

## Sixty human rights groups call for the immediate release of Moroccan journalist Ali Anouzla



Moroccan editor Ali Anouzla was arrested on 17 September 2013

 [lakome.com](http://lakome.com)

The following is a joint appeal signed by over 60 IFEX members and partners, which was initiated by ARTICLE 19, calling for the release of Moroccan journalist Ali Anouzla, after terrorism-related charges were laid against him:

### **Morocco: Over 60 human rights organisations call for the immediate release of journalist Ali Anouzla**

Freedom of expression and human rights organisations call for the immediate release of Moroccan journalist Ali Anouzla, and for charges to be dropped against him. Anouzla, editor of the Arabic edition of the news website [Lakome](http://Lakome), was arrested on 17 September 2013 in connection with an article published on his website.

The undersigned organisations to this call declare that the indictment of Ali Anouzla on 24 September 2013 by the investigating judge at the Rabat Court of Appeals for “materially assisting”, “advocating terrorism” and “initiating terrorists acts” (on the basis of the anti-terrorist law 03-03 of 28 May 2003) is unfounded under international law, and amounts to a violation of the journalist's freedom of expression and his right to inform the public. Therefore the charges should be dropped and he should immediately be released.

Having studied the news article, entitled “For the first time Al-Qaeda attacks King Mohamed

VI”, published on 13 September 2013 on the Lakome.com website, we deem the charges by the General Prosecutor that the article constitutes materially assisting, advocating terrorism and inciting terrorists' acts as baseless and unsupported by the evidence. In his article, Ali Anouzla simply talks about the content of an Al-Qaeda in the Islamic Maghreb (AQMI) video that he qualifies as “propaganda”, and provides an indirect link to it.

We fear that the arrest and charges against Anouzla could be linked to his editorial line, in particular to his critical reporting of the highest political figures.

We remind the Moroccan authorities that, according to the United Nations Human Rights Committee:

"Offenses such as 'encouraging terrorism' and 'extremist activity', as well as 'praising', 'glorifying' or 'justifying' terrorism should be clearly defined in such a way to guarantee that it doesn't result in unjustifiable or disproportionate interference in freedom of expression. Excessive restrictions to access to information must also be avoided. The media plays a crucial role in informing the public on acts of terrorism, and their capacity for action should not be unduly limited. In this respect, journalists must not be penalised for having pursued their legitimate work" (Comment (CCPR/C/GC/34) of Article 19 of the International Covenant on Civil and Political Rights international standards)

Furthermore, in their joint statement of 2008, the UN Special Rapporteur on freedom of opinion and expression, as well as regional rapporteurs on freedom of expression and the media from the Organization for Security and Co-operation in Europe, the Organization of American States and the African Commission on Human and Peoples' Rights, clearly stated that: "The criminalisation of speech relating to terrorism should be restricted to instances of intentional incitement to terrorism, understood as a direct call to engage in terrorism which is directly responsible for increasing the likelihood of a terrorist act occurring, or to actual participation in terrorist acts... Vague notions such as the provision of assisting communications in terrorism or extremism, the "glorification" or the "promotion" of terrorism or extremism, and the mere repetition of statements made by terrorists do not themselves constitute incitation and must not be penalised."

The Special Rapporteurs also stated that: "The vital role of the media in the exercise of freedom of expression and the provisions of information to the public must be respected in the laws against terrorism and extremism. The public has the right to be informed on the commission or attempted commission of terrorist acts, and the media must not be punished for providing this information".

According to Principle 6 of the Johannesburg Principles on national security, freedom of expression and access to information, developed by a group of experts on international law, national security and human rights:

"Expression may be punished as a threat to national security only if a government can demonstrate that:

- (a) the expression is intended to incite imminent violence;
- (b) it is likely to incite such violence; and
- (c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence".

According to Principle 8, "Expression may not be prevented or punished merely because it transmits information issued by or about an organisation that a government has declared it threatens national security or a related interest".

Similarly, the UN Special Rapporteur on Terrorism and Human Rights has defined "public provocation to commit a terrorist offence" with reference to three elements: "First be an act of communication ("the distribution, or otherwise making available, of a message to the public..."). Secondly, there must be a subjective intention on the part of the person to incite terrorism ("...with the intent to incite the commission of a terrorist offence... whether or not directly advocating terrorist offences..."). Finally, there must be an additional objective danger that the person's conduct will incite terrorism ("...where such conduct... causes a danger that one or more such offences may be committed")." (Office of the United Nations High Commissioner for Human Rights, Human Rights, Terrorism and Counter-terrorism)

In view of the above, we fear that the Moroccan authorities have not only flouted international standards regarding freedom of expression and press freedom, but have also violated the Moroccan public's right to know.

The organisations also wish to remind the authorities that the Moroccan government hosted an international expert meeting on incitement to violence in October 2012, which resulted in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Morocco issued a joint statement at the UN Human Rights Council session of March 2013 which supported the Rabat Plan of Action on behalf of 87 delegations, including the African group, the Arab group and the OIC group, as well as other delegations.

The Rabat Plan of Action recommends, amongst others, that incitement requires a high threshold because "as a matter of fundamental principle, limitation of speech must remain an exception." It refers to a high threshold test which should be implemented consistently by an independent judiciary and includes a review of the context, the speaker, the intent of the speaker, the content of the expression, the extent and magnitude of the expression and the likelihood, including imminence, of the advocated action occurring.

The Rabat Plan further recommends that: "Criminal sanctions related to unlawful forms of expression should be seen as last resort measures to be only applied in strictly justifiable situations. Civil sanctions and remedies should also be considered, including pecuniary and non-pecuniary damages, along with the right of correction and the right of reply." Most importantly, the Rabat Plan of Action finds that an independent and pluralistic media plays a vital role in combating discrimination and promoting intercultural understandings, and thus recommends that: "States should have in place a public policy and regulatory framework which promotes pluralism and diversity of the media, including new media; and which promotes universal and non-discrimination in access to and use of means of communication."

Regarding the statement of the Minister of Communications and government spokesperson, on 23 September 2013 ([mincom.gov.ma](http://mincom.gov.ma)), criticising the position of more than 60 organisations in

favour of Anouzla's release, we reiterate the following:

- We condemned all violence and all calls that incite to violence, discrimination or hostility, by any organisation or person, including AQMI. We also call for the protection of journalists and defenders of human rights who could become victims of this violence.
- We remind the Minister that the article qualifies the video as "propaganda". This article cannot be said to be inciting to violence under the international standards highlighted above.

Regarding [the Vienna Declaration of 6 October 2009](#), of which dozens of international, regional and national organisations are signatories, the Minister of Communication accuses us in the above-mentioned statement of not having respected this Declaration. As declared in our statement of 20 September 2013, we believe our position reflects the content of the Declaration.

As a reminder, among other things it states that "the media must be free in their coverage of terrorism, including in acts of ideological terrorism, as long as it does not constitute an intentional incitement to terrorism." In consequence, we continue to insist that the Vienna Declaration protects Anouzla against arbitrary invocation of the anti-terrorist law against his freedom of expression and his right to inform.

The undersigned organisations call for the immediate release of journalist Anouzla, charges against him to be dropped, the restoration of electronic equipment to the Lakome offices, and the end of judicial and media harassment against him.

#### ARTICLE 19

Africa Freedom of Information Centre  
Albanian Media Institute  
Arabic Network for Human Rights Information  
Association of Caribbean Media Workers  
Bahrain Center for Human Rights  
Canadian Journalists for Free Expression  
Cartoonists Rights Network International  
Center for Media Freedom and Responsibility  
Center for Media Studies & Peace Building  
Centre for Independent Journalism - Malaysia  
Committee to Protect Journalists  
Electronic Frontier Foundation  
Freedom House  
Human Rights Network for Journalists - Uganda  
Initiative for Freedom of Expression - Turkey  
Institute for the Studies on Free Flow of Information  
International Press Institute  
Journaliste en danger  
Maharat Foundation  
Media, Entertainment and Arts Alliance  
Media Foundation for West Africa  
Media Watch  
Norwegian PEN

Pakistan Press Foundation  
Palestinian Center for Development and Media Freedoms - MADA  
PEN American Center  
PEN Canada  
PEN International  
Reporters Without Borders  
West African Journalists Association  
World Association of Newspapers and News Publishers  
World Press Freedom Committee  
Adala (Justice) Association, Morocco  
Association de Recherche sur les Transitions Démocratiques (ARTD), Tunisia  
Association tunisienne pour la défense des valeurs universitaires (ATDVU)  
Centre for Law and Democracy  
Centre de recherche sur l'opinion publique, les médias et la gouvernance locale (CRM), Tunisia  
Centre de Tunis pour la liberté de la presse  
Citizens Assembly, Morocco  
Comité pour le respect des libertés et des droits de l'homme en Tunisie (CRLDHT)  
Community Media Solutions  
Forum of Moroccan journalists abroad  
Forum tunisien pour les droits économiques et sociaux (FTDES)  
Free Press Unlimited  
Front Line Defenders  
Gulf Center for Human Rights (GCHR)  
International Media Support (IMS)  
Lam Echaml, Tunisia  
Media Legal Defence Initiative (MLDI)  
Moroccan Association for Human Rights  
National Syndicate of Tunisian Journalists (SNJT)  
Nawaat.org  
Observatoire des libertés académiques des universitaires tunisiens (OLAUT)  
Organisation des libertés d'expression et des médias (HATEM - Morocco)  
Regional Center for Training and Development of Civil Society, Sudan  
Syndicat des journaux indépendants et partisans (SJIP), Tunisia  
Syndicat général de la culture et l'information, Tunisia  
Tunisian League to Defend Human Rights (LTDH)  
Tunisian Association of Democratic Women (ATFD)  
Tunisian Syndicate of Free Radio Stations (STRL)  
Union générale tunisienne du travail (UGTT)  
Vigilance Association for Democracy and the Civic State, Tunisia