

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	277
Land:	Marokko-Vestsahara
Kilde:	Freedom House
Titel:	Freedom on the Net 2020
Udgivet:	14. oktober 2020
Optaget på baggrundsmaterialet:	4. januar 2021

Document #2039106

Freedom House

Freedom on the Net 2020 - Morocco

PARTLY FREE

52

/ 100

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LAST YEAR'S SCORE & STATUS

54 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom in Morocco remained tenuous during the period of coverage as a crackdown on online journalists covering protests continued, and progovernment news websites published false information about activists and journalists. While internet access continues to increase overall, the government is believed to maintain sophisticated surveillance systems. Problematic press and antiterrorism laws place high burdens on intermediaries, and numerous social media accounts apparently exist with the sole purpose of harassing, intimidating, and threatening activists who criticize authorities. During the COVID-19 pandemic, the government issued a state-of-emergency decree that included criminal penalties for those who posted “false information” about the pandemic online.

Morocco holds regular multiparty elections for the parliament, and reforms in 2011 shifted some authority over government from the monarchy to the elected legislature. Nevertheless, King Mohammed VI maintains dominance through a combination of substantial formal powers and informal lines of influence in the state and society. Many civil liberties are constrained in practice.

Editor's Note: Western Sahara is not covered in this report. Certain territories that are assessed separately in Freedom House's Freedom in the World report are excluded from the relevant country reports in Freedom on the Net, as conditions in such territories differ significantly from those in the rest of the country.

Key Developments, June 1, 2019 - May 31, 2020

- The internet service provider (ISP) INWI has growing penetration in the telecommunications markets in the region. The National Agency for the Regulation of Telecommunications (ANRT), the Moroccan regulatory body, sided with INWI in a lawsuit against Maroc Telecom, having the effect of limiting industry diversity (see A4).
- In March 2020, amid the COVID-19 pandemic, a YouTuber with a large following posted a video in which she claimed the coronavirus did not exist. She was later arrested and sentenced to one year in prison for “sharing fake news”; the video is no longer available (see B2 and C3).
- During the coverage period, the Moroccan government approved draft law No. 22.20, which was largely denounced by civil society and temporarily suspended in May 2020. The law, if reintroduced, will task providers with restricting content as well as enforcing criminal penalties for users who post “false information” online (see B2 and C2).
- There was an alarming crackdown on social media critics, as well as a campaign of online harassment against members of the LGBT+ community during the reporting period, leading to increased self-censorship (see B8 and C7).
- Popular YouTube commentator Mohamed Sekkaki (known as Moul Kaskita) was arrested on November 29, 2019, after posting a 12-minute video criticizing King Mohammed VI. He was subsequently sentenced to four years in prison and a \$4,000 fine for “offending institutions of the State” and “lacking due respect to the king” (see C3).
- Activist Omar Radi was arrested in December 2019 after tweeting about harsh penalties imposed on Hirak protesters, following his release he was later rearrested in July 2020 (see C3).

- Historian and human rights activist Maati Monjib and human rights lawyer Abdessadak El Bouchattaoui were the targets of the Pegasus spyware produced by the Israeli company NSO Group (see C5).

A Obstacles to Access

While internet access continues to increase overall, the disparity between urban and rural connectivity persists. Authorities did not impose any restrictions on connectivity over the past year, but the centralization of the internet backbone leaves room for censorship and surveillance.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 6

Internet access in Morocco has slowly increased in recent years, though obstacles remain in certain areas of the country. The internet penetration rate grew from 52 percent in 2010 to nearly 65 percent in 2018, according to the International Telecommunication Union (ITU). Meanwhile, there are 124 mobile subscriptions for every 100 inhabitants.^{[1](#)}

Speeds have also increased. According to the 2020 Inclusive Internet Index, Morocco’s mobile internet download speeds average 33 Mbps, while mobile upload speeds average 13 Mbps, increases of 140.8 percent and 72.8 percent, respectively, from the 2019 index. In terms of fixed-broadband speeds, average download speed is 17.7 Mbps, while upload speeds average 3.5 Mbps, increases of 14.4 percent and 27.5 percent, respectively, from the 2019 index.^{[2](#)}

The government has undertaken several programs over the years to improve the country’s information and communication technologies (ICT) sector, including the granting of LTE licenses to telecommunications companies.^{[3](#)} The General Guidelines for the Further Development of the Telecommunications Sector by 2018 provides the latest framework for the development of ICTs.^{[4](#)} The program aims to increase fiber-optic and other high-speed connections throughout the country, reinforce the existing regulatory framework, and provide universal access. General guidance for the years 2019 through 2022 was reportedly being drafted during the coverage period.^{[5](#)}

In terms of ICT infrastructure, Maroc Telecom, a partially state-owned company, owns and controls a fiber-optic backbone of more than 10,000 kilometers (6,200 miles). The state-controlled National Railways Office (ONCF) and National Office of Electricity and Water (ONEE) have also built 2,000- and 4,000-kilometer (1,250- and 2,500-mile) fiber-optic infrastructures, respectively (see A3). Over the past year, Morocco’s national and international bandwidth has increased by 30.61 percent to 1,970 GB.^{[6](#)}

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons? 3

Network coverage is highly uneven between urban and rural areas. According to the most recent annual report from the ANRT, which was released in 2017, urban dwellers are more likely to have internet access than rural inhabitants, with penetration at 67 percent compared with 43 percent. Some 92 percent of Morocco’s population utilize mobile phones; of those, 73 percent are smartphone users, 86 percent of whom use their smartphones to access the internet, particularly in rural areas.^{[7](#)} Rural inhabitants constitute 38.7 percent of the overall population,^{[8](#)} and while many have access to electricity, television, and radio, most do not have access to phone lines and high-speed internet. The high rate of illiteracy, especially among rural women, is another major obstacle to internet access. Some 47.5 percent of rural Moroccans are illiterate; 60.1 percent of these are female.^{[9](#)}

While there is a divide between rural and urban areas, internet use remains relatively affordable.^{[10](#)} For a 4G+ prepaid connection speed of up to 225 Mbps, customers pay 59 Moroccan dirham (\$6) per month for 7 GB of data; if exceeded, they can pay 20 dirham (\$2) for an additional 2 GB package.^{[11](#)} Internet users pay on average 3 dirham (\$0.31) for one hour of connection in cybercafés.

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity? 6

Authorities did not impose any restrictions on connectivity over the past year. However, the centralization of Morocco’s internet backbone facilitates the potential control of content and surveillance. The three main telecom operators—Maroc Telecom, Orange Morocco, and INWI—have varying access to international connectivity.

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 4 / 6

ISPs, cybercafés, and mobile phone companies do not face major legal, regulatory, or economic obstacles.^{[12](#)} Maroc Telecom, Orange, and INWI are the main licensed ISPs and mobile carriers. Maroc Telecom is a former state company that held a monopoly over the telecom sector until 1999, when licenses were granted to Medi Telecom and INWI.^{[13](#)} Maroc Telecom is now owned by Etisalat of the United Arab Emirates (UAE) and the Moroccan state, which maintains a 30 percent stake.^{[14](#)} In May 2019, the company announced that the state would sell as much as 8 percent of its shares as part of a plan to address the budget deficit.^{[15](#)}

Medi Telecom, previously a private consortium led by Spain’s Telefónica, was rebranded and changed its name to Orange Morocco in December 2016 after the French Orange Group gained a 49 percent controlling interest in the company the previous year.¹⁶ INWI (formerly called WANA and Maroc Connect) is a subsidiary of Al Mada, the Moroccan industrial conglomerate owned by the royal family. Three 4G licenses were granted to the three telecom companies, and 4G utilization started in April 2015.¹⁷

During the coverage period, the telecommunications industry witnessed a major struggle between Maroc Telecom and INWI, leaving open questions regarding industry competition. In 2018, INWI filed a complaint over claims that Maroc Telecom was not complying with competition regulations. In January 2020, the ANRT, the state regulator, delivered an unprecedented verdict in favor of INWI, leaving Maroc Telecom with a \$340 million fine for “abusing its dominant position in the market by hindering competitors’ access to unbundling on its network and the fixed market.”¹⁸ One month later, INWI dropped the lawsuit. These developments suggest that while the ANRT made legal interventions to enforce competition regulations, the UAE’s growing penetration in telecommunications markets in the region have had an adverse impact in terms of limiting industry diversity.

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner? 1 / 4

The ANRT is a government body created in 1998 to regulate and liberalize the telecommunications sector. Its board of directors is made up of government ministers, and its head is appointed by the king. The founding law of the ANRT extols the telecommunications sector as a driving force for Morocco’s social and economic development, and the agency is meant to create an efficient and transparent regulatory framework that favors competition among operators.¹⁹

While Maroc Telecom effectively controls the telephone-cable infrastructure, the ANRT is tasked with setting the prices at which the company’s rivals (such as Orange and INWI) can access those cables. Thus, the ANRT can make sure competition in the market is fair and leads to affordable services for Moroccan consumers.²⁰ The ANRT director and administrative board are appointed by a *dahir* (royal decree), leaving the agency open to politicization. However, international organizations such as the World Bank and the ITU have not expressed any major criticism regarding the ANRT’s neutrality.²¹

The allocation of digital resources, such as domain names, is carried out in a nondiscriminatory manner. The ANRT manages the top-level country domain .ma through various private providers, some of which are affiliated with the three telecom companies. As of June 2020, there were 84,456 registered Moroccan domain names, up from 73,250 in April 2019.²²

B Limits on Content

Though websites are rarely blocked outright, authorities limit online content through a variety of nuanced mechanisms. Problematic press and antiterrorism laws place high burdens on intermediaries, while activists are pressured by security officials to delete sensitive content. There has been an influx of progovernment online outlets that publish false and defamatory news about dissidents. Nevertheless, digital mobilization perseveres.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 6 / 6

The government did not block or filter any political, social, or religious websites during the coverage period. Social media and communications services including YouTube, Facebook, and Twitter are available in the country, as are international blog-hosting services. Websites that discuss controversial views or minority causes—such as the disputed territory of Western Sahara, the Amazigh (Berber) minority, or Islamist groups—are also accessible.

The last instance of government blocking of online content occurred in 2013, when the attorney general ordered the ANRT to block the Arabic- and French-language websites of the investigative news outlet Lakome for allegedly condoning terrorism.²³ An article on the site had reported on a video attributed to Al-Qaeda in the Islamic Maghreb (AQIM) but did not itself incite violence or promote terrorism.²⁴ An Arabic-language version of Lakome was relaunched using the address lakome2.com.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content? 2 / 4

The government maintains control over the information landscape through a series of restrictive laws that can require the closure of outlets and the removal of online content (see B3). The government also resorts to more ad hoc extralegal means to remove content that is deemed controversial or undesirable. For example, the news outlet Hespress, which in the past featured content that was both supportive and critical of the government, has deleted videos of street protests and interviews with opposition figures as a result of anticipated or actual pressure from authorities.²⁵ Activists have also described situations where security officials told them to remove or change critical content or face criminal charges.²⁶

In March 2020, amid the COVID-19 pandemic, a YouTuber with a large following posted a video in which she claimed the coronavirus did not exist. She was later arrested and sentenced to one year in prison for “sharing fake news” (see C3).²⁷ The YouTube video is no longer available; it is unclear whether it was taken down by the authorities or if the YouTuber took it down herself.

During the coverage period, the Moroccan government approved draft law No. 22.20, which was largely denounced by civil society and temporarily suspended in May 2020 (see C2). Article 8 of the draft law includes provisions that task “network providers” with “suppressing, prohibiting, restricting access to any electronic content which clearly constitutes a dangerous threat to security, public order or which would be likely to undermine the constants of the Kingdom, its sacredness and its symbols within a period of not more than 24 hours.”²⁸ The vague language leaves space for further censorship of online content.

Facebook reported receiving 106 requests for data between July and December 2019 and complied with 75 percent of those requests.²⁹

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, 2 / 4 or an independent appeals process?

Online content can be restricted under broad legislation. For example, the antiterrorism law, adopted in 2003,³⁰ gives the government sweeping powers to filter and delete content that is deemed to “disrupt public order by intimidation, force, violence, fear, or terror.”³¹ Article 218(6) assigns legal liability to the author and anyone who in any way helps the author to disseminate information deemed as a justification for acts of terrorism, which would include site owners and ISPs. While the law was ostensibly designed to combat terrorism, authorities retain the discretion to define vague terms such as “national security” and “public order” as they please, opening the door for abuse. Many opposition news sites are hosted on servers outside the country to avoid being shut down by the authorities. Intermediaries must block or delete infringing content when made aware of it or upon receipt of a court order.³²

Under the press law, the government has the right to shut down any publication “prejudicial to Islam, the monarchy, territorial integrity, or public order,” and it can seek heavy fines, or prison sentences under the penal code, for the publication of offensive content (see C2).

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 2 / 4

Moroccans openly discuss controversial social issues and political events on social media, though online news media continue to lack diversity. Online sites tend not to host robust investigative journalism, in part because journalists working for state-friendly, traditional-media outlets tend to be paid better.³³ Online news outlets also receive unofficial directives not to report on controversial issues or not to allow certain voices to be heard. Over the course of the previous coverage period, for example, reports on King Mohammed VI’s rumored divorce from his wife, Lalla Salma, was hardly covered by Moroccan media. In contrast, speculation about their divorce circulated freely in foreign media outlets.³⁴

Activists and journalists also expressed concerns that they may be subject to surveillance, which encourages self-censorship.³⁵ In a recent journal article on self-censorship in Morocco, Abdelmalek El Kadoussi writes, “Both content quality and normative social responsibilities of the press have been subverted because of excessive self-censorship.”³⁶

Personal attacks and derogatory comments received by activists and opinion makers online—often in response to their criticism of government policies—also contribute to self-censorship.³⁷ Moreover, many online journalists have been jailed on or investigated for serious charges in a bid to silence them, with court proceedings often repeatedly postponed in order to maintain the threat of jail time; a number of such cases took place during this report’s coverage period (see C3).³⁸ In a state that punishes investigative reporting and whistleblowing, people with sensitive information tend to stay quiet to avoid possible retribution.

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful 2 / 4 actors to advance a particular political interest?

Many of the major online news sources are both directly and indirectly linked to powerful figures connected to or within the Moroccan state. The influence of these individuals, who range from wealthy businesspeople to royal advisers,³⁹ could skew the online news landscape toward the interests of those in power.

In addition, during the current and previous coverage period, progovernment online media outlets published private and false information about government critics. For example, for several months during the coverage period, news outlets with close ties to security services published allegations that journalist and newspaper editor Soulaïman Raïssouni sexually assaulted a young man. These reports culminated in his arrest in May 2020.⁴⁰ Raïssouni worked with the independent newspaper *Akhbar Al-Yaoum*, whose previous editor, Taoufik Bouachrine, was arrested in February 2018 and charged with sexual assault; Bouachrine is currently serving a 20-year prison sentence. Raïssouni is the uncle of Hajar Raïssouni, a Moroccan journalist with the same publication who was arrested in August 2019 and later pardoned over charges of having an illegal abortion, which she denied.⁴¹

When charges were pressed against Taoufik Bouachrine,⁴² several women came forward alleging that authorities forced them to testify that he had sexually assaulted them, even though they claimed they were not assaulted.⁴³ Websites like *Telexpresse* and *Barlamane* threatened to leak a video of a “sexually scandalous” nature of one of the women who came forward.⁴⁴ Hajar Raissouni was also the subject of defamatory articles on *Barlamane* and other similar websites.⁴⁵ *Akhbar Al-Yaoum* remains one of the only independent and opposition daily newspapers, and the crackdown on its journalists fits into a broader pattern of authorities stifling independent news outlets, such as *Le Journal* and *Lakome*.

In May 2017, prominent activist Nasser Zefzafi, who led the *Hirak Rif* protests (see B8), was imprisoned. He was also the subject of defamatory online content on progovernment websites. Zefzafi was nominated for a Freedom of Thought award by the European Parliament, losing to another finalist in October 2018. The online progovernment news outlet *Cawalisse* subsequently alleged in an article that Zefzafi was a criminal rather than a human rights advocate and that the European Parliament had thus withdrawn his name “from the list of winners.”⁴⁶

In January 2019, Morocco’s national police, the General Directorate of National Security (DGSN), opened an official Twitter account, signaling a more official presence of Moroccan state actors online.⁴⁷ Earlier, there had reportedly been instances of people pretending to represent government bodies and be officials online. The DGSN’s official presence on social media may indicate a push toward not just sharing official information but also controlling the information attributed to it.

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content 1 / online? 3

Morocco’s more critical online outlets operate in an environment where the government has used financial pressure to push the most outspoken print-based media outlets into closure or bankruptcy.

Advertising revenue provided by the government or government-linked companies is not split fairly between independent and progovernment publications.⁴⁸ The Moroccan media sector includes a variety of “shadow” outlets, which are nominally independent but editorially supportive of the state.⁴⁹ They exist primarily to divert attention from other news portals and to compete for online advertising money and audience share. There is no evidence linking these outlets to a larger state strategy to counter the growth of voices of dissent. However, they receive large amounts of advertising, possibly in return for their progovernment bias.

Powerful business entities, such as the three telecommunications companies, are known to adhere to state pressure to withdraw advertising money from news outlets that run counter to the state-owned media narrative.⁵⁰ In an interview, prominent journalist Aboubakr Jamaï explained that “the carrot in Morocco is bigger than the stick; the state would rather reward you for obedience than punish you for dissent.”⁵¹

Creating a news website in Morocco is relatively complicated.⁵² For example, the Ministry of Culture and Communication had long refused to grant press cards to the directors of two important French-language online news sites, *Yabiladi* and *Le Desk*.⁵³ It took seven months before the directors, Mohamed Ezzouak and Ali Amar, received their cards in May 2018. According to the new 2016 press code, it is illegal to practice journalism in Morocco without such cards.

Articles 33 and 34 of the press code stipulate that to obtain press cards and benefit from state financial support, online news portals must acquire two types of authorizations from two different bodies, valid for one year at a time: from the Moroccan Cinema Center (CCM) to produce video content,⁵⁴ and from the ANRT to host domain names under *press.ma*.⁵⁵ While these measures are in line with international practices, press freedom advocates have warned that the regulators may be subject to political pressure to deny authorizations based on the editorial policies of outlets.

Digital advertisers were obliged to pay a 5 percent tax starting in January 2018, after the General Tax Administration issued a memo calling for the new levy and the government duly modified Articles 251(b), 254, and 183(b) of the general tax code in its annual budget bill.⁵⁶ The memo stipulates “an enlargement of the stamp tax duty for all advertising broadcast on all types of digital screens.”⁵⁷ Critics warned that the tax will stifle an already financially fragile media sector. An estimated 70 to 80 percent of Moroccan advertisers use global online platforms such as Google and Facebook, and since these platforms do not pay any taxes to the Moroccan government, their market share will grow at the expense of local websites.⁵⁸ The Association of the Moroccan Digital Press and the Moroccan Federation of Newspaper Editors both denounced the decision.

B7 0-4 pts

Does the online information landscape lack diversity? 3 / 4

As a result of closures and advertising boycotts, online media outlets have increasingly lacked diversity and independence.⁵⁹ Despite this, social media remains largely open and diverse, with users openly joking about the monarchy and disseminating memes as a form of political expression, although authorities have at times clamped down on certain types of social media expression (see C3). In general, debates on issues related to the monarchy do not make news, though social media users openly tackle such taboo subjects. Users have, for example, addressed topics that touched upon the king’s rumored divorce.⁶⁰ Users also questioned the king’s public support for a Moroccan pop singer who was jailed in Paris in October 2016 over accusations of rape,⁶¹ even as online news outlets refrained from mentioning the king when reporting on the topic.⁶²

A notable change in internet use among Moroccans has been the growing interest in domestic portals, especially an emerging genre of media that focuses on personal scandals. This applies notably to Chouftv, which is the highest ranking domestic website in Morocco.⁶³ Chouftv has gained a reputation for publishing reports that are largely driven by clickbaiting, and critics have questioned its relationship to security forces given that it is almost always the first major media outlet to report from the scene of major news stories.⁶⁴ For example, activists and journalists pointed to the abrupt arrest in May 2020 of Moroccan journalist Soulaïman Raïssouni. Chouftv was the only media outlet on the scene at the time of the arrest, which activists and journalists believe suggests that Chouftv was tipped off by security forces.⁶⁵ In 2010, the country’s top 10 most-visited websites did not include any Moroccan news sites.⁶⁶ By 2020, the list included six Moroccan websites—three news sites, one classified ad platform (Avito), and two sports sites. Other popular sites include Hespress, Hibapress, Aldar, 2m, and the sports site Elbotola.⁶⁷

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on 5 / political and social issues? 6

Score Change: The score declined from a 6 to a 5 due to the crackdown on online activists, as well as the specific targeting of LGBT+ campaigns and online spaces.

Internet users take advantage of various social media tools to educate, organize, and mobilize people on a wide variety of issues. During the coverage period, several campaigns, such as #FreeKoulchi (Free Everyone), which began in 2014 and gained more momentum during the coverage period, called for the release of imprisoned journalists and activists.⁶⁸ Such campaigns succeeded in gaining international media attention and at times resulted in concrete action, such as the release of jailed journalists Hajar Raïssouni and Omar Radi (see C3).

According to a report by Human Rights Watch that highlighted the growing crackdown on social media users, “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.”⁶⁹

In September 2018, a collective of Moroccans mobilized online to create the #Masaktach (“I will not be silenced”) campaign, which has been compared to the #MeToo movement.⁷⁰ Among the actions the group organized was encouraging women to blow whistles on the street if they faced sexual harassment.⁷¹ The group also called for the removal from the airwaves of Saad Lamjarred, a Moroccan singer charged with rape in France. Two of Morocco’s major radio stations, Radio 2M and Hit Radio, announced they would no longer play his music in response to the campaign.⁷²

Digital activists continue to provide a platform for the Hirak Rif protests centered in the northern coastal city of al-Hoceima. The ongoing demonstrations began in October 2016 after fish vendor Mouhcine Fikri was crushed in a trash compactor while trying to recover fish that the authorities had confiscated because it was allegedly caught illegally.⁷³ Two hashtags in Arabic—#طحن_مو (“grind him”) and #كلنا_محسن_فكري (“We are all Mouhcine Fikri”)—trended online and mobilized the initial street demonstrations.⁷⁴ The Hirak Rif protests are now focused on the release of the leader of the movement, Nasser Zefzafi, and other prominent activists. Zefzafi was arrested in May 2017 and sentenced to 20 years in prison in June 2018.⁷⁵

C Violations of User Rights

Moroccan laws on criminal defamation and terrorism continue to pose a threat to free speech. A growing number of journalists, activists, and social media users received prison sentences during the coverage period, including several who had posted “false information” about the COVID-19 pandemic. Furthermore, a draft law on social media threatens to further censor and criminalize users for “false information” posted online.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? 2 / 6

The Moroccan constitution contains provisions designed to protect freedom of expression, but these principles are not defended by the judiciary. In addition, contradictions between the press and penal codes leave open loopholes that authorities have exploited to arrest and jail activists and journalists. While the press code has abolished prison sentences for journalists, articles in the penal code are still cited to justify the imprisonment of journalists, particularly articles that deal with national security (see C2 and C3). Moreover, because journalists must obtain a state-issued press card—a process the state has used to exclude critical journalists from the profession—they face greater risks of prosecution under the penal code if they lack such a card.

According to the 2011 constitution, which was passed by referendum to curtail public protests at the onset of the Arab Spring, all Moroccan citizens are equal before the law, and Article 25 guarantees all citizens “freedom of opinion and expression in all its forms.”⁷⁶ Although the constitution strengthened the judiciary as a separate branch of government, the judicial system in Morocco is far from independent. The king chairs the Supreme Council of the

Judiciary and appoints a number of its members; at least half are elected by fellow judges.⁷⁷ In practice, the courts often fail to produce fair and balanced rulings, frequently basing their decisions on recommendations from security forces.⁷⁸

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 1 / 4

Moroccan users may be punished for their online activities under the penal code, the antiterrorism law, and the press code. Article 218(2) of the antiterrorism law prescribes prison terms of two to six years and fines of 10,000 to 200,000 dirham (\$1,000 to \$21,000) for those convicted of condoning acts of terrorism through offline or online speech.⁷⁹

During the coverage period, the Moroccan government approved draft law No. 22.20, a social media law that was largely denounced by civil society and temporarily suspended in May 2020 (see B2). Article 16 of the draft law includes criminal provisions that state that “anyone who deliberately uses social networks, open broadcast networks, or similar networks to publish or promote electronic content containing false information shall be punished by imprisonment for three months to two years and a fine of 1,000 to 5,000 dirham [\$105 to \$525], or either of these two penalties alone.”⁸⁰ False news is defined in vague terms, and civil society groups are concerned about the government misusing this law to silence journalists, human rights defenders, and political opponents who may criticize the government online.

During the COVID-19 pandemic, the Moroccan government issued a state-of-emergency decree that included criminal penalties for online speech. According to the International Center for Not-For-Profit Law, “The decree enables the government to declare a ‘state of health emergency’ and take exceptional measures to stop the spread of disease. Anyone who contravenes the decree that declares a health emergency, or incites others to contravene the decree through speech or threat uttered in a public place or meeting, written or printed materials, photos, posters, audiovisual or electronic communications, or any other means can be imprisoned one to three months or be fined 300 to 1,300 dirham (\$30 [to] \$130).”⁸¹

A new press code passed in June 2016 received mixed reactions from free speech activists.⁸² Unlike the previous press code, from 2002, the new code contains provisions that specifically apply to online media.⁸³ Most significantly, the code eliminated jail sentences for press offenses and replaced them with steep fines. Articles 71 and 72 authorize fines of up to 200,000 dirham (\$21,000) for publishing content seen as disruptive to public order. The maximum fine is 500,000 dirham (\$52,000) if the content offends the military. The fines are largely unaffordable for Moroccan journalists, who may be imprisoned for failure to pay.⁸⁴

Under the unreformed penal code, journalists can still be jailed for speech offenses related to the monarchy, Islam, and Western Sahara, as well as threats to national security. Defamation also remains a criminal offense.

C3 0-6 pts

Are individuals penalized for online activities? 2 / 6

During the coverage period, Moroccans faced a mounting campaign that targeted expression online. Prominent journalists and activists as well as ordinary social media users continue to face arrest and prosecution for their peaceful online activities. Although the press code ostensibly protects journalists from being jailed for their work, the government has found other ways to punish them. Court cases are often repeatedly postponed, allowing authorities to avoid international condemnation that might result from convictions and harsh sentences, while still encouraging self-censorship.

During the reporting period, seven social media users were convicted for speech-related offenses, while three were awaiting trial at the end of the period. A popular YouTube commentator, Mohamed Sekkaki (known as Moul Kaskita), was arrested on November 29, 2019, after posting a 12-minute video criticizing King Mohammed VI. He was subsequently sentenced to four years in prison and a \$4,000 fine for “offending institutions of the State” and “lacking due respect to the king.” Additionally, a high school student, Ayoub Mahfoud, was arrested on December 2, 2019, for quoting on Facebook a rap song that was critical of the royal government. Mahfoud was sentenced to three years in prison for “lacking due respect for the king and insulting constitutional and legal bodies and public officials.”⁸⁵

With the rise of COVID-19, Morocco has used its strict lockdown restrictions to charge and arrest those who have violated the lockdown, which includes spreading “false information.” For example, Mi Naima, a 48-year-old woman with a popular YouTube channel, was arrested and sentenced to one year in prison for claiming that “COVID-19 was fake” (see B2).⁸⁶ As of May 2020, more than 91,000 people had been accused of violating the lockdown; 4,362 of were arrested.⁸⁷

In April 2019, journalist Omar Radi was questioned by police regarding a tweet that was critical of the judge who had handed down prison sentences against Hirak Rif activists.⁸⁸ In December 2019, Radi was arrested and charged with “insulting a magistrate” under Article 263 of the penal code, which carries a jail sentence of up to one year.⁸⁹ After an international campaign on his behalf, Radi in March 2020 was given a four-month suspended sentence.⁹⁰ Radi was among several participants in an episode of an online show called *1 Diner 2 Cons*, in which guests gather to discuss social and political issues in Morocco. The last episode of the show was filmed in August 2018 at the headquarters of the cultural nongovernmental organization (NGO) Racines. Four months after the episode’s release on YouTube, a judge ordered the dissolution of the NGO for hosting it.⁹¹ According to a joint report published by Amnesty International and Human Rights Watch, “By mentioning an article of Racines’[s] 2015

statutes defining the association’s objectives to include ‘enabling access to culture, establishing a cultural policy in Morocco, and organizing cultural events,’ the court seemed to imply that hosting a show like ‘1 Diner 2 Cons’ was beyond the scope of the association’s stated objectives. But Racines’[s] 2015 statutes include ‘activism for freedom of speech’ among its objectives. Its updated 2018 statutes add that part of Racines’[s] mission is to implement ‘debates (...) concerning free speech.’”⁹²

In October 2018, blogger Soufian al-Nguad was handed a two-year sentence and a fine of 20,000 dirham (\$2,000) for using Facebook to incite people to participate in an unauthorized protest.⁹³ Al-Nguad was reacting to the death of Hayat Belkacem, a 19-year-old student who was shot and killed by the Moroccan coast guard as she was trying to migrate to Spain on a boat.⁹⁴ After an appeal in February 2019, the sentence was reduced to a year and a fine of 2,500 dirham (\$260).⁹⁵

In addition, a group of seven prominent online journalists and activists who face serious charges in retribution for their work have had their trial repeatedly postponed since 2015.⁹⁶ Ali Anouzla, editor-in-chief of the Lakome news site’s Arabic version, also continues to face charges of “advocacy of acts amounting to terrorism offenses” and “providing assistance to perpetrators or accomplices of acts of terrorism” after his arrest in 2013.⁹⁷

Several online journalists and activists were arrested and imprisoned as part of a crackdown on the Hirak Rif protests. Protester Elmortada Iamrachen’s conviction was upheld by an appeals court in November 2018. The previous year, he had been sentenced, based on a coerced signed confession, to five years in prison for incitement to terrorism on Facebook.⁹⁸ Hamid Mahdaoui, editor-in-chief of the news site Badil, was arrested while attempting to cover demonstrations in al-Hoceima in July 2017 and was initially sentenced to three months in jail for unspecified speech offenses; the sentence was extended to one year on appeal in September 2018.⁹⁹ He was separately charged with “failure to report a threat to state security,” based on a wiretap recording in which he reportedly received an unsolicited call from an individual who said he was planning to smuggle weapons into the country. In June 2018, Mahdaoui was sentenced to three years in prison and a fine of 3,000 dirham (\$300).¹⁰⁰ Mahdaoui had become well known for uploading YouTube videos that expressed support for the Hirak Rif protests.

Separately, Taoufik Bouachrine, of *Akhbar Al-Yaoum* and its website, Alyaoum24, was sentenced to 12 years’ imprisonment for sexual assault in November 2018 after a trial that drew domestic and international criticism for irregular procedures.¹⁰¹ Police had arrested him in February 2018¹⁰²; he was also charged with other offenses including human trafficking and rape. The prosecutor claimed to possess more than 50 video recordings as evidence, while the defense argued that the case was fabricated by the authorities to silence Bouachrine’s critical editorials. Among the women who accused Bouachrine of assault, four claimed that police distorted their testimonies, and one faced charges for making this claim.¹⁰³ Several press freedom organizations raised concerns about the conduct of the trial and Bouachrine’s treatment while in custody.¹⁰⁴

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 3 / 4

Anonymous and encrypted communication tools are generally accessible in Morocco, although some ambiguity remains regarding the legality of their acquisition and use.¹⁰⁵ Article 13 of Law 53(05) of 2007 states that the “import, export, supply, operation or use of means or cryptographic services” are subject to prior authorization and outlines harsh penalties for noncompliance. However, the law does not specify whether the restrictions apply only to businesses or to private persons as well.¹⁰⁶ Decree 2-13-88137, adopted in 2015, shifted responsibility for authorizing and monitoring “electronic certifications,” including encryption, from the civilian ANRT to the military’s General Directorate for the Security of Information Systems. Civil society advocates saw the move as problematic, given the lack of accountability and oversight at military institutions.¹⁰⁷

Purchasers of SIM cards must register their names and national identity numbers with telecommunications operators under a 2014 decision by the ANRT.¹⁰⁸ Unregistered SIM cards are shut down after one month. At cybercafés, however, internet users do not need to register or provide identification.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 1 / 6

Score change: The score declined from a 2 to a 1 due to the use of Pegasus spyware by the government, targeting human rights defenders.

Sophisticated surveillance tools have reportedly been deployed in Morocco, and Moroccan activists have identified surveillance capabilities as among the most dangerous instruments in the hands of the state.¹⁰⁹

A September 2018 Citizen Lab report revealed that, starting in August 2017, operators may have employed the Israeli company NSO Group’s Pegasus spying software, which is sold only to governments, in Morocco.¹¹⁰ While it is not entirely clear who may have been targeted, past targets of spying software in Morocco have included political activists.¹¹¹ A more recent report, published by Amnesty International in October 2019, highlighted how prominent human rights activists were the targets of the Pegasus spyware.¹¹² According to this report, historian and human rights activist Maati Monjib and human rights lawyer Abdessadak El Bouchattaoui received malicious links through SMS messages that made their devices vulnerable to the spyware. According to Amnesty International, “These targeted digital attacks against two Moroccan HRDs [human rights defenders] are symptomatic of a larger pattern of reprisals against HRDs and dissident voices being carried out by Moroccan authorities.”¹¹³

Reports, leaks, and interviews have revealed the use of malware products from the Italian company Hacking Team to target activists.¹¹⁴ Previously, the French news site Reflets.info had published an investigation on the purchase of spyware from the French company Amesys for use in Morocco.¹¹⁵

Activists have demanded that the state be more transparent about who conducts surveillance, who is targeted, and to what end.¹¹⁶ Instead, authorities have retaliated against the activists who voice their concerns. After the publication of interviews and investigations into surveillance practices in Morocco by Privacy International and Morocco’s Digital Rights Association (ADN), the Interior Ministry announced that a criminal complaint had been filed against “persons who distributed a report containing grave accusations about spying practices.”¹¹⁷

The awareness of being systematically monitored affects the way activists perceive the risks they take and the margin of freedom they have. Hisham Almiraat, cofounder of the website Mamfakinch and one of the leaders of the February 20th Movement of 2011, explained that the state’s capacity to own and reconstruct one’s personal story, based on surveillance and monitoring, allows authorities to “assassinate your character and use your own information to hurt you.”¹¹⁸

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring 2 / the communications of their users? 6

According to the National Control Commission for the Protection of Personal Data (CNDP), individuals maintain the right to approve or deny the processing of their personal data by both public and private entities, except in the following cases: if there is a legal obligation, if the individual is subject to a contractual agreement, if the individual is physically incapacitated or legally unable to give consent, if it is in the national interest, or if the party accessing the data holds a “legitimate interest.”¹¹⁹ While Law 1-09-15 of 2009 leaves “exceptions” regarding access to people’s data, “the language is left open to interpretation,” according to Privacy International—which may yield inconsistencies in its legal application.¹²⁰

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other 3 / actor in retribution for their online activities? 5

There were no incidents of violence against users for their online activities during the coverage period, but harassment and extralegal intimidation remain a major concern in the country, particularly during police interrogations.¹²¹

Additionally, numerous accounts have been created by commentators on Twitter and Facebook, apparently with the sole purpose of harassing, intimidating, and threatening activists who criticize authorities. Activists believe that these progovernment commentators are also equipped with direct or indirect access to surveillance tools, since they have often obtained private information about other users.¹²² There is no clear indication of the identities behind the accounts or whether they are state-sponsored agents or simply overzealous private individuals. However, given the amount of time and energy needed to engage in such activity, and the access the commentators apparently have to private information, there are serious doubts that these are ordinary citizens acting on their own personal impetus.

During the reporting period, an online campaign of harassment was seen against LGBT+ people. The attacks, highlighted in a late April 2020 Human Rights Watch report, specifically targeted gay and bisexual men who used same-sex dating apps. According to the report, “A rash of people have been going on same-sex dating apps since mid-April 2020 to ‘out’ other app users—disclosing their sexual orientation or gender identity without their consent.”¹²³ These forms of online harassment have the potential to lead to real-world attacks, persecution, and discriminatory measures. Because Moroccan law criminalizes sexual acts between people of the same sex, this outing campaign can put members of the LGBT+ community in danger of losing jobs and housing and of being ostracized by the community.

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 1 / widespread hacking and other forms of cyberattack? 3

Online news portals that carry dissenting views are subject to cyberattacks.¹²⁴ Previous reports and interviews with prominent activists point to an ongoing campaign by anonymous hacking groups to target perceived opponents of the establishment. Groups such as the Monarchist Youth, the Moroccan Repression Force, the Moroccan Nationalist Group, and the Royal Brigade of Dissuasion have hacked into activists’ email and social media accounts, often publishing offensive content in a bid to harm the activists’ reputations.¹²⁵ According to a recent report released by the security provider Kaspersky, Morocco ranks 34th worldwide in the list of countries with the most detected cyberthreats.¹²⁶

Footnotes

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Country:

Morocco

Source:

Freedom House

Original link:

<https://freedomhouse.org/country/morocco/freedom-net/2020>

Document type:

Periodical Report

Language:

English

Published:

14 October 2020

Document ID:

2039106

Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

