

HUMAN RIGHTS IN MOROCCAN POLITICS

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In the early 1990s, the question of human rights was one of the central issues where the Kingdom of Morocco encountered domestic and international criticism. As a consequence, Morocco embarked on a political reform programme in order to improve its image abroad and in order to create a domestic consensus among political forces. This had positive effects on political liberties that Moroccans enjoyed but its character remained limited through the absence of independent institutions of checks and balances.

1. Introduction

If Morocco wants to prove one hypothesis about North African politics, it is the relative importance of the interface between politics and human rights. Indeed, for the observer of the Moroccan political scene, it is striking to observe that almost every political debate can be reduced to questions of human rights. There has been a multiplication of separate discourses, institutions and movements – all concerned in one way or another with the right to vote, the right to public assembly, the right not to get tortured and to fair trial. The renewed replacement of the key minister of interior in September 2001 has been viewed by Moroccans as having resulted from his reluctance to embrace a new state-culture of human rights that Hassan II's successor, King Mohammed VI, has been eager to promote within a 'New Concept of Authority,' since his accession to the throne in June 1999. On 16 December, 1999 he declared:

Since our accession to the throne of our glorious ancestors, we have not ceased to reiterate our commitment to the respect of human rights, in order to guarantee individual and collective liberties within the framework of the rule of

law. Therefore we have appealed to the adoption of a new concept of authority, so that the authority focuses on its service for citizens, being close to the citizen's preoccupations and needs, thereby entering a relationship, which is not based on temptation [tentation], nor on fear, but on mutual respect and complementary action between both the governors and governed. This relationship must not be one of confrontation but one of harmony and completion. Each transgression or abuse on part of persons, collectivities, or the administration, will be punished by the law and the existing rules. (Royal Speech, 16 Dec. 1999)

Despite the importance that Mohammed VI has placed to the protection of human rights and the establishment of a 'culture of human rights' continuing abuse of state power has accompanied important state-led and state-controlled improvements. Confusing signs on part of the state have marked the continuation of established patterns of control and patronage, which have rendered difficult the task to interpret the actions undertaken. Taking a recent example, the state showed its tolerant face by granting the formerly illegal Islamic organisation *Al Adl Wal Ihssan* the right to exist,¹ and cancelled a three month prison sentence that 36 members of the Moroccan Association of Human Rights (AMDH) were facing (*Le Monde*, 23 Nov. 2001). At the same time, Danielle Mitterrand – the wife of the former French president François Mitterrand, well known for her pro-Sahrawi views on the West-Sahara conflict, was prohibited from visiting the area in November 2001. The foundation of the liberal party *Forces Citoyennes* in June 2001 was prevented by not returning the legal 'receipt' (but allowed in November). In November 2001, the journalist Ali Lrmbet was sentenced to four months imprisonment due to the appearance of an article in his journal *Demain*, which suggested the selling of a Royal palace in Skhirat (*Le Monde*, 23 Nov. 2001). Pro-Palestinian, pro-Taliban or simply pro-employment rallies were prohibited on an everyday basis and extreme violence was used to control the Moroccan street and university.

This paper aims to examine the principal improvements and the obstacles that have marked Moroccan human rights politics, in order

¹ See the King's interview accorded to Paris Match on 31 Nov. 2001.

to assess its implications for Morocco's larger political environment. It will analyse the specifics of Morocco's human rights policies within the wider political context and argue that the predominance of state (the 'old guard' and the military) and party-based interests are the most critical variables that have caused certain setbacks. By doing so, it will argue that the issue of freedom of press is critical in Morocco and will decide the viability of the future protection of human rights.

2. Morocco: The 1990 reform model for the protection of human rights?

Asked about institutional reforms undertaken since his accession to the throne, the King answered during an interview with the French daily *Le Figaro* on 4 September, 2001 that when it comes to human rights, Morocco did no longer need to prove its significant progress. This shows that human rights have become a principal topic, which is used by the highest representative of the state to illustrate the state's efforts at reforming the relationship between both the governors and governed. The principal advances cited by Moroccan officials and academics are the institution of the Human Rights Advisory Council (CCDH), the treatment of the issue of forced disappearances, and the toleration of political dissidents such as Sheikh Abdelsallam Yassine and Abraham Serfaty.

2.1 The CCDH: The release of political prisoners and the issue of forced disappearances

Growing tension between Amnesty International, US-State department reports on one hand and the Moroccan government on the other hand marked the beginning of what Moroccan officials describe as the 'decade of human rights' in the 1990s. Western concerns about human rights were matched by domestic activities, as was evidenced by the formation of Morocco's first independent human rights organisation in 1988 – the *Organisation Marocaine des Droits de l'Homme* (OMDH). The difficulties that this organisation experienced to receive official recognition² was well

² It had to delay its constitutional assembly three times due to the administration's withholding of the 'legal receipt,' which is compulsory for all associations. It has been the administration's way of controlling associational activity in Morocco.

documented by regular articles in *Le Monde*, which launched a media campaign to exert pressure on the Moroccan government to tolerate the OMDH and to deal with the human rights issue (Denoeux and Gateau, 1995: 31).

The Human Rights Advisory Council (CCDH) has certainly been the most influential and controversial instrument that Hassan II created in order to fend off mounting internal and external criticism. At the same time, it has become one of the main indicators of a changing political strategy of trying to create a national consensus on the basis of pre-defined monarchical prerogatives. It was created on 8 March 1990 and the royal discourse at its inauguration outlined this new model of consensus building within pre-defined values. Its members were recruited from five areas of Moroccan political life: government ministers (the key ministries interior, foreign affairs, justice, religious affairs and since 1994 human rights), political parties, trade unions, NGOs in the field of human rights, law, health and finally renowned Moroccan personalities in the field of religion and higher education, all of which were Royal appointees. Moroccan human rights organisations received for the first time official recognition; interestingly, less than one and a half years after the difficult foundation of a potentially 'subversive' organisation (OMDH), the same organisation was invited to participate in this Royal advisory council. Each organisation was represented by one delegate in the council, where all members had the same vote. All organisations proposed three delegates, of whom the King selected one. The council was supposed to reach unanimous agreements on its suggestions to the King.

The mandate of the CCDH and the framework within which it worked, were laid down in a Royal speech at the inauguration of the council on 8 May 1990. 'We have decided to devote this meeting... to completing of state of the rule of law, which will first and foremost put an end to the long palaver about human rights, so that we can settle this matter once and for all'(Human Rights Advisory Council, 2000: 14). Significantly, all members having been effectively appointed by the King, Hassan II continued that '[a]ll these persons... have proved their patriotism – thank Allah... they jealously protect their country's reputation' (*Ibid.*). The following guideline on how the council should judge alleged human rights violations regarding political prisoners, made apparent a certain ambiguity that gave the council some space for manoeuvring during the following years.

We are tired ... of hearing that there are people who are imprisoned for political reasons in Morocco. If showing disrespect for Allah [or] for the homeland, for the King, ... is an act that passes for a political crime, I say that, to my understanding (and I do not wish to influence you), any Muslim who would go round the country urging people to embrace any other religion than Islam, should have his mental health examined by specialists before even expecting to be asked for repent. If he should be made to repent, and would still go round preaching another religion than Islam, the religion of Allah, he would surely be tried; but regardless of the verdict in his case, he could not possibly be qualified as a political prisoner.

Should we some day hear or read that a Moroccan has stated that such or such a region is no part of Moroccan territory, I should consider this a heresy and he could not be tried within the framework of the law, so that neither the status of a detainee nor that of a political prisoner could apply to his case.

Likewise, anybody who... should call for a régime other than the constitutional monarchy, would be undertaking, in my view, not a political act, but a destructive act committed against the people's will and against the Constitution. Accordingly, I personally believe that the conscience of this Advisory Council shall be at peace if it considers that this country's three sacred values are: Allah, the Homeland, and the King. Henceforth, nobody can say that there are political prisoners. (Ibid: 15)

It is clear that in this speech, the emphasis was not on finding human rights abuses, nor on making sure that the state would take all measures necessary to make them a thing of the past but rather to react to international criticism. Nevertheless, a certain element of freedom did rest with the CCDH to define and compare Morocco's definition and practice of human rights with international human rights standards, and to advise the King even if it was against the definition of political prisoners as advocated in this passage. In practice however, the CCDH exhibited an extremely conservative attitude towards the definition of political prisoners and forced disappearances. One of the reasons for this conservative attitude

has been the voting procedure – as the principle of consensus meant in practice the power to prevent majorities.³ Moreover, the council was supposed to give advice to the King only on matters where it was asked by the monarch himself. An initiative could only be taken by a 2/3 majority of the council, which meant in practice again the power of a minority to block an initiative supported by a majority – consequently, the council has never initiated a proposal. One CCDH official expressed this in the following words: ‘In the beginning, the mandate of the CCDH was pretty clear: Don’t move unless I tell you.’⁴ In practice, this meant the beginning of the formation of an opposition within the council – government ministers and government parties on one hand, and opposition parties and human rights organisations on the other. Reflecting the social discourse on human rights at the time, the latter started to pose urgent questions of political prisoners and questions about forced disappearances from the day the council was formed, demanding Royal amnesties. In the first recommendation of the council’s meeting on 12th July, 1990, this opposition had already become clear.

Some Council members have raised the question of seeking, in favour of persons sentenced for crimes concerning State security, the royal pardon on the occasion of the birthday of Your Majesty, may Allah glorify him, which is the occasion for the celebration of Youth day, a symbol of hope, progress, and prosperity; whereas the other members have opposed the idea either because of they see no justification for it or because they find it premature. The decision is up to the sovereign, a decision which can only be right and fair. (Human Rights Advisory Council, 2000: 56)

This passage, though providing evidence of the restricting character of the way the CCDH was constituted, is also evidence (in its first declaration!) of the field in which human rights activists could operate. Hence, despite obvious restrictions, the council opened up the playing field for human rights organisations, notably the OMDH, to play an influential role in

³ Though not officially, Article 19 of the Rules of Procedure from 15 November 1990 provides for simple majority voting.

⁴ Interview with the author, Rabat, 23 Jan. 2001.

Morocco. According to the OMDH representative Mohammed Sadikki to the CCDH:

We made clear, and the authorities, the King, and the government realised certainly before the appearance of the Youssouffi government and the elections that they had to deal with this issue [of forced disappearances]. They couldn't ignore it anymore, it had been too publicly debated. We were waiting for an answer, and would ask the question again and again.⁵

This was the reason why the activities of the CCDH had been very sporadic at times (with no meeting between 1995 and 1998) and although a working group on forced disappearances was established in 1995, it was not operational for more than two years. (OMDH, 2000 : 7) This also reflects the political character of the CCDH – not being independent, its activities depend very much on the political climate in the country and the state of affairs between the opposition and the monarchy. Between 1995 and 1997, Morocco found itself in a deep political crisis. The traditional conflict between the parties issued from the nationalist movement and the monarchy had sharpened, after the falsification of the 1993 elections and the self-imposed exile of the opposition's leader Abderrahmane Youssouffi.

Despite the lack of decision-making power, the overarching influence of conservative elements and ministries, and the inability to initiate projects as a response to current human rights problems, Moroccan officials have not ceased to point out the positive achievements of the advisory council.⁶ According to a Moroccan academic:

⁵ Interview with the author, Rabat, 2 Feb. 2001. The Youssouffi government was appointed in 1998 and it was considered Morocco's first 'democratic' government. The Socialist party USFP obtained the highest score in Morocco's fragmented lower chamber, which is why its leader, Abderrahmane Youssouffi, was asked by King Hassan II to form the government.

⁶ See Prime Minister's speech in the lower chamber in *Le Matin du Sahara* 14 Jan 2000, Minister of Justice Omar Azziman in the Foreign Affaris Commission of the French National Assembly the 2 Feb. 2000 *Le Matin du Sahara* 4 Feb. 2000, or Minister of Human Rights Aujjar in the UK House of Commons *Le Matin du Sahara* 9 March 2000.

The fact that it does not have any decision-making power does not damage its utility, because the role that it fulfils has been perceived by everybody as an enormous task endowed with a uncontestable moral influence. Effectively, with the creation of the CCDH Morocco marked its entry into a new era, founded on the scrupulous respect of human dignity and the promotion of human rights characterised by the consolidation of the rule of law. (Rbii, 2001 : 22)

The council has treated two themes that were to improve Morocco's human rights record, the release of political prisoners and the treatment of forced disappearances. After the first amnesty of 1991 that released 270 prisoners, 424 political prisoners were released in 1994, and 28 in 1998, so that according to the council 'the file of political imprisonment was closed for good, and not a single political prisoner – according to the 1988 United Nations definition – can be found in any of the Moroccan prisons.' (Dahak, 2000: 5) However impressive the number of prisoners released may seem, it should not be taken for an aggressive approach of the CCDH. This number was achieved only after the massive intervention of NGOs in the field of human rights. The original number that, according to the CCDH, corresponded to the legal UN definition of political prisoners, was a mere 11. The same applies to the issue of forced disappearances – in 1995, the council proposed the formation of a commission consisting of the ministers of interior, justice, and human rights to deal with the issue. The project was to give an accurate public account of the cases and to propose a policy towards the families. Despite NGO pressures, the committee did not achieve any substantial improvements during the following years, be it on the number of confirmed cases, a public discussion of the circumstances, or the measures of indemnity.⁷ As usual in Moroccan politics, the direct intervention of the King was necessary to force the CCDH to move beyond its internal gridlock and to resolve the issue. The King's

⁷ See OMDH: 'Déclaration de l'OMDH au sujet des délibération et mesures prises par le CCDH,' 16 Oct 1998, 'Déclaration de l'OMDH sur le bilan des travaux du CCDH (octobre 1998-avril 1999)', 10 April 1999, 'L'OMDH s'interroge sur les dispositions prises pour le règlement du dossier sur la disparition forcée' 7 Feb 1999, 'Déclaration de l'OMDH: 1989-1999: de l'adhésion aux normes internationales des droits humains à la nécessité de leur mise en œuvre effective' 30 July 1999.

intention to 'close the issue,' clearly indicated his will to end the embarrassing debate on Morocco's human rights records. Three months after his accession to the Moroccan throne, Mohammed VI declared:

We want to – and this is our strict determination – definitely close the file of human rights within the coming six months. ... We have decided to respond to these demands [to deal with the issue of forced disappearances] positively and to give our High instructions to install the necessary mechanism, decided upon by the members of the Advisory Council for Human Rights, in order that all cases will be examined. This is to ensure that this question is once and for all closed so that Morocco does no longer drag behind itself a reputation, which does not reflect the truth, which does not give justice to its past, nor to its present, and which serves least of all its future. (Royal Speech, 9 October 1999)

As a consequence of this Royal intervention, the committee recognised the existence of 112 forced disappearances. Mohammed VI instructed the CCDH to create an instance of arbitration to regulate the amount of indemnity that was to be allocated to the families of victims of forced disappearances and arbitrary detention. Victims could file their case at the CCDH until the end of 1999, and the number of claims increased significantly to more than 6000.

As this illustration indicates, the principal improvements undertaken by the Moroccan state need to be qualified. The CCDH cannot be considered to have a supervisory jurisdiction to watch independently over human rights abuses, even if claimed by Moroccan officials. Being powerless and too closely connected to the monarch – it is accountable only to him and even financed by the Royal, i.e. the King's personal budget – it has acted only after the monarch has made the first step. Besides, its primary goal has been to deal with foreign human rights organisations and to comment on international human rights reports, i.e. that of the US State department and Amnesty International. On the other hand, it has provided a useful tool for the Moroccan government to influence and to control the domestic discussion of the issue, as increasing discussions of human rights education at schools, within the police force, and at universities indicate. This control is exercised indirectly through the issuing of statements and acts that the council had

decided on, with the speed and scale that the council had agreed upon unanimously. Hence, the council could filter the sensitive from insensitive issues, and focus on issues that can safely be considered less sensitive such as human rights education. As a consequence, the political dimensions of human rights abuses, i.e. the autonomy of the security apparatus and the lack of the rule of law, have effectively been marginalised.

Other institutional changes include the creation of a ministry of human rights and the explicit statement in the constitution of 1992 that Morocco adhered to the principles of human rights as they are universally recognised. As the existence of ministries does not itself guarantee the decline of human rights abuses, the most important change has been the creation of administrative courts in March 1994, in which ill-treated citizens could claim a re-examination of their case and the overruling of administrative decisions. These courts have been used several times to challenge the administration's restrictive dealings with new associations, through refusing to hand out the legal receipt that is required for associations to work in full legality. Nevertheless, despite positive rulings, the administration has continued to refuse to issue the legal receipt⁸ which has led to the contradictory situation that associations have been recognised by the courts but not by the administration. As the state is able to actively take part in the discussions, this resistance of the administration is explained by reference to the predominance of patterns of behaviour that date from another age, which overlooks the political character of such administrative actions. As the *Le Monde* journalist Jean-Pierre Tuquoi notices, Moroccan journalists tend to do this very often through their reference to the *Makhzen*, which allows them to criticise the system without getting into any detail and without mentioning any names – a dangerous thing to do in Morocco (Tuquoi, 2001: 308).

3. The personal character of human rights decisions

The personal character of decisions related to human rights is highlighted in the following examples: Abraham Serfaty's return to

⁸ The *dahir* of 1958 is very clear about the giving of legal receipts that according to the *dahir* cannot be refused by the administration. Hence, the administration has always been acting without legal foundation (Benabdallah, 2000: 29-30).

Morocco in September 1999, the release shortly afterwards of the spiritual leader of Morocco's most challenging Islamic movement Abdessalam Yassine, and the failed revision of the Islamic family code *moudawana* in 1999-2000. In the case of the political move to allow the freedom of movement of the two principal opponents to the regime (Abraham Serfaty and Abdessalam Yassine), it was the direct involvement of the new King after almost two years of frustration with the Youssouffi government that brought the stone into rolling. Under the rule of Hassan II, the return of Morocco's best-known political dissident would not have been possible. Although Mohammed VI had initially been able to profit politically from this move, it illustrates that resistance may well be personally related to the monarchy. It thereby contradicts the thesis that the administration resists political changes because of established patterns of behaviour – in fact, it proves that it is political pressure that is the basis for administrative decisions.

The same centralised chain of responsibility to inner Royal circles applies to the government's attempt to reform the conservative family code, the *moudawana*, which is based on Islamic law, the *Shari'a*. Although resistance to the reform within the *Plan d'Action pour l'Integration de la Femme au Développement* was well expressed during the Islamist demonstration of the March 2000 in Casablanca, it should not be overlooked that it was the key minister of Habous and Islamic Affairs, Abdelkebir Alaoui M'Daghri, who started the downfall of the plan in June 1999. He used his role as the president of the Moroccan League of 'Ulema to issue a statement that condemned the plan, criticising it for violating the *Shari'a*. Being a so-called minister of the sovereignty (the King appoints him directly),⁹ he stated after calls for his resignation that he was only accountable to the King and that he would remain minister as long as he had the personal trust of his majesty. Again, the Mohammed VI could capitalise on the issue by showing an understanding for women's rights. His first Royal address on 20 August 1999 encouraged many women's rights activists regarding the modern outlook of the monarch.¹⁰ However, in the following three years, he

⁹ The ministers of the sovereignty are interior, foreign affairs, justice, defence, and religious affairs.

¹⁰ See Fawzia Zouari: 'Marocaines: que fera le roi?' in *Jeune Afrique* 8 Feb. 2000.

did not mention the issue again and he preferred the creation of a Royal advisory commission in April 2001 to an open parliamentary discussion or a parliamentary working group. This accounted for the bypassing of existing institutions in favour of personalised structures, whilst allowing him to claim that working groups were dealing with the issue. In the Royal address on the occasion of Mohammed VI second anniversary of his accession to the throne on 30 July 2001, he stated that

Ijtihad will be the very basis of the promotion of women's conditions. We have, in this respect, created an advisory commission charged with a revision of the family code, thereby approving a request of all Moroccan women's associations. (Royal Speech, 30 July 2001)

Consequently, a close look behind the state's moves to improve its human rights image reveals the lack of systematic changes that deal with the relationship between both the governors and governed. The lack of improvements regarding a reform of the penal code that deals with political liberties, the system of justice, and the election code, highlights the fragile basis on which human rights are effectively protected. In fact, they seem to depend on political goodwill that might change whenever the King or his entourage consider it necessary. As the following examples illustrate, political calculations are behind renewed violations of human rights and consequently, political calculations might well continue to prevent a judicial regime for the protection of human rights – the latter needing to imply a clear demarcation of the King's executive powers.

4. Setbacks: The fate of human rights activists and the freedom of press

On the occasion of the 52nd anniversary of the universal declaration of human rights on 9th December 2000 the Moroccan Human Rights Association (AMDH), consisting of many former political prisoners and radical leftist party activists, organised a demonstration in Rabat for the protection of human rights. As the demonstration of the Islamic organisation *Al Adl wal Ihssan* in Casablanca (which demanded its legal recognition), the AMDH did not get the authorisation required. Like the demonstration in Casablanca, repression and the trial of 36 militants followed suit.

Within the detained group was the president A. Benamour, secretary general of the radical-leftist PADS and chief of the AMDH since its foundation in 1979. In January 2001, the AMDH feared its dissolution, but it continued to work despite police harassment. On 17th May 2001, the 36 militants were condemned to 3 months imprisonment and a 3000 dirham fine (US\$ 300). They were found guilty of 'organising an unauthorised manifestation and an unarmed gathering in a public place which threatened public order.' (*Le Journal Hebdomadaire*, 26 May – 1 June 2001: 10). The trial was described by a Moroccan journal as 'Kafka-esque' during which 'all queries of the defence were refused, no formal requirements fulfilled, and the right of the accused to speak refused.' (*Ibid.*) One week after the violent repression of the AMDH demonstration, the francophone weekly *Le Journal* and its Arabic counterpart *Assahifa* were banned by the socialist Prime Minister Abderrahmane Youssoufi (USFP). *Le Journal* had published a letter of the former leftist radical Fqih Basri, which implied the USFP's and the Prime Minister's (which used to be the main opposition party and has since become the main government party) participation in the two military coups of the early 1970s.¹¹

These two incidents and attacks on the freedom of expression and public assembly were related in that the magazine *Le Journal* had published a few weeks earlier an AMDH list of high ranking officials close to the regime that were considered by the AMDH as perpetrators of crimes against humanity during 'the years of lead'. The list included many of highest ranking military and especially Hosni Benslimane, chief of the police force and Hamidou Laanigri, chief of the DST, Morocco's secret police, who were high representatives of the inner circles of the *Makhzen*. Since 1999, the AMDH and the Moroccan association *Verité et Justice* had been rallying in order to bring to justice the perpetrators of the worst violations of human rights – especially those responsible for torture and death in prisons. With many such figures still holding positions of power (especially in the army), the system had not recognised their demands, and consequently tried to limit the scope of their

¹¹ This came after *Le Journal* had one number censored in April 1999 for an interview with the leader of the West-Sahara's armed liberation movement (*Polisario*), Mohamed Abdel Aziz El Marrakchi.

activity. The dissolution of the AMDH was first proposed in the government council after the publication of this list, fearing the opening of a Pandora's box by the activities of the association. (*Le Journal Hebdomadaire*, 26 May – 1 June 2001: 10)

At the centre of the government's attempts to restrict the activities of the association and that of journals that tend to touch the three sacred elements of Morocco – King, God, and Nation (i.e. army) – appears the press and the restrictive press code around article 77 of the decree of 18 November 1958. The two decrees of 1 June 1959 and 28 May 1960 give the Prime Minister the right to ban the publication of a newspaper and the Interior Minister the right to censor individual numbers (OMDH and Article 19, 1995: 5-6). The lack of independence of the courts illustrated itself again in the withholding of the legal receipt to the former director of *Le Journal*, Abubakr Jamaï, who applied for a new authorisation after *Le Journal* and *Assahifa* had been banned. The reappearance of the two journals under a different name, notably *Le Journal Hebdo* and *Assahifa al-Ousboya* was only realised after *Le Monde* staged a media campaign in support of the young director and when the International Federation of Human Rights invited him in January 2001 to its 34th congress. Taking place in Casablanca, Morocco's entire human rights nomenclature was present, including the minister of human rights Aujjar from the administration's party RNI.¹² The standing ovations for the young journalist ensured that the political elite did not miss the point. A few days later, the Moroccan regime showed its flexible and undogmatic nature of dealing with political pressure and the two journals were given the necessary legal receipt and were allowed to reappear under a different name.

After the reappearance of *Le Journal* and *Assahifa*, the foreign minister Mohammed Benaissa sued the journal for defamation. In one of its articles *Le Journal* had reported on dubious financial transactions that resulted in the Royal acquisition of US property via the former Moroccan Ambassador to the United States at a price many times above market value – to the advantage of the former ambassador and minister of foreign affairs, Mohammed Benaissa. Without any enquiry into the affair, the director of *Le Journal* was

¹² *Rassemblement National des Indépendents*.

condemned by the Casablanca Tribunal of Hay-Hassani Ain Chock in the first instance to pay a fine of 2 million dirhams, approximately 200,000 US dollars. A member of the security force is reported as having said 'Don't worry, *Le Journal* will not die. We will leave its head just over the water.' In June 2001, Prime Minister Youssouffi told a group of German journalists with respect to the fate of *Le Journal* that the Moroccan press did not know how to behave,¹³ and in France he proclaimed, 'the interdiction of *Le Journal* had good effects. Look how friendly they have become.' (Tuquoi, 2000: 268).

Other attacks on the freedom of press were directed at the director of the Rabat bureau of the AFP, Claude Juvénal. After having sent the same manifesto of the AMDH that cost the life of *Le Journal* to France, he was expelled from Morocco and his accreditation as a journalist was taken away. According to the authorities,

This journalist has lost the ethic and the de-ontology of the profession by taking initiatives hostile to Morocco and its institutions. Actions seen during the last years were hardly ever motivated by concerns for information, but were inspired by the will to talk badly and to provoke confusion, ambiguity and conflict within the national community. However, ..., the bureau of the AFP at Rabat continues to work normally and Morocco remains more than ever attached to the freedom of press and to the guarantees that apply to this liberty if it is inscribed into a de-ontological framework and ethic of this profession as it is realised, conceived and respected in the entire world.' (Le Matin du Sahara et du Maghreb, 5 Nov. 2001)

Already in 1999, he came into trouble with the authorities by publishing an article that quoted a source of the Palace as saying that Algerian Islamic militants used the badly controlled border between Morocco and Algeria in the south, during one of their attacks in the summer of 1999 (*Le Monde*, 7 Nov. 2000; 3 Sept. 1999). Taken up by the Algerian media, the news was embarrassing, and when Juvénal was declared *persona non grata*, the Royal newspaper's

¹³ See also Youssouffi's interview with the Spanish newspaper *El Pais*, reprinted in *Le Monde* 21 Dec 2000.

criticism reflected a wide spread sentiment in Morocco with regard to freedom of press and the human rights movement because

since many years he has not stopped to doubt, to criticise, and especially to denaturalise – characteristically with bad intentions – all initiatives of reform undertaken by Morocco. (Le Matin du Sahara et du Magheb, 5 Nov. 2001).

As can be seen from these cases, they are intimately linked to criticism of the army. It seems that the Kingdom has been keen to protect the sacredness of this institution by all means, and keeps a strict line of interpretation of the freedom of expression when it comes to sensitive issues – without really defining the ‘red lines’ of permissible behaviour. This became obvious in the last serious attack on human rights that is significant for the purpose of this paper – that of the military officer Mohammed Adib who talked with the French press about corruption and ill-treatment in the Moroccan army, and who for this reason was later condemned to 5 years imprisonment by a military court. When Captain Mohammed Adib was an officer in the Moroccan army he noticed networks of corruption that dealt with the reselling of 120 tons of army gasoline in Errachida. In October 1998, he addressed a letter to the Supreme Commander of the Royal Armed Forces (FAR), Crown Prince Mohammed, in which he denounced the corruption that he had witnessed. The Crown Prince opened an inquiry into the affair, which resulted in the condemnation of Adib’s superiors to 18 months imprisonment. Although Adib had not been implicated in any way in the affair, he became subject to harassment, transfers from one military base to the other, and various disciplinary sanctions. This led him to file an official complaint at the administrative tribunal, which was within civil jurisdiction. The court held itself responsible, but never dealt with the issue, which had the effect of increasing the harassment within the military, that was not happy about Adib’s recourse to a civil court. This was why Adib spoke about his experience to a French journalist from *Le Monde* on 30th November 1999. Five days later, he was arrested and interrogated by highest ranking military, the chief of the army in the Sahara, General Bennani, and the director of the DST, Laanigri, receiving a 60 day military arrest. After his military trial from which the public media had been completely excluded, he was sentenced on the 17th February 2000 to five years imprisonment, which later was reduced to two

and a half years, for 'violations of military instructions' and 'insulting the army.' Among the judges was one of his superiors against whom Adib had previously filed a complaint. According to *Avocats Sans Frontières* (ASF), Adib

*did not benefit from a fair trial. The trial ridiculed the presumption of innocence and the matter of impartiality and independence of the court was more than questionable. The court, rejecting all demands of the defence, avoided systematically that the debate be broadened to include the liberty of expression within the army.*¹⁴

What was surprising was that Moroccan human rights associations, having become very active in recent years, hardly criticised the unfairness of the trial and the lack of liberty of expression within the army. The only criticism came from the International Federation of Human Rights IFHR and the Belgian association ASF. The same applied to the interdiction of *Le Journal* and *Assahifa*, which had not inflicted a significant reaction on the *Syndicat National de la Presse Marocaine* (SNPM). Although the latter organised a demonstration against the interdiction, it considered itself not responsible for any banners during the march, condemning at the same time the director of *Le Journal* for his impolite gestures concerning the director of the USFP newspaper *Libération*.¹⁵

5. Conclusion: Understanding Human Rights in Morocco

As can be seen from the above discussion, the state has not hesitated to embark on significant human rights improvements even in areas that can be considered extremely sensitive such as that of forced disappearances. It has done so to 'clear' the past of all possible opposition in order to create a broad based coalition of forces in support of the monarchy. The monarchy under Hassan II did so by transforming dominant social themes into Royal initiatives, thereby

¹⁴ Quoted in *Le Journal Hebdomadaire*, 24 Feb – 3 March 2001, see also <http://www.asf.be>

¹⁵ For an analysis see Mohammed Sassi: 'Pour une lecture positive de la Lettre', *Le Journal Hebdomadaire*, 17 Feb 2001 – 23 Feb 2001.

improving its image amongst groups not directly concerned within the country as well as abroad, creating the image of being an enlightened ruler. At the same time, internal opposition groups lost their *raison d'être*, which allowed them to transform their position of opposition, in order to re-establish the national family under the neo-patrimonial leader. Mohammed VI has clearly continued this strategy, making for instance the limitation of the ministers' powers in the CCDH appear as a royal initiative, even though this had long been demanded by NGOs. This has allowed him to appear as a popular leader. Since his accession to the throne, he has been the founder of the Mohammed VI prize for human rights, reformer of the CCDH, and initiator of the 'New Concept of Authority,' the latter remaining three years later by and large pure rhetoric.

Internal criticism has weakened significantly, and if criticism is voiced out, it is the 'democratic' government or 'resisting Makhzenian elements' within the administration, that take all the blame. At the same time however, the regime is in a process of redefining the limits of tolerated dissent, of which the recorded human rights abuses all give testimony. This has created a situation of obscurity, in which the lines and limits of permissible behaviour are not clear, creating arbitrary demonstrations when the limit of permitted behaviour has suddenly been transgressed. The threefold sacred slogan Army, King, and God is redefining itself, but the message remains unclear. It seems that it is rather allowed to criticise the King's role as the Leader of the Faithful within a religious context¹⁶ than it is to ask important questions about the army. As a result, the system remains as arbitrary and obscure as under Hassan II, the main change being a widening of the margin of tolerated criticism. The definition of the limits remains problematic, and engenders continuing resistance as is evidenced by the activities of Morocco's more 'radical' human rights association, the AMDH. However, for the majority of the political class this is a minor problem. In fact, the political class within civil society – journalists, associations that have a political

¹⁶ As was the case with Kettani's *fatwa* against the US military campaign in Afghanistan and especially the holding of an ecumenical service in a church in Rabat with the King's participation. See Kettani: 'La autorité religieuse, c'est nous' ('We are the religious authority') in *Maroc Hebdo International*, no. 483, 26 Oct – 1 Nov 2001.

character, human rights organisations – participate actively in the definition and enforcement of these limits through the creation of hostile and personalised discourses against violators.¹⁷ As a result, the regime under Mohammed VI has gained an amount of legitimacy that is almost unprecedented in Morocco. Human rights abuses, even if their systematic character is obvious, are personalised. An excuse after a harsh military repression might even improve the Monarch's image as being behind political changes.

NGOs can work much easier than they could only 10 years ago, and the theme of human rights has been the driving force behind their action. The movement for the reform of Moroccan family code, the *Moudawana*, NGOs concerned with abandoned children (Casablanca's association *Beyti*), abused women (*Solidarité Féminine*), AIDS (ALCS) have taken their force from their commitment to human rights and the state's lack of interest in marginal groups. Through their work, they give evidence to the 'changes' that have happened in Morocco, legitimising the reform process of which Mohammed VI is produced to be the leading character. This is even true concerning the work of critical NGOs such as the AMDH or *Verité et Justice*. Through their critical and uncompromising approach, they demonstrate the new liberty and respect for human rights that exist within the limits defined above. As a result, the monarchy and its prerogatives remain unquestioned, human rights are discussed in isolation from the political situation, and the state uses a critical topic to enhance its legitimacy. As indicated above, this strategy has enhanced the civil space in which non-state actors can operate, without challenging the basis of power. Hence, despite the unchanging nature and even the strengthening of the Moroccan regime and the human rights abuses that this entails, non-state activities and broad-based alliances of civil society have also increased. This was possible

¹⁷ A recent example of this is Danielle Mitterrand's visit to the OMDH, and the OMDH's press *communiqué* (15 Nov 2001), in which it deemed necessary to express its neutral position with regard to the pro-sahrawi views of Mme Mitterrand. Another example is the press campaign of *Libération* and *Al-Bayane* after the publication of Fikh Basri's letter in *Le Journal*, in which both 'democratic' newspapers demanded *Le Journal's* closure. The most significant example, however, is that of the OMDH's *communiqué* (9 May 2002) in which the OMDH condemned the director of the journal *Demain*, Ali Lmrbat, for his continuous criticism of the Prime Minister Abderrahmane Youssouffi.

because they were based on predefined values that the regime had implanted during the long years of Hassan II rule. This will continue as long as the rule of Mohammed VI and his position in the system remains unchallenged. Paradoxically, through the opening of Pandora's box, a challenge to the King's position in the system might be the long-term result of the powerful human rights discourse. Should this happen without independent institutions for the protection of human rights in a system in which power remains centralised, then a repetition of the large-scale human rights abuses that Morocco witnessed in the 1970s cannot be excluded.

Postscript

Unfortunately, the dramatic events of May 2003 have further illustrated that the first victim of security minded policies in the Maghreb remains the liberty of press. The political discourse of Mohammed VI has seemed to change when he announced that the era of 'laxisme' had ended, which was accompanied by the imprisonment of the journalist Ali Lrmbet to four, then reduced to three years imprisonment for his criticism of the King. The Islamic threat being psychologically reinforced among the Moroccan political elite in the aftermath of the attacks in Casablanca, the security laws were passed in parliament without any real resistance. This marks a further blow to the human rights standards that Morocco had been eager to live up to all along the 1990s.

Acknowledgements

The author wishes to express his gratitude to Alistair Hamilton for his stylistic corrections. All quotations that involve translations from French into English have been translated by the author himself.

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