Morocco

**Key Developments: June 2015 – May 2016**

- In January, unlicensed VoIP services were blocked on mobile devices after a decision by the regulator. Some speculated that the actions were motivated by financial concerns over competition between telecommunications companies and voice-calling services provided by the likes of WhatsApp and Skype (see *Restrictions on Connectivity*).

- Provisions in the new press code—proposed during the coverage period and passed in June 2016—remove 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 bring them further stifle free reporting (see *Legal Environment*).

- News site *Badil* was repeatedly targeted on spurious charges of defaming public officials and publishing false information. El Mehdaoui, its editor, was given a four-month suspended sentence and ordered to pay a hefty fine in June of last year, while in August a court ordered the news site to be shut down for three months, subject to an appeal (see *Prosecutions and Detentions for Online Activities*).

- In June 2015, a court ordered the news site *Goud* to pay over US$ 51,000 in damages to the king’s private secretary over an article deemed defamatory. The heavy fine may bankrupt the independent news site (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*).

- YouTube footage of a young Moroccan man lifting asphalt barehanded from a local road led to his arrest for allegedly defaming the official responsible for the poor construction. He was eventually released and acquitted of all charges after a large public outcry (see *Prosecutions and Detentions for Online Activities*).
Introduction

Internet freedom declined in Morocco over the past year due to new restrictions on Voice-over-IP (VoIP), while legal harassment of prominent activists and online journalists continued.

In a new obstacle to greater internet access, Morocco’s regulator blocked free voice-calling features provided by apps like WhatsApp, Skype, and Viber, seemingly under pressure from telecommunications providers. Restrictions on VoIP impact the country’s entrepreneurs, who depend on VoIP when interacting with clients overseas. Millions of Moroccans will be unable to make cheap or free calls to relatives in the diaspora, many of whom regularly send remittances back home.

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—after the coverage period of this report.

But barring reform to other problematic laws, journalists will still find themselves punished for “defaming” prominent officials by calling out corruption or criticizing government policies. Hamid El Mehdaoui, editor of Badil, was involved in three separate court cases for his site’s investigative reporting, while the news site Goud was ordered to pay over US$ 51,000 for an article on the king’s private secretary. In one disturbing case, seven prominent digital activists and online journalists face up to five years in prison for peaceful efforts to improve human rights and further public discourse in the country. Their trial has been postponed at least three 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.

Obstacles to Access

While access continues to increase, Morocco’s regulator announced a restriction on VoIP services, a decision interpreted as an attempt to protect telecoms companies from competition from voice-calling apps such as WhatsApp, Skype, and Viber. The move will disproportionately impact the country’s entrepreneurs and those with family in the diaspora, who rely on these services to avoid the high cost of long-distance calls.

Availability and Ease of Access

Internet access in Morocco has increased steadily 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 57 percent in 2015, according to the International Telecommunication Union (ITU). Meanwhile, there are 1.27 mobile subscriptions for every individual, indicating high mobile penetration.

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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. Rural inhabitants constitute 39.7 percent of the overall population, 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 is another obstacle to internet access (43 percent of Moroccans aged 10 and above are illiterate).

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. 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 of up to 225 Mbps, customers pay MAD 129 (US$13.2) for initial connectivity fees for the first month, and then MAD 5 per day (US$0.51). Internet users pay on average MAD 3 (US$0.31) for one hour of connection in cybercafes.

Restrictions on Connectivity

On January 7, 2016, Morocco's telecommunications regulator, the ANRT, announced the suspension of all Voice-over-Internet-Protocol (VoIP) services over mobile phones. A press release 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. The ANRT also cited a previously unenforced 2004 regulatory decision on VoIP. Many observers indicated the move was intended to protect the revenues of Morocco's telecom companies from competition from apps like WhatsApp, Viber, FaceTime, Facebook Messenger, Skype, and others that provide users with free voice calls. The ban on VoIP will likely have a costly impact on entrepreneurs dealing with overseas clients and Moroccans with family members in the diaspora, who may be forced to turn to costlier services. The blocks may be easily bypassed using virtual private networks (VPNs). Some traced the move back to Emirati carrier Etisalat, which owns a majority stake in Maroc Telecom. VoIP services are also restrict-

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4 ANRT, Rapport Annuel 2013.
ed in two of Etisalat’s key markets, Egypt and the UAE.⁹

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 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 owns 30 percent of the shares of Maroc Telecom and 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.¹⁰ The three telecom operators (Maroc Telecom, Medi Telecom, and INWI) all have varying access to international connectivity.

ICT Market

Maroc Telecom, Medi Telecom, and INWI are the three internet service providers (ISPs) and mobile phone companies in Morocco. Maroc Telecom (Ittisalat Al Maghrib, IAM) is a former state company that held a monopoly over the telecoms sector until 1999.¹¹ That year, the National Agency for the Regulation of Telecommunications (ANRT) granted licenses for Medi Telecom and INWI. In 2014, Emirati carrier Etisalat purchased a 53 percent stake in Maroc Telecom from Vivendi.¹² 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. All three companies have submitted applications for 4G mobile phone licenses, following a call for tenders from the ANRT.¹³

Regulatory Bodies

Service providers such as ISPs, cybercafes, and mobile phone companies do not face any major legal, regulatory, or economic obstacles.¹⁴ 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.¹⁵ 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.

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¹¹ The State owns 30% of Maroc Telecom shares, 53% owned by the Emirate telecoms company Etisalat, and 17% is public. See Maroc Telecom, "Répartition du Capital," accessed February 18, 2016, http://bit.ly/1L9UJET.
¹⁴ Interviews with Dr. Hamid Harroud and Dr. Tajjedine Rachdi, director and former director of Information Technologies services of Al Akhawayn University in Ifrane, conducted on March 20 and 22, 2015.
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. Some journalists argue 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.

The allocation of digital resources, such as domain names or IP addresses, is carried out by organizations in a non-discriminatory manner. According to the Network Information Centre, which manages the ".ma" domain, there were 60,060 registered Moroccan domain names in February 2016.

**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 websites over the coverage period. Social media and communication services such as YouTube, Facebook, or Twitter and 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*. Its Arabic-language editor-in-chief, Ali Anouzla, was arrested one month earlier for citing an article in the Spanish newspaper *El País*, which contained an embedded YouTube video attributed to Al Qaeda in the Islamic Maghreb (AQIM).20 Activists and observers believe *Lakome* was blocked for its critical stance towards the monarchy. An Arabic-language version of the site has been relaunched using the address lakome2.com.

**Content Removal**

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18  Network Information Centre, the service that manages the domain .ma, is owned by Maroc Telecom. There are calls for domain.ma to be managed by an independent entity, not a commercial telecoms company.
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. For example, a court ordered the news site Badil to be shut down in August 2015, although the decision was appealed (see “Prosecutions and Detentions for Online Activities”). 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”).

In addition, the antiterrorism law 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.” 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. Intermediaries must block or delete infringing content when made aware of it or upon receipt of a court order. 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.

Media, Diversity, and Content Manipulation

Due to self-censorship on key political topics, the Moroccan online media landscape lacks diversity and investigative journalism. In the words of Aboubakr Jamai, “the carrot in Morocco is bigger than the stick, the state would rather reward you for obedience than punish you for dissent. So many otherwise good journalists prefer the financial rewards than the risky duties of watchdogs.” Online news outlets receive unofficial directives not to report on controversial issues, or not to allow certain voices to be heard. In a state that punishes investigative reporting and whistleblowing, people with sensitive information tend to stay quiet to avoid possible retribution. Debates on issues related to the monarchy do not make news, both in traditional and online media. For example, the release of Prince Hicham’s “explosive” book, *Journal d’un Prince Banni* [Diary of a Banished Prince] in April

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21 The Anti-Terrorism law, passed in 2003 after the 2003 terrorist attacks in Casablanca. On 16 May 2003, Morocco was subject to the deadliest terrorist attacks in the country’s history. Five explosions occurred within thirty minutes of each other, killing 43 people and injuring more than 100 in suicide bomb attacks in Morocco’s largest city, Casablanca. Morocco has been a staunch ally of the U.S. The 14 suicide bombers all originated from a poor suburban neighborhood in the outskirts of Casablanca.


24 Interviews with Driss Ksikess, a well-known journalist and former editor in chief of Nichane and Reda Benotmane, a prominent activist and founding member of Freedom Now, conducted on April 2-3 2015.

25 Interview with Aboubakr Jamai, conducted on February 19 2016.

2014\textsuperscript{27} surprisingly did not trigger any discussion or reaction in the country, which many observers link to self-censorship and fear of reprisals.\textsuperscript{28}

The existing atmosphere of fear among journalists online was strengthened with the arrest of Anouzla and the ensuing blocking of \textit{Lakome}.\textsuperscript{29} Given Anouzla’s reputation for independence, nonviolence, and pushing boundaries, many saw the charges of “advocacy of acts amounting to terrorism offenses” and “providing assistance to perpetrators or accomplices of acts of terrorism” as a clear attempt to silence a dissenting voice.\textsuperscript{30} Many online and offline news outlets looked up to \textit{Lakome} for maintaining a high ceiling for freedom of expression, especially in matters related to the monarchy, wherein most political power is concentrated.\textsuperscript{31}

Compounding self-censorship and fear are the personal attacks and derogatory comments received by activists and opinion makers online for openly criticizing government policies.\textsuperscript{32} 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.\textsuperscript{33} 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.\textsuperscript{34} 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.\textsuperscript{35} 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 narr-
In a recent example of this, the Office Chérifien des Phosphates (OCP) and Caisse de Dépôt et de Gestion (CDG), two state-owned companies that do not offer any particular products to Moroccan consumers, are now buying advertising time and space. This move is meant to obtain positive media coverage, avoid negative publicity, and secure media outlets for their press releases.

The state, however, does not limit the ability of online media to accept advertising or investment from foreign sources, which is crucial for maintaining a profitable business and ensuring that citizens can access a range of different opinions and news sources. In addition, webhosting and free blogging services are freely accessible. ISPs are not known to limit bandwidth availability to discriminate on the basis of content.

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. By 2015, three online news portals made it to top 10 most visited site, with Hespresse remaining as the most popular website in Morocco with an estimated 600,000 unique visitors per day. It is ranked fourth after Google, Facebook, and YouTube. Chouftv, and Hibapress are now ranked sixth and seventh, respectively. The Moroccan classified ads site avito.ma, is ranked fifth and Moroccan sports site Elbotala is ranked 11th, bypassing the pan-Arabic sports website Kooora which ranked top ten in previous years.

**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 consisted of a campaign to criticize the country’s three telecommunication companies after ANRT blocked VoIP from mobile devices. Starting in February, campaigners used hashtags like #OpeUnlike, #OpUnlike, and #voileip to call on users to unlike the social media pages of the three companies. The campaign estimated that each unlike equates to a loss of 3 MAD (0.30 USD) for the companies. According to Hamza Badih, a digital activist, the campaign started off as a grassroots movement within a small community of technology activists, whose leadership was instrumental in engaging a large number of internet users. He added that a monitoring website was created to track the number “unlikes,” updated every 10 seconds. The site went viral. According to the website, the “Unlike” campaign resulted in the loss of 550,000 likes for the three telecom operators in just over a week. However, according to Badih, the telecoms managed to limit the damage by purchasing “likes” from e-marketing companies.


37 The OCP is the world’s largest exporter of phosphate and its derivatives. The CDG is a state institution in charge of collecting and managing specific state funds and savings.


40 http://unlikes.oudy.works/?ref=red

41 http://unlikes.oudy.works/?ref=red

42 Interview with Badih conducted on 3 March 2016.
was ultimately unsuccessful as the minister of industry, commerce, investment and digital economy endorsed the decision to block VoIP by issuing decree N° 2\textsuperscript{16}. 347. The decree framed the issue around the question of fair competition and endowed ANRT with the prerogative to put an end to all unfair competition practices.\textsuperscript{43}

### Violations of User Rights


dominican laws on criminal defamation and antiterrorism continue to pose a threat to free speech. A new press code containing several positive elements 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.”\textsuperscript{44} 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.\textsuperscript{45}

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.\textsuperscript{46}

A new press code passed in June 2016 received mixed reactions among free speech activists.\textsuperscript{47} Unlike the previous press code from 2002, the new code contains provisions that specifically apply to online media.\textsuperscript{48} Most significantly, the code eliminated jail sentences for journalists and replaced penalties with steep fines. Articles 76 and 77 of the new code put forward fines of up to MAD 200,000 (US$20,000) for publication of what can be seen as offensive content about the monarchy, Islam, and territorial integrity. These fines are largely unaffordable for Moroccan journalists, who may be impris-


\textsuperscript{48} Approbation à l’unanimité par la Chambre des représentants du projet de loi n° 88-13 relatif à la presse et à l’édition, accessed 8 August 2016, \url{http://mincom.gov.ma/media/k2/attachments/ApprobationZ2I.pdf}. 
Most importantly, pending reform of the penal code, journalists may still be jailed for offences against the monarchy or threats to national security, which has occurred in the past.

In a move likely to stifle online media, Articles 34 and 35 stipulate that online news portals must register their domain names in Morocco to be able to obtain press cards and benefit from state support. News portals must also obtain three types of authorizations from three different bodies, valid for one year at a time: from the High Authority of Audiovisual Communication (HACA) to post online videos, from the Moroccan Cinema Center (CCM) to shoot film, and from the ANRT to host domain names under press.ma. These organizations are state-controlled and can easily be influenced to deny authorizations or reject renewals for political purposes. These measures will likely maintain the culture of prior restraint and fortify self-censorship among media workers.

**Prosecutions and Detentions for Online Activities**

Moroccans continue to face the possibility of unjust arrest and prosecution for their online activities, particularly for material that is seen as critical of state officials. Court cases against journalists are often postponed so that the government can avoid international condemnation while maintaining the threat of prosecution.

Over the coverage period, a group of seven prominent online journalists and activists were pursued on serious charges. 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.” They are:

- 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).

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49 Interview with Reda Benotmane, a prominent activist and founding member of Freedom Now, conducted on April 2-3 2015.
50 The High Authority for Audiovisual Communication (Haut Autorité de la Communication Audiovisuelle, HACA) was created in 2002 and mandated to establish the legal framework for liberalizing the audiovisual sector, and to oversee a public service broadcasting (PSB) sector.
51 Le Centre Cinématographique Marocain (CCM) is in charge of the organization and promotion of the film industry in Morocco and it oversees the application of the legislation and regulation of the sector.
After an initial court date was set for November 19, 2015 in Rabat, it has been repeatedly postponed to March 29, June 29, and as of the time of writing, October 26, 2016.\(^{55}\)

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.\(^{56}\) 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. As of mid-2016 they had not been returned to their owners.\(^{57}\)

Hamid El Mehdaoui, editor of the news website *Badil*, has faced repeated prosecution over the coverage period for his site’s reporting:

- El Mehdaoui was convicted in June 2015 of criminal defamation after a complaint by the general directorate of national security over a story on the 2014 death of activist Karim Lachqar while in police custody. He was given a four-month suspended sentence and, together with the source of the story, ordered to pay a combined fine of MAD 100,000 (US $10,000) by a Casablanca court.\(^{58}\)

- In August 2015, a court in the city of Meknes ordered *Badil* to be shut down for three months and sentenced El Mehdaoui to a fine of 30,000 MAD (US$ 3,000) over criminal defamation charges related to a story about a car bombing in the city. The judicial proceedings were initiated by the regional governor, who claimed that the story was factually false and that no car bombing occurred or was attempted.\(^{59}\) El Mehdaoui’s lawyer appealed the decision and a new court hearing had not yet been determined. The website remained operational despite the initial court decision.\(^{60}\)

- In yet another court case, on June 20, 2016, a district court in Casablanca convicted El Mehdaoui of criminal defamation over a report on the minister of justice’s travel expenses. He was given a four month suspended sentence and a fine of MAD 10,000 (US$ 1,000).\(^{61}\)

Journalist Ali Anouzla is once again facing prosecution after an interview he gave to German newspaper *Bild* in November 2015. Due to an apparent mistake in translation, which the newspaper corrected, Anouzla was charged with “endangering the Kingdom’s territorial integrity,” a severe charge that may result in five years in jail. Anouzla’s reference to the “Sahara” was translated as “occupied Western Sahara.”\(^{62}\) He was eventually acquitted of charges on May 24, 2016 after repeated post-

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\(^{58}\) Committee to Protect Journalists, “Morocco editor, source convicted in defamation case,” June 30, 2015, [https://cpj.org/x/64c3](https://cpj.org/x/64c3).


\(^{60}\) Interview with Hamid El Mehdaoui


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.

In June 2015, a Casablanca court ordered the news site Goud to pay MAD 500,000 (US$52,000) for civil defamation charges, a steep fine which may bankrupt the independent news site. Goud was targeted for an article that accused the king’s private secretary, Mounir El-Majidi, of corruption. As of July 2016, the ruling was under appeal by the site’s managers.

Abderrahman El Makraoui, a young man from the municipality of Jemaat Sehim near the coastal city of Safi, was arrested over a YouTube video uploaded on January 18, 2016, in which he denounced the shoddy conditions of a newly paved road and removed chunks of pavement with his bare hands. The president of the municipality sued him for defamation, resulting in a public outcry by Moroccans and a solidarity campaign using the hashtag #Iam_Abderhmane. The justice minister subsequently sent a letter to the public prosecutor to release him on bail, and Makraoui was released on February 8. A Safi district court acquitted him of all charges on March 9, 2016.

Authorities have also used trumped up charges of drug possession, adultery, and other crimes to intimidate well known activists and journalists and to tarnish their public image. Hicham El Mansouri, a journalist and a member of the Moroccan Association of Investigative Journalism, served a 10-month jail sentence from March 2015 to January 2016 on a trumped-up adultery charge. Many international human rights organizations called for his release in a statement on April 2015 and condemned the trial’s irregularities.

**Surveillance, Privacy, and Anonymity**

Given the absence of blocking and filtering, Moroccan activists identified surveillance as the most dangerous instrument in the hands the regime. 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

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65 Committee to Protect Journalists, “Moroccan editor, source convicted in defamation case,” June 30, 2015, accessed August 5, 2015, [https://cpj.org/x/64c3](https://cpj.org/x/64c3).


67 See [https://www.youtube.com/watch?v=rrZFM4p2bBQ](https://www.youtube.com/watch?v=rrZFM4p2bBQ).


70 [http://www.huffingtonpost.com/entry/moroccan-journalist-is-released-after-10-months-in-prison_us_569d03a9e4b0b4eb759f1682](http://www.huffingtonpost.com/entry/moroccan-journalist-is-released-after-10-months-in-prison_us_569d03a9e4b0b4eb759f1682).

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.” 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 and interviews have revealed the use of malware products from Italian company Hacking Team to target activists. Activists have demanded that the state be more transparent about who conducts surveillance, who is targeted, and to what end. 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.”

Beyond these concerns, online anonymity is broadly respected. Internet users do not need to register or provide any kind of identification at cybercafes. There are no indications that the purchase and use of encryption software by private citizens or companies is restricted. However, free access to the technology is starting to change. In the past, pre-paid SIM cards were purchased anonymously and citizens could get them from the three telecom companies’ retail stores without having to show identification. Today, customers are asked for a copy of their ID. However, street vendors and other non-affiliated sales outlets continue to provide SIM cards without IDs.

**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. Ali Lmrabet was denied paperwork necessary to renew his passport, residency, and work papers in mid-2015. In April 2015, with the expiration of a ten-year ban from publishing, he unsuccessfully attempted to restart his satirical news site DemainOnline. He subsequently went on hunger strike in front of the United Nations building in Geneva until the interior minister indicated he could receive his new passport. On September 2015, Lmrabet received his passport and residency papers at the Moroccan general consulate in Barcelona.

**Technical Attacks**

In addition to surveillance and malware attacks, online news portals that express dissenting voices are subject to continuous cyberattacks. Reports and interviews with prominent activists reveal an ongoing campaign by anonymous hacking groups to target outspoken voices. Groups such as the

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73 Interview with Hisham Almiraat, conducted January 13, 2014.
75 Interviews with digital activists and online journalists.
77 Interviews with Dr. Fouad Abbou, professor of computer Science and Telecommunications and Dr. Hamid Harroud, director of the Information Technologies Services of Al Akhawayn University in Ifrane, conducted on 29 March 2015.
80 Interview with Hisham Almiraat.
81 Interviews with Hishaam Almiraat, Samia Errazzouki, Yassir Kazar, and Ali Anouzla.
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.\textsuperscript{82}

\textsuperscript{82} Privacy International, \textit{Their Eyes On Me: Stories of surveillance in Morocco}. 