
Morocco

Morocco continues to present a mixed picture on human rights. It has made great strides in addressing past abuses and allowed considerable space for public dissent and protest in recent years. But authorities, aided by complaisant courts, continue to use repressive legislation to punish peaceful opponents; and the police use excessive force to break up demonstrations, especially in outlying areas.

Arrests of suspected Islamist extremists eased in 2004 and 2005. However, several hundred who had been arrested in the weeks after the Casablanca bombings of May 2003 remained in prison at this writing in late 2005. Many of these had been held in secret detention for days or weeks and subjected to mistreatment, and sometimes torture, while under interrogation, and then convicted in unfair trials of having links to terror cells. Reports of such mistreatment have been more sporadic among those arrested since 2004.

On April 14, 2005, King Mohamed VI freed forty-four Islamists in a royal grace. But hundreds more remained in prison, including more than twenty sentenced to death after the 2003 Casablanca attacks. (Morocco has not applied the death penalty since 1993.) In May, Islamist prisoners staged a large hunger strike to demand better conditions and their retrial or release. Royal graces in August and November freed seventy-seven and 164 Islamist prisoners, respectively.

Reforms to the family law, enacted in 2004, have raised the minimum age of marriage for women from fifteen to eighteen, made the family the joint responsibility of both spouses, rescinded the wife's duty of obedience to her husband, and placed the practice of polygyny under strict judicial control. Concerns remain about the judiciary's lack of familiarity with the reforms and about a legal loophole that allows judges to use religious principles to decide matters not covered in the text.

Morocco has one of the highest child labor rates in the Middle East and North Africa. Its school attendance rates for working children are among the lowest for any country outside sub-Saharan Africa. An estimated 11 percent of children (about six hundred thousand) age seven through fourteen work. In 2004 Morocco raised the minimum age of employment to fifteen, the minimum school-leaving age, but thus far has done little to enforce the ban on underage workers or prosecute those who otherwise abuse working children.

The Justice System and Legal Reforms

Amendments to the code of criminal procedure that took effect in October 2003 have enhanced the rights of defendants. Articles 396-415 strengthen the right of appeal and resulted in decisions by appeals courts in 2005 that reduced sentences for many defendants convicted under the anti-terror law.

Nevertheless, in cases with a political color, courts routinely deny defendants a fair trial, ignoring requests for medical examinations lodged by defendants who claim to have been tortured, refusing to summon exculpatory witnesses, and convicting defendants solely on the basis of apparently coerced confessions. Prosecutions of state agents for abusing persons in their custody are rare.

The trial of journalist Ali Mrabet in 2005 illustrates the lack of judicial independence. A hitherto obscure association sued the outspoken reporter for libel because he had used the term “refugees” to characterize Sahrawis living in camps in Tindouf, Algeria, rather than the officially preferred characterization of them as “captives” of the Polisario organization, which seeks independence for the Western Sahara. On April 12, 2005, a Rabat court found this remark sufficiently libelous to fine Mrabet and ban him from practicing journalism for ten years.

Freedom of Association and Assembly

The right to freedom of association, guaranteed by the constitution, is curbed in practice. According to a 2003 decree, an association’s founders need only inform authorities of its creation. But authorities sometimes subvert this process by refusing to issue a receipt affirming that the requisite notice has been given.

Most types of public assemblies require authorization from the Interior Ministry, which can refuse permission if it deems them liable to “disturb the public order.” This discretion is exercised more often when the demonstrators’ agenda is critical of government policies. Public protests are frequent in the capital of Rabat, and usually are not disturbed. On occasion, however, police wielding batons break them up with force and brutality.

Repression of demonstrations is harsher in outlying regions. On May 11, the government arrested three who organized a march in the Rif region to demand earthquake relief on charges of “insulting civil servants and elected officials” and “encouraging others to revolt.” Eight days later, when thousands of local residents marched to protest their arrest, security forces, assisted by helicopters, used force and tear gas to disperse the demonstrators. Thirty-five were arrested and nine were sentenced to terms of six to nine months. In November, those who had not already completed their sentences were freed by a royal grace.

In the Western Sahara, authorities continue to prosecute advocates of independence and are quick to put down protests. In late May and early June, pro-independence demonstrations erupted in Lâayoune and spread to other cities. In some cases, the participants threw stones and Molotov cocktails at police.

Amnesty International said it had received “consistent reports” of the security forces using “excessive force when dispersing protesters and when carrying out arrests.” In some cases, Amnesty stated, security force officers allegedly beat “demonstrators on the spot to ‘punish’ them for their political beliefs.” Authorities arrested more than one hundred persons; twenty-one were sentenced to up to six years in prison, on charges that included “participation in a criminal gang,” “use of weapons,” “destruction of public property,” and “violence toward state agents in the exercise of their duty.”

Press Freedom

Media criticism of the authorities is often quite blunt, but is nevertheless circumscribed by a press law that provides prison terms for libel and for expression critical of “Islam, the institution of the monarchy, or the territorial integrity” of Morocco (a phrase understood to mean Morocco’s claim to the Western Sahara).

On November 25, 2004, Parliament adopted a law liberalizing broadcast media. However, it requires foreign media seeking licenses for stations inside Morocco to “scrupulously respect the values of the monarchy and its heritage in terms of Islam and territorial integrity.”

According to Reporters without Borders, at least ten journalists were assaulted, detained, or expelled while attempting to cover tensions in the Western Sahara between April and June 2005. It was hardly the first time that Morocco mistreated journalists as part of efforts to control coverage of this region.

On June 28, 2005, Nadia Yassine of the Justice and Charity Islamist movement appeared in court to answer charges of “attacking the institution of the monarchy” after the weekly *Al-Ousbouyia Al-Jadida* (*The New Weekly*) quoted her as saying that the monarchy was ill-suited for Morocco and would soon collapse.

On August 15, a Casablanca court convicted Ahmed Reda Benchemsi and Karim Boukhari of the weekly *TelQuel* to a suspended prison term and a heavy fine for having libeled a parliamentarian in an unflattering profile of her career. Their appeal was still in progress as this report went to press. Also convicted of criminal libel in 2005 was Ali Mrabet (see above).

Acknowledging Past Abuses

In 2005, Morocco’s Equity and Reconciliation Commission (ERC), launched in 2004 by the king, continued its research into grave human rights violations committed between 1956 and 1999, stimulating taboo-breaking discussions of past repression. Between December 2004 and May 2005, it took testimony from some 20,000 victims and their beneficiaries, and organized seven public hearings for victims—sometimes before television cameras. It was due by the end of 2005 to complete a report documenting the history of repression in Morocco and determine how much compensation the state is to pay victims.

Critics have pointed out that the ERC cannot publicly name or sanction individual perpetrators, and thus will contribute little to ending impunity. A few of those suspected of committing grave abuses during the period under study continue to hold high posts or serve as deputies.

In October 2005 the ERC announced that it had found the bodies of fifty “disappeared” persons near a former secret prison, it was the first announcement concerning its efforts to locate the hundreds of Moroccans who “disappeared” between the 1960s and 1980s after being picked up by security forces.

Human Rights Defenders

Authorities largely tolerate the work of the many human rights organizations active in Rabat and Casablanca. Harassment is more common in remote regions and smaller towns. In June and July, police arrested six Sahrawi human rights defenders, accusing them of having instigated violent disturbances in Lâayoune. According to the Moroccan Human Rights Association (AMDH) and Amnesty International, two of them, Hussein Lidri and Brahim Noumria, were tortured during interrogation. They belong to the AMDH’s Lâayoune section.

Key International Actors

Morocco is an important ally of the United States because of its cooperation in fighting terrorism, the 2004 signing of a bilateral free-trade agreement, and its generally pro-West policies. In June 2004, the United States designated Morocco “a major non-NATO ally,” thus easing restrictions on arms sales.

In its *Country Reports on Human Rights Practices* for 2004, the U.S. State department referred to allegations of torture and mistreatment of persons arrested as suspected militants. This did not prevent the United States from repatriating five suspected militants, who had been held at the Guantanamo Bay detention center, into Moroccan custody in August 2004.

The U.S. Embassy wrote to Human Rights Watch in September 2005, stating: “It is U.S. policy to seek assurances from countries concerning the treatment of the returnees prior to their repatriation. The U.S. has followed the legal proceedings for the five returnees and is not aware of any abuse carried out against them, nor have such charges been made.” However, U.S. officials acknowledged that they did not speak to any of the five since their release from detention in Morocco. They said they followed their cases through third parties. It is not clear whether U.S. authorities assessed the likelihood that fear of reprisal prevented the detainees from speaking truthfully.

An association agreement has been in effect between Morocco and the European Union since 2000. Morocco is the leading beneficiary of funds from the E.U.’s Meda program, having received 1.25 billion euros in grants over the past decade. The program for 2005-2006 is budgeted at 275 million euros. E.U. public comments on Morocco’s human rights situation are rare.

France is Morocco's leading trade partner and the leading provider of investments and public development aid. French officials made almost no public comments on human rights in Morocco during 2005.