

Morocco

| | 2014 | 2015 | | |
|----------------------------------|-------------|-------------|------------------------------------------|--------------|
| Internet Freedom Status | Partly Free | Partly Free | Population: | 33.3 million |
| Obstacles to Access (0-25) | 11 | 11 | Internet Penetration 2014: | 57 percent |
| Limits on Content (0-35) | 10 | 9 | Social Media/ICT Apps Blocked: | No |
| Violations of User Rights (0-40) | 23 | 23 | Political/Social Content Blocked: | No |
| TOTAL* (0-100) | 44 | 43 | Bloggers/ICT Users Arrested: | Yes |
| | | | Press Freedom 2015 Status: | Not Free |

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- Unlike last year, there were no instances of blocking reported over the coverage period. Independent news site *Lakome* is back online after journalist Ali Anouzla was released from prison, although the terrorism-related charges for his media reporting have not been dropped and continue to pose a significant chilling effect on investigative reporting (see **Blocking and Filtering** and **Media, Diversity, and Content Manipulation**).
- Authorities proposed changes to the press code that would remove jail sentences for journalistic crimes, except in cases when journalists fail to pay a fine—which remained steep relative to the limited operational budgets of most news outlets. The proposed draft also mandates the registration of online journalists in a move that may bring them further under the control of the government, stifling free reporting (see **Legal Environment**).
- Seventeen-year-old rapper Othman Atiq, known as Mr. Crazy, was jailed from August to November 2014 under charges of “insulting a state institution,” “incitement to consume drugs,” and producing material “harmful to public morality.” Atiq’s music videos—some of which feature more than a million views on YouTube—depict the troubled lives of unemployed youth in Casablanca and were used as evidence in his trial (see **Prosecutions and Arrests for Online Activities**).
- News websites *Badil* and *Goud* were taken to court for allegedly defaming public officials. Hamid El Mehdaoui, *Badil* editor-in-chief, was given a four-month suspended sentence and a fine in June 2015 for an article investigating the death of an activist while in police custody. That same month, the news site *Goud* was ordered to pay MAD 500,000 (US\$51,000) for an article that accused the king’s private secretary of corruption. The steep fine may bankrupt the independent news site (see **Prosecutions and Arrests for Online Activities**).

Introduction

Internet freedom has stagnated during the coverage period. Several news sites were targeted for investigative pieces that allegedly defamed public officials, while a seventeen-year-old rapper was jailed for his music videos uploaded to YouTube. These moves follow last year's prosecution of Ali Anouzla, an influential investigative reporter and editor-in-chief of *Lakome.com*. Although Anouzla has since been released pending trial, his arrest and the blocking of his news site has had a notable chilling effect on Morocco's digital landscape. Many sites had looked to *Lakome* for maintaining a high ceiling of free expression in the country, particularly in its coverage of the monarchy.¹ Instead, the outlandish charges of "advocacy of acts amounting to terrorism offenses" and "providing assistance to perpetrators or accomplices of acts of terrorism" directed at a credible journalist demonstrated the extent to which the state is prepared to silence dissent.² While authorities may show a permissive attitude to social media and user-generated content, journalists and civil society actors still take care not to cross red lines in order to avoid legal threats, trumped up charges, and the hacking of personal accounts.

Social media has triggered a revival of the media's traditional watchdog function, acting as a check on the misconduct of the political regime. It has also been used as a tool for nascent political movements to organize and mobilize supporters across the country, particularly in the context of the Arab Spring. The February 20th Movement, which started on Facebook and relies heavily on digital media for communication, has held rallies throughout the country demanding democratic reforms, a parliamentary monarchy, social justice, greater economic opportunities, and more effective anticorruption measures. Two weeks after the first demonstrations, King Mohamed VI responded by announcing new constitutional reforms in which he promised to devolve limited aspects of his wide-ranging powers to an elected head of government and the parliament. Included in this reform package were provisions to grant greater independence to the judiciary and an expansion of civil liberties. The king's proposals were approved by 98.5 percent of Moroccan voters in a popular referendum held on July 1, 2011, in which voter turnout was 84 percent. These measures resulted in a lifting of all politically-motivated filtering.

The emergence of trusted online news publications staffed with professional online journalists has threatened the authorities' control over the country's media sphere. While digital media remains more diverse than television and newspapers, recent events indicate the authorities are keen to clamp down. A new "digital code" (*code numérique*) and press code have been drafted by government ministries in a bid to introduce greater regulations and restrictions. Through the allocation of advertisements, directives about what can be reported, progovernment trolls, and court cases against journalists, the state ensures that controversial issues in the country are left untouched and leading newsmakers willingly self-censor. This situation is reinforced by the state's use of surveillance technology to further strengthen the atmosphere of fear among online journalists and activists.

1 Interview with Ali Anouzla a journalist, conducted on June 27, 2014.

2 Interview with Aboubakr Jamai, a Moroccan journalist, founder of progressive magazines such as *Le Journal Hebdomadaire* and *Assahifa al-Ousbouiya*; 2003 recipient of International Press Freedom Award, conducted on January 8 2014.

Obstacles to Access

Access continues to increase in Morocco, with the majority now using mobile phones to browse the internet. A digital divide between Morocco's urban and rural areas and a low adult literacy rate continue to marginalize some population groups online. However, lower prices, a growing liberalization of the ICT sector, and fairer regulations signal positive trends when it comes to the government's goal of providing universal access.

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 41.3 percent in 2009 to 56.8 percent in 2014, according to the International Telecommunication Union (ITU).³ By end of 2014, just shy of 3 in every 100 inhabitants possessed a fixed-broad subscription. Mobile penetration reached 133 percent. According to Morocco's regulator, 30 percent of users have an internet subscription, of which some 90 percent were 3G mobile internet subscribers. Mobile internet subscriptions increased by almost 82 percent over the calendar year.⁴

Internet access is currently limited to educated and urban segments of Morocco's population. There is a major discrepancy in terms of network coverage 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. Rural inhabitants constitute 39.7 percent of the overall population⁵ 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 (43 percent of Moroccans aged 10 and above are illiterate). The ITU's ICT Development Index (IDI) ranks Morocco 89th, primarily due to a low adult literacy rate, low gross secondary enrollment ratio, and low gross tertiary enrollment ratio.⁶

Research universities led the development of the internet in Morocco from the early 1990s, with internet access extended to the general public in 1996. Initially, the internet's diffusion was slow in Morocco due primarily to the high cost of computers and poor infrastructure.⁷ Under the combined impact of the liberalization, deregulation, and privatization of the telecommunications sector, as well as the legal and technological modernization of Moroccan broadcasting media, a growing and dynamic digital media market has emerged.

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*⁸ (Guidelines for the Development of the Telecoms Sector 2014-2018) provides the framework for the development

3 International Telecommunication Union, "Statistics," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

4 Agence Nationale de Réglementation des Télécommunications (ANRT), *Rapport Annuel 2013*, [Trans. Annual Report 2013], http://www.anrt.ma/sites/default/files/Ra_Annuel_%20Anrt2014.pdf.

5 General Population and Housing Census, "Note sur les premiers résultats du Recensement Général de la Population et de l'Habitat 2014" [News Release on the first results of the General Population and Housing Census 2014], news release, accessed March 31, 2015, <http://bit.ly/1P9z0pG>.

6 Morocco is ranked 114th in the IDI Skills sub-index, which measures human capacity and the population's abilities to use ICTs. See International Telecommunication Union, *Measuring the Information Society*.

7 Mohammed Ibahrine, "The Internet and Politics in Morocco: The Political Use of the Internet by Islam Oriented Political Movements" (Dissertation, University of Hamburg, 2007), 1-338, <http://bit.ly/1LPk8MC>.

8 ANRT, *Rapport Annuel 2013*.

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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 to provide universal access.

As a result of previous government efforts, internet use remains relatively affordable. For a 3G pre-paid connection of up to 7.2 Mbps, customers pay MAD 223 (US\$26) for initial connectivity fees and then MAD 10 per day (US\$0.82) or MAD 200 per month (US\$23.6). Internet users pay on average MAD 3 (US\$0.35) for one hour of connection in cybercafes.

Restrictions on Connectivity

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. In terms of terrestrial regional connectivity, Maroc Telecom owns and controls a fiber-optic backbone of more than 10,000 kilometers (km) covering the whole territory. 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 2000 km and 4000 km fiber-optic infrastructures, respectively. The state owns 30 percent of the shares of Maroc Telecom and controls the railway as well as electricity and water companies, hence giving it access to the entire regional internet backbone.

Morocco's national and international connectivity has a combined capacity exceeding 10 terabits per second (Tbps).⁹ The three telecom operators (Maroc Telecom, Medi Telecom, and INWI) have access to international connectivity with Maroc Telecom controlling three submarine stations, Méditel (with redundant connectivity) controlling more than two submarine cables and stations, and INWI controlling one cable.¹⁰

ICT Market

Maroc Telecom, Medi Telecom, and INWI are the three internet service providers (ISPs) and mobile phone companies in Morocco. Maroc Telecom (*Ittissalat 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. 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.¹²

9 Natalija Gelvanovska, Michel Rogy, and Carlo Maria Rossotto, *Broadband Networks in the Middle East and North Africa: Accelerating High-Speed Internet Access*, (Washington, D.C.: World Bank, January, 29, 2014), 129, <https://openknowledge.worldbank.org/handle/10986/16680>.

10 Gelvanovska, Rogy, and Rossotto, *Broadband Networks in the Middle East and North Africa: Accelerating High-Speed Internet Access*.

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 March 31, 2015, <http://bit.ly/1L9tjET>.

12 ANRT, "Licences 4G : Dépôt de dossiers de candidature relatifs à l'appel à concurrence," [in French] news release, March 12, 2015, accessed March 31m 2015, <http://bit.ly/1Y1CHPf>.

Regulatory Bodies

Service providers such as ISPs, cybercafes, and mobile phone companies do not face any major legal, regulatory, or economic obstacles.¹³ 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.¹⁴ 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.¹⁵ Some journalists argue that the ANRT is a politicized body lacking independence, citing 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.¹⁶

The allocation of digital resources, such as domain names or IP addresses, is carried out by organizations in a non-discriminatory manner.¹⁷ According to the Network Information Centre, which manages the ".ma" domain, there were 57,492 registered Moroccan domain names in April 2015.¹⁸

Limits on Content

After last year's dramatic blocking of Lakome, this coverage period witnessed the restoration of the news website. However, since one of its editors-in-chief continues to await trial on terrorism charges, the move has created a lasting chilling effect on Morocco's digital landscape. Although authorities do not block or filter online content, the general atmosphere of fear has increased self-censorship. This is particularly marked among professional journalists working in well established online news organizations, who remain the primary target of the authorities' backlash.

Blocking and Filtering

The government did not block or filter any websites over the coverage period. 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,

13 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.

14 ANRT, Loi No. 24-96, [in French, Trans.: Laws governing the post and telecommunications] <http://bit.ly/1JTMcp6>.

15 ANRT, Loi No. 24-96, [in French, Trans.: Laws governing the post and telecommunications] <http://bit.ly/1JTMcp6>.

16 Caroline Simard, "Morocco's ANRT Guidelines Project Related to Fundamental Regulatory Aspects," accessed 16 March 2015, <http://bit.ly/1LDbxtG>; Björn Wellenius and Carlo Maria Rossotto, "Introducing Telecommunications Competition through a Wireless License: Lessons from Morocco," *Public Policy for the Private Sector*, (1999), accessed April 3, 2-15, <http://bit.ly/1Kvpiq8>.

17 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.

18 This service is owned by Maroc Telecom. Network Information Centre, accessed 31 March 2015, http://www.registre.ma/?page_id=71.

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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).¹⁹ Activists and observers believe *Lakome* was blocked for its critical stance towards the monarchy.

Both the Arabic and the French versions of the site had published an investigative report on the exploitation of sand pits showing the extent of corruption and the culture of impunity deeply rooted in the highest level of the regime. The sites were also the first to announce the scandal surrounding the royal pardon granted to the convicted pedophile Daniel Galván Viña on July 31, 2013. This event garnered significant international media coverage from satellite television stations such as BBC, CNN, France24, Al Jazeera and others, all of whom relied heavily on *Lakome* for their information. As a result, the site achieved international fame and notoriety with the local authorities. Indeed, local bloggers and activists observed that *Lakome* had become a liability to the Moroccan regime, with its editorial independence, investigative stories, and relentless refusal to self-censor. Zineb Belmkaddem, a blogger and activist, noted the site's "readership, as well as its impact, were growing" and cited the blocking of *Lakome* as an example of what happens when journalists do not acquiesce to calls (and even threats) to soften their tone when reporting on government affairs.²⁰

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. Despite numerous reports to the contrary, Google Earth was found to be accessible in tests conducted by Freedom House in several cities and on a range of different devices. The service had been reportedly blocked in August 2009.²¹

Similarly there are no restrictions on anonymous proxy tools and Voice over Internet Protocol (VoIP) services. However, in February 2012 there was a report that Maroc Telecom briefly disrupted VoIP services such as Skype, TeamSpeak, and Viber in order to tamper with the quality of the calls. Some speculated that the actions were motivated by financial concerns over competition to traditional fixed-line services provided by the telecommunications company.²²

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 2002 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").

19 The video entitled, "Morocco: Kingdom of Corruption and Despotism," incites viewers to commit terrorism acts against the country:

Amnesty International, "Morocco/Western Sahara," *Amnesty International Report 2014/15*, <http://bit.ly/1EFAvfa>.

20 Interview with Zineb Belmkaddem, a Moroccan blogger, citizen journalist, and 20th February activist, conducted on January 15, 2014.

21 Google, "Recent and ongoing disruptions of traffic to Google products," *Transparency Report*, 2015, <http://bit.ly/1EF0yCM>.

22 Hisham Almiraat, "Morocco: Historic Telecom Operator Blocks Skype," *Global Voices*, February 9, 2012, accessed March 16, 2015, <http://bit.ly/1V125La>; Brahim Oubahouman, "Maroc Télécom interdit Skype et d'autres services VoIP", *l'bergag*, February 20, 2012, accessed March 16, 2015, <http://bit.ly/1PQhO8N>.

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The antiterrorism law²³ 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 the 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.²⁵ While the law was ostensibly designed to combat terrorism, the 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, such as *Lakome* and *Febrayer* 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.²⁶

Media, Diversity, and Content Manipulation

Owing to self-censorship on key political topics, the Moroccan online media landscape lacks in diversity and investigative journalism. 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”²⁷ book, *Journal d’un Prince Banni* [Diary of a Banished Prince] in April 2014²⁸ surprisingly did not trigger any discussion or reaction in the country, which many observers link to self-censorship and fear of reprisals.²⁹

The existing atmosphere of fear among journalists online was strengthened with the arrest of Anouzla and the ensuing blocking of *Lakome*.³⁰ 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 at-

23 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 OpenNet Initiative, *Internet Filtering in Morocco*, (2009) <http://bit.ly/18GiHgW>.

25 Loi n° 03-03, Anti-terrorism law, available at, <https://www.unodc.org/tldb/showDocument.do?lng=fr&documentUid=1840&country=MOR>, accessed October 6, 2015.

26 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.

27 Sara Daniel, «INFO OBS. Maroc : les mémoires du ‘prince rouge’, « *L’OBS/Monde*, December 10, 2013, accessed April 3, 2015, <http://bit.ly/1JTBiZV>.

28 First cousin of King Mohammed VI and third in the line of succession to the throne, Prince Moulay Hicham gained the nickname “Red Prince” because of his pro-democracy positions and his calls for reforms of the monarchy. The book is an account of a member of the royal family who expressed his views on the political system in Morocco, and called for the reform of the Mekhzen and the institution of the monarchy.

29 Interviews with digital activists and online journalists.

30 Interviews with Aboubakr Jamai, Hisham Almiraat, Zineb Belmkaddem, IbnKafka, Driss Ksikess, Reda Benotman, and two other interviews conducted with online activists who want to remain anonymous from February 2013 and April 2015. Hereafter, interviews with digital activists and online journalists.

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tempt to silence a dissenting voice.³¹ Many online and offline news outlets looked up to *Lakome* for maintaining a high ceiling for freedom of expression, especially in matters related to the monarchy, wherein most political power is concentrated.³²

Compounding self-censorship and fear are the personal attacks and derogatory comments received by activists and opinion makers online for openly criticizing government policies.³³ 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.³⁴ 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.³⁵ 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.³⁶ 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 to link these publications to a larger state strategy to counter the growth of voices of dissent. However, it is important to note that 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.³⁷ In a recent example of this, the Office Chérifien des Phosphates (OCP) and Caisse de Dépôt et de Gestion (CDG),³⁸ 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 blog-

31 Interview with Aboubakr Jamai.

32 Interview with Ali Anouzla.

33 Interview with Ali Anouzla.

34 Interview with Zineb Belmkaddem.

35 Interview with Driss Ksikess.

36 Interview with Driss Ksikess.

37 According to *The Report: Emerging Morocco 2013* by Oxford Business Group, Maroc Telecom, Medi Telecom, and WANA Corporate spent three times more the amount of the second sector in terms of advertising with 1.3 bn MAD (£115.6 M). In 2011, according to *l'Economiste.ma*, telecommunications advertising spending represents 23% of the total advertising market share. See:

“INVESTISSEMENTS PUBLICITAIRES LA TÉLÉ EN PERTE DE MARCHÉ,” *L'ECONOMISTE*, November 30, 2011, accessed March 29, 2015, <http://bit.ly/1KvtrE9>.

38 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.

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ging 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.³⁹ By 2015, three online news portals made it to top 10 most visited site, with *Hespress* remaining as the most popular website in Morocco with estimated 600,000 unique visitors per day. It is ranked fourth after Google, Facebook, and YouTube. Besides *Hespress*, *Alyaoum24*, and *Hibapress* are now ranked seventh and ninth, respectively. The Moroccan classified ads site *avito.ma*, is ranked fifth and Moroccan sports site *Elbotola* is ranked 11th bypassing the pan-Arabic sports website Kooora which ranked top ten in previous years.⁴⁰ Facebook users grew by 490 percent from 860,000 to more than 5.1 million between 2009 and 2015, and the social network is the most visited website in the country.⁴¹

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 resulted in the sacking of Mohamed Ouzzine, the Minister of Youth and Sports. Morocco was host of the FIFA World Club finals in December 2014. The third game took place in the newly rebuilt stadium of the capital Rabat and due heavy rain, the pitch turned into a pool which created significant problems for the players of the Mexican club Cruz Azul and the Australian club Wanderers. Videos and commentary on the event were extensively shared on Facebook, YouTube, and Twitter. The videos mocking the event were also aired in many international TV stations. As in the previous instances of digital mobilization, Moroccan mainstream media including state controlled broadcasting could not ignore the event and they ended up reporting on it. As an outcome of these events, the King suspended the minister from his duties and later on officially dismissed him. It is not clear if the King's decision was due to online pressure or if it was an isolated decision.

Twitter has also been used as a tool for whistleblowing. Since October 2014, the account @chris_coleman has been releasing hundreds of classified diplomatic documents from Morocco's Ministry of Foreign Affairs.⁴² The account operates under the pseudonym "Le Makhzen," a term used to designate the old form of government under the Alaouite dynasty which is still used to refer to the most traditional forms of governance in the country. The tweets consist of releasing documents such as confidential correspondences, money transfer orders, confidential emails, and other documents that cite members of the royal family, diplomats, members of civil society, and journalists. The documents accuse a number of French and American journalists of being corrupted by the Moroccan government to write favorable media coverage of the Western Sahara. The author of this campaign clearly aims at destabilizing the Moroccan regime and appears motivated by the Western Sahara conflict. According to journalist Jean-Marc Manach, co-founder of the Big Brother Awards,

39 Bouziane Zaid and Mohamed Ibrahine, *Mapping Digital Media: Morocco*, Open Society Foundations, June 2011, accessed March 25, 2015, <http://osfto/1VCMRJS>.

40 Google, Facebook, YouTube, hespress, and Google Morocco were the five most visited sites in 2014. See, Alexa, "Top Sites in Morocco," accessed March 31, 2015, <http://www.alexa.com/topsites/countries/MA>.

41 "Internet users, population and Facebook statistics for Africa 2014 Q2," Internet World Stats, accessed March 30, 2015, <http://bit.ly/1f3mohY>.

42 "Un Wikileaks version marocaine sème le trouble... et le doute," *France24*, December 8, 2014, accessed March 31, 2015, <http://f24.my/1KWqMU8>.

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some of these documents are authentic while others are manipulated. Mbarka Bouaida, deputy minister of foreign affairs, stated that the tweets are motivated by pro-Polisario militants funded and supported by Algeria. Foreign Minister Salahdine Mezouar has launched an investigation into whether these classified government documents were willingly leaked or if it is a matter of hacking.⁴³ Given the general atmosphere of self-censorship and fear among journalists, these leaks did not trigger a public debate and there were no consequences other than the internal investigation.

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 released for public consultation in October 2014. While the proposed law eliminates jail time for the press, it mandates the registration of online journalists in a move that could bring them further under the authorities' control. Arrests and prosecutions of ordinary social media users remained rare, but authorities targeted well known activists, news staff, and even rappers in order to silence those with significant influence over the public.

Legal Environment

The constitution contains provisions designed to protect freedom of expression, but there are shortcomings in their enforcement. The 2011 constitution, passed by referendum to curtail public protests at the onset of the Arab Spring, recognizes all Moroccan citizens as equals before the law and Article 25 guarantees all citizens "freedom of opinion and expression in all its forms."⁴⁴ Although the 2011 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.⁴⁵

The constitution also guarantees freedom of information. Article 27 states that Moroccan citizens have the right to access information held by the government, elected institutions, and all public service institutions, except in cases in which doing so would violate national security, the privacy of individuals, or constitutional freedoms. For this constitutional right to become reality, a series of public policy debates are taking place to devise policies that would guarantee citizens access to information. However, given the authoritarian nature of the state, many activists are pessimistic and believe the end result will most likely lead to a stifling of internet freedom under the guise of privacy, national security, and counterterrorism. As of mid-2015, no new outcomes have been reached.

The gravest legal threat to internet freedom in Morocco remains laws that restrict the type of material that can be communicated online. Chief among these are the 2002 press code and the 2003 anti-terrorism law that outline criminal penalties for any criticism of "sacred" issues such as the monarchy, Islam, and territorial integrity. Crucially, these laws continue to be applied to online activity, resulting in the prosecution of several users for content posted online. Article 218-2 of the antiterrorism law

43 Mohamed Etayea, "Affaire Chris Coleman: Mezouar convoqué au parlement," *Telquel*, January 22, 2015, accessed March 29, 2015, http://telquel.ma/2015/01/22/affaire-chris-coleman-mezouar-convoque-au-parlement_1431150.

44 Constitution of Morocco, Art. 25, adopted in 1962, reformed in 2011, accessed January 18, 2014, <http://bit.ly/1M04kt8>.

45 Mohamed Madani, Driss Maghraoui, and Saloua Serhouni, *The 2011 Moroccan Constitution: A Critical Analysis*, (Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2012).

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also proscribes prison terms of 2 to 6 years and fines of MAD 10,000 to 200,000 for those convicted of apology for acts of terrorism, through offline as well as online speech.⁴⁶

Numerous articles within the press code are problematic. Article 38 defines “incitement to commit a crime” as any provocative speech that was uttered, written, printed, sold, or distributed in public places, meetings, as well in as any audiovisual and electronic media. Article 41 stipulates that anyone who offends the institution of the monarchy, king and the royal princes and princesses, Islam, and the territorial integrity will be imprisoned for three to five years and must pay a fine of MAD 10,000 to 100,000 (roughly US\$800 to 8,000). The publication can be suspended for up to three months or can be permanently banned. Articles 45, 46, and 47 of the 2002 press code stipulate that defamation against the courts, the military, public administrations, members of the government, and any public person are punishable by a prison term of one month to one year. Similarly, Article 52 outlaws criticism of foreign heads of state, foreign ministers, and diplomatic envoys residing in Morocco by stipulating punishments of one month to one year imprisonment and a fine of MAD 10,000 to 100,000 (US\$800 to \$8,000). Judges often apply these vague and oppressive laws to the online domain.

In an attempt to modernize the press code, the minister of communication released an updated version for review and consultation by civil society in October 2014.⁴⁷ The code eliminates jail sentences for journalists and establishes a self-regulatory body. However, 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, valid for one year at a time: from the High Authority of Audiovisual Communication (HACA)⁴⁸ to post online videos, from the Moroccan Cinema Center (CCM)⁴⁹ 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 instill the culture of prior restraint and fortify self-censorship. In addition, while prison terms for journalists have been removed, guilty parties can be imprisoned if they fail to pay proscribed fines.⁵⁰

For many activists, another indication that the regime plans to stifle internet freedom was the release of a draft law on the internet called the *Code Numérique* (digital code) in November 2013.⁵¹ The draft was prepared by the Ministry of Trade, Investment and Digital Economy and aimed to reinforce the legislative framework of digital communication in Morocco by addressing e-government, e-marketing, e-commerce, digital security, and trust.⁵² As such, some aspects of the law were promoted by activists as positive. However, several of the bill’s provisions threatened internet freedom. For instance, Article 73 prohibited content deemed to be immoral, against public order, violent or

46 Loi n° 03-03, Anti-terrorism law, available at, <https://www.unodc.org/tldb/showDocument.do?lng=fr&documentUId=1840&country=MOR>, accessed October 6, 2015.

47 Ministry of Communication, Draft Law, accessed April 2, 2015, <http://bit.ly/1KPvCkG>.

48 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.

49 *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.

50 Interview with Reda Benotmane, a prominent activist and founding member of Freedom Now, conducted on April 2-3 2015.

51 “Will Morocco Regulate the Internet? An Interview with Zineb Belmkaddem and @IbnKafka,” by Jillian York, *Deeplinks* (blog), Electronic Frontier Foundation, December 17, 2013, accessed March 20, 2015, <http://bit.ly/14k0wA>.

52 Rime Ait El Haj, “Le code numérique avorté!,” *L’ECONOMISTE*, December 16, 2013, accessed March 20, 2015, <http://bit.ly/1L9zx7E>.

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inciting violence, as well as any expression seen to undermine Islam, public policy or the privacy of individuals. The proposal's broad wording thus would have led to a significant increase in blocking of websites.⁵³ In response, a group of activists set out to crowdsource a new version of the digital code, critiquing aspects of the existing bill.⁵⁴ The minister of industry, commerce, investment and digital economy announced in a tweet that he withdrew the draft bill in December 2013, arguing that the digital code is so important that it necessitates broad consensus.⁵⁵

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.

Seventeen-year-old rapper Othman Atiq, known as Mr. Crazy, was jailed from August to November 2014 under charges of "insulting a state institution," "incitement to consume drugs," and producing material "harmful to public morality." Atiq's music videos—some of which feature more than a million views on YouTube—depict the troubled lives of unemployed youth in Casablanca and were used as evidence in his trial.⁵⁶

In June 2015, Hamid El Mehdaoui, editor of the news website *Badil*, was convicted of criminal defamation and given a four-month suspended sentence by a Casablanca court for allegedly defaming the head of Morocco's General Directorate of National Security, Abdellatif el Hammouchi.⁵⁷ El Mehdaoui had published an article about the death of Karim Lachaqr, an activist who died in police custody in May 2014. Both he and his source (not a journalist) were ordered to pay combined damages of MAD 100,000 (US\$10,000) or face imprisonment.

That same month, a Casablanca court ordered the news site *Goud* to pay MAD 500,000 (US\$52,000) for civil defamation charges. *Goud* was targeted for an article that accused the king's private secretary, Mounir El-Majidi, of corruption. The steep fine may bankrupt the independent news site.⁵⁸

Journalist Ali Anouzla, who was arrested in September 2013, continues to face charges of "advocacy of acts amounting to terrorism offenses" and "providing assistance to perpetrators or accomplices of acts of terrorism." Anouzla is the editor-in-chief of the French-language version of *Lakome*, a news site, who 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.⁵⁹

53 "Will Morocco Regulate the Internet? An Interview with Zineb Belmkaddem and @IbnKafka."

54 See the crowdsourced document: "A Response to the new Digital Bill (#Code_Num)," <http://bit.ly/1M0631G>.

55 Sophia Akhmissse, "Moulay Hafid Elalamy retire le code numérique," *Le360*, December 15, 2013, accessed March 23, 2015, <http://bit.ly/1LPqhs3>.

56 Human Rights Watch, "Morocco: Unjustly Jailed Rapper To Go Free," November 11, 2014, <https://www.hrw.org/news/2014/11/11/morocco-unjustly-jailed-rapper-go-free>.

57 Committee to Protect Journalists, "News website convicted of defamation in Morocco," June 30, 2015, accessed August 5, 2015, <https://cpj.org/x/64c3>.

58 Committee to Protect Journalists, "Moroccan editor, source convicted in defamation case," June 30, 2015, accessed August 5, 2015, <https://cpj.org/x/64c3>.

59 Reporters Without Borders, "Human rights organizations call for charges against journalist Ali Anouzla to be dropped," February 18, 2014, accessed March 23, 2015, <http://en.rsf.org/morocco-human-rights-organizations-call-18-02-2014,45889.html>.

Surveillance, Privacy, and Anonymity

Given the absence of blocking and filtering, Moroccan activists identified surveillance as the most dangerous instrument in the hands of the regime.⁶⁰ The awareness among activists that they are systematically monitored impacts the way activists perceive the risk they take and the margin of freedom that they have. Hisham Almiraat, the 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."⁶¹ 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.⁶² Activists have demanded that the state be more transparent about who conducts surveillance, who is targeted, and to what end.⁶³

In December 2011, *Reflets*, a French news site, published an investigation on the purchase of spyware from the French company Amesys Bull.⁶⁴ The article refers to an investigation carried out by journalists from the *Wall Street Journal* who found that Amesys Bull sold spyware to the former Qadhafi regime in Libya.⁶⁵ *Reflets* reports that the same spyware was sold to the Moroccan government and that engineers from Amesys Bull spent time in the country training government personnel for the use of such sophisticated spyware. The software, called Eagle, uses Deep Packet Inspection and is used to monitor emails, Skype conversations, and various encrypted materials.⁶⁶

Beyond these concerns, 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.⁶⁷ 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

The threat of legal prosecution is often used to intimidate critical voices and curtail organizing around political causes. After the publication of interviews and investigations into surveillance practices in Morocco, Morocco's interior ministry announced that a criminal complaint had been filed against "persons who distributed a report containing grave accusations about spying practices." The report was published by Privacy International and Digital Rights Association (ADN), its Moroccan partner.⁶⁸

60 Interview with Zineb Belmkaddem.

61 Interview with Hisham Almiraat, conducted January 13, 2014.

62 Privacy International, *Their Eyes On Me: Stories of surveillance in Morocco*, (April 7, 2015) <http://bit.ly/1JTHBZ4>.

63 Interviews with digital activists and online journalists.

64 "Amesys: un Finger de Pop Corn pour le Croco," *Reflets*, December 7, 2011, accessed March 20, 2015, <http://bit.ly/1LPqNX2>.

65 Paul Sonne and Margaret Coker, "Firms Aided Libyan Spies," *The Wall Street Journal*, August 30, 2011, accessed March 20, 2015, <http://on.wsj.com/1KwJDg>.

66 Privacy International, *Their Eyes On Me: Stories of surveillance in Morocco*, (April 7, 2015) <http://bit.ly/1JTHBZ4>.

67 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.

68 Reporters Without Borders, "RSF Backs Moroccan NGO Targeted by Interior Ministry," June 4, 2015, <http://en.rsf.org/>

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Authorities also use trumped up charges of drug possession, adultery, and others to intimidate well known activists and journalists. 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.⁶⁹

Technical Attacks

Reports and interviews⁷⁰ 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.⁷¹

In addition to surveillance and malware attacks, online news portals that express dissenting voices are subject to continuous cyberattacks. In one instance, Almiraat stated that his website was subjected to a cyberattack in July 2011 by a sophisticated computer virus.⁷² The site administrator had received an email that claimed to contain promising journalistic leads, such as videos of police misconduct. An investigation into the source and nature of the virus revealed that it was a Trojan Horse developed by Hacking Team, a company based in Milan, Italy. The virus downloads itself and hides among files, and can access contents on the computer, monitor in real time the use of the computer, log all the keys that are being hit, therefore giving away any passwords that are typed, and can activate the computer's webcam and microphone and capture pictures and videos.⁷³ The price of the software is estimated at €200,000 (US\$220,000) and the company deals principally with governments and law enforcement agencies, leaving little doubt that the attacker was a law enforcement agency in Morocco.

maroc-rsf-backs-moroccan-ngo-targeted-by-04-06-2015,47969.html.

69 Paul Schemm, "Moroccan journalist ends hunger strike on passport promise, Associated Press, July 28, 2015, <http://bigstory.ap.org/urn:publicid:ap.org:9188413890354165a7199406e84a6b58>.

70 Interviews with Hishaam Almiraat, Samia Errazzouki, Yassir Kazar, and Ali Anouzla.

71 Privacy International, *Their Eyes On Me: Stories of surveillance in Morocco*.

72 Interview with Hisham Almiraat.

73 Privacy International, *Their Eyes On Me: Stories of surveillance in Morocco*.