Stifling the Other

Moroccan authorities’ pursuit of activists, human rights defenders and journalists

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For years, the Moroccan authorities have been imposing tough restrictions on the freedom of opinion and expression. The authorities continuously target opposition press institutions and harass journalists, activists and human rights defenders. Many were subjected to violence, arbitrary detention and unfair trials to undermine their right to freedom of opinion and expression whenever they criticize state policies. Despite international human rights and press organizations’ persistent demands to end the systematic targeting of freedom of opinion and expression throughout the past years, restrictions on freedoms are still suffocating Moroccans.
The Moroccan authorities use the judiciary as a tool to repress press activists, civilians, human rights defenders, and others. In addition to the trials that continue for years against these groups, journalists and activists were once again subjected to prosecutions while some were given harsh sentences. According to the World Press Freedom Index issued by Reporters Without Borders for 2021, Morocco ranked 136 out of 180 countries, after it was the 133rd in 2020. This reflects a noticeable increase in the severity and number of incidents of repression and violations against freedom of opinion and expression compared to last year.

Moreover, the absence of adequate constitutional and legal guarantees to protect the right to freedom of opinion and expression has exacerbated the volume of these violations that have shaped Morocco’s lack of freedoms reality. Not only that, but the authorities continue to use the Penal Code instead of the Press Code to try journalists and activists and criminalize their opinions and even their social media presence.

The absence of investigations into information published by some international human rights organizations about the authorities’ monitoring of Internet and targeting activists, journalists and human rights defenders – through a spyware called Pegasus programmed by the Israeli company NSO – reflects the authorities’ intention to continue persecution and suppression of freedom of opinion and press work. The program intercepts and spies on all communications of the victims violating their right to privacy and the relevant international standards and the principle of necessity.
Furthermore, the Moroccan authorities are still detaining and prosecuting at least 21 journalists, civil and human rights activists, and others for expressing their opinions on social media platforms such as YouTube, Facebook, Twitter and others.

In this report, Euro-Mediterranean Human Rights Monitor sheds light on the nature of the Moroccan authorities' violations against people expressing their opinion, activists and journalists. The report highlights the harassments and judicial measures taken against them to deter them from exercising their rights of opposing or criticizing the state's policies. The report also discusses these violations by presenting the local as well as international legal texts that prohibit these violations as they infringe on the basic freedoms that must be respected and which are prohibited in any way.
Methodology

This report examines the repressive methods and restrictive practices adopted by the Moroccan authorities against opinion-holders, civil and human rights activists and journalists who express opposition to the state, whether through traditional media institutions (journalists), or through the Internet and social media networks such as YouTube, Facebook, Twitter and others (civil activists).

The report is based on months of research and documentation, including field work conducted by a Euro-Med Monitor team in Morocco from February 2020 to June 2021.

The team conducted 15 interviews with families of activists and journalists detained in Moroccan prisons and some human rights workers and journalists. The interviews contain detailed information about the detainees’ conditions and the nature of the violations and harassments they were subjected to, and the reasons for such abuses.

Most of the activists and journalists were abused in relation to expressing their opinion and practicing journalism in a way that criticizes or opposes the Moroccan authorities. This prompted the authorities to try to silence and punish these critics by surveillance, arrests, detention and prosecution based on pre-prepared indictments.

The team relied on secondary sources too to obtain additional information in preparation of this report. Secondary sources consisted of a set of
testimonies, obtained from local Moroccan websites, of activists detained in Moroccan prisons.

In addition, our team reviewed some reports issued by Moroccan human rights institutions, such as the 2019 annual report on the situation of human rights in Morocco issued by the Moroccan Organization for Human Rights, and the 2020 annual report on the situation of human rights in Morocco issued by the Moroccan Association for Human Rights, as well as the United Nations report on the case and the reasons for the arrest of activist Taoufik Bouachrine.

This report highlights the numbers and the details of the situation of prisoners of conscience in the country. It also sheds light on the Moroccan authorities' illegal monitoring of and espionage on activists to undermine their freedom of opinion and expression, violating their privacy, and defaming opposition institutions.

The report concludes by presenting recommendations to the Moroccan government and the international community urging them to work to release all prisoners of conscience and to put an end to the repressive practices that undermine the right to freedom of opinion and expression since it is a fundamental and inalienable right that is guaranteed locally and internationally and cannot be infringed.
Violations of Freedom of Opinion and Expression in Morocco

- arresting Journalists
- arresting bloggers and social media activists
- arresting protesters for expressing their opinion
- defaming opposition media sites
- imposing unfair prison sentences and fines to silence dissidents
- Surveilling critical and dissent content with illegal spyware
In the recent years, the Moroccan authorities have arrested, tried and imprisoned many independent journalists on dubious charges, including extramarital sex, treason, harassment, and other charges for expressing opinions criticizing and opposing the state or addressing corruption or cracking down on protests.

Some of the trials were seen as politically motivated, aiming at silencing activists’ voices and often failing to guarantee the due legal procedures guaranteed by domestic and international laws.

The authorities have issued severe penalties against some activists, as in the case of Taoufik Bouachrine, who was sentenced to 15 years in prison on the
basis of fake charges that a United Nations report issued by the Working Group on Arbitrary Detention said they have not yet been proven. Others, as in the case of detainees, Suleiman Raissouni and Omar Radi, were not sentenced to prison terms, but they are still languishing in Moroccan prisons until this moment.

According to Reporters Without Borders, over the past five years, the Moroccan authorities have charged with sexual offences at least five journalists (Taoufik Bouachrine, Hajar Raissouni, Sleiman Raissouni, Omar Radi and Hisham Mansouri) who are known to criticize the Moroccan authorities in their writings and statements, and were all convicted of moral charges.

It has become clear that accusing journalists of sexual charges is a method adopted by the Moroccan intelligence to undermine the credibility of journalists and limit their public support.

Euro-Med Monitor documented testimonies of families of three detained journalists: Taoufik Bouachrine, Omar Radi and Suleiman Raissouni. All confirmed that their relatives' dissent opinions were the main reason behind their arrest, and that their relatives were subjected to trials that lack the basic legal procedures.

Euro-Med Monitor team interviewed Asma Moussaoui, the wife of detained journalist Taoufik Bouachrine, who is a journalist, editor and co-founder of the Moroccan daily Akhbar Al-Youm newspaper, which is a
popular, independent newspaper that does not belong to any political party. Bouachrine is also known for his investigations that deal with controversial issues in Morocco, and he is the author of editorials critical of the government.

Bouachrine was arrested on February 23, 2018, in connection with an article he wrote criticizing the Moroccan Minister of Agriculture and Fishing. The court sentenced him to 15 years in prison on charges, some of which relate to rape and sexual harassment, which have not been proven against Bouachrine until this moment.

*His wife said: “My husband was detained on February 23, 2018 in Casablanca, when agents of the national authorities, including at least 20 policemen, went to the headquarters of the newspaper where he works and arrested him. In the days following the arrest, the authorities summoned a group of journalists and employees working for the newspaper”.*

“Toufik was arrested two days after publishing an article criticizing the Moroccan Minister of Agriculture and Fishing. The Deputy Public Prosecutor at the Court of Appeal in Casablanca issued an order on February 26, 2018, to imprison him alleging he had committed several crimes including human trafficking, abuse of power for sexual purposes, rape and attempted rape”.

The details of Bouachrine’s detention and the legal measures taken during
his detention include many legal violations. This was confirmed by his wife, who said:

“On February 29, 2018 (after 72 hours of my husband’s detention), the Deputy Public Prosecutor of Casablanca issued a detention order by referring him to the Casablanca’s Criminal Chamber. However, the law does not allow the Public Prosecutor at the Court of Appeal to refer a detainee directly to the Criminal Chamber, except within the framework of Article 73, which requires meeting several necessary conditions, including the condition of flagrante delicto and when the case is ready for trial”.

“My husband was not arrested in flagrante delicto at all, and the elements of conducting the preliminary investigation were not met. However, the indictment included flagrante delicto, which prompted the President of the Bar Association to file a complaint before the Criminal Chamber of the Court of Cassation regarding the existence of ‘forgery and the use of forged documents’ referring to the indictment prepared by the Public Prosecution”.

Although the Prosecutor refused to investigate this complaint, the Public Prosecution admitted that referring to flagrante delicto in the indictment was a typographical error. Yet, my husband remained deprived of his liberty indefinitely, despite the absence of any legal basis for that”.

Stifling the Other
The UN’s Working Group on Arbitrary Detention released a report that included some details of Bouachrine’s trial. The report said in its conclusion that his detention is arbitrary and that he must be released immediately. The report stated that the court held more than 55 hearings, including 45 closed sessions, and some sessions lasted from night until dawn, without completing the investigation of the case.

The trial was also suspended from June 27 to September 10, 2018, under the pretext of the delay in delivering the expert’s report on the video recordings requested by the Prosecution. During all that time, Bouachrine remained in detention despite all calls demanding his release.

Furthermore, the testimonies of sexual assault and rape complainants against Bouachrine contradicted the accusations reported by the Public Prosecution. While only four out of 14 complainants attended the court to confirm being exposed to sexual harassment, the four confirmed that the video recordings were not related to them and that they did not recognize Bouachrine.

In addition, the rest of the complainants refused to appear before the court despite the pressure on them by the Moroccan police. Hence, the Moroccan authorities do not have any real evidence against Bouachrine in relation to these charges. Yet, he is still detained, while the Casablanca Court of Appeals sentenced him to 15 years including for the previous charges on October 25, 2019.

*Journalist Afaf Bernani, a Moroccan residing in Tunisia, is a witness*
to this case. She told Euro-Med Monitor: “I am a journalist and a human rights activist. I was summoned by the National Judicial Police Brigade on Saturday, February 24, 2018. My interrogation lasted for more than eight hours and was accompanied by psychological pressure to extract from me statements condemning journalist Taoufik Bouachrine and accuse him of sexually harassing me, which I absolutely refused”.

“Later, I was surprised that the police altered my statements, and installed me as a civil right claimant after leaking the regulations and records to the public through websites close to the state. Like any Moroccan citizen, I exercised the right granted to me by the legislator and filed a complaint of alteration at the Court of Cassation”.

“On March 12, 2018, and without any official summons, the police took me from my family’s home to the Court of Appeal, at the request of the Public Prosecutor. On that same day, in an unprecedented move, the King’s Attorney General held a press conference, with a wide media presence, releasing a silent video, that was taped without my knowledge, showing me inside the National Division headquarters reading a false report the officers asked me to read aloud. The false report stated that I was prosecuted for writing a fake report and that I committed two offenses of insult and slander against one of the investigation officers.”
“My complaint was kept without adjudication, and in return the officer’s complaint against me was accepted. I became the accused after I was the complainant. The seminar was aired through the official TV channels to retaliate against and defame me”.

“I was convicted of six months in prison in the third session, and I was deprived of the right to speak, and my lawyer was not allowed to defend me – in line with a ruling that was upheld against me at the appeal stage. Today, I have been living in Tunisia for nearly two years, in which I have not been safe from harassment and defamation in every possible way by sites known to be close to the ruling authority”.

From a legal point of view, the order issued by the King’s Attorney General cannot replace a judicial order issued by the investigating judge who is authorized to issue orders to restrict the freedom of citizens under Article 117 of the Constitution and Article 608 of the Code of Criminal Procedure. Moreover, the practical reality in Morocco proves that it is not possible to challenge the legality of a detention order when it has been ordered by the Public Prosecution.

Omar Radi is another journalist detained in Moroccan prisons for expressing opinion. Radi is specialized in investigative journalism, especially in cases
related to human rights and anti-corruption, and was a former member and activist in the February 20 Movement. He was arrested on July 29, 2020, on charges of harming the external and internal security of the state and rape after he posted that condemns a judge’s ruling against Hirak Rif activists, when the judge sentenced the defendants to prison terms of up to 20 years. No verdict has been issued against Radi and he is still under arrest until this moment.

The charges against Radi by the Moroccan judicial authorities came after Amnesty International published a report accusing the authorities of spying and illegally monitoring the phones of opposition activists, including Omar Radi. In their response to Amnesty International, the Moroccan authorities denied carrying out any illegal surveillance, and at the same time claimed that Omar Radi was involved in espionage. Two days after the report was issued, Radi was summoned and charged with a number of charges, including espionage.

Radi’s mother, Fatiha al-Sharbi, told Euro-Med Monitor: “Harassments against Omar started with the beginning of the protests of the ‘February 20’ movement in 2011. The harassments increased after his participation as an investigative journalist in the popular and peaceful protests (popularly known as Hirak Rif) that erupted in the Al-Hoceima region.”
“On April 6, 2019, the Court of Appeal announced supporting the ruling of the Court of First Instance to imprison some of Hirak Rif activists with various sentences. Among them was the leader of the movement, Nasser Zefzafi, who was sentenced to 20 years in prison. At the time, Omar Radi said on his Twitter account: ‘…[the name of the judge], the judge of the Court of Appeal and the executioner of our brothers, let us remember his name well. We will not forget or forgive those officials who are without dignity’”.

“After this tweet, he was summoned by the National Judicial Police Division on April 18, 2019, and they asked him about the tweet. Eight months later, he was summoned again on December 25, 2019, by the same division and was transferred directly to the court located in Ain Sebaa, where he appeared before the investigative judge who interrogated him for long hours over the same tweet and kept him in court all day before deciding a hearing to decide on his case”.

“The session continued from the evening until 9:30 pm. After that, the judge decided to continue his prosecution while under arrest. His detention lasted for six days, from 25 to 31 December 2019, and he was released after a wide national and international solidarity campaign.

“Again, on July 23, 2020, a woman filed a complaint with the Casablanca Court of Appeal accusing Omar of raping her. Omar
said that what happened between them was consensual, while the woman did not submit any medical report to prove her claims. On July 27, Omar was summoned by the Royal Gendarmerie to confront the complainant in the presence of Imad Sitto, the defense witness in the case. The interrogation lasted from 10 am until 10 pm”.

“The next day, Omar arrived a little late for the interrogation, so they handed him a summons to appear on July 29 July, the day on which he was arrested and transferred to the Court of Appeal in Casablanca to meet the investigative judge, who ordered his arrest on charges of harming the external and internal security of the state and rape. The first session before the investigative judge was set for September 22, 2020. After more than eight months, they allowed Omar to view the case file”.

“Omar is still held inside the prison in a solitary cell inside the security wing of Oukacha prison in Casablanca, in almost complete isolation. He does not talk to anyone and no one talks to him. All kinds of psychological oppression are being practiced against him, and he is treated as a dangerous person. As for his health, it has deteriorated. He has been diagnosed with Crohn’s disease, a chronic disease that affects the digestive system and destroys the colon. Its symptoms are severe diarrhea and continuous intestinal bleeding. Since about February, his health is getting worse and his condition has not been taken seriously”.
“Omar was not allowed to receive medical examination at Ibn Rushd University Hospital by a gastroenterologist, because the security forces refused to remove his handcuffs and harassed him to deprive him of the examination. This prompted Omar to refuse the examination. Nevertheless, the intransigence of the prison administration prompted him to start a hunger strike on April 9, 2020 that continued until the 30th of the same month. At the time, he was forced to suspend the strike due to his deteriorating health and weight loss, as he lost about 20 kg since his arrest”.

Most prisoners communicate with the defense team without harassment, except for Omar and Suleiman Raissouni. Special guards always accompany them when meeting their lawyers, and they do not have the right to receive or hand over any document from their lawyers. With the Coronavirus pandemic, things have become more complicated, and the measures taken inside the prison have become a greater danger to Omar’s health, who is still in detention until this moment due to trumped-up charges the authorities faked”.

Suleiman Raissouni is a journalist and editor-in-chief of Akhbar Al-Youm newspaper. He was famous for his editorial articles criticizing corruption in the country and calling for political reform. Raissouni was arrested on May 22, 2020, on charges of sexually assaulting a Moroccan young man who had not originally filed a complaint against Raissouni but claimed so through a
fake Facebook account that Raissouni had sexually assaulted him. The court
did not issue any rulings against Raissouni, and he remains in detention
until this moment.
Raissouni’s arrest was preceded by a widespread defamation campaign
that predicted his arrest. Months before his arrest, Raissouni’s wife said
that some local websites were attacking them and making their private life
public.
Two days before his arrest, Raissouni submitted a complaint to the National
Press Council, the National Council for Human Rights and the Office of the
Minister of Human Rights regarding the defamation and slander campaigns
that he was exposed to it from some websites, but he did not get any answer.
The arrest of Raissouni is tainted by a clear legal violation. It is not acceptable
in any way to arrest a person against whom a complaint has not been filed
by the plaintiff. The claim of the plaintiff was through a means used for
social communication and was not characterized by any explicit and legal
confirmation, which gives clear indications that the arrest had politically
and retaliatory motives and did not carry any legal status.
Euro-Med Monitor also contacted the family of detained journalist
Sulaiman Raissouni. His wife, Kholoud al-Mukhtari, said: “Even before his
arrest, my husband was subjected to harassment and successive defamation
campaigns. The arrest of Hajar Raissouni was a message to him to stop
his activities. Two weeks before his arrest, he was subjected to a major
defamation campaign. When he was arrested, media outlets affiliated with the government launched a massive defamation campaign in preparation for his arrest”.

“Sulaiman was arrested on May 22, 2020, when security agents in civilian clothes arrested him outside his house in Casablanca on charges of sexual assault, after an unknown person claimed through a ‘fake Facebook account’ that Sulaiman had assaulted him two years ago, without the Prosecutor submitting any formal complaint against Sulaiman”.

“Since his arrest, my husband has suffered in terms of health. His health has deteriorated dramatically, especially after he announced his hunger strike because of his continued detention without legal justification. His weight was 85 kg and now after his 60-day hunger strike, he has lost 31 kg. His tenacity so far under these circumstances is a real miracle”.

“We live in a state of constant tension because his situation portends a catastrophe. For about 23 days we have not heard his voice. The only thing the prison delegate is doing is publishing misleading statements that are far from the truth. We live in real fear of Sulaiman since he has been on hunger strike for more than 60 days, and we fear that under this pressure and isolation, he may take escalating steps”. 
“Unfortunately, the government has not acted. The prison doctor, who previously said that Sulaiman may suffer a heart attack at any time, told the Public Prosecution that Sulaiman is in good health, while the defense attorney said she visited him several days ago that he had lost his breath several times”.

“My husband needs a fair trial, which he was denied even before his arrest, since the judiciary rejects all requests for investigation and defense, and they refuse to allow him to go to the hospital to receive treatment, and his release request was rejected ten times.”
Harassment against activists and bloggers

The Moroccan authorities’ harassment against dissent opinions included the prosecution of and attacks against activists and opposition bloggers. The year 2020 witnessed the prosecution of a group of opposition activists and bloggers who expressed their opposition views through social media platforms and blogs. These activists were detained and forced to pay heavy fines.

Euro-Med Monitor recorded some testimonies of bloggers and activists who were arrested by the Moroccan authorities on the grounds of freedom.
of opinion, and they are still, until writing this report, in detention. According to information obtained by Euro-Med Monitor, the arrests launched by the Moroccan authorities came against the backdrop of writings by bloggers and opposition activists on social media platforms such as Facebook, Twitter and YouTube. The activists' opinions object to the repressive authorities' handling of peaceful protests and the resulting arbitrary arrests and illegal detentions that often end in prison and fines. They criticize the corruption of the authorities and its policies or the performance of King Mohammed VI in managing the country.

The tight surveillance exercised by the Moroccan authorities against social media content has made it able to access any content opposed to state policies, which reflects the increasing number of arrests of bloggers and influencers on social media over the past years.

On June 22, 2021, the Court of First Instance in the city of Salé issued a valid sentence of two months and a fine of 20,000 dirhams ($2240) against blogger Hafeez Zerzan, over a post on his Facebook about the case of kidnapping, rape, murder and burial of child Adnan Boshouf. Upon reviewing Zerzan's post, it was not found that he had offended or defamed any party.

In the city of Casablanca, the authorities arrested human rights activist Noureddine Al-Awaj on June 15, 2021 on charges related to exercising his right to freedom of opinion and expression, after he participated in a protest outside the Court of Appeal in Casablanca in conjunction with the trial of journalist Sulaiman Raissouni. Al-Awaj was charged with “insulting
constitutional institutions”, “insulting organized bodies”, and “incitement to commit a felony”.

On January 19, 2021, activist Mohamed Jafa, the head of the Demnate branch of the National Association of Unemployed Degree Holders in Morocco, was arrested by the Police after being summoned over a Facebook post in which he talked about Western Sahara and his rejection of Moroccan-Israeli normalization.

Jafa was interrogated for four hours on charges of insulting the principles of the nation and inciting against the territorial integrity on social media. The judicial authorities decided to prosecute him and sat February 15 as the date for his first hearing before the judiciary in Azilal city. (1)

On March 22, 2021, the Court of First Instance in the city of Azilal issued an unfair verdict against Jafa sentencing him to four months in prison and a fine of 2000 dirhams. (2)

On February 3, 2021, the Moroccan authorities arrested Adel Al-Badahi, a “February 20” movement activist, while in the Derb Ghallef market in Casablanca, for releasing a video addressing King Mohammed VI and saying: “I only complain of my suffering and grief to Allah. I find no power in myself to dispute with you, so I decided to record this as a witness to history that I told you, in your face, a word of truth. I tell you that you are an unjust sultan. You tyrannized us, displaced us, starved us, destroyed our future and mortgaged our lives. You rule and you control. We do not want a

1 https://bit.ly/3eXkQgM
2 https://annahjaddimocrati.org/ar/5792
parliamentary monarchy.”

(1) Al-Badahi was brought before the court on charges of insulting a constitutional institution and insulting a body regulated by law. On March 27, 2021, the Court of First Instance sentenced him to one year in prison and to pay a fine of 5,000 dirhams. (2)

Considering that his trial was sham and lacked the minimum conditions for a fair trial, Al-Badahi refused to appoint a lawyer to defend him and refused to attend court sessions.

The Moroccan authorities also arrested Idris Boutrada, a “February 20” political activist, after summoning him on September 15, 2020, for filming several videos and publishing them on social media in which he talks about what he says are corruption cases in Morocco. He criticized the conditions and policies in the country and the difficult situation the Moroccan people go through at all levels.

The National Judicial Police Division opened a judicial investigation by the order of the Public Prosecution, against the background of the statements attributed to Boutradeh. The police said he was insulting and inciting against a body regulated by law. On September 18, he was referred to the Public Prosecution at the Court of Appeal in Rabat, which in turn referred him to the Elementary court in Rabat. (3)

On September 22, 2020, the Court of First Instance in Rabat sentenced

1 https://bit.ly/3iREITR
2 https://milafattadla24.com/45322.html
3 https://www.youtube.com/watch?v=0ADva5gtnjI
Boutradeh to one year in prison and a fine of 5,000 dirhams, on charges of inciting the commission of a felony by electronic means and insulting a legally regulated body. (1)

On February 4, 2020, the Court of First Instance in Tetouan issued a four-month suspended prison sentence against blogger Adnan Ahmadoun, and a fine of 500 dirhams, against the background of a post on his Facebook account in which he expressed solidarity with the Jerada protests.

Mohamed Sekkaki is a famous YouTube video blogger who has a channel on the Moul Kaskita platform. Sekkaki was arrested two days after he published a 12-minute clip on November 29, 2019 in which he said that the speeches the king gives to the people are nothing but a dead letter, and they will never come true.

Sekkaki said in the video that the Moroccan people suffer from deprivation, poverty and oppression due to the authorities’ practices and political system. The Moroccan authorities arrested him from his home in the city of Settat, near Casablanca.

Then, the King’s attorney at the Court of First Instance announced that Sekkaki had been arrested on charges of insulting constitutional institutions and violating the duty of reverence and respect for the person of the King, in addition to the seizing 15 grams of marijuana in his possession, which Sekkaki absolutely denied. (2)

1 https://www.noonpresse.com/%D8%AD%D985%-%D984%-%D8%A9-%D8%A7%D8%B9%D8%AA-%D982%-%D8%A7%D98%4-%D8%A7%D8%AA-%D8%A9-%D8%B7%D8%A7%D984%-%D986%-%D8%B4-%D8%B7%D8%A7-%D8%A1-%D981%-%D98%A-%D8%AD%D8%B1%D985%-%D8%A9%-%D981%-%D8%A8%-%D8%B1%-%D8%A7/

2 https://www.alaraby.co.uk/%D8%A7%D984%-%D985%-%D8%BA%-%D8%B1%-%D8%A8%-%D8
On December 26, 2019, the Court of First Instance in Settat sentenced Sekkaki to four years in prison and a fine of 40,000 dirhams ($4,000).

**Mohamed Benboudouh**, also known as “Mol Ihanout”, was arrested by the National Judicial Police Brigade on December 5, 2019 in the city of Tiflet, east of Rabat. He was taken to Casablanca where the authorities interrogated him about a set of videos, that he had posted on his Facebook page and during which he made accusations and sharp criticism of the Moroccan authorities and King Mohammed VI. (1)

On January 7, 2020, the Court of First Instance in the city of Khemisset, near Tiflet, sentenced Benboudouh to three years in prison, after he was convicted of undermining constitutional institutions and insulting public officials, which prompted him to appeal the ruling. (2)

On July 15, 2020, the Court of Appeals in Khemisset, east of Rabat, upheld the sentence of Benboudouh to three years in prison with enforcement, issued by the Court of First Instance.

**Youssef Mojahed**, a bank employee who owns a YouTube channel called “Nehebak Yalmaghreb” (We Love You Morocco), was arrested on December 18, 2019, after he republished videos of detainee Mohamed Benboudouh in which the later criticized the Moroccan authorities’ policies and King Mohamed VI’s lifestyle. (3)

2 https://www.hrw.org/ar/video-photos/interactive/2020338447#/04/02/Ben-Boudouh.
3 https://ledesk.ma/arabia/2019-%D8%B3%D986-%D8%A9-%D8%AB%D8%B7%D8%B9%D985-%D8%A7%D984-%D982-%D985-%D8%B9-%D981-%D98A-%D8%A7%D984-%D981-%D8%B6-%D8%A7-%D8%A1-%D8%A7-%D984-%D8%B1-%D982-%D985-%D98A/
Mojahed was charged of insulting constitutional institutions and public officials, and the King’s Attorney General referred his case to the Court of First Instance of Khémisset for integration over the Benboudouh case. On January 7, 2020, the court sentenced Mojahed to three years in prison. (1) Said Shakour, a day laborer, was arrested on December 22, 2019 from his family’s home located in El Keryan neighborhood in Tetouan. The arrest came against the background of a video in which he complained about the medical negligence he was subjected to in the orthopedic department of Sania El Raml Hospital in Tetouan. In the video, he attacked the hospital staff and government officials and used insults while talking about King Mohammed VI, while crying of pain. (2) Shakour was referred to the Court of First Instance in the city of Tetouan, which issued a verdict on January 6, 2020, convicting him of insulting public officials in the course of their duties, insulting organized bodies and public breach of modesty, and sentenced him to two years imprisonment, and a fine of 5,000 dirhams. (3) Said Boughaleb, a blogger and media activist, was subjected to several prosecutions over the past years due to his criticism of the difficult economic and social situation in the northeastern regions of the country. The authorities also stripped him of his taxi driver’s license, his only source of income.

2 https://bit.ly/3iL38Ow
Hirak Rif erupted in the city of Al Hoceima in northern Morocco in October 2016 to protest the killing of fishmonger Mohsen Fikri and demand improving the living conditions, development projects in the region and put an end to its marginalization. The Moroccan authorities quickly suppressed the protests arresting hundreds of protesters between May and July 2017 including Nasser Zefzafi, one of the most prominent leaders of the movement, and Mahmoud Bouhannouch.

In June 2018, the Moroccan judiciary issued a 20-year prison sentence against Nasser Zefzafi, imprisoned 49 others for periods ranging from two to 15 years, and convicted them on arbitrary and unfair charges.
During the past three years, the Moroccan authorities have released a group of Hirak Rif detainees who had served their sentences. A royal pardon issued by Moroccan King Mohammed VI on May 21, according to which, 17 Hirak Rif detainees were released. However, the amnesty excluded 10 detainees, including the leader of the movement, Nasser Zefzafi, Muhammad Jalloul and Nabil Ahamjik.

Two of the Hirak Rif detainees, Mahmoud Bouhannoush and Nasser Zefzafi, were subjected to many violations that led to the deterioration of their health, as they went on a hunger earlier to protest the conditions of their detention in solitary confinement, preventing them from communicating with their families, as well as denying them access to necessary medical care.

According to a testimony obtained by Euro-Med Monitor, the health status of Bouhannoush inside prison has deteriorated greatly after 14 days of hunger strike, as he became so weak that he was transferred to one of the prison sanatorium rooms on Monday, February 15, 2021.

Bouhannoush told his lawyer during a visit that he was subjected to a humiliating treatment, by “handcuffing his hands behind his back and taking him across the prison wings, as well as placing him in a sanatorium that resembles solitary confinement”.

Ahmed Zefzafi, father of detainee Nasser Zefzafi told Euro-Med Monitor that his sons’ hunger strike “made him faint and fall on the ground, before
he was found covered in blood as had been bleeding for an hour and 20 minutes without anyone knowing about him”.

“The hunger strike also caused him a severe drop in the level of sugar in the blood, before he suspended his hunger strike on February 17”.

Yet, the harassments were not limited to the detainees, but extended to their lawyers and families. Bouhannoush’s lawyer told Euro-Med Monitor that the court summoned him on February 22, 2021, against the background of a report submitted by the “Nador 2” prison administration to reveal the inhumane circumstances which the detainees are subjected to, which appears to be an attempt to silence him from exposing the abuses committed against the detainees.

Although many of the Hirak Rif detainees were released from Moroccan prisons, the Moroccan authorities still refrain from looking into the files related to the Hirak Rif leaders whose number is about 10 detainees. The Moroccan authorities consider that Nasser Zefzafi, Muhammad Jalloul and Nabil Ahamjik are the ones who led the movement and accuse them of participating in a conspiracy affecting state security, which is one of the most serious charges in Moroccan law.

Euro-Med Monitor obtained the names of the ten Hirak Rif detainees who are still languishing in Moroccan prisons until this moment. They are Nasser Zefzafi, Nabil Ahamjik, Muhammad Jalloul, Samir Ighid, Muhammad Haki, Jawad Amghar, Zakaria Adahshour, Muhammad Mahdali, Mounir
Benabdallah and Suleiman Ankouri.

Despite the grave charges against the detainees who are still in detention, which come within the framework of political retaliation and muzzling mouths, the arrest actually came over peaceful protest and expression of opinion. This behavior places Morocco among the list of countries restricting the right of opinion and expression the most, which is reflected clearly in the fabricated charges against detainees and the kind of the punishment imposed against them.
The Moroccan authorities have not hesitated to use every means at its disposal to undermine the freedom of opinion and expression in the country. Over the past years, the authorities have imposed a set of restrictions and surveillance on dissents and critics and prosecuted them based on the Penal law instead of the press and publication law. The authorities have been convicting journalists and activists with trumped-up charges, imposing financial restrictions on independent media institutions, and defaming opposition press institutions and activists.
The judiciary was one of the most prominent tools used by the Moroccan authorities to suppress those who hold dissenting opinion, as this was evident through the repeated prosecutions of opposition activists based on pre-prepared charges, ending with their imprisonment for months and years, as well as the imposition of fines in some of the sentences issued. The restrictions imposed on the freedom of opinion and expression in Morocco are:

1. Monitoring all dissent publications, whether traditional or electronic to prevent their spread and imposing penalties on them by imposing heavy financial fines issued by the judiciary against press institutions, activists and bloggers.
2. Prosecuting journalists, activists and bloggers under the Panel Code instead of the Press Code, since they could be criminalized under the first.
3. Convicting journalists and activists on trumped-up charges by fabricating baseless events and evidences aimed at convicting the accused and discrediting them.
4. Financial restrictions on independent media institutions by not enabling them to advertise their work as punishment for their editorial policy, just as happened with the Akhbar Al-Youm newspaper belonging to journalist Taoufik Bouachrine, which became financially suffocated after Bouachrine's arrest.
5. Arbitrarily depriving journalists of obtaining accreditation cards because of their opposition to the authorities.

6. Continuing defamation of opposition press institutions and activists by inciting against and defaming them with the aim of preventing them from expressing their opinions.
In November 2011, Morocco's new government, led by the Justice and Development Party, pledged to reform the 2002 press law, at which time the government asserted that the reform would enhance press freedom in line with the country's new constitution adopted in July 2011.

The new constitution of Morocco stipulated in Articles 28, 25 the freedom of thought, opinion and expression, and the press without any restrictions limiting its exercise.

Article 25 stipulates that “The freedoms of thought, of opinion and of expression under all their forms[,] are guaranteed.” Article 28 stipulates that
“The freedom of the press is guaranteed and may not be limited by any form of prior censure. All have the right to express and to disseminate freely and within the sole limits expressly provided by the law, information, ideas and opinions”.

In October 2014, the Moroccan government submitted three draft laws related to the press to the parliament. The first draft was Law No. 88.13 on the freedom of press and publication. The second was about a law pertaining to the statute for professional journalists. The third was about a law establishing a new national council for the press. On August 3, 2016, the Parliament adopted the three laws.

This part of the report focuses on the penalties related to freedom of opinion and peaceful expression in Law No. 88.13 and the Moroccan Penal Code. A question to be asked: why did the Moroccan authorities resort to applying the Penal Code instead of Law No. 88.13, which was approved to apply to everything related to the freedom of opinion and expression in the country? No. 88.13 is the first freedom of opinion and expression law in Morocco that does not include prison sentences as punishments for peaceful expression. Despite that, we find that the Moroccan authorities sentence those prosecuted over their expression of opinion with penalties that include prison sentences based on the panel Code rather than the applicable law in these cases – Law No. 88.13.

In order to pave the way for the application of the Penal Code instead of the
Press Code, the Parliament had introduced new amendments to the Penal Code that include penalties of imprisonment, a fine or both for anyone who commits crimes related to expressing opinion on sensitive political topics, such as criticism of the monarchy, or the person of the King and his family, or the territorial integrity of Morocco.

The new provisions, in addition to those in the Penal Code, that punish acts of expression associated with insulting state institutions or contempt of judicial decisions clearly undermine the promotion of freedom of expression introduced by Law No. 88.13.

In practice, the Moroccan authorities continue to apply the Penal Code in all cases of crimes of peaceful expression without regard to Law No. 88.13. Whereby, journalists and activists are imprisoned and prosecuted under the Penal Code if they practice freedom of opinion and expression in way that constitutes an offense according the Moroccan authorities.

On the other hand, the application by the Moroccan authorities of the Panel Code instead of Law No. 88.13 represents a clear violation of Article 17 of the Press Code, which stipulates that “the rules of other laws do not apply to everything that is expressly stated in the Press Code”.

This confirms the conflict of Moroccan laws, which necessitates reviewing them, amending all conflicting texts, and committing to implementing all relevant laws.

Accordingly, the Moroccan authorities resort to applying the Panel Code
instead of Law No. 88.13 to impose severe and deterrent penalties on journalists and activists to silence them by imposing a prison sentences on them, given that the Press Code is devoid of this punishment in issues related to freedom of opinion and peaceful expression, resulting in two legal violations: namely, a violation of the provisions of the articles of the Law No. 88.13 that was specifically approved to practice this freedom, and another related to restrictions on activists and journalists by confiscating their right to express their opinions.
## Names of prisoners of conscience in Morocco

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Date of Arrest</th>
<th>Final Verdict</th>
</tr>
</thead>
<tbody>
<tr>
<td>Omar Radi</td>
<td>Journalist and human rights activist</td>
<td>29 July, 2020</td>
<td>No verdict</td>
</tr>
<tr>
<td>Sulaiman Raissouni</td>
<td>Journalist</td>
<td>22 May, 2020</td>
<td>No verdict</td>
</tr>
<tr>
<td>Taoufik Bouachrine</td>
<td>Journalist</td>
<td>23 February, 2018</td>
<td>15 years imprisonment</td>
</tr>
<tr>
<td>Idris Boutradeh</td>
<td>Civil Activist</td>
<td>15 September, 2020</td>
<td>One year’s imprisonment unsuspended + a fine of 5000 dirhams ($500)</td>
</tr>
<tr>
<td>Adel Al-Badahy</td>
<td>Journalist</td>
<td>3 February, 2021</td>
<td>One year’s imprisonment unsuspended + a fine of 5000 dirhams ($500)</td>
</tr>
<tr>
<td>Mohamed Jafa</td>
<td>Civil activist and blogger</td>
<td>19 January, 2021</td>
<td>4 months of imprisonment unsuspended + a fine of 2000 dirhams ($200)</td>
</tr>
<tr>
<td>Mohamed Sekkaki</td>
<td>Vlogger</td>
<td>29 November, 2019</td>
<td>4 years’ imprisonment unsuspended + a fine of 40,000 dirhams ($4,000)</td>
</tr>
<tr>
<td>Mohammed bin Boudouh</td>
<td>Vlogger</td>
<td>5 December, 2019</td>
<td>3 years’ imprisonment</td>
</tr>
<tr>
<td>Name</td>
<td>Occupation</td>
<td>Date</td>
<td>Sentence</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------</td>
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<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Youssef Mujahid</td>
<td>Vlogger</td>
<td>18 December, 2019</td>
<td>3 years’ imprisonment</td>
</tr>
<tr>
<td>Said Shakour</td>
<td>Vlogger</td>
<td>22 December, 2019</td>
<td>One year of imprisonment unsuspended + a fine</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>of 5000 dirhams ($500)</td>
</tr>
<tr>
<td>Nasser Zefzafi</td>
<td>Political activist</td>
<td>29 May, 2017</td>
<td>20 years of imprisonment</td>
</tr>
<tr>
<td>Mohamed Jalloul</td>
<td>Professor and</td>
<td>27 May, 2017</td>
<td>10 years of imprisonment</td>
</tr>
<tr>
<td></td>
<td>Political activist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nabil Ahamjik</td>
<td>Political activist</td>
<td>5 June, 2017</td>
<td>20 years of imprisonment</td>
</tr>
<tr>
<td>Samir Ighid</td>
<td>Political activist</td>
<td></td>
<td>20 years of imprisonment</td>
</tr>
<tr>
<td>Mohamed Haki</td>
<td>Political activist</td>
<td></td>
<td>15 years of imprisonment</td>
</tr>
<tr>
<td>Jawad Amghar</td>
<td>Political activist</td>
<td>13 January, 2021</td>
<td>20 months of imprisonment</td>
</tr>
<tr>
<td>Zakaria Adahshour</td>
<td>Political activist</td>
<td></td>
<td>15 years of imprisonment</td>
</tr>
<tr>
<td>Mohamed Mahdali</td>
<td>Political activist</td>
<td></td>
<td>4 years of imprisonment</td>
</tr>
<tr>
<td>Mounir Benabdallah</td>
<td>Political activist</td>
<td></td>
<td>4 years of imprisonment</td>
</tr>
<tr>
<td>Solomon Ankouri</td>
<td>Political activist</td>
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</tbody>
</table>
Illegal surveillance

Violations and harassments against journalists and activists in Morocco were not limited to arrests, imprisonments, unfair trials, and defamations, but also extended to illegal surveillance and violation of privacy through a spyware program called Pegasus belonging to Israeli company NSO. In July 2020, eight Moroccan activists issued a statement in which they reported that their phones had been hacked with the aim of espionage by a software by the Israeli company “NSO”. They also confirmed that “WhatsApp application had previously informed them at the beginning of November 2019 that their phones had been hacked”.

According to an Amnesty International report, Pegasus has been used during the past years, specifically since 2017, against journalists, activists and opinion-makers in Morocco, such as Abd al-Sadiq al-Bushtawi, Maati Munjib, and Omar Radi. These journalists’ phones were hacked to monitor their conversations, opinions and activities to gather evidence to convict them.¹

Regarding the spying techniques used by NSO, it is the implantation of spyware in the cellular devices of the victims. To achieve this goal, the company uses short text messages and «WhatsApp» messages against the targeted devices containing malicious links. The group uses other, more stealthy methods to implant the spyware and hack the victim’s device without any interaction from it. This is done through a technique called «network injection», as this method differs from traditional techniques requiring the victim to click on the message to hack his device.

«Network injection» technology is a technique that is based on the attacking group sending a site with a specific domain that the victim reaches through a redirection made by the attacking group when the victim browses any site he wants. While the victim browses any site, a redirect occurs suddenly from browser of his site to the browser of the site that the attackers prepared to penetrate the victim’s device. The spy device is implanted in the victim’s cell device. Once the spyware becomes present on the victim’s device, the attackers can monitor and control the device’s movement on the Internet.

and completely monitor its content and activities.

As for the victims who were targeted by NSO’s spyware, journalists and activists, lawyer and human rights activist Abdel-Sadiq Al-Bouchtawi was one of the first people to be targeted. The company sent him a malicious message to his mobile phone on October 23, 2017, containing an attack link in order to monitor it.

They also targeted a university professor Maati Monjib from January 2018 to June 2019, when NSO was able to plant malware in his cell phone through SMS messages carrying malicious links, which helped the group monitor the victim without his knowledge.

From January 27, 2019, until February 11, 2020, NSO was able to hack the phone of human rights activist Omar Radi and spy on him through links different from those used against Al-Bouchtawi and Monjib, as it sent him hacking links the same way through SMS and messages via the WhatsApp application.

The above examples show that the NSO operations to spy on journalists and activists were carried out in two ways: through mobile monitoring near the targets, or penetrating the networks operating these phones, which cannot be done without the knowledge of government agencies. This confirms the findings that government bodies are responsible for this illegal surveillance, which targets opinion holders inside the country.
Defamation of the opposition (defamation journalism)

Defamation of journalism or libel media is a media phenomenon in Morocco that has spread since the beginning of 2013 in some state-affiliated media outlets after launching media campaigns whose main objective is to discredit journalists and critical activists in the country. This phenomenon began to spread significantly during 2019, as a group of media outlets affiliated with or close to the official authorities falsified facts and fabricated events related to opponents to distort their reputation by fabricating events and positions that have nothing to do with reality.
Defamation and slander media materials often contain obscene insults and private information about the victim, such as exposing bank or property documents, screenshots of private emails, allegations of intimate relations and more.

More than 30 websites and newspapers participated in defamation campaigns against a group of journalists and opposition activists. Among these sites are telexpresse.com, le360.ma, cawalissem.com, barlamane.com and chouftv.ma. As for newspapers: Al-Akhbar newspaper, Al-Nahar newspaper, and the Moroccan Al-Ahdath newspaper.

These websites and newspapers systematically and continuously targeted opponents such as the Hirak Rif detainees, and certain personalities such as Hajar Raissouni, who was accused of having a secret abortion, and was also subjected to a fierce smear campaign by activists close to the authority on social media.

The campaigns also targeted journalist Taoufik Bouachrine, who was charged with human trafficking; journalist and human rights activist Omar Radi, who was accused of treason; and others such as Fouad Abdel Moumni, Maati Monjib, Abdullah Hamoudi, Ahmed Zefzafi, Hisham Alaoui, Mohamed Zahari, Ahmed Benchemsi and others.

The campaigns also targeted opposition institutions, such as the Freedom Now Association and the Moroccan Association for Human Rights, directed at political institutions, such as the Justice and Charity Group, and the Democratic Path Party.
These targeted campaigns prompted more than 100 Moroccan journalists in July 2020 to sign a statement calling on the government and the National Press Council to take a firm position against websites and newspapers involved in defamation and slander. The statement called on the Ministry of Communication to link the benefit of newspapers and news websites from public support to respecting professional ethics and the exclusion of websites and newspapers involved in defamation and slander. (1)

Finally, journalist and human rights activist Omar Radi was subjected to fierce defamation campaigns from websites. From June 7 to September 15, 2020, at least 136 articles attacking Omar Radi were posted on the aforementioned websites. (2)

Journalist Sulaiman Raissouni was also subjected to defamation campaigns a few months before his arrest. His wife reported that some websites had published personal data and information about her, her husband, infant son and father, as well as fabricating fake stories that represented the charges under which he is now being tried.

These campaigns come from media outlets controlled and directed by government bodies to silence journalists and dissenting opinion makers, starting with defaming them, fabricating false charges, and ending with arresting and presenting them before unfair trials that do not take into account the foundations and rights of defense guaranteed by law.

Legal background

The practices committed by the Moroccan authorities aimed at undermining the right to opinion and expression constitute several violations that are prohibited by both Moroccan domestic laws and international conventions and agreements.

• **First: National laws**

The Moroccan Constitution of 2011 included a set of articles that guarantee freedom of opinion and expression. Articles 25 and 28 of it stipulate:

Article 25: “The freedoms of thought, of opinion and of expression under all their forms[,] are guaranteed. The freedoms of creation, of publication and of presentation [exposition] in literary and artistic matters and of scientific and technical research[,] are guaranteed.”

Article 28: “The freedom of the press is guaranteed and may not be limited by any form of prior censure. All have the right to express and to disseminate freely and within the sole limits expressly provided by the law.”

In addition, freedom of press has been enshrined in Law No. 88.13 of 2016 relating to the press and publication, where Articles 3 and 7 of it stipulate:

Article 3: “Freedom of press is guaranteed in accordance with the provisions of Article 28 of the Constitution and cannot be restricted by any form of tribal censorship.”
Freedom of thought, opinion, and expression is guaranteed to all in accordance with Article 25 of the Constitution.”

Article 7: “The state is committed to guaranteeing freedom of press and the consolidation of democracy and pluralism of the media and it works to abide by them.”

• Second: International laws

The right to freedom of opinion and expression is considered one of the basic rights that are protected by international law, and even given it the utmost importance.

This was confirmed by Article 19 of the Universal Declaration of Human Rights, which states:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

As well as, Article 19 of the International Covenant on Civil and Political Rights, which states:

“2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”
Based on the above-mentioned legal texts, it is clear that the international and local legislators have given freedom of opinion and expression a paramount importance as it is a basic human right that must be protected and preserved.

Therefore, all the measures taken by the Moroccan authorities, including arrests, detentions and prosecutions of peaceful activists and journalists for expressing opinion on national and living issues contradict the provisions of these articles, which absolutely prohibit these violations without any exceptions.
Recommendations

The Euro-Mediterranean Human Rights Monitor recommends:

*The Moroccan government to:*

1. Release all prisoners of conscience, including journalists, activists, and bloggers, who were arbitrarily detained for expressing opinion, and to stop the policy of detention in all its forms once and for all.
2. The judiciary must play its primary role to protect the press and peaceful activists from arbitrary arrests, widespread abuses, and defamation campaigns.
3. Allow the Special Rapporteur on arbitrary detention and international organizations to visit Moroccan prisons to assess the reality of detainees.
4. Respect national laws regulating the protection of the right to opinion and expression, especially those contained in the Moroccan Constitution in articles 21 to 29, and international laws ratified by Morocco, which prohibit violations against freedom of opinion and expression.
5. Provide a fair adversarial trial for the detainees, securing periodic visits to their families, and granting them the right to appoint lawyers to meet with them before their trial.
The international community to:

6. Carry out its responsibilities by working with the Moroccan authorities and communicate with officials to stop arrests against the background of freedom of opinion and expression.

7. Allow the UN Special Working Group on the issue of promoting and protecting the right to freedom of opinion and expression to take the necessary measures based on information related to cases of detainees on the grounds of opinion and expression.

8. Call on the contractual bodies emanating from international agreements that enshrine the right to freedom of opinion and prohibit its violation to activate their monitoring role and work with the Moroccan authorities to stop these violations under these agreements.