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**Contribution by Reporters Without Borders (RSF),
a non-governmental organization with special consultative status,
on freedom of the media and information in Morocco**

Morocco is ranked 131st in RSF's 2016 World Press Freedom Index, one place lower than in the 2015 Index. The fall was due to the slow but steady decline in respect for freedom of the media and information in Morocco. Journalists and citizen journalists are exposed to censorship, surveillance, intimidation, heavy fines and imprisonment.

1- New criminal code provisions render new press law ineffective

Morocco adopted a new press law on 15 August 2016 with no provision for prison sentences for press offences. **However, a law amending and adding provisions to the penal code**, Law 73-15, published in the official gazette on the same day as the new press law, defines new crimes that **could be used to bring charges against journalists**.

Article 267-5 of Law 73-15 states: "Anyone offending the Muslim religion or the monarchy or inciting violation of the Kingdom's territorial integrity will be punished by six months to two years in prison and a fine of 20,000 to 200,000 dirhams or one of these two penalties." The same articles increases the penalties to "two to five years in prison and a fine of 50,000 to 500,000 dirhams" if the offending comments are expressed "in meetings or public places, by putting up posters, by distributing leaflets, or by any other printed or electronic means."

These new penal code provisions could be used against journalists and other information providers, thereby rendering much of the amended press law ineffective.

2- Harassment and persecution of journalists and other information providers

Respect for freedom of the media and information in Morocco has been declining steadily since the start of 2015. The authorities have put increasing pressure on the media in order to dissuade them from covering such highly sensitive subjects as the monarchy, Islam and Western Sahara.

While in Morocco in February 2015 to do a report for *France 3 TV* on the economic and social situation four years after the February 2011 protests, French journalists **Jean-Louis Perez and Pierre Chautard** were detained and forcibly deported on the grounds that they

were filming in Morocco without a permit. The authorities also seized all the material they had shot.

Although the permit application procedure may be legal, the Moroccan authorities use it as a way to pressure foreign journalists to limit their coverage of “sensitive” subjects. **Martin Weill and Pierre Le Beau**, two French TV journalists working for the “Petit Journal” news programme on *Canal+*, were arrested on 3 April 2016 when they went with a human rights activist to the city of Beni Mallal to do a story in a neighbourhood where there had been a homophobic attack on a gay couple in early March. After being interrogated all afternoon at a Beni Mallal police station, they were taken to Casablanca airport, where they spent the night under police supervision and were put on the first flight to France the next morning.

The authorities also use administrative blocking to pressure journalists. **Ali Lmrabet**, the victim of an unjustified ban on working as a journalist for ten years, began a hunger strike outside UN headquarters in Geneva in June 2015 in an attempt to get the authorities to issue the identity documents he needed to resume his journalistic activities. He finally got them from the Moroccan consulate in Barcelona in August but has yet to obtain his residence certificate, which he also needs in order to launch a newspaper in Morocco.

Heavy fines were imposed on several journalists and media outlets in July 2015. They included **Hamid El Mahdaoui, the founder and editor of the online newspaper *El Badil.info***, who was given a four-month suspended prison sentence and fine of 100,000 dirhams in a case brought by the General Directorate of National Security because the newspaper had reported a few months before that a man died in suspicious circumstances after being arrested by police officers. A year later, on 20 June 2016, Mahdaoui was given another four-month suspended prison sentence and fine of 10,000 dirhams in a case brought by the justice minister, who accused him of claiming excessive expenses.

Those fined in July 2015 also included **Niny Rachid**, the editor of the Arabic-language newspaper *Al-Akhbar*, who had to pay a fine of 400,000 dirhams for reporting that substandard material had been used in the construction of a motorway between the cities of Asfi and El Jadida. The news website *Goud.ma* and its publisher, **Ahmed Najim**, were also convicted in connection with a report that was not to the government’s liking. In all of these cases, the authorities cited defamation, insult and false statements as grounds for sanctioning journalists.

In late 2015, proceedings were initiated against seven media contributors on trumped-up charges of receiving “illegal foreign funding” and “endangering state security and integrity” simply because they criticized the government. The defendants, who are now facing possible five-year jail sentences, include **Maati Monjib**, the president of the Moroccan free speech group *Freedom Now*, **Tarik Rachid**, a reporter for several national and international media outlets, and **Maria Moukrim**, the editor of the online media outlet *Febrayer.com*. At the time the proceedings began, one of the defendants, **Hicham El Mansouri**, was already serving a 10-month jail sentence on a trumped-up adultery charge that was brought against him because of his work as a trainer of journalists for the Moroccan Association of Investigative Journalism (AMJI).

Finally, in November 2015, new proceedings were brought against **Ali Anouzla**, the founder and editor of the *Lakome2* news website, who was charged with “threatening the country’s territorial integrity” because of a translation error. In an interview for the German newspaper

Bild in November 2015, Anouzla referred to “Sahara” but the newspaper transcribed it as “occupied Western Sahara.” He was acquitted in this case on 24 May 2016, but is still subject to several other proceedings including a September 2013 terrorism charge for posting a link to an article on the website of the Spanish daily *El País* that, in turn, had a link to a video posted by Al-Qaeda in the Islamic Maghreb (AQIM).

RSF’s recommendations to the Moroccan authorities:

- Drop all charges against journalists who are being prosecuted just for doing their job.
- Stop harassing journalists and other information providers and allow them to work in accordance with the International Covenant on Civil and Political Rights.
- Refrain from imposing jail sentences on journalists for media offences, in accordance with the new press law.
- Issue permits to foreign journalists to film in Morocco.

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