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Access Now & Reporters Without Borders Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review 41st Session Fourth Cycle for Morocco

31 March 2022

About Access Now

Access Now is an international organisation that works to defend and extend the digital rights of users at risk around the world. Through representation around the world, Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the continued openness of the internet and the protection of fundamental rights. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, legal interventions and convenings such as RightsCon, we fight for human rights in the digital age. As an ECOSOC accredited organisation, Access Now routinely engages with the United Nations in support of our mission to extend and defend human rights in the digital age.¹

About Reporters Without Borders

Reporters Without Borders (RSF) is an international non-profit organisation working to defend and promote free, pluralistic and independent journalism. Working for more than 30 years, RSF has 14 bureaux worldwide, a network of correspondents in 130 countries and consultative status with the United Nations, the Council of Europe, the Organisation Internationale de la Francophonie and the African Commission on Human and Peoples' Rights. In order to concretely reflect the evolution of press freedom in each of the 180 countries that RSF monitors, we publish our World Press Freedom Index on a yearly basis, that serves as a point of reference that is quoted by media throughout the world and is used by diplomats and international entities such as the United Nations and the World Bank. The Index ranks 180 countries and regions according to the level of freedom available to journalists.²

Follow-up from Morocco's third cycle

1. The Universal Periodic Review (UPR) is an important U.N. mechanism aimed at addressing human rights issues across the globe. Access Now and Reporters Without Borders welcome the opportunity to contribute to Morocco's fourth review cycle. This

¹ Access Now, available at: <https://www.accessnow.org/>, March 2022.

² Reporters Without Borders, available at: <https://rsf.org/>, March 2022.

submission examines the state of digital rights in Morocco, including the right to privacy and the threat of state-sanctioned surveillance, as well as the safety of journalists and press freedom.

2. During Morocco's third UPR in May 2017, Morocco received 244 recommendations, supporting 191 and noting 53.³ During its third UPR review cycle, Morocco supported 7 recommendations on freedom of expression and speech, two of which are directly related to press (144.115 and 144.117), and noted 3 recommendations with 1 recommendation related to the Press Code (144.113) and 2 recommendations to end the prosecution of journalists (144.118 and 144.119). Morocco did not receive any recommendations regarding the right to privacy.
3. Since the last UPR review, Morocco has continued to attack press freedom in the country by violating the right to privacy through state-sanctioned surveillance targeting Moroccan journalists and media workers.⁴ In addition, journalists have been subject to increased judicial harassment in Morocco.⁵ The trials of a number of media figures have dragged on for years,⁶ and several new prosecutions on sex charges have been initiated against a number of journalists. The manipulation of testimonies by women has been more than once used in such cases.⁷ The conduct of the trials, media sensationalism, and defamation campaigns accompanying them have deprived both victim and alleged aggressor of their rights.⁸ Heavy sentences have been passed, and several journalists and citizen-journalists continue to be imprisoned.⁹
4. Such human rights violations are compounded by infringements on the right to privacy through the use of malicious spyware and digital surveillance technologies to target journalists and human rights defenders. Most notably, the use of Pegasus, a spyware developed by the Israeli firm NSO Group and exclusively sold to governments, has resulted in the leak of private information of journalists and activists which led to their indictment in very contested trials, described as unfair by international human rights

³ UPR Info, *Responses to Recommendations: Morocco Third Review*, available at: https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/response_to_recommendations_morocco_2017.pdf, 2017.

⁴ See *infra* - paragraphs 15 to 20.

⁵ Reporters without Borders, *Morocco: the numbers that sum up the judicial harassment of Omar Radi*, available online: <https://rsf.org/en/news/morocco-numbers-sum-judicial-harassment-omar-radi>, 28 August 2020.

⁶ Reporters without Borders, *Morocco's Maati Monjib back in court tomorrow*, available online: <https://rsf.org/en/news/morocco-maati-monjib-back-court-tomorrow>, 29 September 2021.

⁷ See *infra* - paragraphs 12 to 14.

⁸ See *infra* - reference no. 12.

⁹ Reporters without Borders, *Violations of press freedom barometer for 2022 (Morocco page)*, available online: https://rsf.org/en/barometer?year=2022&type_id=235#list-barometre, 2022.

organisations.¹⁰

Morocco's international and domestic human rights obligations

5. Morocco has signed the Universal Declaration of Human Rights (UDHR) and ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), among other international human rights instruments.
6. Morocco's 2011 Constitution contains several provisions which affirm the freedom of media and press and uphold the right to privacy including, but not limited to: Article 25, which protects "the freedoms of thought, of opinion and of expression under all their forms," Article 24, which upholds the right of "any person [...] to the protection of their private life" and stipulates that any "[p]rivate communications, under whatever form that may be, are secret." In addition, freedom of the press is guaranteed under Article 28 of the Constitution and "may not be limited by any form of prior censure."¹¹

Press freedom and the safety of journalists

7. The situation of press freedom in Morocco is steadily worsening. Moroccan authorities have established a system of intimidation that aims to dissuade most media outlets and journalists from exercising their duties. The results are alarming: media outlets are losing their independence, which threatens freedom of information in the country. The inadequacy of legal guarantees for freedom of expression and the press, the lack of independence of the Moroccan judiciary, surveillance, the multiplication of prosecutions and detentions of journalists have created a chilling effect for Moroccan media and pushed journalists to exercise self-censorship in fear of retaliation and harassment, which consequently hinders the right of the Moroccan people to access and share reliable information.
8. On the surface, the legal framework is not the primary threat to Moroccan journalists. Since 2011, legislation has even improved: the Constitution guarantees freedom of expression (Article 25) and the right to information (Article 27), prohibits prior censorship (Article 28), and guarantees that a "High Authority for Audiovisual Communication ensures respect for pluralism" (Article 165). In addition, a new Press Code was adopted in

¹⁰ Amnesty International UK, *Morocco: journalist Omar Radi sentenced to six years after unfair trial*, available online: <https://www.amnesty.org.uk/press-releases/morocco-journalist-omar-radi-sentenced-six-years-after-unfair-trial>, 19 Jul 2021. See also: Human Rights Watch, *Morocco: Journalist in Prison After Unfair Trial*, available online: <https://www.hrw.org/news/2021/11/25/morocco-journalist-prison-after-unfair-trial>, 25 November 2021.

¹¹ Constitute, *Morocco's Constitution of 2011*, available online: https://www.constituteproject.org/constitution/Morocco_2011.pdf, 2021.

July 2016, expunging all prison sentences. RSF and other organisations welcomed this progress. However, significant threats still exist.¹² The vagueness of some of the accusations, such as "apology for terrorism,"¹³, "fraud,"¹⁴ and "undermining state security",¹⁵ combined with the lack of independence of the Moroccan judiciary have been conveniently weaponized to prosecute critical journalists or activists for their critical views or journalist work.

9. In addition, many media outlets, under the guise of professionalism, have developed to act as proxies for the authorities, cultivating very close ties with the Moroccan intelligence services.¹⁶ Many journalists have spoken out against the scourge of the "defamation media," which frequently defame and slander critical voices, including journalists and human rights defenders, with complete impunity.¹⁷
10. Although the repression of independent journalists in Morocco is not a new phenomenon, it has recently been carried out through the frequent manipulation of common law cases, and in particular cases of morality.¹⁸ While no journalist is above the law, it is clear that such accusations have been repeated in a relatively short period of time, targeting the same core of independent and critical journalists, all of whom deny, or have denied, the accusations.¹⁹ In the past 7 years, at least 6 independent journalists have been prosecuted and sentenced for crimes of morality:
 - a. Tawfik Bouachrine, the director of Akhbar Al-Yaoum, has been detained since February 2018 and was sentenced on appeal (confirmed in cassation in 2021) to

¹² Cf. Articles 71, 104 and 106 of the Press Code (offences against the Islamic religion, the monarchical regime, incitement against the territorial integrity of the Kingdom or defamation, insult or offence against the private life of the person of the King, or the person of the Heir to the throne or members of the royal family)

¹³ cf. Article 218-2 of the Penal Code, available online:

<https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

¹⁴ Cf. Article 540 of the Penal Code

¹⁵ Cf. Article 206 of the Penal Code

¹⁶ Le Desk, "Barlamane" : enquête sur une machine à salir, available online: <https://ledesk.ma/grandangle/barlamane-enquete-sur-une-machine-salir/>, 17 July 2017. See also: Yabiladi, *Affaire Ziane : Le Conseil de la presse saisi au sujet des médias de diffamation*, available online: <https://www.yabiladi.com/articles/details/102473/affaire-ziane-conseil-presse-saisi.html>, 13 December 2020.

¹⁷ Le Monde, "Au Maroc, 110 journalistes se mobilisent contre les « médias de diffamation »", available online:

https://www.lemonde.fr/afrique/article/2020/07/16/au-maroc-110-journalistes-se-mobilisent-contre-les-medias-de-diffamation_6046424_3212.htm, 16 July 2020.

¹⁸ This phenomenon coincides with the improvement of the Press Code, which no longer allows the imprisonment of journalists for press offences.

¹⁹ Reporters without Borders, *Morocco: RSF appeals urgently to UN to condemn use of trumped-up sex charges against journalists*, available online: <https://rsf.org/en/news/morocco-rsf-appeals-urgently-un-condemn-use-trumped-sex-charges-against-journalists>, 23 September 2020.

fifteen years in prison for “human trafficking” and “rape.”²⁰

- b. Omar Radi, an independent investigative journalist, has been detained since July 2020. He was prosecuted and sentenced jointly on appeal to six years in prison on March 3, 2022 for “undermining the internal security of the state” with “foreign funding”, as well as for “rape.”²¹
 - c. Imad Stitou, a freelance journalist, was co-accused in the trial of Omar Radi for “participation in rape” and he is currently a refugee outside of Morocco.²²
 - d. Suleiman Raissouni, an editor at Akbhar Al-Yaoum was sentenced on appeal on February 23, 2022 to five years in prison for “sexual assault” on a young LGBTQI+ activist. He has been detained since May 2020.²³
 - e. Hajar Raissouni, a woman investigative journalist at Akhbar Al-Yaoum, was sentenced to one year in prison for “illegal abortion” and “extramarital sex”. She was detained in September 2019 and later pardoned by Morocco’s king in October 2019.²⁴
 - f. Hicham Mansouri, an independent investigative journalist, was also sentenced to ten months in prison in 2015 for “complicity in adultery.”²⁵
11. By using slanderous accusations against critical journalists, the Moroccan authorities seek to stigmatise them in the hope of making them “indefensible.” Yet, the authorities’ overzealous efforts to protect sexual minorities and women allegedly victimized by journalists sharply contrast with the Moroccan reality. Moreover, abortion remains punishable by imprisonment;²⁶ women continue to be charged for sexual relations

²⁰ Reporters without Borders, *After long jail term, Moroccan journalist hit by heavy damages award*, available online: <https://rsf.org/en/news/after-long-jail-term-moroccan-journalist-hit-heavy-damages-award>, 7 December 2018. See also: Jeune Afrique, *Maroc: Taoufik Bouachrine condamné en appel à 15 ans de prison*, available online: <https://www.jeuneafrique.com/848207/politique/maroc-taoufik-bouachrine-condamne-en-appel-a-15-ans-de-prison/>, 26 October 2019.

²¹ France 24, *Moroccan appeals court upholds six-year sentence for dissident journalist Omar Radi*, available online: <https://www.france24.com/en/africa/20220304-moroccan-appeals-court-upholds-six-year-sentence-for-dissident-journalist-omar-radi>, 4 March 2022. See also: France 24, *Moroccan dissident journalist Omar Radi sentenced to six years in jail, alarming rights groups*, available online: <https://www.france24.com/en/middle-east/20210719-moroccan-dissident-journalist-sentenced-to-six-years-in-jail-alarming-rights-groups>, 19 July 2021.

²² Reporters without Borders, *Moroccan appeal court confirms jail sentences for two more journalists*, available online: <https://rsf.org/en/news/moroccan-appeal-court-confirms-jail-sentences-two-more-journalists>, 4 March 2022.

²³ Al Arabiya, *Morocco prosecutors seek double jail time for journalist on appeal*, available online: <https://english.alarabiya.net/News/north-africa/2022/01/31/Morocco-prosecutors-seek-double-jail-time-for-journalist-on-appeal>, 31 January 2022.

²⁴ Reporters without Borders, *Moroccan journalist Hajar Raissouni free at last*, available online: <https://rsf.org/en/news/moroccan-journalist-hajar-raissouni-free-last>, 2019.

²⁵ Forbidden Stories, *Hicham Mansouri - Morocco*, available online: <https://forbiddenstories.org/journaliste/hicham-mansouri/>, 2021.

²⁶ Articles 449 and 454 of the Penal Code.

outside of marriage;²⁷ and the Penal Code does not adequately protect against rape when a woman cannot prove that she was a 'virgin' before the crime occurred.²⁸ With regards to LGBTQI+ rights, sexual orientation, and gender identity, homosexuality is outlawed in Morocco and same-sex sexual relations are punishable by jail sentences of six months to three years in prison and a fine.²⁹ We assert that these laws and allegations are weaponized in order to slander and prosecute journalists and critical voices in Morocco.

12. The numerous and serious procedural irregularities and overzealousness shown by the Moroccan authorities when these vulnerable groups are allegedly attacked by journalists raise legitimate fears of politicised justice.³⁰ For example, in the case of Tawfik Bouachrine, one of the alleged accusers, journalist Afaf Bernani, denied in Moroccan and foreign media that she had made such accusations against him and publicly denounced the police's falsification of her statements.³¹ She was subsequently sentenced to six months in prison for "false testimony" and "defamation." She then fled Morocco, and has since been the subject of a smear campaign in some defamation media. Another "plaintiff," journalist Amal Houari, refused to testify and took refuge in the trunk of a car. She was brought in by force to testify at the appeal trial in June 2018,³² as was journalist Hanane Bakour.³³ She refused to do so and also refused to watch allegedly incriminating video footage produced by the prosecution. For these facts, she was taken into custody. Prior to his ultimate conviction, Bouachrine's detention was described as arbitrary by the UN Working Group on Arbitrary Detention, which considered the judicial harassment he suffered to be a direct consequence of his investigative and journalistic work.³⁴
13. Despite attempts by the Moroccan authorities to make pariahs of journalists prosecuted on such charges, prosecuted journalists have received wide support from local and

²⁷ Article 490 of the Penal Code.

²⁸ Article 488 of the Penal Code.

²⁹ Article 489 of the Penal Code.

³⁰ Notably, for Soulaïmane Raïssouni, his conviction in 1st instance without his presence or that of his lawyers. See: Le Monde, « Omar Radi, Soulaïmane Raïssouni et tous les journalistes emprisonnés au Maroc doivent être libérés », available online: https://www.lemonde.fr/afrique/article/2021/12/14/omar-radi-soulaïmane-raïssouni-et-tous-les-journalistes-emprisonnes-au-maroc-doivent-etre-liberes_6106039_3212.html, 14 December 2021.

³¹ Washington Post, *Morocco must stop using sexual assault allegations to silence dissent*, available online: <https://www.washingtonpost.com/opinions/2020/08/24/morocco-must-stop-using-sexual-assault-allegations-silence-dissent/>, 24 August 2020.

³² Tel Quel, *Les comparutions forcées de témoins se suivent... et ne se ressemblent pas*, available online: https://telquel.ma/2018/06/08/les-comparutions-forcees-de-temoins-se-suivent-et-ne-se-ressemblent-pas_1597343, 8 June 2018.

³³ Tel Quel, *Témoins convoqués manu militari, hospitalisation... Une audience nocturne chaotique*, available online: https://telquel.ma/2018/06/05/temoins-convoques-manu-militari-hospitalisation-une-audience-nocturne-chaotique_1596831, 2018.

³⁴ Working Group on Arbitrary Detention, *Opinion No. 85/2018 Concerning Tawfik Bouachrine (Morocco)* (A/HRC/WGAD/2018/85, 29 January 2019).

international human rights groups and activists alike. In addition to the support of RSF and other major international press freedom NGOs, Omar Radi has been able to count on the unwavering support of Moroccan feminist activists, including former Moroccan Association of Human Rights' (*Association Marocaine des Droits Humains* - AMDH) director, the feminist collective Khmissa, as well as the support of the International Women's Media Foundation (IWMF), a global reference for the advancement of women in the media.³⁵

The right to privacy and the threat of targeted surveillance

14. Morocco is one of at least 45 countries where the use of surveillance tools developed by private technology company NSO Group was detected between August 2016 and August 2018 following the revelations of Citizen Lab in 2018.³⁶ This was further proved by Forbidden Stories in 2021 in the revelations of "The Pegasus Project,"³⁷ which showed that Morocco is a confirmed client of NSO Group. At least 9 Moroccan journalists were targeted using Pegasus, as well as two foreign journalists working on Morocco.³⁸ The use of Pegasus spyware has negatively affected journalists and human rights defenders, violating their privacy and putting their private and professional lives and security at risk.
15. Targeted surveillance using malicious spyware has often been coupled with state-orchestrated smear campaigns against journalists in Morocco as an attempt to tarnish their reputation and delegitimize their work. For instance, Moroccan journalist and a winner of the Committee to Protect Journalists' International Press Freedom Award, Aboubakr Jamaï, had his smartphone infected with Pegasus in 2018 and 2019.³⁹ He was identified as a target by the company WhatsApp in 2019 as it was able to monitor the attacks going through its system for a two-week period.⁴⁰ Jamaï reported that confidential work he has done for a client was leaked to media close to the Moroccan regime, and the content extracted from his phone was used to smear professional acquaintances of his. This had severe ramifications on his social and professional life due

³⁵ Freedom House, *Morocco: Rights Groups Call for Omar Radi's Release*, available online: <https://freedomhouse.org/article/morocco-rights-groups-call-omar-radis-release>, 6 April 2021.

³⁶ The Citizen Lab, *HIDE AND SEEK: Tracking NSO Group's Pegasus Spyware to Operations in 45 Countries*, available online: <https://citizenlab.ca/2018/09/hide-and-peek-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/>, 18 September 2018.

³⁷ Forbidden Stories, *Pegasus: The New Global Weapon For Silencing Journalists*, available online: <https://forbiddenstories.org/pegasus-the-new-global-weapon-for-silencing-journalists/>, 18 July 2021.

³⁸ Reporters without Borders, *NSO/Pegasus: 17 journalists from 7 countries join RSF's complaint in Paris and before the UN*, available online: <https://rsf.org/en/news/nsopegasus-17-journalists-7-countries-join-rsf-complaint-paris-and-un>, 6 August 2021. See also: Forbidden Stories, *List of journalists under surveillance*, available online: <https://forbiddenstories.org/journaliste/hicham-mansouri/>, 2021.

³⁹ Forbidden Stories, *Aboubakr Jamaï*, available online: <https://forbiddenstories.org/journaliste/aboubakr-jamai/>, 2021.

⁴⁰ *Id.*

to the risks of having his private discussions and interactions with friends and acquaintances to the public.⁴¹

16. Another publicly-reported victim of Pegasus hacking is Fouad Abdelmoumni, a Moroccan human rights and democracy activist who works with Human Rights Watch and Transparency Maroc. In October 2019, Abdelmoumni was informed by Citizen Lab that he had appeared, alongside seven other Moroccan activists and journalists, on a list of potential targets of Pegasus. Abdelmoumni has reported being harassed and his right to privacy severely violated by the Moroccan government through his targeting by Pegasus.⁴² The pro-regime press, “which specialises in slandering opponents and critical voices” according to the activist, has regularly targeted him using the private information extracted from his phone through the spyware including personal photos, messages, and videos, which show a high level of accessibility to Abdelmoumni’s private space.⁴³ This has even led to a disclosure of a very intimate video that was sent to many of his relatives, without his consent.⁴⁴
17. Journalist Omar Radi also had his phone hacked using Pegasus. Amnesty International identified evidence of his targeting from January 2019 until the end of January 2020.⁴⁵ The evidence gathered through the technical analysis of Radi’s iPhone revealed traces of a “network injection” attack. This attack is usually carried out through the target’s mobile operator, which some governments, including Morocco, have access to or control over.⁴⁶ This provides strong evidence linking these attacks to the Moroccan government. This unlawful surveillance and violation of Radi’s privacy resulted in charges of espionage and rape. Even though he denied all the charges against him, the journalist was sentenced to six years in prison. The lower-court trial by the Casablanca Court of First Instance was marred with violations of fair trial standards, including the court’s unjustified refusal to examine evidence and hear witnesses in favour of Radi, and allow his lawyers to examine

⁴¹ Access Now, *From India to Rwanda, the victims of NSO Group’s WhatsApp hacking speak out*, available online: <https://www.accessnow.org/nso-whatsapp-hacking-victims-stories/>, 17 December 2020.

⁴² *Id.*

⁴³ Maroc Diplomatique, *L’hystérie paranoïaque de Fouad Abdelmoumni dévoilée au grand jour*, available online: <https://maroc-diplomatique.net/lhysterie-paranoiaque-de-fouad-abdelmoumni-devoilee-au-grand-jour/>, 2021

⁴⁴ RFI, *Fouad Abdelmoumni: au Maroc, «nous sommes de plus en plus dans une situation de dictature autoritaire»*, available online: <https://www.rfi.fr/fr/podcasts/invit%C3%A9-africain/20210303-fouad-abdelmoumni-nous-sommes-de-plus-dans-une-situation-de-dictature-autoritaire-au-maroc>, 3 March 2021. See also: The Intercept, *Morocco’s Surveillance Machine - The Kingdom’s Intelligence Apparatus Fuels a Crackdown on Dissent*, available online: <https://theintercept.com/2021/10/21/morocco-pegasus-surveillance-journalists/>, 21 October 2021.

⁴⁵ Amnesty International, *Moroccan Journalist Targeted With Network Injection Attacks Using NSO Group’s Tools*, available online: <https://www.amnesty.org/en/latest/research/2020/06/moroccan-journalist-targeted-with-network-injection-attacks-using-nso-groups-tools/>, 22 June 2020.

⁴⁶ OCCRP, *How Does Pegasus Work?*, available online: <https://www.occrp.org/en/the-pegasus-project/how-does-pegasus-work>, 18 July 2021.

a witness in favour of the prosecution.⁴⁷ As mentioned above, the sentence has been confirmed on appeal on March 3, 2022.⁴⁸

18. The use of Pegasus followed by similar accusations of “threatening the internal security of the state” has also been the case of Maati Monjib, a historian and a columnist, co-founder of Freedom Now, and co-founder and a leading member of the Moroccan Association for Investigative Journalism (AMJI). Amnesty International’s forensic investigation revealed that Monjib’s phone was repeatedly targeted with malicious SMS messages with malicious links which infected his device with Pegasus spyware.⁴⁹ Since 2015, Maati Monjib has suspected that he is under digital surveillance by the Moroccan authorities as he has been subjected to continued persecution since then. He was detained from late December 2020 to 23 March 2021 for alleged “foreign money laundering” and “endangering state security”, and a Rabat court sentenced him to a year in prison and a fine of 15,000 dirhams (1,400 euros) on January 27, 2021. He went on a hunger strike for 20 days during his detention, and was then released on March 23, 2021. His health has been affected by the hunger strike that triggered cardiac problems. Moroccan authorities have imposed a travel ban on Monjib, while he was travelling to France for medical treatment, and neither him nor his lawyer had received any court order indicating that he was banned from travelling.⁵⁰
19. Hicham Mansouri, an investigative journalist and former member of the Moroccan Association for Investigative Journalism (AMJI), together with six other journalists and activists faced similar accusations of “threatening the internal security of the state.” These accusations follow previous violations of Mansouri’s freedom of expression under alleged criminal charges. In 2015, the journalist was sentenced to 10 months in prison for adultery, after armed agents broke into his home and found him with an unmarried woman. At the time, Mansouri had been working on an investigation into electronic surveillance in Morocco and had just received important documents related to this story. These documents disappeared after his release from prison. Amnesty International’s Security Lab, in partnership with the Forbidden Stories consortium, confirmed that

⁴⁷ Human Rights Watch, *Morocco: Journalist in Prison After Unfair Trial*, available online:

<https://www.hrw.org/news/2021/11/25/morocco-journalist-prison-after-unfair-trial>, 25 November 2021.

⁴⁸ France 24, *Moroccan appeals court upholds six-year sentence for dissident journalist Omar Radi*, available online:

<https://www.france24.com/en/africa/20220304-moroccan-appeals-court-upholds-six-year-sentence-for-dissident-journalist-omar-radi>, 4 March 2022.

⁴⁹ Amnesty International, *Morocco: Human Rights Defenders Targeted with NSO Group’s Spyware*, available online:

<https://www.amnesty.org/en/latest/research/2019/10/morocco-human-rights-defenders-targeted-with-nso-groups-spyware/>, 10 October 2019.

⁵⁰ IFEX, *Morocco: Journalist Maati Monjib denied right to seek medical treatment abroad*, available online: <https://ifex.org/morocco-journalist-maati-monjib-denied-right-to-seek-medical-treatment-abroad/>, 22 October 2021. See also: Reporters without Borders, *Moroccan journalist’s travel ban must be lifted on humanitarian grounds, RSF says*, available online:

<https://rsf.org/en/news/moroccan-journalists-travel-ban-must-be-lifted-humanitarian-grounds-rsf-says>, 19 October 2021.

Hicham Mansouri's phone was compromised around 20 times by Pegasus spyware between February and April 2021, and that the attack vector was most likely an iMessage vulnerability known to have been used by customers of NSO Group during the time of his targeting.⁵¹

Recommendations

20. We urge that freedom of press, the safety of journalists, and the right to privacy are prioritised in Morocco's upcoming UPR review cycle. We, therefore, recommend the Government of Morocco to:
- a. *Adhere to international human rights standards, and uphold its commitments to promote and protect the right to freedom of media and press, allowing journalists, media workers, activists and human rights defenders, to work freely and without fear of surveillance or censorship;*
 - b. *Commit to ending violations of freedom of expression, freedom of media and press, and the right to privacy, online and offline, by state and non-state actors, especially against journalists, media workers, activists, and human rights defenders;*
 - c. *Cease all surveillance operations and persecution of Moroccans, especially journalists, media workers, activists, and human rights defenders inside and outside of the country and uphold the right to privacy as enshrined in the Moroccan constitution;*
 - d. *Ensure prompt, impartial, and independent investigation into the use of spyware and digital surveillance technologies to target, harass, and prosecute journalists, media workers, activists, and human rights defenders;*
 - e. *End the practice of arbitrary detention and release all journalists, media workers, activists, and human rights defenders held for peacefully exercising their legitimate rights to freedom of expression and freedom of press and media - including those imprisoned under false pretexts;*
 - f. *Cease the judicial harassment and the instrumentalisation of sex-charges against critical journalists, which neutralizes free speech and weakens the fight for women's*

⁵¹ Forbidden Stories, *List of journalists under surveillance*, available online: <https://forbiddenstories.org/journaliste/hicham-mansouri/>, 2021.

rights;

- g. *Disclose any past procurement or use of spyware and malware, sever any ties, financial and otherwise, with hacking and surveillance tech companies including NSO Group, and stop the purchase, maintenance, and use of spyware and malware;*
 - h. *Cooperate with U.N. and international investigative bodies, and issue standing invitations to U.N. Special Procedures, including the U.N. Special Rapporteurs on freedom of opinion and expression, freedom of peaceful assembly and association, and the right to privacy to conduct country visits.*
21. The UPR is an important U.N. process aimed to address human rights issues worldwide. It is a rare mechanism through which citizens around the world get to work with the government to improve human rights and hold them accountable to international law. For more information, please contact: un@accessnow.org and plaidoyer@rsf.org.