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Morocco: Crackdown on Social Media Critics

(New York/Rabat) – Moroccan (https://www.hrw.org/middle-east/n-africa/morocco/western-sahara) authorities have since September 2019 arrested and prosecuted at least 10 activists, artists, or other citizens who did nothing but peacefully express critical opinions via Facebook posts, YouTube videos, or rap songs, Human Rights Watch and the Moroccan Association for Human Rights said today. The authorities should immediately free those who are being detained for exercising their right to freedom of expression and drop the charges.

The men face such charges as showing a “lack of due respect for the king,” “defaming state institutions,” and “offending public officials.” None of them were prosecuted under the Press and Publications Law, which is meant to govern offenses related to all forms of public speech. Instead, all were prosecuted under the penal law, which, unlike the Press and Publications Law, punishes offenders with prison terms.

“An increasing number of Moroccans are taking to social media to express bold political opinions, including about the king, as is their right,” said Ahmed Benchemsi (https://www.hrw.org/about/people/ahmed-benchemsi), Middle East and North Africa communications director at Human Rights Watch. “As self-censorship erodes, the authorities have stepped in to frantically try to reinstate the red lines.”

Those arrested include students, artists, citizen journalists, and social media commentators who have been arrested and charged for nonviolent, critical commentary on Moroccan authorities. Some have targeted the wealth and lifestyle of King Mohammed VI, contrasting it with what they perceive as the state’s failure to guarantee basic rights and economic opportunities for young Moroccans. Others encouraged people to participate in protests against socio-economic injustice.

On February 5, in partnership with the Moroccan Association for Human Rights, Human Rights Watch published a Case Listing of Moroccan citizens who were imprisoned or indicted recently in violation of their right to express themselves peacefully. This listing will be updated with new cases as documentation about them becomes available.

In 2016, Morocco adopted a new Press and Publications Code, which, in contrast to the previous code, does not punish any speech offenses with prison terms. However, the penal code continues (http://www.hrw.org/news/2017/05/04/morocco-scrap-prison-terms-nonviolent-speech)to impose prison terms for a range of nonviolent speech offenses such as showing a lack of due respect for the king, defaming state institutions,

and insulting public agents while they are performing their duties. All these offenses are defined broadly, increasing the risk that authorities will use them to suppress critical speech.

Nonviolent criticism of state officials and policies is protected speech under international law, and particularly under the International Covenant on Civil and Political Rights (ICCPR), which Morocco ratified in 1979.

Omar Radi, a journalist, was briefly detained and faces up to a year in prison for criticizing a judge in a tweet. The operators of popular YouTube channels “Moul Kaskita ” and “We Love You, Morocco” were sentenced to four and three years in prison, respectively, for showing disrespect to the king. First instance courts convicted Ayoub Mahfoud and Hamza Sabbaar, both students, for the same offense and sentenced them to three years of prison each, even though Mahfoud was accused of doing nothing more than post lyrics of a song on Facebook and Sabbaar merely shared critical Facebook posts and chanted slogans inspired by a rap song he wrote in a football stadium.

Reacting to reports on the increase of people imprisoned over speech offenses, government spokesman Hassan Abyaba said (<https://lakome2.com/politique/154070>) on January 9 that Morocco respects human rights, including free speech, but added that “there is a difference between freedom of expression and opinion, and committing a crime sanctioned by the law.”

“Expressing nonviolent opinions should never be a crime sanctioned by prison terms,” said Youssef Raissouni, secretary general of the Moroccan Association for Human Rights. “A country that takes seriously the international human rights treaties it signed should abolish its domestic speech-muzzling laws or at least stop enforcing them.”

In previous years, a number of journalists have been sentenced to prison terms after unfair trials, but not for speech offenses. However, circumstances around their cases raised concerns that the charges they were prosecuted under were only pretexts for the state to retaliate against their political opinions or affiliations.

For example, Hamid El Mahdaoui, a journalist critical of the government whose YouTube videos in Moroccan dialect attracted tens of thousands of viewers, is serving a three-year sentence on spurious grounds (<https://www.hrw.org/news/2018/07/18/morocco-journalist-convicted-dubious-charge>) for failing to report a security threat. In September, a court sentenced Hajar Raissouni (<https://www.hrw.org/news/2019/09/09/morocco-trial-over-private-life-allegations>), a journalist, to a year in prison for having an abortion, a charge she denied. She was granted a royal pardon and freed (<https://www.hrw.org/news/2019/10/21/morocco-insufficient-royal-pardon>) after 45 days in custody. The case was possibly motivated by Raissouni’s work for *Akhbar Al Yaoum*, a daily newspaper that authorities have targeted repeatedly for its independent reporting, and her family connections with high-profile dissidents.

“Moroccan authorities seem to have dropped the fig leaf of prosecuting critics on dubious criminal charges and are now going after them directly for speech offenses,” Benchemsi said. “Whether authorities like it or not, peaceful criticism is a right, period.”

Soufian Al-Nguad

On September 25, 2018, Moroccan coast guardsmen patrolling in the strait of Gibraltar fired on a boat that was apparently crossing the Mediterranean to bring migrants clandestinely to Europe, killing Hayat Belkacem, a 20-year old Moroccan student. Two days later, Soufian al-Nguad, 29, the co-owner of a real estate agency in Tetouan, in northern Morocco, praised on Facebook his city’s “ultra” soccer fans who had called for a black-clad protest in remembrance of Belkacem. In the same post, he encouraged people to join the protest.

On October 3, police arrested and interrogated al-Nguad. A prosecutor in Tetouan charged him with “incitement to participate in an unauthorized protest.” A court of first instance sentenced (<https://www.hrw.org/news/2019/02/08/morocco-free-facebook-commentator>) him to two years in prison, but an appeals court reduced the sentence to one year on February 11, 2019.

Al-Nguad was imprisoned merely for urging people to protest, a type of speech protected by international human rights law. Moroccan law should not criminalize such acts, and as long as laws remain on the books that make such charges possible, authorities should refrain from enforcing them.

Al-Nguad was freed in October 2019 after serving his one-year sentence. While he was in prison, police agents approached his wife and his father and warned that he would go to jail again “for five years” if “he continued his writings on Facebook,” Al-Nguad told Human Rights Watch.

On December 30, 2019, Al-Nguad and his wife crossed the border to Ceuta and immediately filed for asylum in Spain on grounds of political persecution.

Mohamed Mounir (Gnawi)

On October 29, 2019, three Moroccan rappers released “3ach cha3b (<https://www.youtube.com/watch?v=hiW7ByHWJhg>)” (Long Live the People,) a song criticizing the king and the government that recorded 22 million views on YouTube. The lyrics include the expressions “Our dog the sixth,” apparently an oblique reference to king Mohammed VI, and “commander of the addicts,” a play on words in Arabic on the king’s religious title “commander of the faithful.” On November 1, the police arrested one of the song’s performers, 31-year-old Mohamed Mounir (also known as Gnawi) in Salé, a city near Rabat.

Five days before the release of “3ach cha3b,” Gnawi was stopped at a police checkpoint after leaving a bar in Rabat around 4 a.m., his lawyer Mohamed Sadqo told Human Rights Watch. Minutes after that, he appeared in a video

(<https://www.youtube.com/watch?v=Z8mez-GMaP8>) broadcast live on Instagram, swearing and hurling insults at the police. He told Sadqo that he was freed after paying a bribe. The authorities say that his video, not the rap song, was the basis for indicting Gnawi for “insulting public officials.”

Gnawi was sentenced to one year in prison, confirmed by the appeals court of Sale on January 15, 2020.

While any person or group of people, including police agents, can expect the state to take reasonable steps to protect their reputation under their right to privacy under international law, defamatory speech, however vulgar or offensive it may be, should never be grounds for a criminal prosecution that can land its author in prison.

Many in Morocco suspect that Gnawi’s imprisonment is payback (https://www.lemonde.fr/afrique/article/2020/01/16/au-maroc-peine-de-prison-confirmer-pour-un-rappeur_6026077_3212.html) for the success of “3ach cha3b.” On January 6, at the request of an association that supports the allegiance pledge to the king, a prosecutor in Meknes opened an investigation against Youssef Mahyout (<https://www.alyaoum24.com/1364205.html>) (also known as Weld L’griya), one of the other performers of the critical rap song, for insulting the king, punishable by up to five years in prison.

Mohamed Sekkaki (Moul Kaskita)

On November 29, 2019, a popular YouTube commentator, Mohamed Sekkaki, 30, also known as “Moul Kaskita” (“The Man With The Sports Cap”) posted a 12-minute video criticizing King Mohammed VI (<https://www.youtube.com/watch?v=7D5RoOMJmQo>), saying the king had “mumbled his way through speeches that others wrote for him.” Sekkaki said that the good intentions expressed in these speeches are never translated into tangible acts and lamented the Moroccan people’s complacency toward inequality and injustice. He was arrested two days later in his home in Settlat, 160 kilometers south of Rabat, the capital.

Sekkaki was accused of “offending institutions of the State,” “lacking due respect to the king,” and possession of 15 grams of cannabis. He denied smoking cannabis or having any in his home. The court of first instance in Settlat sentenced him to 4 years in prison and a fine of 40,000 dirhams (US\$4,000). He has appealed the verdict.

In a *communiqué* published after Sekkaki’s arrest (<http://ar.telquel.ma/%D9%85%D9%88%D9%84-%D8%A7%D9%84%D9%83%D8%A7%D8%B3%D9%83%D9%8A%D8%B7%D8%A9-%D8%A3%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D9%88%D8%A3%D8%B4%D8%B1%D8%B7%D8%AA%D9%87-%D8%AA%D8%AF%D8%B1/>), the prosecutor of Settlat said, “The expressions that were included in the video do not fall under freedom of speech; they constitute crimes that are punished by the law.” Criticizing authorities is protected speech under international law and should never lead anyone to prison, Human Rights Watch said.

The “Moul Kaskita” YouTube channel (<https://www.youtube.com/user/flanefertlan/about>), on which Sekkaki uploaded 277 videos that received nearly 66 million views cumulatively, has more than 350,000 subscribers.

Mohamed Ben Boudouh (Moul Hanout)

On December 5, 2019, the National Brigade of the Judiciary Police arrested Mohamed Ben Boudouh, also known as “Moul Hanout” (“The Shop Owner”), in his hometown of Tiflet, east of Rabat, and took him to Casablanca for interrogation. His lawyer Hassan Tas told Human Rights Watch that the police questioned him about a series of videos he published on Facebook during 2019 criticizing governance in Morocco in general and King Mohammed VI’s record and lifestyle in particular.

Tas told Human Rights Watch that the police report indicated that Ben Boudouh had addressed the king with “expressions, sentences, and words lacking due respect [to the monarch],” particularly in a video (<https://www.youtube.com/watch?v=B3oGE1teF4U>) dated December 1. On January 7, 2020, the court of first instance of Khemisset, a city near Tiflet, sentenced Ben Boudouh to three years in prison for “insulting constitutional institutions [and] public officials.” Ben Boudouh is in Tiflet prison. He appealed the decision.

In 2016, Ben Boudouh made news in Tiflet (<http://bayanealyaoume.press.ma/%D8%A3%D8%AE%D9%8A%D8%B1%D8%A7-%D8%A7%D9%86%D8%AA%D9%87%D9%89-%D8%A7%D8%AD%D8%AA%D8%AC%D8%A7%D8%AC-%D8%A7%D9%84%D8%B1%D9%8A%D8%B2%D9%88-%D9%81%D9%8A-%D8%AA%D9%8A%D9%81%D9%84%D8%AA-%D8%A8%D8%AA/.html>) by climbing onto a telecommunications antenna and staging a week-long protest there after his family was evicted from a café they owned. After that, he became known locally for his hard-toned videos criticizing corruption of local officials.

Youssef Moujahid

Youssef Moujahid, a bank employee who created “Nouhibouka Ya L’Maghrib” (“We Love You Morocco”), a YouTube channel that publishes news and commentary videos about current affairs in the country, was arrested in his home in Casablanca on December 18, 2019. Days before his arrest, he published excerpts of a video in which Mohamed Ben Boudouh criticized King Mohammed VI’s policies and lifestyle.

A prosecutor accused Moujahid of complicity in “insulting constitutional institutions [and] public officials” and transferred his case to Khemisset’s first instance court, to be merged with Ben Boudouh’s. On Jan 7, 2020, the court sentenced Moujahid to three years in prison. He appealed the decision. He is in Tiflet prison, pending appeal.

Moujahid's YouTube channel, on which he uploaded about 3,700 videos that received more than 88 million views (<https://www.youtube.com/channel/UCYuH4iVynEKUmuVSdiv6brg/about>) cumulatively, had more than 100,000 subscribers in 2018.

Hamza Sabbaar

On December 28, 2019, police agents arrested high school student Hamza Sabbaar, 19, in a stadium near El-Ayoun, Western Sahara, during a football game. The judgment accompanying his conviction, which Human Rights Watch consulted, says that Sabbaar was chanting anti-government slogans such as “The dictatorial regime has wounded us,” while “raising his arms in an attempt to lure other spectators into repeating (the slogans).”

Sabbaar is a singer who released a rap song critical of the authorities (<https://www.youtube.com/watch?v=UxL0fbXKg7Q>) titled “F’hemna” (“We Understand”) in October 2019. The slogans he was chanting were excerpts of the lyrics.

The same court document says that during an interrogation session in a police station nearby, agents accessed his Facebook account and interrogated him over a post in which they say he wrote, “His Majesty the dictator exploited his position as king to amass wealth and become one of the richest persons in the world ... while impoverishing his dear people,” above a photomontage showing King Mohammed VI over a slum. While there is such a Facebook post, Human Rights Watch found that it was not written or posted by Sabbaar, but rather by another account named “Enough corruption.” Sabbaar merely shared the post.

The prosecution charged Sabbaar with “insulting a constitutional institution.” On December 31, a court sentenced him to 4 years in prison and a fine of 10,000 dirhams (US\$1,000). On January 16, 2020, an appeals court confirmed the verdict but reduced the sentence to eight months. He is in Bouizakarn prison, about 500 kilometers north of El-Ayoun.

Peacefully criticizing authorities, whether in stadium chants or on social media or any other communications platform, is protected speech under international law and should never lead anyone to prison, Human Rights Watch said.

Said Chakour

On December 2, 2019, Said Chakour, 23, a journeyman, was admitted to a hospital in Tetouan, a northern city, after he was involved in a traffic accident. After a few hours, believing that he hadn't received enough attention and proper medical care, he had himself recorded in a video (https://www.youtube.com/watch?v=10_Iz68N5K0) later posted on YouTube in which, while appearing to be in great pain, he insulted hospital personnel and Moroccan officials at large, whom he blamed for his situation. He used expletives while talking about King Mohammed VI.

Chakour apologized two days later in another video (<https://www.youtube.com/watch?v=17TifSWJUF4>), in which he said that the drugs he received from hospital personnel explained his outburst of anger. He was released from the hospital about 10 days later, after undergoing leg surgery, his lawyer Ahmed Ben Abdelouhab told Human Rights Watch.

On December 22, after local media picked up his videos, Chakour (<https://tetouanews.ma/2019/12/07/%D8%B3%D8%B9%D9%8A%D8%AF-%D8%B4%D9%82%D9%88%D8%B1-%D8%A7%D9%84%D9%85%D9%84%D9%82%D8%A8-%D8%A8%D8%B7%D8%A8%D8%B1%D9%88%D9%86-%D9%8A%D8%B9%D8%AA%D8%B0%D8%B1-%D8%B9%D9%85%D8%A7-%D8%B5%D8%AF%D8%B1/>) was arrested and a prosecutor charged him with “insulting public officials.” On January 6, 2020, a court in Tetouan sentenced him to two years in prison. Chakour appealed the verdict.

Expressing one’s peaceful opinion on public officials, however vulgar or offensive that opinion may be, is protected speech under international law, and should never result in a prison term.

Chakour is currently in Tetouan Civil Prison, known as Somal. “He is still in great post-surgery pain and needs constant help from others, including to go to the toilet. Prison conditions are absolutely not appropriate given his physical condition,” Ben Abdelouahab told Human Rights Watch.

Abdelali Bahmad (Bouda)

On December 18, 2019, Abdelali Bahmad, 35, a rights activist also known as “Bouda,” was summoned in a police station in Khenifra, where he lives. He was interrogated for several posts he had published in the previous weeks on Facebook, his lawyer Houcine Titaou told Human Rights Watch.

These included a photo of himself carrying a flag with the picture of Argentinian revolutionary Ernesto “Che” Guevara on it and the comments “This is the flag that represents me ... [rather than] the bloody pool rag featuring a green frog,” apparently in reference to Morocco’s flag, which features a green star on a red background.

Bahmad was kept under arrest and prosecuted for “insulting the national flag and symbols of the nation.” He was sentenced on January 9, 2020 to 2 years in prison and a fine of 10,000 dirhams (US\$1,000). He is in Khenifra prison, waiting for the appeals trial to start.

Expressing one’s opinion on a national flag is an act of peaceful expression protected by the International Covenant on Civil and Political Rights (ICCPR) (<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>), which Morocco ratified in 1979.

Ayoub Mahfoud

On December 2, 2019, police arrested high school student Ayoub Mahfoud, 18, in Meknes. They interrogated him about a Facebook post in which he wrote “Our dog the sixth, our ruler is unjust” over a picture of himself with a dog. The expression was an excerpt from the lyrics of “3ach cha3b (<https://www.youtube.com/watch?v=hiW7ByHWJhg>),” a popular rap song critical of the royal government in Morocco. One of the three performers who wrote and performed the rap is currently serving a one-year sentence for offending public officials, while another one is being prosecuted for showing a lack of due respect for the king.

The police interrogation report says that Mahfoud admitted that “the purpose of his posting on Facebook was to express his hatred towards [constitutional institutions and the armed forces].” According to the court’s written judgment, Mahfoud repudiated that statement in court and said that he signed the interrogation report without reading it.

The court of first instance in Meknes sentenced Mahfoud to three years in prison for lacking due respect for the king and insulting constitutional and legal bodies and public officials. The court provisionally released him on January 16 while judging his appeal. The trial is scheduled to resume on March 30.

The United Nations Human Rights Committee has stated that freedom of expression means that everyone should have the freedom to criticize state institutions and public officials.

Omar Radi

On April 6, 2019, journalist Omar Radi, 33, tweeted a comment about a judge in Casablanca (https://twitter.com/OmarRADI/status/1114321329078116352?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1114321329078116352&ref_url=https%3A%2F%2Fledesk.ma%2F2019%2F04%2F18%2Fle-journaliste-omar-radi-questionne-sur-ses-tweets-critiquant-le-juge-du-hirak%2F) who had just imposed long prison terms on leaders of largely peaceful protests in the Rif region accused of violence towards police forces. The verdict was chiefly based on confessions the defendants said they signed after being tortured or tricked by the police, a claim the courts never properly investigated, even though it was sustained by medical reports available to the court.

The Casablanca police summoned Radi for interrogation 10 days after he posted his tweet, then did not contact him again until December 25. That day, he was brought before a prosecutor, arrested, and charged with “insulting a magistrate.”

On December 31, after six days in prison, Radi was granted provisional release and his trial postponed (<https://www.hrw.org/news/2019/12/28/morocco-free-outspoken-journalist-jailed-over-tweet>) to March 3. He faces up to a year in prison.

Morocco has been a party to the ICCPR since 1979. The UN Human Rights Committee, which monitors state compliance with the ICCPR, stated in its general comment on the right to freedom of expression that the “mere fact that forms of expression are

considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.” Thus, “all public figures, including those exercising the highest political authority ... are legitimately subject to criticism and political opposition.”

Adnan Ahmadoun

On January 11, 2019, police stopped Adnan Ahmadoun, 50, a journeyman and a member of the Islamist group Al Adl Wal Ihsane, as he was about to cross the border to Ceuta, a Spanish enclave. Police agents told him that he was under arrest based on a warrant dating to August 2018 because in 2018 he had shared a Facebook post encouraging people to participate in protests in the mining town of Jerada (<https://www.hrw.org/news/2018/06/04/morocco-another-crackdown-protests>), in northeastern Morocco.

They kept him for interrogation for five hours then released him after confiscating his mobile phone, which they said they would hold as evidence.

Ahmadoun was later charged with “incitement to rebellion” and prosecuted while provisionally free. His trial started in September 2019 and was postponed many times. On February 3, 2020, Ahmadoun was sentenced to 4 months of suspended prison. He will appeal the verdict, his lawyer, Rachid Amri, told Human Rights Watch.

Urging people to protest is protected speech under international human rights law. Moroccan law should not criminalize such acts, and as long as laws remain on the books that make such charges possible, authorities should refrain from enforcing them.

ecoi.net summary:

Since September 2019, authorities have arrested and prosecuted at least 10 activists, artists, or other citizens who expressed critical opinions on social media



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