



Freedom on the Net 2017 - Morocco

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Country:	Morocco
Year:	2017
Status:	Partly Free
Total Score:	45 (0 = Best, 100 = Worst)
Obstacles to Access:	11 (0 = Best, 25 = Worst)
Limits on Content:	10 (0 = Best, 35 = Worst)
Violations of User Rights:	24 (0 = Best, 40 = Worst)
Population:	35.3 million
Internet Penetration:	58.3 percent
Social Media/ICT Apps Blocked:	Yes
Political/Social Content Blocked:	No
Bloggers/ICT Users Arrested:	Yes
Press Freedom Status:	Not Free

Key Developments, June 2016-May 2017

- The telecommunications regulator ordered ISPs to lift restrictions on VoIP services imposed last year (see **Restrictions on Connectivity**).
- Provisions in the new press code passed in June 2016 removed jail sentences for journalistic crimes, except in cases when journalists fail to pay fines, which remain steep. The code also mandates the registration of online journalists in a move that may further stifle free reporting (see **Legal Environment**).
- Digital activism surrounding the death of a fish salesman in the coastal city of al-Hoceima led to a national protest movement against social and economic conditions (see **Digital Activism**).
- Hamid al-Mahdaoui, editor-in-chief of the news site *Badil*, received a suspended sentence for investigative reporting and was later arrested and imprisoned for covering the protests (see **Prosecutions and Detentions for Online Activities**).
- Five prominent activists and online journalists face up to five years in prison for "threatening the security of the state," while two additional journalists could be fined for

receiving foreign funding without permission. All seven individuals are implicated in a troubling court case that has been repeatedly postponed (see **Prosecutions and Detentions for Online Activities**).

Introduction:

Internet freedom declined in Morocco over the past year as the unblocking of VoIP was outweighed by a crackdown on online journalists and activists for covering protests, training reporters, and voicing dissent.

Contrary to traditional news outlets, social media was rife with debate on two events that took place in October 2016: parliamentary elections and the outbreak of protests in al-Hoceima, a coastal town located in the marginalized region of al-Rif. Moroccan users criticized actions taken by the royal court that seemed to disfavor the ruling Justice and Development Party, a moderate Islamist group that once again received a plurality of votes. Later that month, footage circulated online of a fish salesman crushed in a trash compactor while trying to recover his confiscated goods. Hashtags like "We are all Mohcine Fikri" set off a wave of protests known as *al-Hirak* (the Movement) that has since spread to other cities on a message of "social and economic despair." Hundreds of people, including several citizen and online journalists, have been arrested in a crackdown on the protest movement.^[1]

In addition, seven individuals face fines or prison sentences of up to five years for peaceful efforts to improve human rights and further public discourse in the country through the use of digital investigative journalism tools. The charges include "threatening the internal security of the state" and "receiving foreign funding" without authorization. Their trial has been postponed at least six times, a tactic regularly used by the authorities to avoid international condemnation, while engendering self-censorship at home. This situation is reinforced by the state's use of surveillance technology to further strengthen the atmosphere of fear among online journalists and activists.

Moroccan authorities use nuanced means to limit online content and violate users' rights. For example, while websites are rarely blocked, problematic press and antiterrorism laws place heavy burdens on intermediaries and allow for the shutting down of news sites. The unfair disbursement of advertising money, strict self-censorship, and ongoing trials of prominent journalists have prevented the emergence of a vibrant online media sphere. Nonetheless, digital media remains freer than local television or newspapers, and the government has taken several positive steps in recent years, such as passing a new press code in June 2016 and lifting restrictions on VoIP in November. However, several problematic provisions in the penal code continue to present a clear danger to internet freedom in the country.

Obstacles to Access:

While access continues to increase, the disparity between urban and rural connectivity continues to broaden. Morocco's regulator fails to enforce the principle of internet access as a public service by ordering the three telecom companies to invest more in rural areas. On a positive note, restrictions on VoIP were lifted by the telecommunications regulator.

Availability and Ease of Access

Internet access in Morocco has increased slowly in recent years, although obstacles remain in place in certain areas of the country. The internet penetration rate grew from 52 percent in 2010 to 58.27 percent in 2016, according to the International Telecommunication Union (ITU).^[2] Meanwhile, there are 1.27 mobile subscriptions for every individual, indicating high mobile penetration.

Network coverage is highly uneven between urban and rural areas. Telecommunications companies do not abide by the ITU principle of telecommunications as a public service, instead preferring to invest in more lucrative urban areas. According to Morocco's regulator, urban dwellers are more likely to have internet access than rural inhabitants, with penetration at 67 percent versus 43 percent, respectively. Some 55 percent of individuals possessed a smartphone by the end of 2015, up from 38 percent in 2014. Smartphone uptake in rural areas almost doubled from 2014 to 2015, reaching 43 percent of individuals aged of 12-65.^[1] Rural inhabitants constitute 39.7 percent of the overall population,^[2] 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 (47.5 percent of rural Moroccans are illiterate, of which 60.1 percent are female).^[3]

The Moroccan government has undertaken several programs over the years aimed at improving the country's ICT sector. Most recently, the *Note d'orientations Générales 2014-2018* (Guidelines for the Development of the Telecoms Sector 2014-2018) provides the framework for the development of ICTs in the next four years.^[4] The program aims to provide fiber-optic and other high speed connections throughout the country, to reinforce the existing regulatory framework and provide universal access.

As a result of previous government efforts, internet use remains relatively affordable. For a 3G or 4G prepaid connection speed of up to 225 Mbps, customers pay MAD 59 (US\$6) for initial connectivity fees for the first 10 days with 4 GB of download capacity, and then recharge the account with a minimum of MAD 5 (US\$0.50).^[5] Internet users pay on average MAD 3 (US\$0.31) for one hour of connection in cybercafes.

Restrictions on Connectivity

On November 4, 2016, Morocco's telecommunications regulator ordered the lifting of all restrictions on Voice over Internet Protocol (VoIP) services.^[6] It came only three days before the COP 22 environment conference, leading many to speculate the timing of the decision was made to avoid condemnation by the international community.^[7] VoIP services had been restricted on mobile phone networks since January 7, 2016.^[8] A press release at the time cited Article 2 of the Law n°24-96 governing the post and telecommunications, which stipulates that only licensed telecom operators may offer telephone services to the public.

Beyond VoIP, authorities did not impose large scale restrictions on connectivity over the past year. However, the centralization of Morocco's internet backbone facilitates the potential control of content and surveillance. Maroc Telecom, a partially state-owned company, owns and controls a fiber-optic backbone of more than 10,000 kilometers (km) covering the country. The national railroad company, Office Nationale des Chemins de Fer (ONCF), and the national electricity and water utility, Office National de l'Electricité et de l'Eau Potable (ONEE), have also built 2,000 km and 4,000 km fiber-optic infrastructures, respectively. The state controls both the ONCF and ONEE, hence providing it with strong control of the entire internet backbone. Morocco's national and international connectivity has a combined capacity exceeding 10 terabits per second.^[9] The three telecom operators (Maroc Telecom, Medi Telecom, and INWI) all have varying access to international connectivity.

ICT Market

Service providers such as ISPs, cybercafes, and mobile phone companies do not face major legal, regulatory, or economic obstacles.^[10] Maroc Telecom, Medi Telecom, and INWI are three internet service providers (ISPs) and mobile phone companies in Morocco, having received licenses from

the regulator. Maroc Telecom (*Ittissalat Al Maghrib*, IAM) is a former state company that held a monopoly over the telecoms sector until 1999, when licenses were granted to Medi Telecom and INWI.^[13] Maroc Telecom is owned by Etisalat, which bought a 53 percent take from Vivendi in 2014, and the Moroccan state, which maintains 30 percent ownership.^[14] Medi Telecom is a private consortium led by Spain's Telefónica, while INWI (formerly WANA, Maroc Connect) is a subsidiary of Ominum North Africa (ONA), the leading Moroccan industrial conglomerate also owned by the royal family. Three 4G licenses were granted to the three telecom companies and 4G utilization started in April 2015.^[15]

Regulatory Bodies

The National Agency for the Regulation of Telecommunications (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.^[16] A liberalization of the telecoms sector aims to achieve the long-term goals of increasing GDP, creating jobs, supporting the private sector, and encouraging internet-based businesses, among others.

While Maroc Telecom, the oldest telecoms provider, effectively controls the telephone cable infrastructure, the ANRT is tasked with settling the prices at which the company's rivals (such as Medi Telecom and INWI) can access those cables. Thus the ANRT makes sure competition in the telecoms market is fair and leads to affordable services for Moroccan consumers.^[17] Some journalists have argued that the ANRT is a politicized body lacking independence, due to the fact that its director and administrative board are appointed by a *Dahir* (Royal Decree). However, international organizations such as the World Bank and the ITU have not expressed any major criticism about the ANRT's neutrality.^[18]

The allocation of digital resources, such as domain names, is carried out by organizations in a non-discriminatory 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 2017, there were 65,483 registered Moroccan domain names.^[19]

Limits on Content:

While websites are rarely blocked, authorities limit online content through a variety of nuanced mechanisms. Problematic press and antiterrorism laws place high burdens on intermediaries and allow for the shutting down of online news sites. In addition, discriminatory allocation of advertising and the repeated prosecution of online news editors impedes the diversification of Morocco's digital landscape.

Blocking and Filtering

The government did not block or filter any political, social, or religious websites over the coverage period. Social media and communication services such as YouTube, Facebook, and Twitter, as well as international blog-hosting services are available in the country. Websites are available which discuss controversial views or minority causes, such as the disputed territory of Western Sahara, the Amazigh minority, or Islamist groups.

The last instance of government blocking of online content dates back to October 2013, when the Attorney General ordered the ANRT to block the Arabic- and French-language websites of the investigative news site, *Lakome*, for allegedly condoning terrorism.^[20] An article on the site

reported on a video attributed to Al Qaeda in the Islamic Maghreb (AQIM), but did not incite violence or promote terrorism.^[21] An Arabic-language version of the site has been relaunched using the address lakome2.com.

Content Removal

While the government does not block online content, it maintains control over the information landscape through a series of restrictive laws that can require the shutting down of publications and removal of online content. 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 maintains prison sentences and heavy fines for the publication of offensive content (see "Legal Environment"). Intermediaries must block or delete infringing content when made aware of it or upon receipt of a court order.^[22]

In addition, the antiterrorism law^[23] gives the government sweeping legal powers to filter and delete content that is deemed to "disrupt public order by intimidation, force, violence, fear or terror."^[24] Article 218-6 assigns legal liability to the author and anybody who in any way helps the author to disseminate an apology for acts of terrorism, a provision which would include site owners and ISPs. While the law was ostensibly designed to combat terrorism, authorities retain the right to define vague terms such as "national security" and "public order" as they please, thus opening the door for abuse. Many opposition news websites are hosted on servers outside of the country to avoid being shut down by the authorities.

The government also resorts to more ad hoc, extralegal means to remove content deemed controversial or undesirable. For example, *Hespress*, which in the past featured content both supportive and critical of the government, has deleted videos of street protests and interviews with opposition figures from the site out of fear or pressure from authorities.^[25]

Media, Diversity and Content Manipulation

Moroccans openly discuss controversial political events and social issues on social media, although online media continues to lack in diversity and investigative journalism. In the words of award-winning journalist Aboubakr Jamaï, "... many otherwise good journalists prefer the financial rewards [that come with obeying the state] than the risky duties of watchdogs."^[26] Online news outlets receive unofficial directives not to report on controversial issues, or not to allow certain voices to be heard. Several high-profile online journalists and activists have been investigated on serious charges in a bid to silence them, with court proceedings often repeatedly postponed in order to maintain the threat of jail time (see "Prosecutions and Detentions for Online Activities").^[27] In a state that punishes investigative reporting and whistleblowing, people with sensitive information tend to stay quiet to avoid possible retribution.

Compounding self-censorship and fear are the personal attacks and derogatory comments received by activists and opinion makers online for openly criticizing government policies.^[28] Numerous accounts are created on Twitter and Facebook with the sole purpose of harassing, intimidating, and threatening activists. Activists believe that these progovernment commentators are also equipped with direct or indirect access to surveillance tools, since they have often obtained private and personal information on other users.^[29] There is no clear indication regarding the identity behind the accounts and whether they are state-sponsored or simply overzealous private individuals. However, due to the amount of time and energy needed to engage in such activity, and the access they have to private information, there are serious doubts that these are private citizens acting on the basis of their own personal resolve.

The government also uses financial pressure to push the most outspoken print media publications into closure or bankruptcy. Advertising revenue provided by the government or government-linked companies is not split fairly between independent and progovernment publications.^[30] In addition to state-run and opposition news outlets, the Moroccan media contains a variety of "shadow publications," nominally independent but editorially supportive of the state.^[31] The news outlets exist primarily to divert airtime from more serious and engaging news portals and to compete over online advertising money and audience share. There is no evidence linking these publications to a larger state strategy to counter the growth of voices of dissent. However, these shadow publications receive large amounts of advertising, possibly in return for their progovernment bias. Powerful business entities, such as the three telecommunication companies, are known to adhere to state pressure to withdraw advertising money from news outlets that run counter to the state-owned media narrative.^[32]

Debates on issues related to the monarchy do not make news, although social media users openly tackle taboo subjects. For example, social media users speculated on the role of the king's advisors in the formation of a coalition government after the October 2016 elections. Users also questioned the king's public support for a Moroccan pop singer jailed in Paris in October 2016 over accusations of rape,^[33] while online news outlets refrained from involving the king when reporting on the topic.^[34]

The most remarkable change in internet use among Moroccans continues to be the growing interest in social media and user-generated content, as well as domestic news portals. In 2010, the top ten most visited websites did not include any Moroccan news websites.^[35] By 2017, the top 10 most-visited sites in Morocco included four news portals, including *Hespress*, which had an estimated 600,000 unique visitors per day and ranked third after Google and YouTube. *Chouffv*, *Hibapress*, and *Alayam24.com* are now ranked fourth, eighth, and tenth respectively. The Moroccan classified ads site *avito.ma*, is ranked fifth and Moroccan sports site *Elbotola* is ranked seventh, bypassing the pan-Arabic sports website *Kooora* which ranked top ten in previous years.^[36]

Digital Activism

Internet users take advantage of various social media tools to educate, organize, and mobilize people around a wide variety of issues. One recent instance of online activism was a campaign surrounding the death of a fish salesman in the northern coastal city of al-Hoceima. Mohcine Fikri was crushed in a trash compactor while trying to recover fish he had caught after the authorities ordered them thrown in a garbage truck.^[37] Two hashtags in Arabic #طحن_مو ("grind him") and #كلنا_محسن_فكري (We are all Mouhcine Fikri) trended online and mobilized a street demonstration.^[38] The uproar prompted the interior minister to visit the family of the deceased to express the king's condolences, who also ordered an investigation to the accident. The protests were ongoing as of mid-2017.

Violations of User Rights:

Moroccan laws on criminal defamation and antiterrorism continue to pose a threat to free speech. A new press code containing several positive elements was under consideration during the coverage period, and eventually passed in June. While the law eliminates jail time for the press, it includes steep fines and mandates the registration of online journalists, in a move that could bring them further under the authorities' control. Furthermore, well-known activists and journalists face intimidation through repeated prosecutions and never-ending trials.

Legal Environment

The Moroccan constitution contains provisions designed to protect freedom of expression, but in practice these principles are not defended by the judiciary. According to the 2011 constitution, passed by referendum to curtail public protests at the onset of the Arab Spring, all Moroccan citizens are equals before the law and Article 25 guarantees all citizens "freedom of opinion and expression in all its forms."^[39] 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 High Council of Judicial Power and appoints its members. As such, the courts often fail to produce fair and balanced rulings, frequently basing their decisions on recommendations from security forces.^[40]

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 proscribes prison terms of two to six years and fines of MAD 10,000 to 200,000 (US\$ 1,000 to 20,000) for those convicted of condoning acts of terrorism, through offline as well as online speech.^[41]

A new press code passed in June 2016 received mixed reactions among free speech activists.^[42] Unlike the previous press code from 2002, the new code contains provisions that specifically apply to online media.^[43] Most significantly, the code eliminated jail sentences for journalists and replaced them with steep fines. Articles 71 and 72 put forward fines of up to MAD 200,000 (US\$20,000) for publishing content seen as disruptive to public order. The fine goes up to MAD 500,000 (US\$50,000) if the content offends the military. The fines are largely unaffordable for Moroccan journalists, who may be imprisoned for failure to pay.^[44] Most importantly, pending reform of the penal code, journalists may still be jailed for offences against the monarchy, Islam, and Western Sahara, as well as threats to national security, which has occurred in the past. Defamation is also criminal offense.

Articles 33 and 34 of the code stipulate that to obtain press cards and benefit from financial state 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)^[45] to shoot film, and from the telecom regulator (ANRT) to host domain names under press.ma.^[46] While these measures are in line with international practices, press freedom advocates worry these organizations may be subject to political pressure in order to deny authorizations based on the editorial views of outlets.

Prosecutions and Detentions for Online Activities

Moroccans, particularly prominent journalists and activists, continue to face unjust arrest and prosecution for their online activities. Although the press code protects journalists from being jailed for their work, in practice, the government has found other ways to punish them for their social activism and investigative reporting. Court cases are often repeatedly postponed, thereby avoiding international condemnation while instilling self-censorship.

Hamid Mahdaoui, editor-in-chief of the news site *Badil*, has faced continued legal harassment for his outspoken critiques of the government.^[47] Mahdaoui received a suspended prison sentence and a fine in June 2016 for criminal defamation due to an article he published on the minister of justice's travel expenses. He recently became well known for uploading YouTube videos that expressed support for the *Hirak* protests. He was arrested at a demonstration in al-Hoceima in July 2017 and sentenced to prison on charges of "inciting people to commit a serious or minor offense by means of speeches and shouting . . . in a public place" and "participating in the organization of an unauthorized protest."^[48] A transcript from a wiretap on his phone was used as evidence in the case, in which he is overheard urging another Moroccan to maintain the nonviolent nature of the al-Hoceima protests. In September, his three-month prison sentence was extended to one year by an appeals court. Several other citizen and online journalists have been arrested during the

crackdown on the *Hirak*, although in some cases, the lines between their street and online activism are less clear.^[49]

A group of seven prominent online journalists and activists continue to face serious charges in retribution for their work. Maria Moukrim (editor-in-chief of Febrayer.com) and Rachid Tarik (member of the Moroccan Association of Investigative Journalism, AMJI) face fines for "receiving foreign funding without notifying the General Secretariat of the government," while following five individuals face a possible five-year prison term for "threatening the internal security of the state".^[50]

- Maati Monjib (university professor and president of Freedom Now),
- Samad Ayach (online journalist and member of Freedom Now),
- Hicham El Mansouri (AMJI member),
- Hicham Al Miraat (former advocacy director for Global Voices and former head of the Digital Rights Association, ADN), and
- Mohamed Essabeur (head of the Moroccan Education and Youth Association, AMEJ).^[51]

The charges seem related to a June 2015 training session run by Dutch nongovernmental organization Free Press Unlimited and AMEJ in the city of Marrakesh.^[52] According to Free Press Unlimited, plain-clothed police officers raided the session and confiscated all participants' smartphones, later transferring them to a police office in Casablanca.^[53] After an initial court date was set for November 19, 2015 in Rabat, it has been repeatedly postponed to March 23, June 29, October 26, 2016,^[54] May 24, 2017,^[55] and October 11, 2017.^[56] As of October, the date was once again postponed.^[57] Three of the defendants have fled the country, including Hisham Almiraat, who noted that their depositions had been falsified to include incriminating details.^[58] The judge set to hear the case had previously sentenced journalist Hisham El Mansouri to 10 months in prison for adultery in a case that press freedom activists saw as politically motivated.^[59]

Similarly, Ali Anouzla 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 September 2013. Anouzla is the editor-in-chief of the Arabic-language version of *Lakome*, a news site, who was targeted for an article he had written on jihadist threats to Morocco in which he provided a link to a Spanish site, which in turn had embedded a jihadist video. He was released on bail on October 25, 2013 and his trial has been continually postponed.^[60] In May 2016, he was acquitted of separate charges related to an interview he gave to the German newspaper *Bild*.^[61]

Seven social media users, five of them members of the Party of Justice and Development youth division, were arrested and charged with "apology for terrorism" over their Facebook comments on the assassination of the Russian ambassador in Turkey in December 2016.^[62] The five PJD members were placed in provisional custody in the prison of Sale, while the other two individuals were sentenced to two and three years in prison, respectively.^[63]

Surveillance, Privacy, and Anonymity

Given the absence of blocking and filtering, Moroccan activists identified surveillance as the most dangerous instrument in the hands the state.^[64]

The awareness of being systematically monitored impacts the way activists perceive the risks they take and the margin of freedom they have. Hisham Almiraat, co-founder of the website Mamfakinch and one of the leaders of the February 20th Movement, 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."^[65] According to Zineb Belmkaddem, "surveillance entails the stealing of data and data is private property . . . it's like the state coming to my home every day to steal my belongings."

Reports, leaks, and interviews have revealed the use of malware products from Italian company Hacking Team to target activists.^[66] Previously, French news site Reflets.info had published an investigation on the purchase of spyware from the French company Amesys.^[67] Activists have demanded that the state be more transparent about who conducts surveillance, who is targeted, and to what end.^[68] Instead, authorities have responded by targeting those same 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."^[69]

Purchasers of SIM cards must register their names and national ID numbers with telecommunications operators in line with a 2014 decision from the ANRT that, until this year, had yet to be fully enforced.^[70] Unregistered SIM cards are shut down after one month. At cybercafés, however, internet users still do not need to register or provide identification.

Some ambiguity remains surrounding the purchase and use of encryption software.^[71] Article 13 of the law 53-05 of 2007 states that the "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 if the restrictions apply only to businesses, or to private persons as well.^[72] Decree 2-13-88137, adopted in 2015, shifted authority 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.^[73]

Intimidation and Violence

There were no incidents of violence against users for their online activities, but harassment and extralegal intimidation remain a high concern in the country, particularly during police interrogations.^[74]

Technical Attacks

In addition to surveillance and malware attacks, online news portals that express dissenting voices are subject to continuous cyberattacks.^[75] Reports and interviews with prominent activists reveal an ongoing campaign by anonymous hacking groups to target outspoken voices. 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 their reputation.^[76]

Notes: