Real
Instituto
Elcano

ari

Current Moroccan Anti-Terrorism Policy (ARI)

Jack Kalpakian[*]

Theme: Legal, social and religious reforms shape Morocco's counter-terrorism. Though the policy has worked, in general, there have been reversals with human rights shortcomings and corruptions which affect these reforms. Returning to reform in counterterrorism should involve the Moroccan public.

Summary: This paper argues that Morocco's counter-terrorism policy, which involved legal, social and religious reforms, has worked, in general. Nevertheless, there have been reversals with each policy area with human rights shortcomings and corruptions working to undermine the pace and rate of reforms. These accumulated reversals eventually fed the 20 February 2011 social movement which forced a return to more active reforms. There are certain default patterns of thought present among some in the country that could create a political opening for the convicted terrorists and their sympathisers. To help, the outside world needs to proceed in a manner that includes the Moroccan public. The Moroccan government is aware broadly of the problem and has offered a package of reforms.

Analysis: Morocco follows a complex anti-terrorism policy borne largely out of the state's reactions to the events of 16 May 2003, when a group, later found to be associated with al-Qaeda, attacked a number of sites in the city of Casablanca with home-made suicide bombs, killing about three dozen people including most of their own. The terrorist attacks of that day continue to shape anti-terrorism policy, broadly speaking, although with some recent and significant modifications. The strategy adapted after 16 May 2003 included an anti-terrorism law, social assistance programmes and a reform of the religious sector. In each of these three sectors there have been both successes and failures.

In general, the anti-terrorism law 03.03 has worked well to prevent further attacks. Unfortunately, it has become the target of attacks by both human rights activists and Islamists who believe that it is being used unfairly. Among the arguments raised by this paper is that the law itself is not the issue, but rather excesses that are believed to have been committed in law enforcement. Concerning social reforms, these were well intentioned and appear to have made some dent in reducing certain forms of substandard housing. Finally, the religious reforms included better education and female inclusion in the religious establishment, but these positive changes were coupled with the reassertion of a state monopoly on religion, with negative consequences for religious dissidents, often *Wahabb*i or *Shiite.* From a purely security perspective, the policy was effective because it reduced the number of attacks and prevented the transformation of Morocco into an open territory for al-Qaeda, like Algeria and Mauritania. On the other hand, some of the effects of these policies are held to be negative by segments of the nascent pro-democracy movement of 20 February 2011.

[*] *Associate Professor of International Studies at Al Akhawayn University Ifrane, Morocco.*

This brief study is divided into six sections: (1) an examination and discussion of Law 03.03, highlighting its strengths and weaknesses; (2) an examination of some aspects of Moroccan social welfare laws, particularly with regard to housing, and an assessment of their impact on terrorism as well as their larger social effects; (3) an analysis of the post-16 May changes in religious policy in terms of their strengths and weaknesses; (4) a look at the criticism of the combined policy levelled by the 20 February 2011 movement as well as by human rights activists and Islamists; (5) en evaluation of the positions of both the state and its critics and a review of the Marrakech attacks of 28 April 2011; and (6) some reflections and questions that can help shape future policy both in Morocco and for the country's friends and allies abroad. The paper concludes with some thoughts concerning terrorism in a Moroccan context.

Elsewhere, I have argued that the ultimate root of the problem is the failure of Moroccan education in terms of teaching critical thinking along with citizenship skills, despite the best efforts of those creating the curriculum; the condition of Islamic education in the public schools is also particularly dire. Teachers feel marginalised by an administrative apparatus not structured to listen to their concerns on one side, and by a minority of *Wahhabi*-leaning but often vocal parents on the other side. They often discover the changes in the curriculum when the students bring in their new books at the beginning of the school year, and often they are not prepared to teach the new material. In addition, the subject of Islamic studies is often disregarded in terms of its importance by students, who feel that there are better investments for their time or alternatively choose to ignore what they are supposed to learn at school, because they feel that as Muslims there is nothing more that they need to know about the faith. It is this weakness of the educational system that creates an opening for those who recruit youths into their own versions of and perspectives on Islam, but for the purpose of this study the security focus is more immediate and those things that can be influenced by external actor in terms of support and funding are emphasised in the policy recommendations.

As with all questions involving Morocco, but perhaps particularly in terms of Spanish readership and audiences, it is important to emphasise that the central question of sovereignty over the former Spanish Sahara and all its related issues are outside the ambit of this work. This paper focuses on the counter-terrorism policy in Morocco with regard to Moroccan branches/versions/franchises of al-Qaeda in the Islamic Maghreb (AQIM). It does not address possible charges of terrorism either by Morocco towards POLISARIO or vice versa. POLISARIO is not classified in the same category as AQIM in Morocco in Moroccan discourse. While some may believe that there are some overlapping areas between the question of the Sahara and terrorism in terms of human rights considerations, the discussions related to human rights in this work will be limited to the human rights of the victims of terrorist attacks and the rights of those accused of committing such events. Readers are invited to view this issue as separate from the Sahara question.

Law 03.03
Passed only two weeks after the attacks of 16 May 2003, Law 03.03 was issued by Royal Charter and published in the Moroccan official journal on 29 May 2003. The law took the form of a Royal Charter (*Dahir*) and was for all intents and purposes the first of its kind in the country; it was written in some haste. The law contains a broad definition of terrorism, including its incitement, the provision of jurisprudential justifications for it and other activities supporting it such as pamphlet distribution and display. It sets penalties for active participation in terrorism, including a minimum 10-year sentence; terrorist activities

leading to injury mandates life prison and terrorism causing death leads to a death sentence, which has not been carried out since 1986. The law also allows an abbreviated wire-tapping procedure and the seizure of property used in terrorism and a 12-day administrative detention period for terrorism suspects.

In terms of its actual effects, the law played a vital role in dissolving many cells since its establishment. The wire-tapping provisions were essential in containing the AQIM cells that had survived the crackdown after the 15 May 16 2003 attacks. In March and April 2007, the state and AQIM played a very dangerous cat-and-mouse game in the popular neighbourhoods of Casablanca and many deaths were prevented through the ability of the government to rapidly tap the cell-phones of suspects; the cell's collapse began with a chance arrest of a suspect and the rapid tapping of his cell-phone communications. The law allowed the state to seize the initiative and bring the fight to the AQIM branches in Morocco, and there have been no direct AQIM attacks since April 2007, while many cells have been dismantled.

From the beginning, the law never lacked critics. It was seen as an infringement of human rights and many of its provisions were seen as a threat to the democratisation movement that was active in the country. The Moroccan Association for Truth and Equity, a private human rights organisation, opposes the law on the ground that pre-existing criminal law covered nearly all the issues that are related to terrorism. The law is under attack by those sympathetic to the Islamist movement in general and particularly by the organisations advocating the release of the terrorists involved in the 16 May 2003 attacks. These are organised by the families of the prisoners as well as by those empathising with their goals. The name used by the umbrella movement is titled the 'Front of the Prisoners of Opinion and Doctrine'. The front is active and its statements can be found online at http://sawtala7rar.blogspot.com/. The inclusion of the word 'doctrine' refers to the position taken by some of the terrorists in the Moroccan courts, where they did not deny wrongdoing, but rather insisted in court and in their own texts that they had the right to attack the rest of society.[1] The rather unusual position of standing next to the imprisoned terrorists, particularly for mainstream Islamist politicians like Mustapha al-Ramid of the Party of Justice and Development (PJD), has been rationalised by the insistence of the PJD that the attacks were 'mysterious' and that the accused are being targeted for their ideology; the statements, in court, of the convicted attackers have been set aside –for political reasons in all likelihood–.

It is noteworthy that the law does not allow torture, but the prisoners attempt to portray it as such in the videos on their website. The broader question of human rights in Morocco is of course legitimate, but it is very difficult to accept as legitimate the portrayal of the law as authorising torture. In many ways, the convicted terrorists are trying to alter the playing field for their colleagues outside, and it very difficult to accept their charges at face value, given their self-acknowledged hostility towards the other, including the rest of Moroccan Muslim society. That such videos could be made, placed on the Internet by a sophisticated organisation and support drummed up for the prisoners outside undermines their portrayal of Morocco as a country totally lacking in the rule of law. There are, of course, human rights violations, and these are acknowledged to exist by the government, but would the prisoners themselves sign a pledge to respect the human rights of women, non-believers and others?

---

[1] Z. El Mailoudi, M. Fezazi, A.K. El-Shadali, and O. Hadoushi, in A.A. Bouradwan El-Idrissi (2003), 'Religious Extremism in Morocco, its Social Origins and Theoretical Underpinnings' [in Arabic], *Wajhat Nazr*, nr 21, Winter, p. 47-48.

Some of the prisoners were released, including the Islamists tied to the Belliraj cell (the Umma Party and Civilisational Alternative Parties), but the principal figure of that group seems to be excluded from considerations of release. These prisoners were affected by evidence partially obtained through Law 03.03. In their particular case, the Moroccan Human Rights Organisation, a private outfit, expressed reservations about some of the evidence. One solution would be an oversight board or authority to supervise the human rights compliance of the security services. A fair assessment would be that the law needs to be modified to ensure human rights compliance, and to some extent this is a process that appears to have started with the replacement of the Advisory Council on Human Rights by a National Council for Human Rights, a body that will have the ability to supervise other government agencies regarding compliance with Morocco's international human rights commitments.

Social Programmes
The AQIM attacks in Morocco had little or no economic motives. The location of 'cause' in their study lies in their ideological perspective that condones and promotes the use of violence against the other. Nevertheless, there is also a consensus concerning the role of economics –while poverty does not cause terrorism, it 'enables' or 'exacerbates' it–. About a year and half after the attacks, Morocco launched a National Initiative for Human Development (INDH). The programme was announced by the King and was discussed as lasting achievement for 'a reign'. It had a four-year initial period with a budget of about US$1.2 billion. The programme concluded last year, and its results are mixed. From the beginning, it faced the risk of being undermined by the high level of centralisation of decision-making in the country and, because it was run by boards separate from local governments, there were issues of accountability and patronage.[2]

The INDH is seen as a programme that has helped, although it cannot be said to have achieved all of its goals. The housing programme, on the other hand, was very popular, despite the criticism it received from leftists and liberals alike. The whole housing sector's reputation has been undermined recently due to a wikileaks cable outlining the US Embassy's assessment of 'appalling greed' of some of those connected to both the government and the real estate sector; these persons' names appeared explicitly during the protests as foci of the protestors' complaints about political life in the country. Nevertheless, there are many apartment buildings that are being built with government support, with units being sold at reasonable prices to poor families under generous loan programmes. Using housing programmes to reduce the propensity of people to despair is not a bad approach to terrorism, but as with Law 03.03, there may be a need to examine review mechanisms. It appears that the housing programme started with the best of intentions –reducing the sting of poverty and with it the despair that can be seized by the violent sectors of the Islamist movement–, but the programme was used at some stage to enrich some firms at the expense of the taxpayers. Introducing elements of participatory open decision-making and transparency may help cement the housing programme as well as the next step in the INDH programme should another round of programmes be forthcoming.

Religious Reforms
The religious reforms embarked upon during the last decade include the introduction of female religious workers, *murshidates*, more stringent requirements for imams and

---

[2] Malka, H., & J. Alterman (2006), *Arab Reform and Foreign Aid: Lessons from Morocco*, CSIS Press, Washington, http://csis.org/files/media/csis/pubs/malkamoroccobook4webuse.pdf (accessed 9/IV/2011).

preachers in terms of academic training and a number of television and satellite stations that promote the official Moroccan version of Islam. *Sufi* Islam was encouraged, especially the forms that are compatible with mainstream Sunni *Malki* tradition. There is also a new programme to help religious workers get familiarised with foreign languages and social sciences at Al Akhawayn University. The clerics were selected and the programme created with consultations with colleagues who study religion academically overseas. At the same time, the state reasserted its monopoly on religion, and it did so through a policy of shutting down *Wahhabi* and *Salafi* schools of religion, Dar Quran, that had hitherto operated without interference. Some of these schools were used to recruit AQIM cells; the *New Morabitin* was recruited in such a school; the cell included eight young seminarians and intended to attack Jewish targets in Morocco. The discovery of that cell along with some very public statements by a *Salafi* cleric Mohammed El-Maghraoui, about the importance of marrying off nine-year old girls, provided the impetus for the state's campaign against the Quranic schools.[3] The clampdown against these Sunni fundamentalists looked out of place in a country that is officially Sunni, so the tiny Moroccan Shiite community was also pressured.

A fair assessment would find that the government's religious policy included many positive elements. The religious field did indeed need reform, especially with regard to the education provided to clerics. There was also a need to provide a Moroccan perspective in a field crowded with satellite and television channels that promote the perspectives of Saudi Arabia and the Persian Gulf states. The support accorded *Sufi* Islam as part of the religious policy is also a positive development, because this particular aspect of Moroccan culture was ignored in the past. These measures would introduce Moroccans to perspectives on Islam that are not conducive to the message of AQIM. Unfortunately, the proverbial fly in the ointment is the basic issue of the right of citizens to believe whatever they want –a right which has seen setbacks in 2009-10–. The problem is compounded by the use of *Salafi* and *Wahhabi* hermeneutics and analytical methods in traditional Moroccan religious academies in addition to the official *Malaki* and *Asha'ari* approaches. Furthermore, *Wahhabi* ideas have been present in Morocco since the reign of Moulay Slimane in the first quarter of the 19th century.

Moulay Slimane, regarded by many as a cleric and an Islamic scholar first and a Sultan second, introduced *Wahhabi* ideas into Morocco and to some extent, they have had a minority following since then –particularly among those interested in using them as a methodology to read Islamic scriptures–.[4] There are no statistics on the number of Moroccans who follow the *Wahhabi* approach to Islam, but it is certainly a small percentage of people, including some of the Moroccans who spent time in the Gulf along with those attracted by the discipline demanded from the believer in the approach. Unlike the very positive step of providing alternative views of Islam that contain Moroccan perspectives, the attempt to clamp down on religious difference, particularly with the *Wahhabi* movement can be very counter-productive and at the end of the day such steps might actually increase the popularity of these movements and render them more capable of recruiting young men with desperate thoughts and ideas. In his 9 March 2011 speech, the King addressed this issue twice, first when he described Morocco as an 'Islamic state

[3] S. Hemimat (2009), 'A Chronology of the Islamist Scene in Morocco in 2008'. in *Halat al-Maghreb: 2008-2009* [The Condition of Morocco: 2008-2009] [in Arabic], Strategic Portfolios nr 5, Wajhat Nazr Publications, Rabat, p. 103-111.

[4] F. Ghoulaichi (2005), *Of Saints and Sharifian Kings: Three Examples of Politics Re-imagining History Through Reinventing King/Saint Relationship*, Master of Arts Thesis, University of Maryland, College Park, http://drum.lib.umd.edu/bitstream/1903/2649/1/umi-umd-2561.pdf (accessed 9/IV/2'011), p. 29-39.

that guarantees freedom of worship', and secondly when he discussed human rights broadly:

'Consolidate the rule of law and the institution-based State; expand the scope of collective and individual freedoms and guarantee their practice; promote all types of human rights – political, economic, social and cultural rights as well as those relating to development and the environment– especially by inscribing, in the Constitution, the Justice and Reconciliation Commission's well-founded recommendations as well as Morocco's international commitments in this domain'.

The Return to Reform: 20 February 2011
There are three broad patterns to Morocco's counter-terrorist efforts and the sophisticated reforms that accompanied them. In each of the three areas, the reforms began as part of the government's response to terrorism and its postulated causes and enabling circumstances. In each case, the reforms were appropriate and well directed from the start. With each case, there is a tendency to either over-reach or to go beyond the original goals of the reforms. The bureaucracy probably began to use the spectre of terrorism-feeding shantytowns, religious diversity and excessive civil liberties to justify the increase of its own power and wealth at the expense of the democratisation and liberalisation programmes that were in place between 1995 and 2010. The events of 20 February 2011 have forced a return to reform. On that day, the events sweeping the Arab World and Morocco's vulnerability to them brought forth a political movement that is openly asking for the return to reforms, political democratisation and parliamentary constitutional monarchy.

While the 20 February movement started as a youth initiative using social media technologies like Facebook and Twitter, it was soon joined by a major Islamist force in Moroccan society: the anti-AQIM, non-violent and oppositionist Justice and Charity movement. It also acquired the support of left-wing forces outside the government as well as some labour unions; leftist parties in parliament as well as parliamentary Islamist opposition saw their youth wings march with the protestors in defiance of party elders. In a surprising move, there were leading businesspeople also protesting, including persons known to have served government decision-makers in advisory capacities in the past. The movement soon morphed from youth protest to a national movement seeking the transformation of the Moroccan political system. The state's response was and had to be mixed to a large extent, but on the whole, the Moroccan state responded by initiating the deep reforms that the protestors were calling for, including a new constitution and a more participatory liberal democratic order. In such a drive for democratisation, files like those of the AQIM prisoners and counterterrorism were bound to be reviewed, and some prisoners may be released if they are shown to have been victims of an official over-reaching himself.

In terms of terrorism policy, it is unlikely that Law 03.03 will be suspended, but it is very likely to be amended in a manner that provides some human rights protections for the accused as well as safeguards to prevent the use of terrorism as a political tool against otherwise innocent persons caught on the losing side of political and economic struggles. If successful, the reform movement is likely to enhance the quality of the anti-terrorism effort, but there is a risk that some persons who have openly acknowledged their beliefs in the legitimacy of violent jihad against others will take advantage of the reforms and attempt to return to mayhem.

Assessing the Position of the State and its Critics After 28 April 2011
The debates surrounding the laws and the state's counter terrorism effort have increasingly taken a surreal tone that virtually disregards the very real threat that the country faced from AQIM until April 2007 –which is very recently–. While every judicial system needs to be cautious with terrorism cases, the convicts in the AQIM-related cases in Morocco were largely convicted on the strength of their own testimony and their own insistence that they had a right to wage war on the rest of society. Their convictions were not ones that the state needed to coerce or generate. Yet there are those who insist that the prisoners are in Moroccan prisons as a favour to the West and to the US rather than for their own deeds and words.

To a large extent, the Islamist movement, broadly speaking, sees in these prisoners a useful political tool to embarrass the state and gain further concessions from it. They are also used by the instinctively anti-Western and anti-American segments of the Moroccan media. This form of political utilisation of the prisoners can be countered, and probably will be countered, by a victims' rights movement –and an attack could be used against the nonviolent segments of the Islamist movement–. In short, there are legitimate human rights and due-process considerations that must be addressed. This was implicitly acknowledged in the 9 March 2011 speech. There are also crimes that were committed against Moroccans and foreigners by the violent segments of the Islamist movement, and using the convicted terrorists as a political issue to discomfit the government will not, in the mid and long terms, be a positive development for either the Islamist movement or for democracy in Morocco, because such a position assumes that there is a 'good' form of violence that must somehow be excused.

It is precisely in this light that the position of the Moroccan state and its critics needs to be examined concerning the attack of 28 April 2011 in Marrakech. The attack took place at 11:55am at the Argana Café on the popular *Djemma el-Fna* square in Marrakech. The attack was carried out by a remotely detonated bomb –of a type and pattern used by AQIM, according to the Moroccan Minister of Interior–. The explosive device used (ammonium nitrate fertiliser with atriacetone triperoxide detonator) resembles the devices used in the London attack of 2005. The attack was not a suicide attack, and 16 persons were killed, including five Moroccans. There were seven French and two Canadian victims among the dead. In addition, there were about two dozen people injured. To date, there has been no avowal of responsibility for the attack, and this may be due to the ongoing disruption of al-Qaeda in general after the death of Osama Bin Laden in Pakistan. Nevertheless, a group of accused al-Qaeda operatives arrested in Germany appears to have celebrated the attacks, suggesting that they may have been aware of them in advance.[5] The primary suspect arrested for the attack, Adil Othmani, appears to have been attempting to join al-Qaeda in Iraq and is said to have pledged allegiance to al-Qaeda despite having had no direct operational ties to the organisation. Expelled from Portugal, Libya and Syria, he appears to have repeatedly attempted to join al-Qaeda and finally decided to engage in violence directly. He lived, along with the other main suspects, in Safi –a city on the Atlantic coast known for its fishing and canning industries–. He re-enacted the attack for the police, thereby providing an implicit confession; on its various websites, AQIM denied direct responsibility. Unfortunately, these revelations have not reduced the din of conspiracy theories surrounding the event.

---

[5] 'Germany Bomb Plotters under Al Qaeda Orders', BBC, 30/IV/2011, http://www.bbc.co.uk/news/world-europe-13248107 (accessed 5/V/2011).

There are several reasons to dismiss the inevitable charges of conspiracy by nefarious forces trying to stage the bombing to derail the movement towards democracy in Morocco. The first is the inevitable involvement of foreign governments when their citizens are murdered. Secondly, at this juncture, those who have shaped and influenced policy in Morocco during the last three years are under severe criticism, and the last thing they need is to risk their remaining political capital and influence with such an attack. Finally, the attack may indeed be directed against the democratisation movement, but the attackers need not be those who stand to lose from democratisation under the current system. AQIM and associated movements have a vested interest not only in preventing democratisation in Morocco but in rolling back the gains achieved under the earlier era of democratisation. They stand to lose everything should the country undergo a successful democratic transition, because they will no longer be able to claim that the government does not represent the people or that it does not have their best interests in mind. Counterterrorism and human rights must be enacted together in order to prevent further recruitment and gains for AQIM. Government policy reflects an awareness of this. Statements issued by the Islamist Party of Justice and Development (PJD) condemning the attacks emphasised the use of the rule of law and respect for human rights as cornerstones of the counterterrorism effort.

Policy-Oriented Reflections
The 28 April 2011 attacks show that it is important for outside actors to support Morocco in both its anti-terrorism efforts and in its attempts to reform its political system. The country's performance in one of these two areas depends on its performance in the other. Simply put, the questions that must be raised about outside assistance involve not only economic and material support, but active work in terms of addressing some of the deeply-entrenched prejudices within the opinion-shaping elites in the media. The questions that those providing support for Morocco need to ask themselves are:

- How can the public be made aware of the support given to the transition process in Morocco?
- To what extent can the Western states provide training for the Moroccan security forces in both the law-enforcement and human rights dimensions of counterterrorism without appearing to dictate policy?
- What are the links between Western states and Morocco like in reality? Are they, as some in the Moroccan media enjoy portraying, really a relationship of subservience?
- To what extent have European and North American policies concerning certain classes of goods, in which Morocco enjoys a comparative advantage, led to undue economic stress, including unemployment?
- How can support for improving education be provided without being seen as intruding on the country's core values?
- How can European and North American states recruit their resident Moroccan and dual citizen communities to reduce the drumbeat of occidentalist prejudice in the Moroccan press? For example, one very popular journalist cannot seem to refer to the US without invoking animal imagery, inflammatory language or demonology.

Conclusion: The events of 16 May 2003, March-April 2007 and 28 April 2011 led to the burial of Moroccan exceptionalism in terms of vulnerability to terrorist activities and attacks. The country was very vulnerable in part because it was relatively open and had a wider range of personal freedoms than its peer states. In the long run, that higher level of openness provides a country with a better level of protection than can be provided by a brittle police state. Yet the power of denial is something that many, including the author, have discounted, while there are still substantial segments of the public who desperately want to believe that the AQIM attacks in Morocco were the work of some nefarious conspiracy, because they are, at least in part, attached to Moroccan exceptionalism. Moroccans, with their more open versions of Islam, were held to be incapable of carrying out such actions. As a result of this belief, there is political hay to be made from the 'plight' of those convicted of terrorism. Morocco's policies, despite their admitted shortcomings, worked in terms of counterterrorism, but they were implemented without the public being able to take ownership of them, so the same policies faced diversion for parochial interests as well as eventual political questioning. Returning to reform in counterterrorism in Morocco will mean involving the population more deeply through active information, dialogue and participation.

Jack Kalpakian
Associate Professor of International Studies at Al Akhawayn University Ifrane, Morocco