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**Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders**

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Front Line Defenders ([www.frontlinedefenders.org](http://www.frontlinedefenders.org)) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998

The following submission has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders in Morocco.

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## **Positive developments and summary of main concerns**

1. This submission focuses on the situation for human rights defenders (HRDs) in Morocco and covers developments in the years 2013-2016.

2. Since the previous UPR of Morocco in 2011, some positive steps have been taken by the government to improve the human rights situation, especially in the areas of women's rights, the rights of asylum seekers and domestic workers and the rights of persons with disabilities. The government adopted a new law in March 2014 to end military trials for civilians and approved the registration of two outspoken Sahrawi human rights NGOs. The National Institution of Human Rights has also led a lively public debate on the realisation of gender equality in public and private spheres and proposed important reforms to promote freedom of expression, association and assembly.

3. It is, however, regrettable that Morocco has witnessed major setbacks in its tolerance of HRDs over the past three years. Judicial harassment has increased, the activities of a number of NGOs have been banned or disrupted, and several groups have been unable to register or renew registration. On 15 July 2014, the Ministry of the Interior accused NGOs of having foreign agendas and damaging the reputation and security of the country. This statement has been followed by increasing harassment and intimidation of the human rights community, hostility against foreign funding and international NGOs. HRDs in Western Sahara continued to be subjected to detention, prosecution and imprisonment and their right to freedom of expression and peaceful assembly has been limited.

## **Recommendations from previous UPR cycle**

4. During its previous UPR in 2011, Morocco received and accepted the following two recommendations specifically concerning HRDs:

- “Delete from the Press Code sentences involving deprivation of liberty and revise the criminal provisions in the area of freedom of expression so that no journalist or human rights defender can be arrested for a simple fact of having expressed his opinion” (France);
- “Take measures to protect human rights defenders, particularly in Western Sahara, against harassment, repression, arrest or detention, including by granting an official accreditation to the associations working in this field” (Canada).

5. In relation to the first recommendation, a new Media and Press Law was adopted in August 2016. The new law does not provide for prison sentences, in line with the UPR recommendation. However, provisions of the Penal Code continue to provide prison sentences for offences related to freedom of expression (see paragraphs 6-8 below). In relation to the second recommendation, Morocco has approved the registration of two outspoken Sahrawi human rights NGOs. However, during the period under review there continued to be reports of harassment, repression, arrest and detention of Sahrawi HRDs (see paragraphs 24-29 below).

## **Threats to freedom of expression and the media**

6. Freedom of expression continues to be restricted especially as regards Islam, the monarchy and Western Sahara. A new Media and Press Law, adopted in August 2016, replaced prison sentences for media offences by fines. The new law provides that only a court can withdraw and seize publications and suspends the activities of media outlets. While this is welcome, media freedom remains restricted under the new law. In many instances, journalists and private media outlets were ordered to pay heavy fines for reporting materials critical of the monarchy and other public officials. Furthermore, the Penal Code maintains provisions providing for imprisonment for any expression deemed to be offensive of members of the royal family and state authorities or institutions. These provisions have been used against HRDs.

7. The counter-terrorism law can also be used to restrict freedom of expression, especially the provision that provides penalties for 'promoting or glorifying terrorists or terrorism'. [Ali Anouzla](#), editor of the online newspaper Lakome, faces charges of support for, incitement of and advocating terrorism, which remains outstanding against him. The case began in September 2013 when Lakome published an article about a video made by the Islamic Maghreb branch of Al Qaeda with a link to the video.

8. Under the new Media and Press Law, online news websites are required to obtain licences. This can be used to restrict freedom of expression on the internet and threaten many of the independent and critical news web sites. The UN Human Rights Committee recommended in its General Comment No.34 that 'regulatory systems should take into account the differences between the print, broadcast sectors and the internet'.

### **Restrictions on the registration of human rights groups**

9. The Decree on the Right to Establish Associations (Decree 1-58-376 of 1958 as amended by Decree 1-733-283 of 1973 and Decree 1-02-206 of 2002) forbids the creation of associations deemed contrary to morals or detrimental to Islam, the monarchy, or the country's territorial integrity. Morocco appears to have a favourable legal framework and provides for a regime of notification. However, in practice many legal constraints remain. A number of groups were unable to operate legally as the authorities did not provide them with the necessary receipt ('*récépissé*') upon submission of the documents required for registration. NGOs that have not received such receipt cannot sponsor public gatherings or events and face barriers in renting offices or opening a bank account. This means, in practice, that the authorities can block the registration process without providing reasons. The *Comité de Protection de la Liberté de la Presse et d'Expression au Maroc* (Freedom Now), the *Association des Droits Numeriques* (ADN) and the *Association Marocaine pour le Journalisme d'Investigation* (AMJI) have not obtained registration.

10. Organisations that have tried to support the work of unregistered groups risks facing adverse consequences. The *Association Marocaine des Droits Humains* ([AMDH](#)) received an official letter of warning from the Ministry of the Interior threatening legal action if the group continues to host events organised by Freedom Now.

11. Moreover, some human rights groups have not managed to renew their registration. 37 out of 97 branches of AMDH are facing administrative obstacles to renewing their registration. Registration of local branches of the *Ligue Marocaine de Défense des Droits Humains* (LMDDH) were rejected, most recently in January 2016. In 2013, a court suspended the registration of the *Association pour la Taxation des Transactions pour l'Aide aux Citoyens Maroc* ([ATTAC Maroc](#)) and attempts at re-registering local branches in 2016 encountered difficulties and delays.

### **Disruption of civil society events**

12. Since 2014, the authorities have disrupted and banned scores of public events, workshops and training organised by leading independent NGOs. The Law on Public Assemblies does not require registered NGOs whose purposes are cultural, artistic or athletic to obtain permission from the authorities to hold public meetings. However, on many occasions the authorities did not consider this provision applicable to human rights NGOs and requested them to notify the authorities in advance to hold public events. Permission for public events has not been granted to unregistered NGOs or their unregistered local branches and authorities have banned public events for unspecified 'security reasons'.

13. On [1 July 2016](#), as Morocco prepared to host the 7th annual Sustainable Innovation Forum at the 22nd Conference of the Parties to the UN Framework Convention on Climate Change (COP22), the authorities banned a seminar on environmental and land issues organised by Attac Maroc, AMDH and

Amazigh Citizenship Network, on the basis that one of the three groups was not registered. AMDH reported that between July 2014 and May 2016, 104 of its events had been banned or disrupted.

14. In November 2014, Ibn Rochd Center for Studies and Communication announced the suspension of its activities as a prelude to shutting-down completely by 31 January 2015. Its members announced the decision after they were unable to carry out several activities. Reportedly, the state security banned meetings and conferences and closely monitored the organisation's activities.

### **Restrictions on international scrutiny**

15. Moroccan authorities have restricted the work of international human rights NGOs inside Morocco. In 2015 and 2016, the authorities expelled visiting representatives of Amnesty International, Avocats Sans Frontières and Novacat on the basis that they did not have legal permission to operate in the country. The government also asked Human Rights Watch to suspend its activities. Foreign journalists have also been expelled, such as in the case of Luigi Pelazza and Mauro Pilay, two Italian journalists investigating child prostitution, who were questioned and deported in September 2016.

### **Judicial harassment against HRDs**

16. Several HRDs have faced prosecution for receiving foreign funding. Seven HRDs and journalists are on trial since 2015. [Maati Monjib](#), [Samad Iach](#), [Hisham Almiraat](#), [Hicham Mansouri](#) and Mohamed Elsabr have been charged with 'receiving foreign fund to threaten the internal security of the state' and risk up to five years in prison and a fine up to 10,000 MAD (approx €980).

17. HRDs have been repeatedly summoned and interrogated in connection with their involvement in human rights. On 8 September 2015, [Karima Nadir](#) of ADN was interrogated by police in Casablanca in relation to a report on digital surveillance prepared by London-based NGO Privacy International – despite the fact that ADN was not involved in its drafting or publication. Karima Nadir was accused of 'false denunciations', 'depreciating the efforts of the state' and 'insulting authorities'.

18. Other charges unrelated to human rights work have also been used against HRDs. Hicham Mansouri, journalist and project coordinator at AMJI, was sentenced to 10 months in prison for adultery in March 2015 in a politically motivated case. Six months previously, in September 2014, Mansouri was assaulted in what appeared to be a professional attack related to his human rights work. In the aftermath of the assault, he received intimidating and threatening messages from unknown persons.

### **Use of anti-terrorism laws against HRDs**

19. The trial and conviction of journalist [Mostafa Al-Hesnawi](#) provides another example for the use of counter-terrorism provisions to silence critical or dissident views. On 28 October 2013, the Rabat Appeals Court sentenced him to three years in prison for 'creating a terrorist organisation that threatens national security and stability'. The sentence was reduced in appeal from the original four years. He was summoned to appear for interrogation in May 2013 and has remained in detention since then. His arrest and sentencing appear to be directly related to his defence of Islamist detainees and the public positions he took on the matter. In April 2014, the UN Working Group on Arbitrary Detention concluded that his detention was "arbitrary in that it arises from the exercise of his rights to freedom of thought, opinion, expression and religion, and his activities in defence of people persecuted for their thoughts, ideologies or opinions".

### **Travel restrictions**

20. Between June and October 2015, Moroccan authorities imposed travel bans against prominent

academic and human rights defender Maati Monjib, journalist Samad Ayach, member of AMJI and journalist Mohamed El Sabr on charges related to their civil society and human rights activism. They were only notified by their travel ban orders at the airport and subjected to interrogation for hours on their activities and ties with donors and international and local human rights NGOs.

21. On 25 August 2015, human rights defender [Samad Iach](#) was banned from travelling by security officials at the airport. He had been summoned for interrogation ten days previously and questioned about his work as a journalist and human rights defender; however, he had not been informed of a travel ban.

### **Pressure on LGBTI rights defenders**

22. LGBTI rights defenders work in a difficult legal and socio-cultural context. They face serious threats to their existence and stigmatisation of their cause, including due to the criminalisation of homosexuality under Article 489 of the Penal Code. In 2015, a group of LGBTI defenders had to leave their country, fearing detention after media launched a campaign on the leaders of Aswatouna, a major network of LGBTI defenders in Morocco.

23. Well-known LGBTI defenders have been the subject of regular police harassment. [Ibtissame Lachgar](#), co-founder of the *Mouvement Alternatif pour les Libertés Individuelles* (MALI), and one of her colleagues faced gendered attacks and arbitrary detention in September 2016. The incident took place when the two HRDs had an argument with a street seller who was using young children to sell his merchandise in the street after dark. Upon recognising their identify as LGBTI rights defenders, the police arrested them and accused them of 'public drunkenness'. The police specifically cited their human rights activism in the report. Ibtissame was also sexually assaulted. On 10 September 2016, they were brought before the Court of First Instance in Rabat, which eventually dismissed the case.

### **Persecution of HRDs in Western Sahara**

24. Sahrawi HRDs continued to be subjected to intimidation, harassment, questioning, arrest, incommunicado detention and unfair trials. The right to freedom of assembly remains severely restricted. Permission to hold public gatherings is often denied and demonstrations, then deemed illegal, dispersed by force. Human rights groups are generally viewed by the authorities as political actors as they support self-determination. In a welcome development, the authorities agreed to register two outspoken and critical Sahrawi human rights groups: Sahrawi Association of Victims of Grave Human Rights Violations (ASVDH) and Tomorrow Association of Human Rights. However, other Sahrawi human rights groups, such as the Collective of Sahrawi Human Rights Defenders (CODESA), have not obtained registration.

26. Many Sahrawi HRDs have been tried and convicted in connection with their participation in demonstrations or sits-in:

- [Mohamed Baiza](#) has been under trial since November 2015 on charges of forming a criminal gang, obstructing public ways, insulting public officials and using violence against them, and participation in an armed mob. Mohamed Baiza has been involved in several peaceful protests calling for the Sahrawi people's right to self-determination.
- On 30 September 2015, Laayoune Court of Appeals upheld the four year prison sentence against [Salah Eddine Bassir](#) in connection with his participation in a protest in May 2013. Bassir is a member of the Freedom Sun Organisation for the Protection of Sahrawi Human Rights Defenders.
- In May 2015, [Atiqu Barrai](#) of the Western Sahara Organisation Against Torture was charged with 'offending public employees' and 'damaging public property' in connection to his participation in peaceful protests in Dakhla in April 2015.

27. Charges unrelated to human rights activities have also been used. On 8 February 2016, the Court of Appeal in Agadir upheld the conviction of [Mbarek Daoudi](#) to five years' imprisonment on charges of 'possession of hunting cartridges and 'attempting to manufacture a firearm'. He was arrested in September 2013. During a raid on his family home after his arrest, police officers found an old rifle from the 1936 war that belonged to his great-grandfather. The possession of the firearm was subsequently declared the official reason for his arrest.

28. On many occasions, Moroccan police used force and physical violence. On 14 April 2015, the home of [Aminatou Haidar](#) was attacked by police as she hosted United Nations representatives. The incident occurred following the forceful repression of a demonstration calling for an independent UN human rights monitoring system in Western Sahara.

29. Sahrawi HRDs have also suffered retaliation affecting their access to education. On 14 February 2016, Saharawi human rights defender [Ali Salem Tamek](#) started a hunger strike to protest the Moroccan authorities' failure to accept his registration in one of the universities in Morocco since 2007.

## **Recommendations**

30. Front Line Defenders calls upon the UN Human Rights Council to urge the authorities in Morocco to prioritise the protection of human rights defenders and in doing so to:

- (a) Guarantee in all circumstances that all human rights defenders in Morocco are able to carry out their legitimate human rights activities without fear of reprisals and free of all undue restrictions;
- (b) Guarantee the full enjoyment of the right to freedom of association; in particular, allow all human rights groups in Morocco and in Western Sahara to obtain registration and ensure they can freely organise their activities without hindrance;
- (c) Fully guarantee the exercise of the right to freedom of peaceful assembly, and ensure that public events and gatherings organised by human rights groups are not disrupted;
- (d) Repeal provisions of the Penal Code providing for prison sentences for offences related to the exercise of freedom of expression;
- (e) Review the Media and Press Law and remove restrictions on freedom of expression and media freedoms including on-line media;
- (f) Review and amend anti-terrorism laws to ensure that their provisions are not used to restrict freedom of expression or association;
- (g) Review and quash the conviction, and proceed to the release of imprisoned HRDs in Western Sahara and ensure that they can carry out their human rights activities without hindrance and retaliation;
- (h) End the criminalisation of homosexuality in the Penal Code and ensure that HRDs working on LGBTI issues can do so safely;
- (i) Accept the country visit request made by the Special Rapporteur on freedom of peaceful assembly and of association in 2011 and 2013, and extend an invitation to the Special Rapporteur on the situation of human rights defenders.