Molotov cocktails.

Recommendation: Moroccan authorities should give substance to the right of assembly, guaranteed by Article 21 of the ICCPR, by approving applications for public assemblies and demonstrations, except in exceptional and narrowly defined circumstances. The Council should also urge Moroccan authorities to train thoroughly law enforcement officers in nonviolent methods of crowd dispersion, and hold accountable those officers who use excessive force to disperse demonstrators.

Press Freedom

Media criticism of the authorities is often quite blunt, but is nevertheless circumscribed by a press law that provides prison terms for libel and for expression deemed critical of "Islam, the institution of the monarchy, or [Morocco's] territorial integrity."

Since mid-2005, a series of prosecutions of independent weeklies, the most outspokenly critical sector of the Moroccan news media, showed the continuing limits on press freedom. During 2007, authorities tightened those strictures. In January, a court convicted Driss Ksikes and Sanaa al-Aji, publisher and reporter, respectively, at the popular Arabic weekly *Nichane*, for a December 2006 article on how popular jokes reflected Moroccan attitudes about sex, politics, and religion. The court gave them three-year suspended sentences for "denigrating Islam." The prime minister temporarily suspended the weekly after that issue appeared, invoking his authority under the 2002 press code. In August, prosecutors charged Ahmed Benchemsi, editor of *Nichane* and its sister French-language weekly *Tel Quel*, with disrespect for the king, apparently because of a pre-election editorial questioning the king's commitment to democracy. The interior minister ordered the police to confiscate copies of both publications from printers and newsstands. Benchemsi was still on trial as this submission was being prepared. On July 17 police arrested journalist Moustapha Hormatallah of *al-Watan al-Aan* shortly after that weekly published an article about classified government documents regarding terrorism threats in Morocco, reproducing one of the purportedly secret documents. A Casablanca court on August 15 handed Hormatallah an eight-month sentence and magazine publisher Abderrahim Ariri a six-month suspended sentence for "concealing items derived from a crime."

Recommendation: The Moroccan authorities should review the 2002 press code and other laws applied to journalists with a mind to abolishing or amending those provisions that restrict speech in a manner incompatible with internationally recognized standards of freedom of expression. These

provisions include those that provide criminal liability for expression that is deemed to be denigrating to the King, to Islam, and to “the territorial integrity” of Morocco.

Acknowledging Past Abuses

In 2005, Morocco’s Equity and Reconciliation Commission (ERC) issued its report into grave human rights of the past, stimulating taboo-breaking discussions. The ERC provided an official acknowledgement of past repression, gave a long-overdue voice to victims, and elucidated many individual cases. However, non-cooperation by public officials prevented it from resolving other cases. Despite ERC recommendations, authorities took no steps to bring to trial those implicated in past abuse, including some who continue to hold high government posts. Nor have they implemented the ERC’s recommendation that it ratify the International Criminal Court statute and abolish the death penalty.

Recommendation: The Moroccan government should ratify the International Criminal Court statute and abolish the death penalty. The government should ensure the implementation of reforms, recommended by the ERC or otherwise, that contribute to ending impunity for grave human rights abuses past and present, that fulfill the rights of victims, and that safeguard against a repetition of grave abuses of the past.