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Middle East/North Africa - Morocco

Joint statement

Human rights organizations call for charges against journalist Ali Anouzla to be dropped

18 February 2014

Freedom of expression and human rights organisations call on the Moroccan authorities for all criminal charges facing Moroccan journalist and editor Ali Anouzla to be dropped at the Rabat court hearing scheduled on 18 February.

Anouzla, journalist and editor of the Arabic edition of the news website Lakome, was arrested on 17 September 2013 in connection with a 13 September news article published on the Arabic edition of Lakome, which included a link to a video posted on the website of the leading Spanish daily El País. The video, embedded from YouTube, allegedly sharply criticized King Mohammed VI of Morocco, accusing him of despotism and corruption, and called on Moroccan youth to engage in "Jihad". YouTube has since removed the video. Anouzla was released on bail on 25 October.

While Lakome's article was critical of the video, on 24 September 2013, the investigating judge at the Rabat Court of Appeals indicted Ali Anouzla for "glorifying terrorism" under Article 218-2 of the Moroccan Penal Code and "materially assisting" under Article 218-6.

The provisions of the Criminal Code are vague and can be arbitrarily applied. The rule of law requires that rules especially those defining crimes be formulated with sufficient precision to enable people to regulate their conduct accordingly. Moreover, the crime in question concerns the right freedom of expression. This right is guaranteed by Article 19 of the International Covenant on Civil and Political Rights (ICCPR). As a state party to ICCPR since 3 May 1979 Morocco should ensure that it respect the right in a manner consistent with international law.

With respect to the circumstance of the instant case we recall that United Nations Human Rights Committee (the "UNHRC"), whose mandate is to interpret and supervise the implementation of the ICCPR, has stated in its 2011 General comment on Article 19:

The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output. It is not compatible with ICCPR to invoke provisions relating to national security to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information. States parties should ensure that counter-terrorism measures are compatible with paragraph 3 of Article 19. Such offences as "encouragement of terrorism" and "extremist activity" as well as offences of "praising", "glorifying", or "justifying" terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression. Excessive restrictions on access to information must also be avoided. The media plays a crucial role in informing the public about acts of terrorism and its capacity to operate should not be unduly restricted. In this regard, journalists should not be penalized for carrying out their legitimate activities. When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.

Second, the article did not endanger national security. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, which are frequently cited by the UN human rights bodies and domestic courts, set out that an expression can be criminalised as a threat to national security only if three conditions are met: 1. the expression

must be intended to incite imminent violence; 2. It is likely to incite such violence; and 3. there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence. Vague notions such as the provision of assisting communications in terrorism or extremism, the 'glorification' or the 'promotion' of terrorism or extremism, and the mere repetition of statements made by terrorists do not themselves constitute incitation and must not be penalised. The facts in this case do not support the accusation of a terrorism crime. Ali Anouzla did not intend to incite immediate violence. Neither were his statements likely to incite violence.

Third, the journalist was reporting about the video which raised issues of public concerns. International law recognises that the media should be able to report on issues of public concern even when the underlying issues about which they are reporting relate to threats to national security. The Johannesburg Principles referred above set out that "Expression may not be prevented or punished merely because it transmits information issued by or about an organization that a government has declared threatens national security or a related interest." Ali Anouzla was reporting about the video. He did not endorse the statements in it. Rather he was critical to it.

The undersigned organisations declare that the indictment of Ali Anouzla is unsupported by the evidence and unfounded under international law. It amounts to a violation of the journalist's freedom of expression and his right to inform the public. Therefore they call for charges against Anouzla to be dropped, the end of judicial harassment against Anouzla and the ban on both Arabic and French-language versions of Lakome, blocked in Morocco since 17 October, to be lifted immediately.

Andalus Institute for Tolerance and Anti-violence Studies

Arabic Network for Human Rights Information

ARTICLE 19

Association Adala pour un procès équitable, Morocco

Association de Recherche sur les Transitions Démocratiques (ARTD), Tunisia

Association for Freedom of Thought and Expression, Egypt

Association marocaine des droits humains

Association tunisienne pour la défense des valeurs universitaires (ATDVU)

Cartoonists Rights Network International

Centre de recherche sur l'opinion publique, les médias et la gouvernance locale (CRM), Tunisia

Centre de Tunis pour la liberté de la presse

Centre for Law and Democracy (CLD)

Citizens Assembly, Morocco

Comité pour le respect des libertés et des droits de l'homme en Tunisie (CRLDHT)

Committee to Protect Journalists (CPJ)

Egyptian Coalition for the Rights of the Child

Egyptian Women's Legal Foundation

Free Press Unlimited

Front Line Defenders

Forum tunisien pour les droits économiques et sociaux (FTDES)

Hisham Mubarak Center for Law, Egypt

Human Rights Legal Aid Group, Egypt

International Media Support (IMS)

International Press Institute (IPI)

Journaliste en danger (JED)

Journalists Without Rights, Egypt

Lam Echaml, Tunisia

Land Center for Human Rights, Egypt

Ligue marocaine pour la défense des droits de l'Homme

Maharat Foundation, Lebanon

Media Legal Defence Initiative (MLDI)

Mouvement du 20 février – Comité d'information, Morocco

Nadim Center for Rehabilitation of Victims of Violence and Torture, Egypt

National Syndicate of Tunisian Journalists (SNJT)

Nawaat.org

Observatoire des libertés académiques des universitaires tunisiens (OLAUT)

Reporters Without Borders (RSF)

Syndicat des journaux indépendants et partisans (SJIP), Tunisia

Syndicat général de la culture et l'information, Tunisia

Tunisian Association of Democratic Women (ATFD)

Tunisian League to Defend Human Rights (LTDH)

Tunisian Syndicate of Free Radio Stations (STRL)

Union générale tunisienne du travail (UGTT)

Vigilance Association for Democracy and the Civic State, Tunisia

World Association of Newspapers and News Publishers (WAN-IFRA)
