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# Islamists and Human Rights in Morocco

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Supporters of the Islamist Justice and Development Party (PJD), celebrating their Parliamentary election victory outside the home of Moroccan Prime Minister and Secretary General (PJD) Abdelilah Benkirane in Rabat, Morocco, 08 October 2016. © EPA - Abdelhak Senna



Since the declaration of independence in the mid-1950s and throughout Moroccan modern history, issues of democracy and human rights have not garnered the level and intensity of attention they did over the last two decades. Human rights activism and gradual political openness since the mid-1990s contributed to this transformation and placed Morocco on a slow but steady path towards political change and democratization. In parallel, the gradual rise of Islamism, both socially and politically, created tensions, polarizations and challenges within the human rights arena in terms of debates and actions.

The Islamist position on human rights, bearing in mind their worldview and actual practices, is paradoxical and has thus been criticized among non-Islamist political and civil actors. In addition to describing this position as complex and confused,<sup>1</sup>) critics and opponents accuse Islamists of being selective, opportunistic and tactical when they address democracy and human rights. It is mostly when Islamists suffer human rights violations that they come to face the paradox of their traditionally adversarial position to the universal rights discourse. Paradoxical, since this discourse, in fact, provides mechanisms that could help protect Islamists against such violations. Lamenting this paradoxical position on democracy and rights, Tunisian Islamist leader Rached Ghannouchi said: “It’s a shame that a people crushed by dictatorships and suffering under tyranny, instead of confronting their real adversary which is despotism, find all sorts of faults with democracy.”<sup>2</sup>

Contributing to the tension between the Islamists and human rights actors are past and current positions adopted by Islamists and mutual accusations and suspicions. This background contributed to an atmosphere replete with tensions that sometimes threatened to erupt into full-scale confrontations. The friction between both parties reached a peak in the first decade of this century when they battled each other over certain rights’ issues.

The recent political transformations in Morocco manifested in the Islamist electoral victory of the politically-integrated Justice and Development party (PJD after its French acronym) contributed to reviving fears, concerns and discussions of the future of democracy and human rights under an Islamist mandate.



## General framework

This paper examines some of the fundamental dilemmas of how Moroccan Islamists approach and assimilate the discourse of rights and freedoms. An exploration of this issue requires an understanding of the workings of the political regime in Morocco as well as the historical context of the relationship of Moroccan Islamists and human rights issues. The paper examines the positions of various actors and reviews stakes, strategies and interactions amongst them. Rather than tackle this issue from a normative standard or a theoretical perspective that seeks to address the degree of compatibility between Islamist teachings, on the one hand, and the principles of human rights and democracy,<sup>3</sup> on the other hand, this paper explores the role of the Islamist elite and actors by examining their actual rhetoric and practices.

To that end, this study employs two approaches:

1. A review and analysis of relevant documents and literature:<sup>4</sup> these include legal documents and academic papers in addition to documents produced by civil society and media actors (statements, press releases, interviews, articles or media reportages, speeches and *Fatwas*, etc.)
2. Interviews with several civil society actors and activists (in various CSOs) in addition to intellectuals and relevant individuals (journalists, professors and researchers).

Some of the initial questions include:

What are the manifestations of the interaction between Moroccan Islamists and other actors in human rights organizations in Morocco? What are the core Islamist stances on issues of rights and freedoms? How do actors in human rights organizations perceive Islamists and how do they work with them? What are the most prominent challenges to the Islamist perceptions of freedoms and rights in comparison to those held by their adversaries and competitors? What are the most important points of clashes and confrontations between the two parties in that regard? In what sense can we discuss an Islamist human rights approach in Morocco? How can we evaluate the overall performance of PJD, the Islamist ruling

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party on the human rights scene in the aftermath of the “Arab Spring”?

To answer these questions, it is important in the beginning to position the study within its appropriate historical context and to delineate the stances of the most important Islamist actors.

## Regional and national geopolitical transformations

Beginning in late 2010, a wave of protests swept through the Islamic-Arab world. Called the “Arab Spring”, this social momentum resulted in several major transformations in the political regimes of several countries in the region. The spark started in Tunisia, with the overthrow of former president Zine El Abidine Ben Ali, and then spread to other countries in the region with varying consequences (Egypt, Libya, Yemen, Syria, Bahrain, Jordan, Morocco, etc.). Regardless of the general outcome of the Arab Spring, one of its most important characteristics has been the forged bond between protesting economic social conditions while demanding political change and a democratic system based on respect for human rights and freedoms.

After decades of “Islamization from below”, the changes resulting from the “Arab Spring” contributed to an “Islamic Spring” when votes carried Islamists to the leading position in the political scene. The rapid rise of the Islamists and the new positions Islamist currents came to enjoy, in association with a more visible presence of extremist and radical factions, intensified fears within civil society and among political actors about possible implications for the future of power-sharing, democracy and human rights.

## Morocco’s February 20 protest movement

In the aftermath of the Arab Spring, Morocco was not isolated from the social and political transformations affecting the MENA region. The Moroccan version of the Arab Spring took the shape of protests on 20 February<sup>5</sup>) by a movement that is



considered a qualitative and objective extension of the history of protest and social action in Morocco.<sup>6</sup> The February 20 movement mobilized Moroccan public opinion around several social and political demands calling for dignity, freedom, democracy and social justice. The demands of the movement were reflected and cemented in a slogan used prominently in its different local organizations and national marches: “an end to corruption and the overthrow of tyranny”.

In order to contain this eruption and to prevent a confrontation of the kind witnessed in other countries,<sup>7</sup> the Moroccan authorities chose to address the momentum in a proactive manner and appease protestors by offering a number of political proposals and a package of social concessions.<sup>8</sup> The royal speech on 9 March 2011 became a roadmap for a series of political reforms and a ceiling for the remaining civil and political teams to work with. The most important result of these measures was the constitutional reform See: in Arabic, Abdellah Tourabi, “Constitutional Reform in Morocco: Reform in times of revolution”, Arab Reform Initiative, 1 November 2011, available at <https://www.arab-reform.net/en/node/526> Thierry Desrues, “Le Mouvement du 20 février et le régime marocain: contestation, révision constitutionnelle et élections”, in L’Année du Maghreb, 2012. pp: 359-389. and the adoption of a new constitution (1 July) that included considerable gains both on the level of politics and human rights.<sup>9</sup> Additionally, legislative elections were held ahead of schedule (25 November 2011) ending with the victory of the Islamist party, a former parliamentary opposition, that presided over a coalition government (3 January 2012) made up of diverse parties.<sup>10</sup>

## Islamists and the Moroccan political movement<sup>11</sup>

Religion became part of the political scene, both during and after the movement, with the rise of Islamists as prominent actors. A public debate over the dilemma of identity accompanied discussions of revising the social and political contract (the post-Arab Spring constitutions)<sup>12</sup> and centred on several polarities: the state of religion vs. the civil state, Sharia vs. Positive law, particularity vs. universality, etc. See, for example, ملکة العرش والملكية المطلقة في الدستور المغربي (الدستور المغربي :



میں ملکیتیں اپنے کام کر سکتے ہیں۔ ملکیتیں اپنے کام کر سکتے ہیں (میں ملکیتیں اپنے کام کر سکتے ہیں) 2014.

The following section briefly surveys the positions and alignments of the most important Islamist organizations and Salafi currents in the context of the Arab Spring in Morocco. On the relationship of the Islamist movement and the Arab Spring, see for example: ملکیتیں اپنے کام کر سکتے ہیں میں ملکیتیں اپنے کام کر سکتے ہیں۔ ملکیتیں اپنے کام کر سکتے ہیں۔ (میں ملکیتیں اپنے کام کر سکتے ہیں) ملکیتیں اپنے کام کر سکتے ہیں 2012 میں ملکیتیں اپنے کام کر سکتے ہیں

### **1. The PJD: from controlled integration to a partnership in administration**

Against the desire of its youth and some of its factions, the PJD leadership – as well as its religious wing *Attawhid Wal Islah* or the Movement for Unification and Reform – demanded that members refrain from joining the February 20 protest movement. For this gesture, the PJD was rewarded by the release of some of its political detainees. In keeping with its reformist position, the party and its various parallel organizations were remarkably present during the reform process particularly through ideological and identity battles to influence constitutional amendments.

During the 2001 legislative elections, the party ranked first in terms of the number of seats as well as the votes it gained. The PJD, the most untested and organized party, attributed this victory to the strength of its electoral machine and the slogans of its campaign: “the war on corruption”. The slogan was inspired by the wider Arab Spring agitation and the demands of the February 20 Movement. By the end of the elections, the PJD was the first Islamist party to form a government in Morocco, which many described as “half-bearded.” This is how Minister of Islamic Affairs and Endowments of Morocco, Abdelkébir Alaoui M’daghri described the government. He argued that “a bearded government will materialize for many reasons. It will be a mere introductory act to another government that comes decades later and be a true Islamist government. As for the bearded government, it will only be Islamist in name since the context will not allow it a genuine implementation of much of Islam’s principles and systems. The Islamist government, however, will be the fruit of a long laborious cultural, religious, intellectual, political, social and economic process.” See: ملکیتیں اپنے کام کر سکتے ہیں۔ ملکیتیں اپنے کام کر سکتے ہیں۔ ملکیتیں اپنے کام کر سکتے ہیں



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## **2. Al-‘adl Wal Ihsan (Justice and Charity): continued opposition and protest**

The position of the Justice and Charity group, the strongest organizational power in political opposition to the regime, was prominently displayed during various February 20 protests. The group was one of the balancing components in the February 20 Movement. Its dynamic young members took part in many local coordinating bodies. For this “semi-outlawed” group, the February 20 Movement presented an opportunity to re-adjust and re-assert its position vis-à-vis the political regime by calling for a boycott of the 2011 constitutional referendum and other electoral activities.

After the death of its founder and spiritual leader Sheikh Abdesslam Yassine in 2012, the group maintained its organizational unity, its oppositional approach and its public protest dynamism. After withdrawing from the February 20 Movement, the group proved its popularity in several political gestures and several protests (regional or trade union-related) demanding rights for certain groups (students, teacher trainees, resident doctors, etc.).

## **3. The Salafi currents: between revisionism and normalization**

The Salafis differed in their positions on the February 20 Movement according to their varying orientations, different leaders, and divergent relationships with the authorities.<sup>13</sup> There were signals that they had come to the forefront since the beginning of the protests after the gradual release of several of their important detainees including ‘Jihadi Salafis’, the participation of some Salafis in public protest marches and the outbreak of prison riots/protests by Salafi inmates that led to various agreements between the authorities and representatives of the detainees.

One of the most important results of the movement was a screening of the Salafi actors in Morocco and clarifying their relationship and their actual engagement with the political scene. The actual level of engagement contrasted with their past rhetoric (this also applied to the positions of other religious actors such as the Zawaya and Sufi orders).

For example, a prominent founding figure among traditional Salafis (affiliated with



Saudi Arabia), preacher Abderrahmane al-Maghraoui, called on his followers to vote in favour of constitutional reforms, to register on the electoral lists and to take part in the 2011 referendum.<sup>14</sup> On the other hand, some radical Salafi factions, prompted by the recent release of Salafi prisoners, launched a series of normalization measures with the authorities. They took part in political or civil work either through creating new associations or participating in existing organizations or parties.

## Islamists and human rights actors in Morocco

As is the case with other Arab countries, the rights movement in Morocco originated among leftists and maintained a leftist identity.<sup>15</sup> In contrast, the Islamist rights advocates are relatively a recent phenomenon that faces several constraints and challenges.

The relationship between the Islamist movement and other civil, human rights and political actors (particularly on the left) has been tense and ridden with conflicts as well as occasional violence. In addition to physical violence, including murder and physical injuries, there have also been cases of symbolic violence embodied in hate speech and adversarial rhetoric as well as vilification and the ongoing *Takfir* by Islamists of their opponents or competitors.

In addition to sectarian differences and the political stakes of each group, the historical legacy of this confrontational relationship between Islamists and rights advocates influenced how their relationship metamorphosed. For some human rights activists, the intensity of this polarization and conflict had been nurtured by the policies of a ruling regime that worked against any possible convergence between these two groups. According to them, the polarization had been maintained and intensified by extremist and radical elements in both camps. Despite the intensity of this polarization, one can still find evidence of common grounds between the two camps in addition to some initiatives to encourage dialogue, understanding and coordination.

A number of shared characteristics between activists of the Islamist movements in



the 1990s and the leftist activists of the 1970s in Morocco have been identified.<sup>16</sup> First, both groups forged a path of political struggle during their university years by affiliating with the National Union of Moroccan Students despite different ideological frameworks. The Islamists used Islamic identity as a framework and an objective instead of the conflict among classes. Both groups also shared common socio-cultural and economic backgrounds that set them apart from the other social groups they purported to defend. Additionally, the prison experience has affected many activists in both camps.

Despite the more dominant confrontational nature of their relationship, several rare incidents attest to a degree of proximity, dialogue and coordination between the two groups. These included the discussions of 2001 and 2002 between the Islamists of the “Civilized Alternative” and some leftist and democratic forces which were crowned by signing “A Call for Democracy” and by founding the “Democratic Pole”; the series of discussions in 2007 and 2008 between Islamist and secular factions under the umbrella of the Moroccan Branch of the Citizens’ Council of the Middle East, the Dutch Peace Council/Pax Christi and Ibn Rushd Fund. These discussions revolved around several points of contestation between the two groups. Among the outputs of this initiative was the publication of an edited volume documenting these discussions. ملتقى الراي (الرأي والحقائق) و الملتقى بين الإسلاميين واليساريين .فيما يلي بعض المواقف التي تناولت هذه المقابلات :المؤتمرات والبيانات المشتركة التي أقيمت في 2001 و 2002 .Finally .2008 ملتقى العدالة والرحمة (Justice and Charity group) came together with other leftist and rights-based movements to organize various protests on February 20 in the context of the Arab Spring.

Considering this nuanced history, this section seeks to review and analyze the course and nature of relations and tensions between the Islamists and Moroccan human rights organizations.

## Human rights in Morocco: positions and alignments

As one of the primary fronts of the struggle for democracy, human rights lay at the heart of the public debate as well as the conflicts and rivalry among all civil and



political actors. Differences and inconsistencies in perceptions and positions on human rights can be attributed to several reasons: differences in ideological frameworks, conflicts of interest, different stakes and resources and the margins for political action. Two main opposing groups could be outlined from the main debates on human rights over the last two decades:<sup>17</sup>

**First, the conservative Islamists:** This camp consists of a number of endeavours, characters and organizations that maintain a similar intellectual and ideological approach that posits their understanding of Islam as their referential framework despite some variations in their principles, rhetoric, projects or affiliations.

The main components of this camp include state bureaucratic religious institutions (Ministry of Religious Endowments and Islamic Affairs, The Supreme Council of Scientific Research together with its local and regional branches, etc.); political parties (particularly the PJD), religious movements and factions (e.g. Salafis and the Movement for Unification and Reform), several Islamist women organizations (e.g. the Organization for the Renewal of Women Awareness – ORWA), Islamist newspapers (Attajdid, Assabeel, etc.), conservative public figures (Mohammed al-Habib al-Fourkani, Belbachir al-Hosni, etc.), well known preachers (Al-Zamzami, Al-Fizazi, Al-Samadi, etc.) in addition to intellectuals and civil associations affiliated with the Islamist camp in pedagogical, cultural, charity, youth, and other fields.

The PJD and the Unification and Reform Movement represented the two poles of this camp. The strongest depiction of the Islamist power of the constituents of this camp took place in Casablanca during the million-man march on 12 March 2000 in opposition to the Action Plan for the “Integration of Women in Development”. A counter demonstration was organized the same day but in Rabat by the opposing camp, the modernist democrats.

**Second, the modernist democrats:** This camp is composed of a complex mix of organizations and individuals from democratic, modernist or liberal circles who embraced the universality of human rights as their referential framework despite their different projects and ideological and political motivations.

This camp includes all Moroccan political parties and currents that share a



socialist or leftist outlook; the most prominent human rights organizations (e.g. the Moroccan Association for Human Rights or *AMDH* after its French acronym); most organizations and networks advocating women's rights (the Association of Democratic Women, the Federation of the Democratic League of Women's Rights, the Spring for Equality network, etc.); Amazigh networks and associations; a number of “enlightened clerics” (e.g. Abdelhadi Boutaleb, Mohamed al-Khamlishi, and Mohamed Mrabet); several secular intellectuals (e.g. Ahmed Assid); and several newspapers and magazines (*TelQuel*, *Al-Ahdath Al-Maghribia*, etc.). This camp also included individuals from the worlds of business, performance arts, academia, media, and writers, in addition to diverse local, national and regional networks and associations with a democratic or a progressive outlook.

Members and supporters of the modernist democratic camp created several organizations to counter extremist religious thought and to advocate for principles of equality, citizenship and tolerance. These included organizations such as Bayt al-Hikma, the Vigilance and Citizens Movement, al-Damir, etc.

The two camps held totally opposing views on issues of human rights and freedoms. The conservative Islamist camp has been in favour of protecting a religious identity and a national particularity. It is apprehensive of any change in social mores and values against demands for human rights which they viewed as “harassment, provocations and deviances” that take place under the banner of individual rights and freedoms. The modernist democratic camp defended the universality of human rights against all sorts of restrictions and violation committed in the name of any authority, whether social, moral, religious or otherwise.

At the centre of this polarization, the monarchy played the role of a final arbiter since it enjoyed religious legitimacy and political power. The monarch delineated the boundaries and decided on the balance of power among all political and civil players. This status and role were evident during the battle of the “Integration of Women in Development” when the king, also the Commander of the Faithful or *Amir Al-Mu'min*, settled the dispute by adopting a new family code in 2004 that struck a compromise between the demands of both camps.<sup>18</sup>

Since 1998, a great deal of friction and tension has existed between the two



camps. Tensions began with a sharp and unprecedented social and political division over the National Action Plan for the Integration of Women in Development that was prepared by the socialist government of Abderrahmane Youssoufi. The plan was strongly opposed by most Islamist groups, both reformist and radical, in addition to other conservative circles including those close to the state and the decision-making circles. On debates over this government proposal, see: Zakia Daoud, “Le plan d’intégration de la femme, une affaire révélatrice, un débat virtuel”, AAN, 1999; Najia Zirari, “Le statut des femmes au Maroc, un éternel recommencement”, *Confluences Méditerranée*, n° 33/ 2000; Aïcha Belhabib, “Le processus de mobilisation, le cas du projet du Plan d’intégration de la femme au développement”, DESA en Sciences Politiques, FSJES Casablanca, 1999/2000. This period, until the Casablanca suicide bombings on 16 May 2003,<sup>19</sup> witnessed an upsurge in the *Takfiri* rhetoric in sermons by preachers and Jihadi Salafis who spoke against secular and modernist activists, journalists and politicians and their organizations. On these sermons and reactions during that period, see: Mohamed Wazif, *La politique religieuse au Maroc. La gestion des lieux de culte (l’exemple des mosquées)*, Rapport de DESA, Université Hassan II: FSEJS Casablanca, 2006. In the wake of the bombings, progressive factions placed the “moral responsibility” for the terrorist attacks on the Islamist, specifically the PJD and their extremist religious discourse. They also established several initiatives and campaigns for civil mobilization to confront violent and rhetorical extremism. The Democracy and Modernity Collective and the Moroccan Front against Extremism and Hatred were amongst these initiatives. In parallel, security agencies cracked down on Islamist suspects and committed rights violation. Such transgressions and violations occurred in civil social practices as well; for example, restrictions were placed on wearing the veil in some businesses and economic sectors.<sup>20</sup>

In 2009, the dynamics of the conflict between the Islamists and the modernist democratic camps took a new turn with an increasing public visibility for minority rights (sexual orientation, religious minorities such as Christians, sectarian such as Shiite, etc.). These dynamics were reinforced when the Alternative Movement for Individual Freedoms (known by its French acronym MALI,<sup>21</sup> moved from the virtual sphere to street activism through an initiative against the criminalization of not-fasting (thus drinking and/or eating) in public during the day in the holy month of Ramadan. The campaign, called “We’re not Fasting” takes place annually and so



do counter-campaigns.<sup>22</sup> With the emergence of this movement, the polarization and conflict between the two camps mainly revolved around several individual freedoms and pertinent laws, On the perception of Moroccan Islamists of individual freedoms, see a special issue of the magazine *Al-Furqan* ﻻْفُرْقَانُ ” ﺔﻤَﻠِكَةُ ﺔـ ﺔـ ﺔـ : of status the ,faith of freedom including .2013 :70 ﻻـ ﻻـ ﻻـ ﻻـ ﻻـ ﻻـ ﻻـ religious minorities,<sup>23</sup> sexual orientation and consensual sexual relations (homosexuality, sexual relations outside marriage, etc.); consumerist habits and behaviours (eating publicly in Ramadan, consumption of alcohol); abortion or the termination of unwanted pregnancies; artistic and cultural choices and expression (festivals, some films or literary works). These were all added to a long list of past battles including women issues (equality between sexes, diversity, under-age marriage, inheritance,<sup>24</sup> single mothers, etc.).

These issues are still the focus of disputes between the two camps regardless of the different labels they come to carry with each new event. For example, many conservative and Islamist voices attacked the February 20 Movement claiming individual freedoms activists were central in the demonstrations. They accused demonstrators of sexual perversion, depravity, westernization, being agents of foreign powers, etc.

The 2011 constitutional amendments became a fierce battleground among these camps on issues of Islamic identity of the state, personal freedoms and human rights. Faced with the potential of having some of these rights and freedoms enshrined in the Constitution, the PJD along with allies and supporters, mobilized and pressed the Constitutional Reform Advisory Committee, going as far as calling for boycotting the vote.<sup>25</sup> The Islamist party's campaign mostly focused on attempts by rights defenders to enshrine freedom of faith in the Constitution. Tileedi crystalized their position:

“Are we about to give up the political identity of our state and discard the centrality of religion? Are we willing to discard 14 centuries of the history of our Moroccan state? Are we going to give up our identity? To allow the possibility of freedom of faith, even with the restrictions proposed in the new Constitution, is a measure of dangerous implications that could alter the demographics of religion in Morocco. It could pose a risk to the religious unity of the Moroccans and strike at the main pillars of the state; foremost among which is the Islamic identity of the



people and the state. This would come at a time when we are facing international attempts to manipulate our strategic interests in order to create a Christian minority in Morocco and remove the constitutional and legal requirements that can fortify our unity of faith and the political identity of the state.”<sup>26</sup>

The Islamists’ electoral victory and the PJD forming a government in 2012 revived fears among the modernist democratic front, who called for ‘vigilance’ and began to mobilize to confront any possible decline in human rights and freedoms in Morocco.<sup>27</sup>

## Islamists and human rights organizations

The Islamist hostile positions to certain human rights demands stem partly from the centrality of identity to the Islamist movement. This is further fuelled by the limited experience of Islamists in the human rights field, despite the many violations inflicted on them. This limited experience can be attributed to the fact that the Islamist experience in rights advocacy had been relatively short and with a relatively much lower level of interest compared to religious advocacy and charity. This part will outline attempts among Islamists to engage with human rights and the consequent challenges and dilemmas. It starts by looking at the relationship between Islamists and two specific institutional models; the AMDH and the National Human Rights Council or CNDH(after its French acronym).

- *The Moroccan Association for Human Rights (AMDH)*<sup>28</sup>

Founded in June 1979, the AMDH is considered one of the most prominent civil organizations in the Moroccan legal and political arenas. Despite its state-recognized legal status as a registered public welfare association, the AMDH has been considered by the state as part of the socio-political opposition and thus subjected to restrictions and legal harassment.

The AMDH founders and members are generally leftist, a fact that influenced their relationship with the Islamist factions. Many members have reservations on admitting Islamists into AMDH because of concerns about being infiltrated and



undermined or due to the apparent contradiction between Islamist faith-based convictions and both the universal rights discourse and AMDH progressive identity.<sup>29</sup>

These reservations aside, the AMDH treated cases involving Islamist victims of rights violations in a principled manner. For example, the AMDH provided legal aid to lift restrictions imposed on Justice and Charity group members and leaders, showed solidarity with Islamist political detainees held in Belliraj case,<sup>30</sup> and hosted the launching of the Coordinating Committee of Former Islamist Detainees in 2011 in its central headquarters in Rabat.

Moreover, numerous Islamists' testimonies praised AMDH and its leaders for defending Islamist organizations and activists. For example, Abderrahmane Benamrou, one of the most prominent AMDH founders, is seen by many Islamists as "the heart of the struggle, an icon of justice and a source of pride for free Moroccans." Minister of Justice, Mustafa al-Ramid, who is an Islamist, considers Benamrou "an Imam of Moroccan right defenders and a great man." "Benamrou had defended late Sheikh Abdessalam Yassine, the spiritual leader of the Justice and Charity group. They had been detained together and had come to discuss contentious issues in a respectful way, according to Semmouni. As a lawyer, Benamrou also represented members of Justice and Charity. He defended and stood in solidarity with the Islamist "Civilized Alternative" before it was licensed and even after it was dissolved and banned, in addition to defending the Umma party which was never licensed. He also defended Salafi and Islamist detainees". See testimonies of several Islamist activists and actors on Benamrou in [الرأي العام العربي 2010](#) "الرأي العام العربي ..الرأي العام العربي ..الرأي العام العربي" [www.aljamaa.net/ar/document/80803.shtml](#) The rights committee of the Justice and Charity group sent a congratulatory message to the former president of the association, Khadija Ryadi, on receiving the United Nations Human Rights Prize in 2013.<sup>31</sup>

However, the AMDH has been accused of giving relatively less attention to cases of Islamist suspects and victims of rights violations compared to others and that it occasionally used the Islamists as means of "leverage against the state" as they



allegedly did in cases involving Salafi detainees. Some attribute the AMDH limited support in defending Islamists to an existing prejudice among the modernist and progressive elite against Islamists whom they perceive as “enemies of democracy and human rights” – an approach that had been captured in the slogan “No democracy except with democrats.”

- *The National Human Rights Council (CNDH)*[\*\*\[41\]\*\*](#)

The CNDH succeeded the Advisory Council for Human Rights, which had been established in 1990 and re-organized in 2001. For papers on CNDH see: [الجنة الوطنية لحقوق الإنسان في المغرب تجربة إصلاحية ملهمة أمثلة وآفاق](#) (الجنة الوطنية لحقوق الإنسان، 2005) : [الجنة الوطنية لحقوق الإنسان تجربة إصلاحية ملهمة أمثلة وآفاق](#) (10) .king the which ,CNDH The .2013 :[الجنة الوطنية لحقوق الإنسان تجربة إصلاحية ملهمة أمثلة وآفاق](#) established in a royal decree on 1 March 2011, was part of the state response to the February 20 Movement.[<sup>32</sup>](#)

Abdelali Hamieddine, president of the Islamist Al-Karama Forum for Human Rights believes that despite the reference in this decree to “the Paris Principles” which frame and guide national human rights institutions, the pertinent law organizing CNDH does not fully abide by these principles. He primarily criticized “the method of appointment stipulated in the Dahir (royal decree) that does not provide the necessary guarantees for the required pluralism and independence.” He insisted that this was “reflected in a number of other requirements that restrict the Council and places it under the control of the appointing authority (the king) ... In brief, the current version of the National Human Rights Council is an extension to the 1996 constitution with all its authoritative implications. The 2011 Constitution, on the other hand, requires a comprehensive parliamentary review of the updated law of this institution. This goal appears out of reach now after indications that the current Constitution has been voided of all democratic prerogatives and is now instead imbued with an authoritarian interpretation that belongs to the outdated practices of the pre-1996 era.”[<sup>33</sup>](#)

The CNDH has been indeed criticized for the absence of Islamists including in its



provincial and local committees.<sup>34</sup> Critics argued that the CNDH was not nationally representative but rather a closed club dominated by the logic of patronage and loyalty with a privileged position for leftists. For a critical view of the CNDH, see: "العفو الدولي عن المرأة المغربية في مجلس المستشارين: ملخصاً وبياناً" 5 مارس 2011 و"العفو الدولي عن المرأة المغربية في مجلس المستشارين: ملخصاً وبياناً" 6 مارس 2011 .and systematic a been has there that critics .2011 7 مارس deliberate exclusion leaving the CNDH under a mono-ideological influence.In that context, Abdelali Hamieddine said that "al-Karama Forum had submitted proposals and suggestions to the CNDH presidency at the latter's request. However, the final charter reflected no consideration of any Islamic sensibilities. This expresses an exclusionary trend at the state level to disenfranchise the Islamist elite. It is a clear sign of how the state will be dealing with such issues in the future." See: 6 مارس 6 "العفو الدولي عن المرأة المغربية في مجلس المستشارين: ملخصاً وبياناً" 5 مارس 2011 [www.hespress.com/permalink/38968.html](http://www.hespress.com/permalink/38968.html) They point out to the absence of even Islamist women organizations in CNDH committees and membership, which meant the exclusion of feminists and rights defenders from organizations such as Azzahrae Forum, al-Karama Forum or the Organization for the Renewal of Women Awareness.The PJD-allied Al-Karama Forum complained about "an intolerance on the side of the state evident in the list of CNDH members which excluded all rights and feminist activists who have an Islamic sensibility (...) in addition to ignoring activists from different well known rights associations to the benefit of others who are more supportive of the regime or indifferent to its unfair policies and transgressive institutions." See: 5 مارس 2011 "العفو الدولي عن المرأة المغربية في مجلس المستشارين: ملخصاً وبياناً" 5 مارس 2011 [bit.ly/2DMkl8s](http://bit.ly/2DMkl8s)

Several rights advocates, meanwhile, viewed the CNDH as an "official institution" and "the Human Rights arm of the state". They argue that most CNDH decisions and activities are daring if they do not portray the organization as a political actor on sensitive issues. This was evident when the CNDH issued a report on Gender Equality and Parity in Morocco, recommending, inter alia, that inheritance laws (which favour men under a religious pretext) must be reviewed to ensure equality and/or parity.



The report, especially this recommendation, was harshly criticized by a wide spectrum of Islamists including official religious bodies (e.g. The Supreme Council of Scientific Research) and preachers,<sup>35</sup> most Islamist organizations and prominent activists. PJD women leaders criticized the CNDH and its report through the Organization for the Renewal of Women Awareness. They considered the report to be a “step beyond CNDH remit” and claimed that it was “a transgression on the king’s powers as the Commander of the Faithful or *Amir l-Mu’mînîn* and an encroachment on other constitutional institutions such as The Supreme Council of Scientific Research” according to a statement by Azzahrae Forum for Moroccan Women. Similarly, the Moroccan Centre for Human Rights considered CNDH recommendation suspicious “in terms of its goals and objectives which are clearly an attack on the identity of the Moroccan society. It raises a lot of questions: What is the goal of handing over this institution to a group of people, known to subscribe to this ideological orientation? To wage a war against the values of society in this vicious, almost systematic, manner? Not to mention, that it is exclusionary and isolates all differing ideologies”. The centre also emphasized that “a call for equal inheritance rights reflects major ignorance of the bases of the legality of the current laws and their implications”.

Despite their criticisms and reservations, members and branches of al-Karama Forum, as well as several other Islamist entities, especially women initiatives, attend Council activities and its regional committees. The Council, in turn, formally attends some of the Forum’s activities (e.g. CNDH Secretary-General Mohamed Al-Sabar attended the last congress to elect the forum’s leadership in 2016).

## **Islamists and human rights networks and coalitions**

Moroccan Islamists face various challenges and questions when engaging joint action by a group of organizations which may not fully agree on common ideological underpinnings. These challenges are related to the difficulty of building required consensus, the credibility of representation within such an outfit, and a possible compromise of their Islamist anchors. The remainder of this section looks at the Moroccan Forum for Truth and Equity, the Moroccan Centre for Human Rights and the Moroccan Coalition for Human Rights as models that could elucidate some of these challenges.



The Moroccan Forum for Truth and Equity was established in 1999 in a context of political transition (the *alternance* government in 1998 and the accession of Mohamed VI to the throne the year after). A new era was ushered in with a series of reconciliation attempts to turn a new page and provide a closure to the “years of lead” by allowing space for victims’ testimonies and for redress.<sup>36</sup>

In this setting, the Forum was to provide a pluralistic framework that can address the needs and aspirations of various categories of victims of gross rights violations. The Forum was distinct in that it married the spirit of a trade union of its own members and targeted audiences with its substantive work in defence of rights and support of victims of violations in physical and moral ways.<sup>37</sup>

As one prominent category of victims during the years of lead, Islamist detainees are present in the Forum alongside other individuals and groups of different backgrounds and ideological affiliations: leftists, Islamists, former military, and various parties and movements (e.g. the Socialist Union of Popular Forces, the Democratic Way Party, the Democratic Socialist Vanguard Party, the Unified Socialist Party, the National Congress Party, the Civilized Alternative Party, the Islamist Youth, etc.). The Forum also demanded the release of remaining Islamist detainees in Moroccan prisons as well as in opening files of kidnapped and/or disappeared Salafis as well as allegations about secret detention centres such as Tamara.

In view of the limited expertise in advocating human rights among Islamists compared to leftists, they only made a modest contribution to the foundation and operations of the Forum as well as its work to forge a path for transitional justice in Morocco. The representation of various political groups within the Forum was the outcome of negotiations aimed at creating an adequate consensus among victims and advocates on the way forward. In the absence of the Justice and Charity group, the Islamists within the Forum and its structures (the National Council and the Executive Office) had to compromise with other constituent groups and factions to enable such a coalition of varied elements to operate well.

Islamists also took part in two other complex networks; the Moroccan Centre for Human Rights and the Moroccan Coalition for Human Rights. These two organizations again showed that the frame of reference for varying components of



a coalition can put it under a huge stress and even cause it to splinter. These networks also suffered from disagreements on representation, allocation of decision-making posts and responsibilities and creating a harmony among varying political ideologies.

The Moroccan Centre for Human Rights was founded in April 1999. Its founders included several activists and groups with roots in the Islamist movement (e.g. the PJD) or affiliated with some leftist parties such as the Unified Socialist Party or the National Congress Party) in addition to some independent activists. Islamists enjoyed a hegemonic position within the Centre for several years, especially through its president, Khalid Cherkaoui Semmouni, who had been affiliated with the PJD. The second Congress of the Centre in 2010 – specifically during negotiations over the composition of leadership – faced a crisis ending in a leftist withdrawal after allegations of ‘imbalance in organizational roles as well as disputes over the Centre frame of reference’ and with the leadership.

In July 2010, a preliminary committee, composed of the most prominent members of the withdrawing leftist cadres, composed a new human rights organization, the Moroccan Human Rights Institution in order to set themselves apart from the Centre. In reaction to their former Islamist colleagues, the documents of the new organization stressed how the Institution was based on “the principles of universality, democracy and independence, that it aims to promote and protect the comprehensive principles of human rights ... and to raise awareness of these principles in accordance with international convention and protocols.”<sup>38</sup>

Finally, the Moroccan Coalition for Human Rights, founded in 2011, included more than 20 associations from various ideological persuasions. This posed the usual challenge in such networks due to clashing frames of reference. The following disagreements were cited by Adala Association among the reasons for leaving the coalition as outlined in its withdrawal letter:<sup>39</sup>

“One of the goals set by the Coalition in its organizational framework was to defend the principles of democracy, freedom, dignity, equality and social justice; and activating international human rights instruments. However... in Adala, we were shocked at several pivotal junctures of our struggle to see some human rights organizations - under the pretext of their different frame of reference - maintain



reservations on certain cases and oppose issues such as abolishing the death penalty, decriminalizing abortion, ensuring equality and respect to individual freedoms. It has thus proven difficult, if not impossible, to work together to support rights and freedom in a comprehensive manner. We have often encountered a lack of acceptance of different points of view amid an exchange of accusations among members, both secretly and in public...”<sup>40</sup>

The centrality of clashing frames of reference and, the unbridgeable disagreements on how to compromise and how to accommodate all factions in networks and coalitions have been the Achilles heel of such undertakings. Thus, the inclusion of Islamist elements, such as al-Karama Forum and the Moroccan Centre for Human Rights, alongside other actors from a different ideological framework posed a set of challenges and tensions regarding joint human rights action in Morocco.

### **The evolution of Islamist position on human rights action**

Four major stages capture the evolving position of Moroccan Islamists on democracy and human rights since the emergence of Islamist movements in the late 1960s. These stages reflect developments in their ideological approaches, their organizational structures and the positions of their actors on the Moroccan political scene.

- The first stage coincided with the emergence of the Islamists who were hostile to the principles of democracy, rights and freedoms. This logic was based on rigid ideological and religious concepts and reflected the political marginalization of Islamists in the 1970s. The Islamists then demonized the democratic system and human rights practices as heresy. Events and repercussions from his era still cast a shadow on the relationship between the Islamists and the democratic and human rights movement in Morocco – one such significant incident was the assassination of leftist trade union activist Omar Benjelloun in 1975. Testimonies by leftist writers attribute the assassination of trade union activist and socialist leader Omar Benjelloun to members and leaders of the Islamist Youth, which was the breeding



grounds for most contemporary Islamist organizations and movements in Morocco. See: "الإسلاميون المغاربة" في كتاب "التحولات المغربية: 1956-2009" 34، "التحولات المغربية" في كتاب "التحولات المغربية: 1956-2009" 23، "التحولات المغربية: 1956-2009" 20، "التحولات المغربية: 1956-2009" 18.

- The second stage extended from the 1980s to the mid-1990s and was characterized by a cautious approach to human rights and democracy. In this period, Islamists attempted to exploit human rights to serve their interests in the ongoing confrontation with the state at a time of political change on the national, regional and international levels. On the national level, protest movements and social tensions were growing (the strikes of 1981, 1984, 1990)<sup>41</sup> and Islamist movements emerged as a balancing force, especially in the aftermath of the Iranian revolution and the ensuing restrictions, harassment and detention of its activists as a result. On the regional level, a coup d'état, reversing the sweeping electoral victory of the Islamic Front, took place in Algeria in 1991. The international scene saw the fall of the Berlin wall in 1989 and the globalization of democracy and human rights with the end of the Cold War. These developments influenced the Islamist intelligentsia which worked hard to harmonize Islamist concepts on political practice such as *Shura* with democratic principles practices and to anchor human rights in Islamic teachings.<sup>42</sup> This stage was prominently characterized by the selective way Moroccan Islamists dealt with the human rights system, which only emphasized the importance of political rights and freedoms.
- The third stage was one of relative normalization with the human rights system and the institutionalization of human rights action. It extended from the late 1990s to the Arab Spring in 2011 and thus chronicles the gradual integration of reformist Islamists in the political game,<sup>43</sup> the political opening of the regime (with the *alternance* government led by the former socialist opposition in 1998) and the transfer of power to King Mohamed VI in 1999. This stage was characterized with the partial acceptance by the Islamists of universal human rights which "do not contradict the logic of religious and cultural specificity". They also established several human rights organizations and approached the human rights field as an arena of political wrestling with competitors. The



“Plan of Action for the Integration of Women in Development” was the best publicized of these battles in addition to the Islamist usual opposition to individual freedoms. The nature of the relationship with the state influenced the rights institutions established by Moroccan Islamists. These institutions included several PJD-affiliated outfits in the legal, rights and women fields such as the Organization for the Renewal of Women Awareness 1995,<sup>44</sup> Azzahrae Forum for Moroccan Women 2002,<sup>45</sup> and al-Karama Forum for Human Rights in 2005. The semi-banned Justice and Charity Group established a rights organization and internal party units (women’s, trade unions, students),<sup>46</sup> all working through JCG-affiliated lawyers organized by the Association of Justice and Charity Lawyers. Finally, rights organization were established in the form of committees, coordinated networks and associations to provide legal aid and defence to Islamist detainees.

- Finally, in the fourth stage, Islamist reformists moved from cautious integration to a position of governmental responsibility and authority. This was the stage in which Islamists formed their first government ever in Morocco when the PJD’s Abdelilah Benkirane formed the cabinet (2012-2016). Given the Islamist history in Morocco, this final stage generated strong fears and concerns among non-Islamist factions and actors.

## **Islamist practices and human rights action**

In the context of political reconciliation and redress in Morocco, defending Salafi suspects in counterterrorism cases constituted a primary entry point into the field of human rights as well as a practical launching pad for former Islamist detainees. Former detainees finally managed to imbue human rights with an Islamist character after their stumbling efforts in the 1990s. Given the difficulties facing such Islamists in joining established human rights organization such as the AMDH or the relatively open coalitions such as the Truth and Equity Forum, these former detainees came together within Islamist circles and anti-leftist factions to counter the leftist hegemony in the field of human rights, especially after the normalization of relations between the regime and reformist Islamists (the PJD as well as the Unification and Reform Movement) to integrate them into the political arena



(beginning with joining Parliament in 1997).

In order to study Islamist human rights initiatives, this section proposes a brief introduction of the actors involved in defending Salafi detainees on the one hand and a take on the experience of al-Karama Forum, on the other hand.

## • **Islamist initiatives for the defence of Salafi detainees**

These initiatives appeared as a response to rights violations by security agencies during a counter-terrorism campaign after the 16 May 2003, terrorist attacks in Casablanca. These initiatives are characterized by two features: expressing solidarity (with detainees and their families) and their single-issue work (legal defence of detainees). These initiatives increased with the rising number of detainees as well as the divisions among the actors in the field and competition over the legitimacy of representation and mediation whether among organizations or within one. Such competition was accentuated by political competition for Salafi votes and supporters among various parties such as the PJD, the Renaissance and Virtue Party, the Democratic and Social Movement, and the Independence Party. The human rights discourse of these initiatives is partly derived from concepts associated with the reconciliation process in Morocco, invoking “victims” of the new era, in addition to a language borrowed from the religious rhetoric infused with Quranic verses and other Islamic concepts about victimhood and solidarity.

### *1. Annasir Association for Solidarity with Islamist Detainees in Morocco*

Annasir association was founded in the context of the Equity and Reconciliation Commission<sup>47</sup> in January 2004 as the first Islamist rights organization concerned with providing legal aid to Islamists, especially Salafis detained under the anti-terrorism laws.<sup>48</sup> In addition to families of detainees, one of the founders, Abderrahim Mouhtad, who presided over the organization, was himself a former detainee. Mouhtad had taken part in the work of several human rights organizations such as the Truth and Justice Forum. On why he worked to establish this organization despite the existence of other such outfits in the country, Mouhtad said:



“We knocked on the doors of all human rights organizations that I have come across as a member of the Truth and Justice Forum in Casablanca and my experience with other rights associations. I presented them with the issue of Islamist detainees. Some replied with admonishment; they believed that Islamists deserved detention. Others claimed it was a pre-mature issue ...existing bodies refused to adopt the issue. Every time we knocked at someone’s door, no one opened. We faced a dead end and we had two options: either we establish our own independent entity, or we go away. This is the question we posed in the meetings prior to our foundation. In the end, the consensus favoured the establishment of a legal framework that is specially devoted to the defence of detainees.”<sup>49</sup> )

The lack of a legal status for the association, despite meeting all the necessary conditions, does not prevent it from organizing activities in a climate of relative tolerance on the part of the authorities. Despite modest human resources and capacity, the association was able to impose the Salafi detainees’ issue on the Moroccan human rights agenda and in mass media. It was also able to draw attention to the suffering of another category of victims of the anti-terrorism law: the families of Salafi detainees. It mobilized them and provided them with a platform.

## *2. The Joint Committee for the Defence of Islamist Detainees*

On its website,<sup>50</sup> the Joint Committee for the Defence of Islamist Detainees is introduced as a Moroccan organization formed to defend the rights of Islamists detained under the anti-terrorism law through “all peaceful and legitimate means to put an end to all violations and abuses inflicted on Islamist detainees without discrimination.” Established in May 2011, the committee brought together two organizations involved with Salafi detainees. The first was the Truth Coordinating Body for the Defence of Prisoners of Conscience and Belief, which represented families of current detainees under the anti-terrorism law. Founded in late 2010, this body was a measure of solidarity with Salafi detainees engaged in protest actions inside prisons. The second was also a coordination body for former Islamist detainees. The latter was set up after the March 25, 2011 agreement<sup>51</sup> to push for its implementation and to advocate for abolishing the anti-terrorism law and redressing the damage caused to detainees arrested under this law.<sup>52</sup>



The Joint Committee paid great attention to mass media and public positioning through an active presence on social media platforms and mobilizing families of detainees to organize public protests, including hunger strikes, demonstrations and vigils outside mosques, the parliament, the Ministry of Justice, the CNDH headquarters, and PJD headquarters. As is the case with all human rights organizations defending Salafi detainees, the committee sharply criticized the PJD for not doing much despite overseeing the government including the Ministry of Justice and Freedoms. Justice Minister Mustafa al-Ramid had been a prominent defender of their cause when he practised law, as an opposition parliamentarian, or when he led al-Karama Forum.

### *3. The Moroccan Association for Integration and Reform*

This association was founded in March 2016 by activists and a group of former detainees under the anti-terrorism law. Abdel Karim al-Shazli, one of the most prominent released Salafi detainees, led the Association.<sup>53</sup> The association works to reintegrate former Salafi detainees in society and to provide them with employment opportunities. It also works to raise public awareness about the challenges facing former detainees.

Considering how this organization was set up, its funding and location, many saw it as ‘human rights arm’ of the political party Democratic and Social Movement Party with which it was affiliated. This party was ironically founded and led by former police commissioner Mohamed Arshan who had been allegedly engaged in torture and other gross human rights violations.

### **• Al-Karama Rights Forum**

Six months after the emergence of Annasir Association, al-Karama Forum for Human Rights was founded in June 2005 as the first Islamist human rights association that aims to reconcile two distinct frames of reference in its approach to human rights; these are “primarily the Islamic teachings that dignify human beings considering the human to be the most supreme of all creatures” and, secondarily, the international references as indicated in the Universal Declaration of Human Rights and other international covenants and conventions.<sup>54</sup>



In comparison to previous Islamist human rights organizations, al-Karama Forum attracted different and diverse activists and leaders and developed a wider reach and a broader scope of work. In addition to former Islamist detainees, other founding members largely came from the conservative religious middle class and included lawyers, professors, and journalists.<sup>55</sup> Their ideological persuasions included the conservative (e.g. al-Habib al-Fourkani), organized Islamist factions such as the Civilized Alternative, the veterans of Islamist Youth, the Unification and Reform movement, and the PJD.<sup>56</sup> The professional attitude of Karama is reflected in how they opened branches; professionalized jobs; managed partnerships, networks and alliances; and prepared shadow reports.

Although its media and human rights profile is primarily associated with the defence of Salafi detainees, the scope and fields of al-Karama's work have expanded since its establishment to include the justice system, security sector governance, combatting and preventing torture, observing elections, combating human trafficking, mediation and solidarity campaigns in several cases.

According to one of its statements,<sup>57</sup> the main impact of al-Karama, in addition to services for Salafi detainees, included taking part in important rights campaigns such as opposing the trials of the 6 April detainees, of singer Moaz Balghawat, of some February 20 activists, and of journalists. It also opposed violent security interventions against peaceful protests and the pardoning of a Spanish convicted paedophile and the banning of an Amnesty camp.<sup>58</sup>

On another front, one of the incidents that cast a shadow on al-Karama was the arrest and conviction of some founders and members such as Mohamed al-Amin al-Rikala and Mustafa al-Hasnawi in terrorism-related cases. The case of Mohamed al-Amin al-Rikala dates to 2008 when several political and Islamist activists were arrested in a case known publicly as the Belliraj cell. It was followed by several charges including "infringing on the internal security of the country, forming a criminal gang to collectively prepare and commit terrorist acts to disturb the public order through instigating fear, intimidation, terror, violence, premeditated murder, etc." These activists benefited from a royal pardon after the February 20 protests.

See: [www.hespress.com/opinions/51516.html](http://www.hespress.com/opinions/51516.html) The alleged links between al-Karama



president Abdelali Hamieddine and the murder of leftist student Ayt al-Jid Bin Issa, a radical activist in Fez University in 1991, also came up in interviews and public meetings.<sup>59</sup>

Like other Moroccan rights organizations, Karama's central dilemma revolved around navigating the overlapping area that mixed human rights, politics and partisan affiliations. Many saw al-Karama as the PJD human rights arm or even just an 'appendage' for this party. The shift from the opposition ranks to a supporter of the government after the PJD assumed power created tensions within al-Karama, in which power was transferred between two prominent party leaders, Mustafa al-Ramid and Abdelali Hamieddine. Al-Karama was criticized for a perceived shift in priorities and a tendency to support the agenda of the "ruling Islamist party" and its officials.<sup>60</sup> The internal Karama elections for leadership position became an occasion for some members to strongly criticize such shifts. For example, Ahmed Bu Ashrin al-Ansari, an al-Karama founder lamented that the changes, saying that this position would "end with a total takeover of the Forum and the exclusion of anyone who maintains an approach that diverges from the partisan approach of the president and his clique. The resulting outfit will be a purely partisan platform and that the human rights mission of al-Karama has ended, and its official party duty has begun. It will turn al-Karama into an appendage to the party and a vicious defender of the Ministry of Justice and Freedom."<sup>61</sup>

The internal conflict over this issue erupted in 2014 al-Karama's president and several members of the executive office, especially executive director Mohamed Hakiki, one of the most prominent rights activists in Morocco.<sup>62</sup> The crisis evolved into a rhetorical war of statements and trading of accusations between the two parties with threats of dismissal, withdrawal or corrective measures. The causes of this disagreement based on statements made by the opponents of president Hamieddine, who went to be re-elected in 2016, were:<sup>63</sup>

- Complete independence from the state and political parties was compromised and became a bone of contention between the president and Forum members who outlined transgressions they insinuated were supported by the Forum president.
- The president and the executive director clashed over the Forum position



regarding detainees under the anti-terrorism law. The executive director criticized the government for reneging on commitments outlined in an agreement signed in March 2011. The dispute worsened when the executive director attended protests organized by the Joint Committee for the defence of Islamist Detainees against the government.

- The director and other opponents accused the president of working to limit the Forum's role to enter partnerships and conduct research. This meant the Forum would distance itself from fieldwork and from addressing complaints and violations. Such a modus operandi, the director feared, would strip the Forum of its solid contribution to the struggle for human rights.

In line with its Islamist anchors, al-Karama adopted a conservative approach vis-a-vis several human rights issues such as the position on the death penalty, women rights, abortion, etc. Such an approach deepened the rifts within several networks and coalitions in which al-Karama took part, and where human rights were uniformly held as universal and indivisible.

## **Benkirane's Islamist government and human rights**

After the 2011 protests, Morocco engaged in a new and distinctive path to strengthen human rights. This was especially true on the legislative front, observing international conventions and cooperating with international fora and mechanisms. Assessing the human rights record under the Islamist PJD government since 2011 can be undertaken in two ways. The first is a pure repertoire of relevant legislation and success indicators as well as shortcomings and failures in managing human rights politics. The second approach focuses more on the actual developments and relevant practices affecting the status of human rights considering the power relations within the Moroccan political system.

The official inventory provided by Benkirane's government could provide a primary entry point to an evaluation of the impact of the government in the field of human

rights. In its parliamentary statement, the government pledged a "transition to a new phase of democracy building through the new constitutional arrangements to enhance confidence in a better future for the Moroccan nation, providing conditions for competition and collective action for the renaissance of the nation, its strength, sovereignty and unity and working for providing dignity, freedom, development and social justice for all citizens." Moreover, it pledged "commitment to the constitution and its legislative and institutional requirements, responding to the fundamental and urgent expectations of the Moroccan people in their different sectors and strata both at home and abroad as well as responding to the needs of economic and social actors and the institutions of civil society and fulfilling the international obligations of the country". See excerpts of the government's statement in: [البيان التشريعي "بياننا على مسؤولياتنا تجاه الشعب المغربي 5 .م 2013](#) 3 :[بياننا التشريعي على مسؤولياتنا تجاه الشعب المغربي](#) in success its considered it what length at presented government The .17 م advancing human rights and the protection of freedoms during five years in power. For more information, see a summary of this official governmental evaluation on the website of the ruling party: [بياننا التشريعي "بياننا على مسؤولياتنا 2016](#) 17 م "بياننا التشريعي على مسؤولياتنا تجاه الشعب المغربي" [بياننا التشريعي](http://bit.ly/2DSn0NW)

According to this approach, the government has taken several measures and decisions to promote human rights and freedoms in Morocco, on top of which was the obligatory investigations into any torture allegations and that this crime and its penalty do not have a statute of limitation. The government strengthened guarantees for fair trial such as the right to a defence, making the presence of a defence lawyer an inalienable right during interrogations of minors and persons with disabilities, and the obligation to make audio and visual recordings of interrogations of persons in custody. Moreover, the government enabled independent national and international organizations to inspect prisons and detention centres.

The National Press Council adopted a code of ethics and recognized the legal status of online platforms as press organizations. The government relinquished the right to administratively shut down websites or newspapers and abolished prison penalties in freedom of expression cases involving media platforms. A

judicial order is required for blocking websites. The government enshrined the right to assembly. It allowed citizens and CSOs to directly petition the authorities and ended the trial of civilians before military courts while military personnel could be referred to ordinary courts if they are charged with committing common law offences.

The Islamist government also signed and endorsed international human rights conventions such as the International Convention on the Protection of All Persons from Enforced Disappearance, and the Optional Protocol of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment. While in office, the Benkirane cabinet regularized the status of 19,000 illegal foreign residents and allowed 20,000 immigrants to benefit from a medical assistance program (RAMED). Meanwhile, foreign residents started to benefit from government-subsidized housing programmes.

Despite such a positive record of the government's performance, some criticism remained.<sup>64</sup> A president of a prominent leading newspaper, journalist Tawfik Bouachrin, writes, lamented in an article titled "What We Lost with Benkirane"<sup>65</sup> the losses incurred during the first years of Morocco's new democratic experience. He accused Benkirane of adopting a "non-democratic interpretation of the constitution ... [and setting] normalizing relations with the palace above enforcing the constitution and respecting its structure which was a fruit of a long struggle by generations of activists." In criticizing the modus operandi of Benkirane, an analyst pointed out that the premier's goal "was to satisfy the Royal institution and its circles, which often made him more royal in his approach than the king. He censored himself as well as his government excessively. This censorship was often backed by a royal interpretation of the constitution and not a democratic one as would have been required of truly democratic leaders. See: تاریخی تحلیلی مکانیزم انتقال قدرت .مکانیزمی که میتواند این را در میان این دو مکانیزم انتقال قدرت میان خاندان و ملکیت نماید" ۲۰۱۳ ۰۲ میلادی مکانیزم انتقال قدرت "مکانیزم انتقال قدرت میان خاندان و ملکیت نماید rights human afflicted that shortcomings several surveys Bouachrin .82 ۰ ۷۳ .۰ during this period:

“we lost a few points in the global indicators for respect of human rights, freedom of expression, fighting corruption, the freedom of association, the right to peaceful protest and other individual and collective freedoms. Benkirane left himself little



room for manoeuvre and distanced himself totally from the solid nucleus of power claiming that it was not his purview. As a result, Benkirane could not end corruption nor address security sector reform. He reformed neither the media nor the rotten diplomatic machine; he did not investigate the debt that has been accumulating over many decades ... Benkirane had many cards at his disposal and yet he surprisingly wasted them all. He had in his hands a progressive Constitution of which he made no use. He also had in his hands the premiership institution and yet he failed to furnish it with an appropriate cast of experts. He enjoyed a huge popularity that he failed to turn into a fuel for many fundamental changes. Instead, his role was limited to denouncing the manipulation of media and public statements while his own hands were tied up despite being in power.”<sup>66</sup>

The government procrastinated or failed to amend legislation in line with the new Constitution and to promulgate laws to regulate and protect rights. On the contrary, it attempted to sidestep the demands of human rights organizations and trade unions taking measures such as deducting the wages of workers on strike, not amending the strike law, and extending the retirement age at the expense of participants in the social security pension fund. The government violated the right of assembly and increasingly deployed security forces against demonstrators, including through the use of excessive force against peaceful protesters. Prison conditions worsened while unemployment rose and standards of living deteriorated. Critics pinpointed the discrepancies between rhetoric and reality and between the official discourse and the actual practices. Such a critical reading of the government record is backed by several reports issued by official state institutions including the High Commission for Planning, Bank al-Maghrib, and the Supreme Council of Accounts and by national and international human rights organizations.

With the repercussions of the global economic crisis and the unprecedented level of external debt resulting from public policies, the state of human rights in Morocco has deteriorated as security and other state agencies became more aggressive in handling collective socio-economic demands and protests. The increased use of excessive force was evident in many organized social protests, especially by the unemployed, street vendors, resident doctors, trainee teachers, etc.



## Concluding remarks

While the Moroccan human rights movement evolved at the hands of socialist and leftist activists struggling for change and democracy, the Islamist actors engaged the field and discourse of human rights more recently and remain partially hostage to the conflict with the progressive and leftist activists who had long monopolized the field. Given “the experienced protest movements and the progressive character of the human rights struggle”, democratic and progressive circles continued to suspect the Islamist commitment to human rights and freedoms.

The Islamist human rights experience faces a number of challenges, including, in particular, an uneasy relation with the concept of universality and indivisibility of human rights at a theoretical level and a tense relationship with long-established national human rights organizations and movements at an operational level. On the ideological level, one of the constraints of Islamist human rights work is embodied in the cost of reconciling the referentiality of religion with that of the universality of human rights. The Islamist human rights experience, to a large degree, is selective. Its starting points were the defence and support of Islamist detainees, and later prioritizing economic and political rights. Meanwhile, they still entertain various reservations on certain civil and social rights in which their moral anchor and identity politics leave them with little space to manoeuvre as in the case of women’s rights, for example.

A deeply seated obsession with the preservation of Muslim identity and particularity continues to impede the relative normalization of Islamists with democracy and the universal system of human rights. This normalization is ultimately difficult to progress due to strong reservations emanating from the central referentiality of Islam as embraced by Islamist actors. Some analysts believe that “the future position of Islamists and the fulfilment of their reformist project will depend on whether they will be able to democratize their political thought and re-establish the concepts of freedom, equality and popular sovereignty in their discourse in a way that facilitates and eases the process of integration into political modernity.”<sup>67</sup>



## Endnotes

1. Doha Zeineddine, "The Islamists and the Human Rights Complex", Al-Sabah, 12 December 2011 (in Arabic)
2. ملحوظ :الإسلاميون الموريتانيون في مواجهة حقوق الإنسان في : "الحقوق المدنية والسياسية" المنشورة في عدد "الإسلاميون الموريتانيون في مواجهة حقوق الإنسان".(208 و 193 .م) 2013 العدد 3 العدد ٣
3. Except for consensus on the major issues associated with the doctrinal and specific ritualistic aspects of Islam, the religion is characterized by its historicity and flexibility. Its understanding, interpretations and practices are varied as they are influenced by different historical, economic, social and political contexts.
4. In addition to one dissertation at Oujda university by Abdel Rahim Allal, entitled "Human Rights in the Perception, Rhetoric and Practice of the Islamist Movement in Morocco", we found no other research of the relationship between Islamists and human rights. On the other hand, many researchers work on the Islamist engagement, critique and reconstruction of democracy and human rights. They review and analyze Islamist positions on democracy, secularism, women, Amazigh, etc. Most of this output focuses on addressing the perceptions and ideological and political stances of Islamists.
5. Sélim Smaoui and Mohamed Wazif, « Etandard de lutte ou pavillon de complaisance ? S'engager sous la bannière du "mouvement du 20 février" à Casablanca », in Amin Allal and Thomas Pierret, (dir.), *Au cœur des révoltes arabes. Devenir révolutionnaires*. Paris, Armand Colin/Recherches, 2013. Mounia Bennani-Chraïbi and Mohamed Jeghlaly, « La dynamique protestataire du Mouvement du 20 février à Casablanca », in *Revue Française de Science Politique* 2012/5-6 (Vol. 62)
6. Frédéric Vairel, *Politique et mouvements sociaux au Maroc. La révolution désamorcée?* Presses de Sciences Po, Paris, 2014.
7. In general, the way the security handled the protests was characterized with less violations and violence than expected when compared to similar experiences in the region or when considering the government's legacy.
8. See for example: "**Montserrat Emperador Badimon, Où sont les diplômés chômeurs? Un exemple de pragmatisme protestataire à l'époque du "20 février"**", in *Confluences Méditerranée*, n° 78/2011. p. 77-91.
9. See: **Omar Bendourou, "La consécration de la monarchie gouvernante"**, in *L'Année du Maghreb, 2012. PP: 391-404; Malik Boumediene, "Révolutions arabes et renouveau constitutionnel: une démocratisation inachevée"*, in *La Revue des droits de l'homme*, n°6 / 2014.
10. For a reading on the victory of the Justice and Development party in the 2011 elections, see Abdellah Tourabi, "Morocco: Towards a cohabitation between the King and the Islamists?" Arab Reform Initiative, March 2012, available at <https://www.arab-reform.net/en/node/439>
11. On the Moroccan Islamist movement, see Mohamed Tozy, *Monarchie et Islam politique au Maroc*, Paris: Presses de la Fondation nationale des sciences politiques, 1999
12. Hassan Tarek, "From Revolution to Constitution: Identity, Democracy and Constitutionalization", in Public Debate, 2014 (in Arabic).
13. ملحوظ :الإسلاميون الموريتانيون في مواجهة حقوق الإنسان في : "الحقوق المدنية والسياسية" المنشورة في عدد "الإسلاميون الموريتانيون في مواجهة حقوق الإنسان".(208 و 193 .م) 2013 العدد 3 العدد ٣
14. Sanaa Karim, Party Politics for Morocco's Salafis?" Carnegie Endowment for International Peace, October 2012, available at <https://carnegieendowment.org/sada/49544>
15. On the rights movement in Morocco, see Marguerite Rollinde, *Le mouvement marocain des droits de l'Homme. Entre consensus national et engagement citoyen*. Edition: Karthala, Paris, 2002.
16. See chapter 3 in the book by French researcher Frédéric Vairel listed above.





agreement with the authorities on March 25. The agreement brought them together with representatives of the department of prisons, the Ministry of Justice, and the National Human Rights Council. It was observed by al-Karama Forum. Under the agreement, the government committed to investigate the condition of Salafi detainees and to release those it could gradually. In April 2011, it released 196 detainees in response to a request made by the National Human Rights Council. The released detainees included Mohamed Fizazi and Abdel Karim al-Shazli, the most prominent sheikhs of Salafi Jihadism.

51. Thousands of suspects were arrested and/or tried under the 2003 anti-terrorism law. The detainees who came to be known as the Salafi Jihadists detainees at death penalty the organization of Cédric Bayeux et d'accompagnement, 2001, février. Discontented protests in Rabat, Salafis detainees' website King Sal, 2012 pp 239-250

52. Al-Shazli is one of the most prominent Salafi Jihadist leaders in Morocco. Born in 1960 in Casablanca, he studied philosophy at Mohamed V University in Rabat and received his doctorate in 2000. His dissertation was on the theologian Ibn Taymiyah. He's known to have been an activist in the Islamist movement since his youth. He was arrested in 1984-1985 and later in 1995 and interrogated over the formation of Islamist cells in the military. He had served in the Moroccan Administration of National Defence between 1989 and 1992 and in the International Cooperation in Moroccan American Military Relations Department, in addition to his work in the Processing department of the Administration of National Defence and the Directorate-General for Research and Documentation. After the terrorist attacks of May 2003, he was sentenced to 30 years in prison. He was released, alongside other Salafi activists, under a royal pardon in 2011. His work includes:["الدين والحقوق في العصر الحديث من حيث تطبيقه في العالم العربي"](#)

53. This duality in referentiality was present in the earliest human rights initiative in Morocco, the Moroccan League for the Defence of Human Rights, which was established in May 1972. Its goal was to "disseminate and strengthen the concepts and culture of human rights, in all origins and sources, as stipulated in Islam and confirmed in the Universal Declaration of Human Rights and international covenants and conventions". See the organization's website at [www.lmddh.com](http://www.lmddh.com)

54. According to its first press release, the Forum was founded by "an elite of academics, men of law and sciences of different specializations and former political detainees who share the same principles and perceptions of human rights based on an Islamic worldview that dignifies the human being and considers him the most supreme of all creatures and based on international covenants of human rights which are considered a human virtue." See: "Karama Forum Elects an Executive Office", Tajdeed, 20 June 2005 (in Arabic).

55. The founding members included Mustafa al-Ramid, Abdelali Hamieddine, Abdel Malek Ziaya, Mohamed Hakiki, Mohamed al-Amin al-Rikala, Abdul Latif al-Hatimi, Mohamed al-Kashour, Khalil al-Idrisi, Jamila Masdar, Jamila Alamary, Mohamed al-Talabi, and Anas Mizawar.

56. The statement emphasized that the forum was "one of the first actors seeking a just settlement for the detainees of the so-called Salafi Jihadism since it was established in 2005... [in] 2012 and 2013, it worked with two human rights associations (Adala and al-Wasit) in addition to working with Sheikh Abdel Wahab al-Rafiki Abu Hafs on organizing consultative meetings with human rights associations and former detainees through the Joint Committee for the Defence of Islamist Detainees, a number of parliamentarians and government officials. This effort was crowned by an important memorandum submitted to the prime minister ...to follow up on the file". See: "Karama Forum: This is the Truth of the Disagreement with Hakeeki", Alyoum 24, 16 September 2009, available at [www.alyoum24.com/213047.html](http://www.alyoum24.com/213047.html) (in Arabic)

57. Rap singer Moaz Balghawat, known as the "Spiteful", was an activist in the February 20 movement, had been arrested by security agencies. The detainees of 6 April 2014 were young activists from the February 20 movement who were arrested in a march in Casablanca organized by trade unions to protest government policies. Daniel Calvin was a Spanish paedophile who was sentenced to 30 years in prison for cases of rape against minors and who benefited from a royal pardon that included several Spanish prisoners instigating a wave of protests in Morocco.

58. ©2015 www.orbites13.com "البيان الذي أعلنه "الحركة الشعبية لحقوق الإنسان" في الذكرى الأولى لتأسيسها" صدر في 2015 على الموقع [www.hespress.com/orbites/280518.html](http://www.hespress.com/orbites/280518.html)



- resolve human rights cases and that its mission is neither to escalate nor to appease”
60. In response to critics, the Forum said “it was and will remain an independent rights association that works on rights
61. ~~دعا إلى إسقاط النظام وفتح تحقيق في ملابسات اعتقاله~~ [www.alaoual.com/opinion/4273.html](http://www.alaoual.com/opinion/4273.html)
62. Mohammed Hakeeki is one of Karama founders and served as its executive director. He is also a former Islamist detainee who was sentenced, among 71 others, to 25 years in prison in July 1984. He spent 11 years in detention before he was released in 1994. He joined the Moroccan Association for Human Rights as well as Morocco's Amnesty International chapter. He was also one of the founders of the Moroccan Forum for Truth and Justice in addition to working in the Equity and Reconciliation Commission from which he was expelled. He also contributed to several rights initiatives defending Islamist detainees such as the Committee for Solidarity with Former Islamist Detainees, the commission demanding the release of the journalist Mustafa al-Hasnawi, the Coordination committee demanding the release of the political detainees in Bellarif case. He played a role in establishing the Truth Coordination Committee for the Defence of Prisoners of Conscience and Belief and the Coordination Committee for the Defence of Former Islamist Detainees. The two outfits were merged into the Joint Committee for the Defence of Islamist Detainees where Hakeeki became the legal adviser. He is also one of the most prominent leaders of the Renaissance and Virtue party, a splinter group from the PJD.
63. These reasons have been gleaned from statement made by Forum leaders and posted on badil.info as an annex to an article entitled, “Four Leaders Place Hamieddine in the Worst Moral Crisis, Portraying him as a Liar, Immoral and Uncivilized”.
64. See for example: **Thierry Desrues et Irene Fernández Molina**, “L'expérience gouvernementale du Parti de la Justice et du Développement: les islamistes au pouvoir?”, *L'Année du Maghreb*, 2013, pp. 345-365; **Thierry Desrues**, “Le gouvernement Benkirane à mi-mandat. De l'art d'agiter les épouvantails”, *L'Année du Maghreb*, 2015, pp. 195-222.
65. [www.alyaoum24.com/504879.html](http://www.alyaoum24.com/504879.html)
66. [www.alyaoum24.com/504879.html](http://www.alyaoum24.com/504879.html)
67. [www.alyaoum24.com/504879.html](http://www.alyaoum24.com/504879.html)



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