

Security Sector Reform in Morocco

Introduction/Background

Since King Mohamed VI came to power following his father's death in 1999, the democratic perspectives for the future of the Kingdom of Morocco have improved. While King Hassan II was an autocratic ruler Mohamed VI came to the throne with the apparently good intention of "governing in a different way" and putting Morocco on the road to real democracy. However, during the first years of his reign he had to slow down his efforts under simultaneous pressure from the gathering forces of Islamism and a conservative, traditional class that saw democracy as an adventure they did not want to embark on.¹ The Parliamentary elections held in September 2002 were presented as bringing to an end this period, in which many democratic changes were announced but few real reforms took place. The elections were said to be the first completely free and fair elections in order to consolidate Moroccan democracy and the prelude of a wide range of reforms.² Although progress has been made in some areas, the country still has a number of human rights issues to resolve. Especially in the aftermath of the May 2003 terrorist attacks in Casablanca, security forces committed serious human rights abuses and detainees were deprived of their rights during the judicial process. Additionally, the international border issue with the Polisario Front over the territory of Western Sahara remains unsettled. However, Morocco's political system is slowly evolving from a strongly centralized monarchy to a parliamentary system. The King retains much of the executive power, but Parliament and most of the government (with the exception of the Prime Minister and certain other Ministers) are democratically elected.³

Military Reform

After two coup attempts in 1971/72 against King Hassan II inspired by leading military figures such as the head of the 'Military Household' and the Minister of Defense a deep mistrust dominated the relations between the Moroccan royal family and the Royal Armed Forces (Forces Armée Royales—FAR). The posts of Minister of Defense and Chief of Staff were abolished. All matters relating to the FAR were reserved for the King, who is the Commander, the Chief of Staff and the Minister of Defense. Since the late 1980s, the attitude of the leadership to the FAR had softened considerably. However, in 1999 Mohamed VI surprised everybody by inviting the top military leadership to the ceremony of "Bay'a"—the traditional swearing of loyalty to the sultan. This inspired a number of analysts to see a gradual restoration of the role and influence of the FAR in Moroccan affairs. Indeed,

¹ Del Pino, 2004, p. 3.

² European Forum, 2005, p. 1.

³ European Forum, 2005, p. 1-3.

Muhammad VI has made further gestures in this direction. He replaced the Minister of the Interior and the civilian Director of the domestic intelligence service with military figures; he transferred the responsibility of his security to the military; and in January 2001 military pay was raised, with privates receiving the minimum national wage. A modernization of the FAR is reflected in Morocco's increasing participation in new activities such as peacekeeping, the fight against smuggling and illegal immigration, and the strengthening of defense relations with countries:

- The role of the FAR in international peacekeeping operations is significant. The final paragraph of the preamble to the 1992 constitution, amended in 1996, states that the Kingdom of Morocco "reaffirms its determination to work for the furtherance of peace and security throughout the world". This goal is also reflected, as from 1996, in the permanent deployment at brigade level in peace operations both for the UN and NATO.
- In 2002 the role of the FAR was given a higher profile in the struggle against smuggling in general and trafficking in undocumented immigrants in particular. Especially the Royal Moroccan Navy, although long considered the weakest arm of the FAR, undertook effective operations and increased in terms of influence. Its numbers have grown from 7,000 in 1997 to 10,000 soldiers.
- The FAR is heavily involved in training military officers in several African countries. Additionally, Morocco has deepened its cooperation with the US, France and Spain on defense matters and the FAR regularly holds military exercises and maneuvers with the armies of these states.

All these activities should sooner rather than later lead to a redefinition of the FAR within a state progressing towards further democratization. What some analysts see as the growing influence of military figures in Morocco should be seen as part of a natural process of change affecting an institution which was previously closed and even demonized as being unworthy of trust. The outcome of a recent debate about the reduction in headcount to bring the FAR in line with defense requirements on the average level of the region depends on a redefinition of the role of the FAR in the Western Sahara, which has been and still is the pretext for preserving an over-dimensioned military establishment.⁴

Police reform

Police reform has not been a priority for the Moroccan government. Moreover, police practice seems to have become more problematic with the increase of international terrorist activities in the new century. According to reports from human rights organizations, protection of civil liberties and basic freedoms have repeatedly been put into question in the name of counter-terrorism and torture and

⁴ Echeverría, 2003.

mistreatment of suspects more frequent.⁵ . The United States Department of State concurs that police impunity is a problem.⁶

Reversal of earlier practices for more respect for human rights began after the attacks in New York and Washington of 11 September 2001, and escalated significantly after 16 May 2003 bombings in Casablanca, Morocco's largest city. In the months following the May 2003 attack, police carried out massive arrests and home searches without judicial warrants, arresting at least 2,000 persons.

The internal security apparatus includes several overlapping police and paramilitary organizations. The National Police (55,000 personnel) and the Mobile Intervention Corps (5,000 personnel) are part of the Ministry of the Interior. The National Police includes the border and immigration services, which have responsibility for matters concerning the frontiers and immigration laws, and also contains the main federal investigative body, the National Brigade, which is responsible for investigating violations of the federal penal code, such as terrorism, organized crime, and white-collar crime. Other forces under the Ministry of Interior are the National Intelligence Service (DST, 8,500 personnel) and the Auxiliary Forces (25,000 personnel). The Royal Gendarmerie (29,000 personnel) is a paramilitary force reporting to the Ministry of Defense and is responsible for law enforcement in rural regions, including national highways.⁷

Legal Reform

Within the scope of a campaign against Islamic activism and illegal immigration that began in 2002 and intensified after the Casablanca bomb attacks in May 2003, legislation was passed concerning these matters. In May 2003, the parliament very quickly and unanimously passed the anti-terrorist legislation that had been rejected a few weeks before. The antiterrorist law very broadly defined terrorism as an act or acts intended to create fear and discord in society and threaten its safety.

In November 2003, the Government adopted the Law on Emigration and Immigration that provides for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. The Immigration and Emigration Act specifically prohibits trafficking in persons and levies stiff fines and prison sentences against those, including government officials such as border patrol and immigration officers, involved in or failing to prevent trafficking in persons.⁸

⁵ Amnesty International website at [http://hrw.org/english/docs/2005/04/27/china10549_txt.htm](http://web.amnesty.org/library/eng-mar/reports; Human Rights Watch website at http://www.hrw.org/doc?t=mideast&c=morocc; Human Rights Watch, Torture Worldwide, 27 April 2005, <a href=).

⁶ US DOS, <http://www.state.gov/g/drl/rls/hrrpt/2004/41728.htm>.

⁷ US DOS, <http://www.state.gov/g/drl/rls/hrrpt/2004/41728.htm>.

⁸ US. DOS, 2005, p. 1, 10.

Additionally, further progress was made concerning the democratization of Morocco's legal framework. On February 3, 2004, after years of opposition by conservative and Islamist groups, the flagship of King Mohamed's attempts at democratization, the reform of the conservative Family Code, could finally be implemented. The new Family Code significantly improved the legal framework for women's rights. Husbands and wives were accorded equal and joint responsibility for running the family home and bringing up children, and the wife's duty of obedience to her husband was rescinded. The minimum age of marriage for women was raised from 15 to 18, the same as for men, and severe restrictions were imposed on male polygamy. The right to divorce by mutual consent was established and unilateral divorce by the husband was placed under strict judicial control. However, provisions concerning inheritance rights, which widely discriminate against women, remained almost entirely unchanged. What effect these reforms will have on the ground will depend on the judiciary's ability to put them into practice.

Changes in the legislative framework that simplified working in the non-governmental sector have led to a more active civil society. Official estimates are that in 2004, Morocco counted some 20,000 to 30,000 associations working in the field of democratization and human rights.⁹ As a reaction to the disregard of the law that prohibits torture and instructs pretrial investigating judges, if asked to do so or if they themselves notice physical marks, to refer the detained person to an expert in forensic medicine, the Government announced in December 2004 a new draft law to criminalize torture, to include severe physical and mental pain and suffering. If approved, the new law would define torture in accordance with the International Convention Against Torture. It also proposes civil penalties and fines for those who encourage, accept, or hide such incidents. Under the proposed law, anyone convicted of torture would face 5 to 30 years in prison, and a fine of US \$1,100 to \$3,300 (10,000 to 30,000 dirhams).¹⁰

Judicial Reform

The Constitution provides for an independent judiciary; however, the courts are frequently subject to extra-judicial pressures, including government influence, and some members of the judiciary are corrupt. A first hesitant initiative to reform the justice system was made in December 2002. The King established a non-judicial ombudsman whose aim was to consider citizen allegations of governmental injustices and thereby ensure respect for the rule of law and justice. Efforts to increase the rule of law and to end corruption continued with very limited success. In a July 2004 report, Transparency Morocco described bribery of officials, including the judiciary, as a grave impediment progress. Based on corruption charges, the Supreme Council of the Judiciary initiated disciplinary proceedings

⁹ European Forum, 2005, p. 4.

¹⁰ US DOS, 2005, pp. 2-3.

against 14 judges and eventually dismissed 2 of them and retired 4 more judges in August 2004.¹¹

In anticipation of the proposed reforms to the Family Code, family courts were established to adjudicate divorce and child custody cases in October 2003. These courts address family issues for Muslim citizens. Therefore, judges were trained in Shari'a law as applied in the country. By February 2004, 160 judges had completed training and the Government reported that 20 family courts were operational. Plans call for the establishment of 70 family courts with 1 for each province.¹²

As a new instrument of justice, the Moroccan Human Rights Advisory Council set up the so called Equity and Reconciliation Commission in January 2004, to look into the reign of King Hassan II, and to "close the file on past human rights violations". During King Hassan II's regime, political prisoners, "disappearances", torture and violent repression were widespread. One of the tasks of the Equity and Reconciliation Commission is to complete payment of compensation to victims of these "disappearances" and arbitrary detention, which occurred between the 1950s and 1990s. Besides this, the Commission is also charged with providing other forms of reparation to enable victims to be rehabilitated and reintegrated into society, and with proposing measures to prevent recurrence of such human rights violations. By December 2004 the Commission had received requests for reparations concerning more than 16,000 victims. Another important task of the Commission is to establish the fate of hundreds of people who "disappeared" and, in the case of those who died in detention, to locate their remains. During the year 2004 the Commission collected testimonies from relatives of the "disappeared" and organized public hearings, in which dozens of witnesses and victims presented their testimonies. However, no actual steps were planned to bring to justice those responsible for "disappearances" and some supposed perpetrators were even allowed to remain members - or even high-ranking officials - of the security forces.¹³

Penal Reform

After a needs assessment mission in 1998, and following discussions with the Moroccan authorities, a reform program was launched by Prison Reform International (PRI), with special focus on juveniles in detention. PRI's action in Morocco focused on two aspects of prison staff training:

- training of staff in detention centers and
- strengthening of the national prison staff training center.

¹¹ US DOS, 2005, pp. 5, 11.

¹² US DOS, 2005, p. 5.

¹³ European Forum, 2005, pp. 3-4.

A constant concern has been to include civil society representatives in as many activities as possible. The first aspect of the program aimed at strengthening the capacity and ability of the staff to work and improve communication with children in conflict with the law. This included training workshops for staff and NGOs on the treatment of juveniles in detention, and strategic planning to help them carry out self-assessments, with reference to international standards, on the situation of each center, to identify problems and needs, to propose concrete short and medium-term solutions, and to measure the progress made regularly in order to modify and complete their plans of action. Furthermore training workshops for medical staff working in juvenile detention centers and prisons, on human rights standards related to health and treatment of detainees, and practical aspects of medical care in prison. The participants also developed practical tools, and plans of action to fight tuberculosis and scabies, which remain the two most widespread diseases in adult and juvenile detention centers. Moreover, training sessions were provided for the staff of juvenile detention centers and NGO members on how to facilitate activities and carry out social work with children in detention. The idea was to use drama techniques and various forms of expression to help participants consider and understand differently their tasks in their daily work and relationships with juveniles. Participants learnt ways of resolving conflicts, based on dialogue, respect and tolerance, through better communication with juveniles, with their colleagues, management and outside partners. The training activities were combined with material support, to contribute to improving the day-to-day life in the centers. The second aspect of the PRI program consisted of strengthening the new national training center for prison staff, and its human and material resources, so it could play a key role in the reform process. Pedagogical and methodological expertise were provided to help the development of adapted training curricula and tools, and training of trainers was carried out to form a core of local specialized professionals to enrich the center's network of trainers.

The initiative of PRI was part of the broader efforts undertaken by the Moroccan government to improve conditions of detention for all prisoners and to reinforce prison staff training and competency. These concerns were publicly and strongly demonstrated over the years through several significant measures, i.e. the reform of the Prison Code in 1999 and of the Penal and the Criminal Procedure Codes in 2003; the appointment of specialized judges and institution of courts for juveniles; the setting up of a National Training Center for Prison Administration staff; and the creation of the Mohammed VI Foundation for the rehabilitation of prisoners and juvenile offenders.

The Moroccan Ministry of Justice was assisted in its reform efforts by civil society actors and local NGOs. Human rights NGOs, concerned with prison conditions since the years of repressive government, reviewed and developed their activities on the basis of the new political context. Developmental and thematic associations like those working on general or human rights education directed some of their activities towards detainees. Two new and specific associations were created:

the Association of Friends of Reform Centers, to provide direct assistance to juveniles in detention; and the still young and dynamic Moroccan Prison Watch, which began with visits to prisons, publication and dissemination of critical reports, and is now evolving from purely denunciatory actions to include activities involving dialogue and cooperation with the authorities. At the same time, bilateral and multilateral cooperation projects with foreign countries and international governmental organizations, as well as projects with international NGOs which intervene directly or through local associations, have developed considerably over the past years. Amnesty International i.e. provides human rights training to prison officials and medical personnel.¹⁴

Customs and border control

Morocco has enlarged and restructured its customs and border control operations for over a decade under strong pressure and with support from the European Union. The main impetus has been tighter control of immigration but the fight against smuggling of goods and corruption within the relevant organizations have also been strong motivations.

Changes have focused on better training of officials, improvement of procedures, decentralization of functions, introduction of modern information technology and better internal audit. The relevant laws were changed to reflect the emerging practices.¹⁵

Border behavior of border patrol police remains a problematic issue. There are reports of excessive use of force by both Spanish and Moroccan border patrols¹⁶. On 29 September, five migrants were killed, apparently by gunfire, as a group of over 500 people rushed the fence at Ceuta. The European Union sent a technical mission to assess the situation and investigate options for support in October 2005. Earlier, the European Commission had agreed to supply technical assistance, including training and equipment, valued at €40 million. The mission recommended to accelerate the delivery of the assistance and increase its scope.¹⁷

Conclusions and SSR outlook

Since 1999, Morocco has carefully evolved from an autocratic monarchy to a more open and more democratic political system. King Mohamed VI and his government show a strong will to reform the security sector. The debate on issues of security and defense even involves large sections of the population, from the media to political parties and includes numerous non-governmental organizations.¹⁸ The

¹⁴ Romdhane 2004, p. 68–71.

¹⁵ De Wulf and Sokol, 2004, pp. 33–45.

¹⁶ Human Rights Watch, 2005.

¹⁷ European Union, 2005a; European Union 2005b

¹⁸ Echeverría 2003, p. 15.

attitude toward international human rights organizations depends on the sensitivity of the areas of the NGO's concern, but the Moroccan government generally was cooperative on security issues such as disappearances and abuses by security forces.¹⁹

A rather untreated field seems to be the behavior of the various Moroccan police forces, in which bribery and smuggling are prevalent. The only initiative concerning that problem mentioned in the literature on SSR in Morocco is an operation conducted against the involvement of police forces in smuggling rings and police corruption in the northern regions of the country in 2004. There is no evidence of problems within the military and the FAR itself engages in the training of military staff in other African countries and in several peacekeeping operations of the UN and the NATO. However, what remains a significant problem despite a longstanding reform program are the prison conditions. They are extremely poor, and generally do not meet international standards. A lot remains to be done in this field, especially to reduce both prison overcrowding and the use of imprisonment.²⁰

An opposite effect on this and on other democratic reforms concerning the security sector resulted from the May 2003 terrorist attacks in Casablanca. In the aftermath of the attacks, authorities detained several thousand persons for possible involvement with terrorist groups. Since May 2003, the number of charges by human rights organizations of torture, mistreatment, incommunicado detention, and denial of rights during the judicial process of detainees has greatly increased. The Moroccan government generally rejected these allegations. But its main challenge is to contain Islamist terrorism while respecting democratic rules.

¹⁹ US DOS 2005.

²⁰ US DOS 2005; Romdhane 2004, p. 70–71.

References

- Del Pino, Domingo, 2004. "Terrorism in Morocco: a security concern for Spain." At <http://www.realinstitutoelcano.org/analisis/imprimir/455imp.asp>.
- Echeverría, Carlos, 2003: "The Role of the Royal Armed Forces (FAR) in Modern Morocco". Available at <http://www.realinstitutoelcano.org/-documentos/imprimir/68imp.asp>.
- European Forum, 2005. "Morocco Update." 09 August. Available at: <http://www.europeanforum.net/country/morocco>.
- European Union, 2005. "Visit to Ceuta and Melilla", Mission Report. Press Release, 19 October.
- _____, 2005b. "Technical mission to Morocco on illegal immigration". 7-11 October. <http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/05/380&format=HTML&aged=0&language=EN&guiLanguage=en>
- Human Rights Watch, 2005. Press Release, 13 October. Available at <http://hrw.org/english/docs/2005/10/13/spain11866.htm>
- Romdhane, Dalila, 2004: "Supporting Penal and Prison Reform in North Africa: Algeria and Morocco" in: Chris Ferguson, Jeffrey O Isima, (eds.). *Providing Security for People: Enhancing Security through Police, Justice, and Intelligence Reform in Africa*. Available at http://www.gfn-ssr.org/edocs/gfn060_pfsp2.pdf.
- United States DOS, 2005. "Morocco. Country Report on Human Rights Practices 2004". Available at <http://www.state.gov/g/drl/rls/hrrpt/2004/41728.htm>.
- De Wulf, Luc and José B. Sokol, 2004, (eds.) *Customs Modernization Initiatives*. Case Studies. Washington, World Bank.