

# Morocco

	2013	2014		
<b>Internet Freedom Status</b>	<b>Partly Free</b>	<b>Partly Free</b>	Population:	33 million
Obstacles to Access (0-25)	11	11	Internet Penetration 2013:	55 percent
Limits on Content (0-35)	7	10	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	24	23	Political/Social Content Blocked:	Yes
<b>TOTAL* (0-100)</b>	<b>42</b>	<b>44</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Not Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- Access to *Lakome*, an independent and investigative news site, was blocked on October 17, 2013, sparking local and international outrage over one of the first instances of state censorship in recent years (see **Limits on Content**).
- The blocking of *Lakome*, which came shortly after it had published controversial stories chronicling the royal pardoning of a convicted pedophile and extremists' threats against the monarchy, has contributed to a slight increase in self-censorship among independent journalists (see **Limits on Content**).
- Ali Anouzla, editor-in-chief of the French-language version of *Lakome*, was arrested in September 2013 on charges of supporting and advocating terrorism in the context of an article he had written on jihadist threats in Morocco. He was apparently charged for providing a link to a Spanish news site, which in turn had embedded the jihadist YouTube video in question. He was released on bail in October and his trial has been repeatedly postponed (see **Violations of User Rights**).
- Two high school students were detained by police for one week in October 2013 in the city of Nador after a friend posted a photograph on Facebook of them kissing in front of their high school. All three juveniles were charged with violating public decency law, prompting a campaign in which activists staged kiss-ins and posted photos online (see **Violations of User Rights**).

## Introduction

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.<sup>1</sup> 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. This phenomenon has been furthered by the recent opening of the political system.

The most remarkable change in internet use among Moroccans is 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.<sup>2</sup> By 2012, the sixth most visited site was *Hespress*, the most popular online news and information website in Morocco with estimated 400,000 unique visitors per day. Besides *Hespress*, now ranked fourth, the pan-Arabic sports website Kooora and two Moroccan classified ads sites, *avito.ma* and *bikhir.ma*, have also entered the top ten.<sup>3</sup>

Social media has triggered a revival of the media's traditional function as a watchdog, 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, for which voter turnout was 84 percent. These measures resulted in a lifting of all politically-motivated filtering.

The battle over the future of the internet as a public space for free political expression has stepped up over the past year. Authorities blocked websites (something not witnessed since 2009), threw a prominent journalist in jail, and strengthened an already existing atmosphere of self-censorship and fear. Revelations over the use of surveillance technology in democratic countries has served to justify its use in Morocco, where activists increasingly feel under threat and "owned" by the ruling regime. Optimists look to successful online campaigns, such as those to repeal the controversial rape law, to repeal the pardon of a convicted pedophile, and to release *Lakome's* Ali Anouzla, as small but significant victories that can be replicated in the future. Many await the results of the U.S. call for a review of its surveillance policies and of Brazilian plans to tackle the issues on an international

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1 Ibaehrine, M. (2007). *The Internet and Politics in Morocco: The Political Use of the Internet by Islam Oriented Political Movements*. Berlin: VDM Verlag.

2 Bouziane Zaid and Mohamed Ibaehrine, *Mapping Digital Media: Morocco*, available at, <http://www.opensocietyfoundations.org/reports/mapping-digital-media-morocco>, (accessed 7 January 7 2014).

3 Google, Facebook, YouTube, *hespress*, and Google Morocco were the five most visited sites in 2013. See "Top Sites in Morocco," Alexa, <http://www.alexa.com/topsites/countries/MA> (accessed 7 January 2014).

level.<sup>4</sup> However, pessimists believe they are losing the battle with the state, opting only to protect themselves through increased digital security skills to avoid surveillance. In the words of blogger Zineb Belmkaddem, “I don’t look at my smartphone the same way I did in the past. Instead of an empowering tool, I look at [my smartphone] as something that can be used against me. I do not possess all the information in it, it’s almost like a shared device, shared by me and my enemy, the entity that wants to take away my freedom.”<sup>5</sup>

## Obstacles to 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 just over 21 percent of the population in 2007 to 55 percent in 2013, according to the International Telecommunication Union (ITU).<sup>6</sup> By end of 2012, roughly 2 in every 100 inhabitants possessed a fixed-broad subscription, or around 17.8 percent of all subscribers.<sup>7</sup> The remaining 82.2 percent of all subscriptions are through 3G devices, including both data-only and voice-and-data connections.<sup>8</sup> Morocco’s regulatory agency estimates the internet subscription annual growth rate to be 24 percent, with 4 million subscribers accounting for 12 percent of Morocco’s population.<sup>9</sup> By December 2012, mobile phone penetration reached a rate of 119.7 percent, a rise of almost 20 percentage points compared to 2010.<sup>10</sup> In 2012, Morocco doubled its bandwidth capability through the development of the Loukkos fiber-optic submarine cable.<sup>11</sup>

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 37.1 percent of the overall population and while many have access to electricity, television, and radio, most do not have access to phone lines and high speed internet. The high rate of illiteracy is another obstacle (43 percent of Moroccans aged 10 and above are illiterate). The ITU’s ICT Development

4 The Washington Post, “Brazil’s president condemns NSA spying,” available at, [http://www.washingtonpost.com/world/national-security/brazils-president-condemns-nsa-spying/2013/09/24/fe1f78ee-2525-11e3-b75d-5b7f66349852\\_story.html](http://www.washingtonpost.com/world/national-security/brazils-president-condemns-nsa-spying/2013/09/24/fe1f78ee-2525-11e3-b75d-5b7f66349852_story.html), (accessed 17 January 2014).

5 Interviews with Aboubakr Jamai, Hisham Almiraat, Zineb Belmkaddem, IbnKafka and two other interviews conducted with online activists who want to remain anonymous from February 2013 and January 2014. Hereafter, Interviews with digital activists and online journalists.

6 “Measuring the Information Society 2013,” ITU, available at [http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013\\_without\\_Annex\\_4.pdf](http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013_without_Annex_4.pdf)

7 “Fixed (wired-)broadband subscriptions,” ITU, 2000-2012, available at <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

8 “Internet Market in Morocco: Quarterly Observatory” Agence Nationale de Réglementation des Télécommunications, March 2013, [http://www.anrt.ma/sites/default/files/2013\\_T1\\_TB\\_Internet\\_en.pdf](http://www.anrt.ma/sites/default/files/2013_T1_TB_Internet_en.pdf).

9 ANRT, *Rapport Annuel* (Annual Report), 2012, [http://www.anrt.ma/sites/default/files/Rapport-annuel-2012\\_fr.pdf](http://www.anrt.ma/sites/default/files/Rapport-annuel-2012_fr.pdf)

10 “Mobile-cellular subscriptions,” ITU, 2012, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

11 ITU, *Measuring the Information Society 2013*, available at, [http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013\\_without\\_Annex\\_4.pdf](http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013_without_Annex_4.pdf), (accessed 18 January 2014).

Index (IDI) ranks Morocco 89th, primarily due to a low adult literacy rate, gross secondary enrollment ratio, and gross tertiary enrollment ratio.<sup>12</sup>

The Moroccan government has undertaken several programs aimed at improving the country's ICT sector. Launched in March 2005, the GENIE project (the French acronym for "Generalization of ICTs in Education") aims to extend the use of ICTs throughout the public education system.<sup>13</sup> Owing to positive results, another round of implementation was launched for the period of 2009-2013 to improve the training and professional development of teachers and encourage the adoption of ICTs by public school students. PACTE (French for "Program of Generalized Access to Telecommunications") was launched in 2008 to provide 9,263 communities, or 2 million Moroccans, with telecoms services by 2010.<sup>14</sup> Financing for the project came from Morocco's Universal Service Fund for Telecommunications. The fund was created in 2005 using contributions from the three major telecoms operators: Maroc Telecom, Medi Telecom, and INWI. More recently, in 2009, authorities established the national strategy "*Maroc Numérique 2013*" (Digital Morocco 2013).<sup>15</sup> The strategy aims to achieve nationwide access to high-speed internet and to develop e-government programs to bring the administration closer to its citizens, while encouraging small and medium-sized enterprises to adopt ICTs into their business practices. It has a budget of MAD 5.2 billion (around US\$520 million).

Perhaps as a result of these efforts, internet use remains relatively affordable. For a 3G prepaid 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.

In the post-Arab Spring era, the government no longer blocks social media, 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.<sup>16</sup>

Service providers such as ISPs, cybercafes, and mobile phone companies do not face any major legal, regulatory, or economic obstacles.<sup>17</sup> The allocation of digital resources, such as domain names

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12 Morocco is ranked 114th in the IDI Skills sub-index, which measures human capacity and the population's abilities to use ICTs. See "Measuring the Information Society 2013," ITU, available at [http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013\\_without\\_Annex\\_4.pdf](http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013_without_Annex_4.pdf) (accessed 18 January 2014).

13 ANRT, *Rapport Annuel* (Annual Report), 2008, available at [http://www.anrt.net.ma/fr/admin/download/upload/file\\_fr1702.pdf](http://www.anrt.net.ma/fr/admin/download/upload/file_fr1702.pdf), (accessed 16 January 2014) (hereafter ANRT, *Rapport Annuel*, 2008).

14 ANRT, *Rapport Annuel*, 2008.

15 "HM the King chairs presentation ceremony of national strategy 'Maroc Numeric 2013,'" available at <http://www.maroc.ma/PortailInst/An/Actualites/HM+the+King+chairs+presentation+ceremony+of+national+strategy+Maroc+Numeric+2013.htm> (accessed 15 January 2014).

16 Hisham Almiraat, "Morocco: Historic Telecom Operator Blocks Skype," available at <http://globalvoicesonline.org/2012/02/19/morocco-historic-telecom-operator-blocks-skype/> (accessed 16 January 2014). See also, Brahim Oubahouman, "Maroc Télécom interdit Skype et d'autres services VoIP", available at <http://www.moroccangeeks.com/maroc-telecom-interdit-skype-et-autres-services-voip/> (accessed 16 January 2014).

17 Interviews conducted on 20 February 2013, with Dr. Hamid Harroud and Dr. Tajjedine Rachdi, respectively director and former director of Information Technologies services of Al Akhawayn University in Ifrane.

or IP addresses, is carried out by organizations in a non-discriminatory manner.<sup>18</sup> According to the Network Information Centre, which manages the “.ma” domain, there were 43,354 registered Moroccan domain names in 2012, the last year that figures were available.<sup>19</sup>

The National Agency for the Regulation of Telecommunications (ANRT) is an independent government body created in 1998 to regulate and liberalize the telecommunications sector. The founding law of the ANRT considers 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.<sup>20</sup> 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 to settle 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.<sup>21</sup>

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.<sup>22</sup>

As mentioned, Maroc Telecom, Medi Telecom, and INWI are the three 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.<sup>23</sup> That year, the ANRT granted licenses for Medi Telecom and INWI. Medi Telecom is a private consortium led by Spain's Telefonica, 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.

## Limits on Content

The past twelve months saw censorship issues once again make headlines in Morocco, as independent news site *Lakome* was blocked in October 2013. In general, numerous obstacles to access have resulted in online media not enjoying the same popularity and influence as television and radio. For this reason, there are fewer instances of government intervention in the online sphere, even if much more controversial statements are made on the web. Nonetheless, fears

18 Network Information Centre, the service that manages the domain .ma, is owned by Maroc Telecom. There are calls for domain.ma to be managed by an independent entity, not a commercial telecoms company.

19 Network Information Centre, available at <http://www.nic.ma/statistiques.asp> (accessed 16 January 2014). This service is owned by Maroc Telecom.

20 Lois régissant la poste et les télécommunications (Laws governing the post and telecommunications), available online at [http://www.anrt.ma/fr/admin/download/upload/file\\_fr1825.pdf](http://www.anrt.ma/fr/admin/download/upload/file_fr1825.pdf) (accessed 16 January 2014).

21 ANRT, Lois régissant la poste et les télécommunications.

22 Caroline Simard, "Morocco's ANRT Guidelines Project Related to Fundamental Regulatory Aspects," available at [http://www.itu.int/ITU-D/treg/Newsletters/Research%20Material/MAR\\_Projetlignesdirectrices.pdf](http://www.itu.int/ITU-D/treg/Newsletters/Research%20Material/MAR_Projetlignesdirectrices.pdf) (accessed 16 January 2014); Björn Wellenius and Carlo Maria Rossotto, "Introducing Telecommunications Competition through a Wireless License: Lessons from Morocco," 1999, available at <http://rru.worldbank.org/documents/publicpolicyjournal/199welle.pdf>

23 The State owns 30% of Maroc Telecom shares, 53% owned by the French telecoms company Vivendi, and 17% is public, available online at <http://www.iam.ma/Groupe/Institutionnel/Qui-Sommes-nous/Pages/StructureDuCapital.aspx>.

over intermediary liability and the prosecution of users have increased self-censorship, particularly regarding so-called “sacred” issues such as the monarchy and Islam.

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.<sup>24</sup>

However, on October 17, 2013, in a move not seen since 2009, the Attorney General ordered the ANRT to block two news websites: the Arabic-language *Lakome*, along with its francophone version. Its editor-in-chief, Ali Anouzla, had been arrested one month earlier (See “Violations on User Rights”) 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).<sup>25</sup>

Activists and observers believe *Lakome* was blocked for its critical stance towards the monarchy. Both the Arabic and the French versions of the site 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, France 24, 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.<sup>26</sup>

Some degree of uncertainty remains over how the site was blocked. On October 14, Anouzla issued a statement while in custody in a high security prison in Sale requesting the “temporary suspension” of the website *Lakome*, on grounds that he was unable to take legal responsibility for the site’s content while in custody. His lawyer shortly made the same request.<sup>27</sup> However, the legality of the move was questioned by Aboubakr Jamaï, editor-in-chief of the French-language version of the site. According to Jamaï, Anouzla, as editor-in-chief of the Arabic site, did not possess ownership of either

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24 For more, see “Current disruptions of traffic to Google products and services,” Google Transparency Report, accessed August 9, 2013, <http://www.google.com/transparencyreport/traffic/#expand=TJ,MA>.

25 The video entitled, “Morocco: Kingdom of Corruption and Despotism,” incites viewers to commit terrorism acts against the country.

26 Interview with Zineb Belmkaddem conducted on 15 January 2014. Belmkaddem is a Moroccan blogger, citizen journalist, 20<sup>th</sup> February activist.

27 RWB, “Lakome news website still blocked despite editor’s repeated requests,” available online at, <https://en.rsf.org/lebanon-lakome-news-website-still-blocked-20-02-2014.45905.html>, (accessed 20 April 2014).

of the sites and thus had no authority to take them offline. On October 18, one day after the two sites were blocked, Jamaï created a mirror to the French site, which was blocked the same day.<sup>28</sup>

On January 9, 2014, Anouzla announced that he had submitted an official request to the ANRT to lift the blocking of *Lakome*.<sup>29</sup> The ANRT responded by stating it required an order from the Attorney General, who had blocked the site.<sup>30</sup> Anouzla has since said that the state's security apparatus, rather than the ANRT or Attorney General, is behind the blocking. Access to the Arabic and the French sites was restored in January 2014, although the site is inactive.<sup>31</sup> Anouzla stated that he may create a new website to pursue his journalistic work if unable to reactivate *Lakome*.<sup>32</sup>

The government maintains control over the online information landscape through a series of restrictive laws that can be manipulated to serve political purposes. 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 "Violations of User Rights"). The anti-terrorism bill<sup>33</sup> 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."<sup>34</sup> According to this law, legal liability rests jointly with the author, the site owner, and ISPs. Intermediaries must block or delete infringing content when made aware of it or upon receipt of a court order. While the law was ostensibly designed to combat terrorism, 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*, *Mamfakinsh*, and *Febrayer*, are hosted on servers outside of the country to avoid being shut down by the authorities.

Given the history of media repression in Morocco, many internet users and cyber activists engage in self-censorship. Harsh legal consequences for online speech ultimately deter freedom of expression.<sup>35</sup> The arrest of Anouzla and the ensuing blocking of *Lakome* has strengthened the existing atmosphere of fear and self-censorship among online and traditional journalists.<sup>36</sup> Popular websites now refrain from publishing content that crosses red lines. 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.<sup>37</sup> In a state that punishes

28 Interview with Aboubakr Jamaï conducted on 8 January 2014. Jamaï is a Moroccan journalist who founded some of the most progressive magazines such as *Le Journal Hebdomadaire* and *Assahifa al-Ousbouiya*. In 2003, he was awarded the International Press Freedom Award of the Committee to Protect Journalists.

29 Interview with Aboubakr Jamaï conducted on 8 January 2014.

30 Interview with Ali Anouzla conducted on 27 June 2014.

31 RWB, "Lakome news website still blocked despite editor's repeated requests," available at, <http://en.rsrf.org/lebanon-lakome-news-website-still-blocked-20-02-2014.45905.html>, (accessed 21 April 2014).

32 Interview with Ali Anouzla

33 The Anti-Terrorism Bill, 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.

34 Open Net Initiative, "Internet Filtering in Morocco. 2009," available online at, <http://bit.ly/18GiHgW>

35 Interviews with digital activists and online journalists.

36 Interviews with digital activists and online journalists.

37 Interview with Aboubakr Jamaï conducted on 8 January 2014.



investigative reporting and whistleblowing, people with sensitive information tend to stay quiet to avoid possible retribution.

Activists and online opinion makers who openly criticize government policies receive personal attacks and derogatory comments from other users on social media.<sup>38</sup> Numerous new accounts are created on Twitter and Facebook with the sole purpose to harass, intimidate and threaten activists. This army of paid users also mobilizes to write positive comments on media sites when news on the king's activities is published. However, these comments often reflect a minority opinion on sites such as *Hespress*, where users can "like" or "dislike" comments. In many instances, positive comments on the king receive a rating of around -400, which indicates that at least 400 readers do not agree with the opinions expressed in the comment.<sup>39</sup> However, it is very hard to link the regime to these groups of paid online users. Besides, as many activists recall from the experience of the February 20th Movement protests, there seems to be a lot of support for the king as a person from the public, especially with the situation in Egypt and Syria worsening.<sup>40</sup>

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.<sup>41</sup> 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 pro-government publications.<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup>

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38 Interviews with digital activists and online journalists.

39 Bouziane Zaid, conference presentation, "The Internet, the Public Sphere and Morocco's Democratic Transition," The Arab-American Association of Communication Educators (AUSACE), Tangier, Morocco, 11-15 November 2013.

40 Interviews conducted with Almiraat, on 13 January 2014 and Ibn Kafka on 18 January 2014. Almiraat is the advocacy director for Global Voices, and a prominent digital activist in Morocco and abroad. Ibn Kafka is an anonymous Moroccan lawyer and a prominent blogger/activist.

41 Interview with Zineb Belmkaddem, conducted on 15 January 2014.

42 Interview with Aboubakr Jamaï conducted on February 11, 2013.

43 Interview with Aboubakr Jamaï conducted on February 11, 2013.

44 According to *The Report: Emerging Morocco 2007* by Oxford Business Group, Maroc Telecom and Medi Telecom accounted for 16% of the total advertising market. In 2011, according to *l'Economiste.ma*, telecommunications advertising spending represents 23% of the total advertising market share, available at, <http://www.leconomiste.com/article/889132-investissements-publicitairesbri-la-tele-en-perte-de-marche>, (accessed 29 march 2013)



In a recent example of this, the Office Chérifien des Phosphates (OCP) and Caisse de Dépôt et de Gestion (CDG),<sup>45</sup> two state-owned companies that do not offer any particular products to Moroccan consumers, are now buying advertising time and space. This move is meant to obtain positive media coverage, avoid negative publicity, and secure media outlets for their press releases.

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

Internet users take advantage of various social media tools to educate, organize, and mobilize people around a wide variety of issues. Facebook and mobile phones were used very effectively during the 2011 street protests. Facebook users grew by 490 percent from 860,000 to more than 5 million between 2009 and 2013 and the social network is the most visited website in the country.<sup>46</sup> Moroccans effectively use blogs to disseminate their political views, reaching a wide online audience. Activists used mobile phones and cameras to present their version of street events in a bid to counter the censored, state-controlled news coverage.

The first widely covered instance of online activism occurred in 2008, when an amateur cameraman in the northern Morocco area of Targuist filmed traffic police officers taking bribes from drivers. The “Targuist Sniper” video circulated widely on YouTube and Facebook, resulting in a police investigation that led to the arrest of the several police officers. The video served as a model of cyber-activism against daily and mundane corruption in other Moroccan cities. Nevertheless, the effects on corruption and accountability remained short-term as the government eventually stopped responding to such videos.

One recent instance of online activism resulted in the overturning of a royal decree. On July 29, 2013, as is customary during the celebration of “Throne Day,” King Mohamed VI pardoned a number of prisoners. Among them was Daniel Fino Galván, a Spanish pedophile convicted of raping 11 children in the Moroccan city of Kenitra. He had served only 18 months of his 30-year sentence at the time of the pardon, after which he fled to Spain as a free citizen. The online news site *Lakome* broke the story on its Arabic and French websites and the news spread rapidly on social media. Demonstrations that took place in Rabat and Casablanca were met with a show force, leading to even more outrage.<sup>47</sup> A Facebook page titled “*Tous contre la libération de Daniel Fino Galván*” [All against the freeing of Daniel Fino Galván] featured photographs of people from all over the world posing with messages in different languages calling for the capture of the convicted pedophile.<sup>48</sup>

45 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.

46 “Internet users, population and Facebook statistics for Africa 2012 Q2: Facebook 31-Dec-2012,” Internet World Stats, <http://www.internetworldstats.com/stats1.htm> (accessed 9 January 2014)

47 Global Voices, “Morocco: “Daniel Gate” Sparks Unprecedented National Outrage,” <http://globalvoicesonline.org/2013/08/10/morocco-daniel-gate-sparks-unprecedented-national-outrage/>, (accessed 9 January 2014)

48 *Tous contre la libération de Daniel Fino Galván* page, <https://www.facebook.com/media/set/?set=a.1404502506428419.1073741829.1404455996433070&type=3>, (accessed 18 January 2014).

Another campaign of outrage and anger was launched on Twitter under the hashtag #DanielGate, which became one of the few globally trending hashtags to originate from Morocco.<sup>49</sup>

The campaign and ensuing protests led to the king withdrawing his pardon and instructing the justice minister to alert the Spanish authorities to arrest Galván. In an unprecedented move, the Royal Cabinet issued two press releases: the first to claim that the King has no knowledge of the case, leading to online cries asking what else the king has signed without his knowledge; the second revealed the canceling of the pardon and the opening of an investigation into the incident. The director general for prison administration was discharged from his duties as a result of the investigation.

## Violations of User Rights

The Moroccan state continues to be strategic in its campaign to intimidate users and online journalists. Many prominent online activists remain free from prosecution, even if they continue to be harassed or intimidated through extralegal means.<sup>50</sup> In general, activists often face trumped-up charges related to drug possession or disruption of public order. Several users were imprisoned during the coverage period for defaming the king or public officials. In the case that brought the heaviest international condemnation, online journalist and editor Ali Anouzla was arrested in September after publishing an article chronicling extremist threats against the government.

The Moroccan constitution of 2011 recognizes all Moroccan citizens as equals before the law.<sup>51</sup> Article 25 provides that the constitution guarantees all citizens “freedom of opinion and expression in all its forms.” However, prior to the 2011 constitution, the Moroccan legislature adopted an array of laws that limited freedom of expression, such as the 2002 Press Code and the 2003 Anti-Terrorism Law. These provided legal sanctions against 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 27 of the 2011 constitution 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-2014, no new outcomes have been reached.

Although the 2011 constitution strengthened the judiciary as a separate branch of government, the judiciary system in Morocco is far from independent. The king chairs the High Council of Judicial

49 Global Voices, “Digital citizen 1.1,” <http://advocacy.globalvoicesonline.org/2013/09/16/digital-citizen-1-1/> (accessed 9 January 2014).

50 Reporters without Borders, “Hazards mount for freedom of information in Morocco.”

51 Moroccan Constitution 2011, available at [http://www.maroc.ma/en/system/files/documents\\_page/bo\\_5964bis\\_fr\\_3.pdf](http://www.maroc.ma/en/system/files/documents_page/bo_5964bis_fr_3.pdf) (accessed 18 January 2014).

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.<sup>52</sup>

Article 38 of the Press Code 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 one case from October 2012, the head of the Council for the Moroccan Community Abroad sued the news portal *Yabiladi* for defamation over an article detailing his travel expenses.<sup>53</sup>

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.<sup>54</sup> The draft was prepared by the Ministry of Trade, Investment and the Digital Economy. The draft law, consisting of 114 articles, aimed to reinforce the legislative framework of digital communication in Morocco and addressed e-government, e-marketing, e-commerce, digital security, and trust.<sup>55</sup> 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 inciting violence, as well as any expression seen to undermine Islam, public policy or the privacy of individuals. Authorities were empowered to block any websites deemed offensive in this respect.<sup>56</sup>

The draft law triggered strong reactions from the public. For many online journalists and activists, the vagueness of laws such as proposed digital code and the press code are a danger to internet freedom.<sup>57</sup> They argue that too many types of behavior could be considered abusive or immoral, depending on the interpretation and sometimes the mood of the judge. In response, a group of activists set out to crowdsource a new version of the digital code, critiquing aspects of the existing

52 Madani, et. al. (2012). “The 2011 Moroccan Constitution: A Critical Analysis”. International Institute for Democracy and Electoral Assistance. Stockholm, Sweden.

53 Reporters without Borders, “Hazards mount for freedom of information in Morocco,” available at, <http://en.rsf.org/morocco-hazards-mount-for-freedom-of-08-10-2012,43499.html>, (accessed 29 March 2013).

54 Electronic Frontier Foundation (EFF), “Will Morocco Regulate the Internet? An Interview with Zineb Belmkaddem and @IbnKafka,” available at, <https://www.eff.org/deeplinks/2013/12/will-morocco-regulate-internet-interview-zineb-belmkaddem-and-ibn-kafka>, (accessed 10 January 2014).

55 Rime Ait El Haj, “Le code numérique avorté!” available at, <http://www.leconomiste.com/article/914058-le-code-num-rique-avort>, (accessed 10 January 2014).

56 Electronic Frontier Foundation (EFF), “Will Morocco Regulate the Internet? An Interview with Zineb Belmkaddem and @IbnKafka,” available at, <https://www.eff.org/deeplinks/2013/12/will-morocco-regulate-internet-interview-zineb-belmkaddem-and-ibn-kafka>, (accessed 10 January 2014).

57 Interviews with digital activists and online journalists.

bill.<sup>58</sup> The campaign seems to have paid off. The minister of industry, commerce, investment and digital economy announced in a tweet that he withdrew the draft bill on December 15, 2013, arguing that the digital code is so important that it necessitates broad consensus.<sup>59</sup>

Some activists believe that the draft law might bring positive outcomes. They argue that the law is meant primarily to regulate e-commerce and digital security issues, and provisions in the draft law that are threatening to internet freedom already exist in the Press Code. Activists could consider this an opportunity and adopt a proactive stance to organize campaigns to include legislation that regulates surveillance. Once the law is there, citizens will have some legal protection, and this is better than having no protection at all.<sup>60</sup>

Online journalists that push red lines when reporting on the monarchy face the threat of criminal prosecution. In the most publicized case, Ali Anouzla, journalist and editor-in-chief of the Arabic-language *Lakome* news site, was arrested on September 17, 2013, four days after publishing an article on extremists' calls for holy war against the state. The article included a link to the site of Spanish news outlet *El Pais*, which in turn embedded the extremists' video.<sup>61</sup> Anouzla is a well-known journalist and his positions against terrorism are well-known to the public, prompting many to view the charges of providing "advocacy of acts amounting to terrorism offenses" and "providing assistance to perpetrators or accomplices of acts of terrorism" as an attempt to silence dissent.<sup>62</sup> He was released on bail on October 25, 2013 and his trial has been continually postponed.<sup>63</sup>

On October 4, 2013, two high school students were arrested and detained in the city of Nador for one week after a friend posted a photograph on Facebook of them kissing in front of their high school.<sup>64</sup> All three juveniles were charged with violating public decency law. The arrest triggered a campaign in which activists staged kiss-ins and posted kissing photos online.<sup>65</sup> The couple appeared in court on November 22, 2013 and was discharged with a warning.

Two users were serving jail sentences during the coverage period for their online activities. Walid Bahoumane, an 18-year-old student, was sentenced to 18 months in prison in March 2012 for "attacking the nation's sacred values" after he allegedly ridiculed King Mohamed VI through a cartoon of the king he posted on Facebook.<sup>66</sup> Abdelsamad Haydour is a 25-year-old activist who was sentenced to three years in prison in February 2012 over a video in which he criticized the king

58 See the crowdsourced document at <https://docs.google.com/document/d/13XBnZ546vkO4aNA-cktklqC8nFLVno0pR6c6-fADY3o/edit>.

59 Le360, « Moulay Hafid Elalamy retire le code numérique, » available online at, <http://le360.ma/fr/medias/moulay-hafid-elalamy-retire-le-code-numerique-7291>, (accessed 21 April 2014).

60 Interviews conducted with Almiraat, on 13 January 2014 and Ibn Kafka on 18 January 2014.

61 "Human rights organizations call for charges against journalist Ali Anouzla to be dropped," Reporters Without Borders, February 18, 2014, <http://en.rsf.org/morocco-human-rights-organizations-call-18-02-2014.45889.html>.

62 Interview with Aboubakr Jamaï.

63 "Human rights organizations call for charges against journalist Ali Anouzla to be dropped," Reporters Without Borders, February 18, 2014, <http://en.rsf.org/morocco-human-rights-organizations-call-18-02-2014.45889.html>.

64 Agence France Presse (AFP), "Morocco teenagers arrested for Facebook kiss," available at, <http://www.aljazeera.com/news/africa/2013/10/morocco-teenagers-arrested-for-facebook-kiss-201310420420832936.html>, (accessed January 17 2014).

65 Amnesty international, "Drop absurd charges against teenagers arrested for kissing," available at <http://www.amnesty.org/en/news/morocco-facebook-kiss-2013-10-08>, (accessed 18 January 2014).

66 Reporters without Borders, "Jail terms for king's online critics upheld on appeal," March 28, 2012, available at, <http://en.rsf.org/morocco-authorities-keep-media-in-check-29-02-2012.41959.html>, (accessed 29 March 2013).

while conversing with another citizen on the street.<sup>67</sup> The conversation was filmed by a bystander and uploaded to YouTube. The case represents yet another startling violation of freedom of expression, ostensibly protected in the new constitution. Also in jail is Mohamed Attaoui, an online journalist and environmentalist. Attaoui was arrested on January 21, 2013 and later sentenced to 10 months in jail for posting videos of public officials engaging in illegal tree felling.<sup>68</sup>

Ali Lmrabet, a well-known progressive journalist, continues to be the target of constant violent and nonviolent harassment by the security and intelligence services in the northern city of Tetouan.<sup>69</sup> Lmrabet runs the website *Demainonline*, which is openly critical of the monarchy and politicians in Morocco. However, in 2005 he was banned from publishing in Morocco for a period of 10 years, and some believe the state has not arrested him given the negative media coverage it may generate. The ban has so far only been applied to print media.

After spending one year in jail for “insulting the police” in a music video posted on YouTube, Mouad Belghouat, known as *al-Haqed* or “the spiteful,” continues to be harassed by the police. He was arrested on May 18 in Casablanca while entering a soccer stadium and handed a four-month jail sentence and US\$ 1,200 fine for “scalping tickets to a soccer match, public drunkenness, and assaulting a police officer.”<sup>70</sup> Details over the veracity of the accusations are difficult to obtain, but according to some witnesses, the police explicitly targeted Belghouat.<sup>71</sup>

While users are punished for content they post online, Moroccan citizens can create websites and write for blogs without any registration requirements imposed by the government. 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.<sup>72</sup> 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 an ID. Today, customers are asked for a copy of the ID. However, street vendors and other non-affiliated sales outlets continue to provide SIM cards without IDs. Free access with anonymity is currently still available, but this slight change is significant.

Some activists have voiced their suspicion that telecommunications companies may be cooperating with government authorities by passing on swathes of user data to security forces to conduct widespread surveillance. There are suspicions that Maroc Telecom, through its subsidiary in Mali, performed intelligence gathering for French authorities prior to the recent military intervention in

67 Reporters without Borders, “Appeal court extends online critic’s sentence,” available at <http://www.hrw.org/news/2013/07/16/morocco-free-student-imprisoned-insulting-king>, (accessed 17 January 2014).

68 Reporters without Borders, “Environmental citizen-journalist gets 10 months in prison,” available at, [http://en.rsf.org/morocco-environmental-citizen-journalist-21-02-2013\\_44105.html](http://en.rsf.org/morocco-environmental-citizen-journalist-21-02-2013_44105.html), (accessed 17 January 2014).

69 Reporters Without Borders, “Journalists targeted for criticising Moroccan officials,” available at, [http://www.ifex.org/morocco/2012/10/10/journalists\\_targeted/](http://www.ifex.org/morocco/2012/10/10/journalists_targeted/), (accessed on 29 March 2013).

70 Massoud Hayoun, “Morocco jails dissident rapper El-Haqed,” available at, <http://america.aljazeera.com/articles/2014/7/1/morocco-haqed-belghouat.html>, (accessed 5 July 2014).

71 Global voices, “Moroccan blogger and rapper El-Haqed arrested again,” available at <http://advocacy.globalvoicesonline.org/2014/05/21/moroccan-blogger-and-rapper-el-haqed-arrested-again/>, (accessed 5 July 2014).

72 Interviews conducted on 29 March 2013 with Dr. Fouad Abbou, full professor of computer Science and Telecommunications and Dr. Hamid Harroud, director of the Information Technologies Services of Al Akhawayn University in Ifrane.

that country by French troops.<sup>73</sup> Many activists have questioned whether the company performs similar actions in Morocco.

In December 2011, *Reflets*, a French news site, published an investigation on the purchase of spyware from the French company Amesys.<sup>74</sup> The article refers to an investigation carried out by journalists from the *Wall Street Journal* who found that Amesys sold spyware to the former Qadhafi regime in Libya.<sup>75</sup> *Reflets* reports that the same spyware was sold to the Moroccan government and that engineers from Amesys spent time in the country training government personnel for the use of such sophisticated spyware. The software, called Pop Corn, is used to monitor emails, Skype conversations, and other kinds of encrypted materials.

Moroccan activists identified surveillance as the most dangerous instrument in the hands the regime. Many feel they have lost all sense of privacy and do not know the extent of the state's capabilities.<sup>76</sup> 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 Mamfakinsh and one of the leaders of the February 20th Movement, explained, the state's capacity to own and reconstruct your own personal story, based on surveillance and monitoring, allows authorities to "assassinate your character and use your own information to hurt you." According to 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." Activists demand that the state must be transparent with regards to surveillance. They demand that the state informs the public on who is conducting surveillance on whom and for what reason.

However, some activists doubt if the state has the capabilities, skilled human resources, to conduct large-scale surveillance and to use that information to incriminate activists.<sup>77</sup> One can easily notice the low level of computer equipment and the human competencies in the average police station in Morocco. With the exception of the secret and intelligence services and their workforce, who are highly trained and equipped, the rest of the police force have the bare minimum qualifications to fight street crime. The state monitors suspected terrorists and Western Sahara separatists and that is very likely to be their first priority. They may target the activists who they perceive as threatening, but these must be low in numbers.

In addition to surveillance and malware attacks, online news portals that express dissenting voices are subject to continuous cyberattacks. Activists have admitted that, in order to maintain a functional news website, they must pay a substantial amount of money to maintain guards against cyberattacks. Almiraat stated that in July 2011 his website was subjected to a cyberattack by a

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73 Fouad Harit, "Charlie Hebdo confirme: Vivendi est un acteur majeur de la guerre au Mali," February 11, 2013, available at <http://www.afrik.com/charlie-hebdo-confirme-vivendi-est-un-acteur-majeur-de-la-guerre-au-mali> (accessed 6 March 2013), and Mustapha May, "Charlie Hebdo: Maroc Telecom, big ears of France in Mali," available at, <http://www.moroccomirror.com/index.php/politics-news/item/167-charlie-hebdo-maroc-telecom-big-ears-of-france-in-mali?tmpl=component&print=1>, (21 February 2013).

74 Reflets.com, "Amesys: un Finger de Pop Corn pour le Croco," available at <http://reflets.info/amesys-un-finger-de-pop-corn-pour-le-croco/> (accessed 20 February 2013).

75 Paul Sonne And Margaret Coker, "Firms Aided Libyan Spies," available at, <http://online.wsj.com/article/SB10001424053111904199404576538721260166388.html> (accessed 20 February 2013).

76 Interview with Zineb Belmkaddem conducted on 15 January 2014.

77 Interviews with digital activists and online journalists.

sophisticated computer virus.<sup>78</sup> 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 a company in Milan, Italy. The virus downloads itself and hides among files, reading keystrokes and taking control of the keyboard and webcam at will.

The company refused to disclose its list of clients and there is no direct evidence that can link the state to such a purchase. However, prices for this type of software range in the hundreds of thousands of dollars, thereby ruling out private individuals. "There is only circumstantial evidence," Almiraat said in an interview, "but it leads to one and only one conclusion; the state is the only entity that has the financial power and the political motivation to target websites who publish dissenting content."

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78 Interview with Hisham Almiraat, conducted 13 February, 2013.