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# MOROCCAN NATIONAL MEDIA BETWEEN CHANGE AND STATUS QUO

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## About the Author

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## Executive Summary

The pro-democracy protests of the Moroccan Spring provided the national media with an open season that could not last long. Then, entrenched ‘untouchable’ topics were debated in the public realm, including those related to the King’s centralised power; today, journalists work in a climate of control over the media fuelled by anti-terrorism slogans and the popularisation of the model of the journalist as defender of the status quo, in the name of ‘patriotism’.

The Moroccan national media witnessed several short phases of openness, which could not survive the regime’s tactics and its adoption of a hostile stance towards media freedom. These controlled phases of media openness were sporadic and could not provide sustainable conditions to consolidate new investigative practices among journalists.

Despite a new political dynamism, the great diversification of topics tackled by journalists, and the development of investigative reporting on citizens’ daily problems and needs, the resilience of constitutional taboos – the monarchy, Islam and the territorial integrity of the kingdom – made the impact of these developments limited.

Essential media rights are recognised by the new Moroccan constitution of 2011, but lack clear definition, are short of international standards and are often negated by the many exceptions to them. Frequent legal cases against journalists, on the basis of libel or anti-terrorism dispositions, act as strong instruments to deter journalists from challenging entrenched taboos.

Moral denigration of critical journalists and rights activists – via legal cases based on private affairs or media spin – is used as a recipe to reduce them to silence and to isolate them socially. The use of legal sanctions and economic boycotts against independent media projects means that these projects are unsustainable.

The political and ideological polarisation of the national media acts as a double-edged sword: while it is widening the scope of diversity of views and invigorating plurality in the public space, it is exacerbating the use of the national media for spin and rumours, with the race for the sensational becoming a major feature of media production.

Continuous shifts and mutations in the traditional national media are aggravating the fragility of journalists’ already volatile working conditions. The lack of opportunities for professional advancement and weak job stability are encouraging a wave of migration to other professions.

Today, self-censorship habits are widespread, and journalists fear retribution not only for what they produce but also for their political views. With media investment linked to political and ideological agendas, engagement in support of democratic values is not a priority for Moroccan journalists.

## Key Findings

- The new constitution consecrated some basic media rights. However, the wide gap between written constitution and practice makes the process of media liberalisation an incoherent one, with contradictory trajectories.
- The resilience of ‘sacred’ taboos limits investigative reporting to politically correct topics, away from those at the heart of power. The lack of a regulatory structure that protects the informal media openness makes it a fragile structure, prey to the regime’s tactics.
- The new dynamism in the political sphere is reflected in media polarisation, acting as a mirror of the struggle between conservative and modernist trends in Moroccan society. Although it widens diversity in media output, this polarisation is fuelling trends towards populism and sensationalism.
- Investigative reporting cannot realistically thrive in the current environment of media control. The combination of legal sanctions, exorbitant fines and economic boycotts acts as a serious impediment to independent reporting. Entrenched habits of self-censorship and fear of change among journalists make them reluctant to move beyond reverential reporting.
- The use of moral denigration against critical journalists and civil rights activists, through legal cases based on private affairs, largely viewed as politically motivated, muzzles critical reporting. The reputational damage suffered by these journalists can be more effective than prison sentences in silencing them.
- Social media and online news contribute to countering the hegemonic discourse of traditional media, with some Facebook pages being used as vehicles for political change. However, the use of these platforms for the regime’s propaganda, defamation and spreading of rumours also puts in question their role as an engine of democratic change.

## Introduction

The development of the Moroccan media industry mirrors the historical, political and social dynamics in the country. The history of the Moroccan media indicates an endemic instability, with sporadic cycles of openness and closure, depending on the regime's tolerance and its need to survive modernisation challenges.

The 2011 pro-democracy protests of the 20 February movement injected a new energy into the Moroccan national media, encouraging journalists to debate and to challenge historical constitutional taboos. However, the limited scope and impact of this movement hampered the consolidation of these trends. The recent ongoing crackdown on critical reporting is reducing journalists again to self-censorship. The frequent use of legal cases against media staff and organisations, with hefty fines and prison sentences, continues to act as a muzzle on freedom of expression and the press.

Traditionally reverential in dealing with the 'sacred' topics of the monarchy, Islam and territorial integrity, the Moroccan media have witnessed rapid development in recent decades, diversifying content and operations, moving from an ideological and official tone to a newsy one, and allowing greater representation of citizens' everyday problems. The expansion of commercial radio contributed to a widening of the scope of debate on social issues that used to be considered untouchable. However, this development is hindered by the ambivalent attitude of the regime to freedom of expression, opening and closing the window of expression depending on the political requirements of each phase in order to guarantee the continuity of the status quo.

This report on Moroccan media and democratisation is part of the 'Arab National Media and Politics: Democracy Revisited' project, examining the relationship between Arab traditional mass media and the political sphere within the remit of political change in the Arab world, enabled by the popular Arab uprisings that erupted from 2010 on. Based on in-depth field investigation, the report aims to analyse the intricate relation between the national media and democratisation, mapping trends in the national media by reflecting on the lived experiences of journalists and their perception of their roles and practices. The report looks especially at journalists' approach to entrenched taboos and the dynamics of censorship and self-censorship in newsrooms. It is based on the outcome of a series of qualitative interviews conducted in Morocco in July 2015 with more than 30 journalists and stakeholders in mainstream media, both print and audio-visual.

The report aims to extend and complement policy work on the impact of the political change on the traditional national media, and on the role played by the national media in consolidating or weakening the democratisation processes. The role of the mass media in supporting or stifling fragile processes of change towards a democratic order has occasioned ample scholarly work.<sup>1</sup> According to classic normative theories of the press, four

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<sup>1</sup> See: W. L. Bennett, 'The Media and Democratic Development: The Social Basis of Political Communication', in P. O'Neil (ed.), *Communicating Democracy: The Media and Political Transitions* (Boulder, CO: Lynne Rienner, 1998). Richard Gunther and Anthony Mughan (eds), *Democracy and the Media: A Com-*

core-normative roles are fulfilled by journalists,<sup>2</sup> namely a monitorial, a facilitative, a radical and a collaborative role. These roles are not necessarily mutually exclusive, but they reflect the diversity of roles journalism can play in society.<sup>3</sup> While the monitorial role is often considered as pivotal in countering hegemonic discourse, the implementation of this liberal notion of a watchdog role faces several constraints during fragile phases of political transformations and may lead to further fragmentation and antagonism, thus transforming the media into an instrument for competing political forces.<sup>4</sup>

This report complements previous research produced by the author investigating the interplay between traditional national media and political transitions in Tunisia, Libya and Egypt. This project is run in collaboration with the American University in Dubai. It is funded by the Middle East Centre at the London School of Economics through the Emirates Foundation Academic Collaboration with Arab Universities Programme.

## Constitutional Changes and the 20 February Movement

Inspired by the waves of popular uprisings in Tunisia and Egypt, the pro-democracy protests of the 20 February movement in 2011 were triggered by interactions between tech-savvy Moroccan youngsters and street activists using social network activity<sup>5</sup> and Facebook groups.<sup>6</sup> Protesters were united around the two major demands of ending corruption and ending despotism.<sup>7</sup> The movement was joined by the most powerful Islamic

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*parative Perspective* (Cambridge: Cambridge University Press, 2000). Vicky Randall, 'The Media and Democratization in the Third World', *Third World Quarterly* 14/3 (1993), pp. 625–46. Thomas Skidmore (ed.), *Television, Politics and the Transition to Democracy in Latin America* (Baltimore, MD: Johns Hopkins University Press, 1993). Katrin Voltmer, *The Media in Transitional Democracies* (Cambridge: Polity, 2013). Silvio Waisbord, 'The Mass Media and Consolidation of Democracy in South America', *Research in Political Sociology* 7 (1995), pp. 207–27.

<sup>2</sup> Clifford G. Christians, Theodore L. Glasser, Denis McQuail, Kaarle Nordenstreng and Robert A. White, *Normative Theories of the Media: Journalism in Democratic Societies* (Urbana, IL: University of Illinois Press, 2009).

<sup>3</sup> Fatima El-Issawi and Bart Cammaerts, 'Shifting Journalistic Roles in Democratic Transitions: Lessons from Egypt', *Journalism*, 12 April 2015.

<sup>4</sup> Katrin Voltmer, 'Building Media Systems in the Western Balkans: Lost between Models and Realities', *Analitika Working Paper* 10/2013 (Sarajevo: Analitika Center for Social Research, 2013), p. 22.

<sup>5</sup> A video by an unknown young activist, calling for Moroccan young people to take to the streets for change, went viral on social media. Faced with campaigns of defamation by the media, the movement produced many YouTube videos in which young activists talk about their demands for a democratic constitution and greater social equality. See, for example, 'Inside the Movement: What is Left of Morocco's February 20?' Available at <http://www.middleeasteye.net/in-depth/features/what-left-morocco-s-february-20-movement-857852436> (accessed 17 February 2016).

<sup>6</sup> The main Facebook page behind the movement was called 'Moroccans Converse with the King' and later took the name 'Freedom and Democracy Now'.

<sup>7</sup> Lahcen Achy, Rachid Touhtou and Mohamed el Hachimi, 'State and Civil Society in Morocco: Assessing the Arab Spring Effect', *Carnegie Endowment for International Peace*, 17 July 2012. Available at <http://carnegieendowment.org/2012/07/17/state-and-civil-society-in-morocco-assessing-arab-spring-effect/duk1> (accessed 17 February 2016).



opposition group, the banned Justice and Charity group (Al Adl Wal Ihsan), and a few radical left parties marginalised in the political sphere.<sup>8</sup> The inability of the movement's heterogeneous ideological currents to define a ceiling for their demands was its major weakness, although the main demands<sup>9</sup> centred on the establishment of a parliamentary monarchy and the revision of the unlimited powers granted to the King,<sup>10</sup> expressed by the slogan 'the King reigns but does not rule [the country]'. According to the constitution, the King is *Amir al-Mu'minin* ('Commander of the Faithful') as well as 'the supreme representative of the nation and the symbol of unity' and 'the guarantor of the perpetuation and the continuity of the state'.<sup>11</sup> The notion of *elmakhzen*,<sup>12</sup> the popular appellation in reference to the monarchy, is symbolic of the centralised authority and powers exercised by the King and his entourage with no means of accountability.<sup>13</sup>

In response to the popularity of the movement, King Mohammed VI announced, in a historic speech of 9 March 2011, a constitutional reform process promising radical reforms that responded to most of the protesters' demands. By so doing, he managed to co-opt the protest movement by taking the debate on democratic change from the streets to the palace.<sup>14</sup> On 1 July 2011, the revised constitution was voted in by an overwhelming majority (98.49 per cent of votes) in a national referendum, despite calls by the 20 February movement to boycott it.<sup>15</sup> For the movement, the proposed reforms neither challenged the political system nor dismantled its authoritarian structure.<sup>16</sup> The adoption of the new constitution was guaranteed by the strong support of mainstream political parties, trade unions and the overwhelmingly enthusiastic media.

The 2011 constitution was seen by many as a big leap towards the independence of the judiciary and the recognition of human rights,<sup>17</sup> as it covers a wide array of fundamental

<sup>8</sup> Samia Errazzouki, 'Spin Cycle: Morocco's Forgotten Reform Movement', *Sada Carnegie*, 15 May 2012. Available at <http://carnegieendowment.org/sada/2012/05/15/spin-cycle-morocco-s-forgotten-reform-movement/d31g> (accessed 17 February 2016).

<sup>9</sup> See the official communiqué of the movement's launch and goals. Available at <http://slailymohammed.blogspot.co.uk/2011/12/20.html> (accessed 17 February 2016).

<sup>10</sup> Mohamed Madani, Driss Maghraoui and Salma Zerhouni, *The 2011 Moroccan Constitution: A Critical Analysis* (Strömsborg: International Institute for Democracy and Electoral Assistance, 2012). Available at [http://www.idea.int/publications/the\\_2011\\_moroccan\\_constitution/loader.cfm?csModule=security/getfile&pageid=56782](http://www.idea.int/publications/the_2011_moroccan_constitution/loader.cfm?csModule=security/getfile&pageid=56782) (accessed 17 February 2016).

<sup>11</sup> *Ibid.*, p. 11.

<sup>12</sup> Best translated as the mechanism by which the King and the surrounding elite are able to control politics and the economy.

<sup>13</sup> Madani et al., *2011 Moroccan Constitution*.

<sup>14</sup> Interview with writer and researcher Driss Ksikes, Rabat, July 2015.

<sup>15</sup> 'Morocco Approves Constitutional Reforms', *CNN*, 1 July 2011. Available at <http://edition.cnn.com/2011/WORLD/africa/07/01/morocco.vote.reforms> (accessed 17 February 2016).

<sup>16</sup> Madani et al., *2011 Moroccan Constitution*, p. 16.

<sup>17</sup> Ellinor Zeino-Mahmalat, 'Constitutional Reform and Constitutional Reality in Morocco: Between Monarchical Stability and Democratic Renewal', *KAS International Reports* 2, 2014, pp. 113–47 at p. 114. Available at [http://www.kas.de/wf/doc/kas\\_36789-544-2-30.pdf?140207134415](http://www.kas.de/wf/doc/kas_36789-544-2-30.pdf?140207134415) (accessed 17 February 2016).

rights that were recognised for the first time.<sup>18</sup> However, the constitution was criticised for the top-down, undemocratic drafting process and the continued concentration of power in the hands of the King.<sup>19</sup> The King's exclusive power in the three domains of religion, security issues and strategic major policy choices is still preserved.<sup>20</sup> This allows him to maintain his strong influence over the country's religious, socio-cultural and political domains (Articles 41 and 42).<sup>21</sup>

## Media Freedom: Between the Written Constitution and the Practice

Although the constitutional reforms were praised as progressive in terms of media pluralism, ownership and environment, they kept the historical constraints on so-called 'untouchable' topics.<sup>22</sup> Furthermore, the gap between the nominal and the actual progress, the legislation and the state's attitude towards individuals or media organisations, remains a key issue. Although a number of nominal freedoms exist, arbitrary court rulings have been used to stifle dissent.<sup>23</sup>

Some key advances were achieved in the field of media liberalisation,<sup>24</sup> embodied in Articles 25, 27 and 28, among others.<sup>25</sup> Article 28 states that the 'freedom of the press is guaranteed and may not be limited by any form of prior censure'. However, the law has the power to 'set the rules of organisation and control of public means of communication', leaving space for the state to enforce repressive laws that would essentially conflict with the new constitution. The same article guarantees the free publication and dissemination of ideas and opinions within limits stipulated by the law. Article 27 grants citizens 'the right of access to information held by the public administration, the elected institutions and the

<sup>18</sup> New rights such as the right to freedom of expression, the right to life and physical inviolability, and the right to petition, as well other economic and social rights, are enshrined in the new constitution.

<sup>19</sup> Anja Hoffmann and Christoph König, 'Scratching the Democratic Façade: Framing Strategies of the 20 February Movement', *Mediterranean Politics* 18/1 (2013), pp. 1–22 at p. 16

<sup>20</sup> The first organic law adopted by the parliament after the new constitution, on the power-sharing system between the head of government and the King, defines 20 public institutions and 70 public enterprises as 'strategic', which means that the appointment of their high officials can only be decided by the King.

<sup>21</sup> Marina Ottoway, 'The New Moroccan Constitution: Real Change or More of the Same?', *Carnegie Endowment for International Peace*, 20 June 2011. Available at <http://carnegieendowment.org/2011/06/20/new-moroccan-constitution-real-change-or-more-of-same/6g> (accessed 17 February 2016).

<sup>22</sup> 'Morocco: Freedom of the Press 2012', *Freedom House*. Available at <https://freedomhouse.org/report/freedom-press/2012/morocco> (accessed 17 February 2016).

<sup>23</sup> Naomi Sakr, *Arab Television Today* (London: I. B. Tauris, 2007), p. 47.

<sup>24</sup> Aarab Issiali, 'Liberalization of the Moroccan Broadcasting Sector: Breakthroughs and Limitations', in Tourya Guaaybess (ed.), *National Broadcasting and State Policy in Arab Countries* (Basingstoke: Palgrave Macmillan, 2013), pp. 131, 136.

<sup>25</sup> Morocco, Constitution du 1er Juillet 2011. Available at [mjp.univ-perp.fr/constit/ma2011.htm](http://mjp.univ-perp.fr/constit/ma2011.htm) (accessed 17 February 2016).

organs invested with missions of public service'.<sup>26</sup> However, this is limited by many restrictions, such as those relating to 'national defence' and 'the internal and external security of the State'.<sup>27</sup> According to the terms of the new constitution, public broadcasting media should provide greater visibility for the political opposition (Article 10), and this should specifically apply during elections and pre-electoral periods (Article 19).

While the new constitution provides larger guarantees to protect freedom of expression, several subjects remain untouchable for media and public debate, mainly the monarchy, Islam, and territorial integrity in relation to the disputed status of Western Sahara. Restrictions on media content related to tackling these topics are historical and embedded in various pieces of legislation. Although the personality of the King is no longer 'sacred' according to the new constitution, the integrity of his person is 'inviolable' (Article 46).<sup>28</sup> Morocco's 2005 law on audio-visual communication explicitly states that audio-visual programmes and material 'must not be likely to cause prejudice to the dogmas of the Kingdom of Morocco as defined by the Constitution, especially those relating to Islam, the territorial integrity of the Kingdom and the monarchy'.<sup>29</sup>

The vague wording of the legal dispositions guaranteeing media freedom opens the door to their misuse and interpretation. Moreover, the continuous criminalisation of libel offences in legal cases against journalists and media institutions, with exorbitant fines or prison terms, is frequently used to muzzle critical reporting.<sup>30</sup>

## The Audio-Visual Regulations and Structures

The process of liberalising the sector was launched with the decree law (no. 2-02-663) of September 2002, abolishing state monopoly over the audio-visual sector.<sup>31</sup> The Société Nationale de Radiodiffusion et de la Télévision (SNRT) was established as a new corporation, consisting of the already-existing Radio Télévision Marocaine (RTM) and Service Autonome de Publicité (SAP), whose capital is to be held entirely by the state.<sup>32</sup> The SNRT currently controls the majority of Moroccan TV channels on behalf of the state.

The Haute Autorité de la Communication Audiovisuelle (HACA)<sup>33</sup> is recognised by the new constitution as the regulatory body in charge of guaranteeing the application of laws and regulations governing broadcasting media. According to Article 165, the body is

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Morocco, *Loi no. 77-03 sur la communication audiovisuelle (promulgué par le Dahir [royal decree] no. 1-04-257 du 25 Kaâda 1425)*, 7 janvier 2005, Art. 9.

<sup>30</sup> 'Morocco: Freedom of the Press 2015', *Freedom House*. Available at <https://freedomhouse.org/report/freedom-press/2015/morocco> (accessed 17 February 2016).

<sup>31</sup> *Décret-loi no. 2-02-663 du 2 Rejeb 1423 (10 septembre 2002) portant suppression du monopole de l'état en matière de radiodiffusion et de télévision*. Available at <http://euromediaudiovisuel.net/Files/2010/03/26/1269563837534.pdf?1269563862437> (accessed 17 February 2016).

<sup>32</sup> *Dahir no. 1-04-257*, Title III, Chapter 2.

<sup>33</sup> The HACA was created in 2002 by a Dahir, and was amended in 2003, 2007 and 2008.

entrusted with guaranteeing ‘respect for pluralist expression of the currents of opinion and of thought and of the right to information’<sup>34</sup> in media content and the media environment. As an independent body instituted by the new constitution, its terms of governance, prerogatives and composition will be defined by an organic law (Article 171) that is yet to be drafted. The HACA was created as an ‘independent administrative authority’, though it remains under the ‘tutelary protection of the King’.<sup>35</sup> The Conseil Supérieur de la Communication Audiovisuelle (CSCA) is the HACA’s deliberative organ and consists of nine members. Five – including the president – are nominated by the King, two by the prime minister, and one each by the head of each parliamentary chamber. The CSCA reaches decisions by majority rule. It enjoys large executive powers, mainly the administration and the assignment of broadcast licences.<sup>36</sup>

The establishment of the HACA was met with criticism, mainly targeting its composition, which does not necessarily bring on board members with expertise in audio-visual regulation or related fields.<sup>37</sup> Furthermore, no term limit was imposed on the members nominated by the King, while those appointed by the prime minister were constrained to a five-year term renewable once. Additionally, the monarch’s major role in the HACA’s functioning is seen as limiting its independence.<sup>38</sup> The lack of input from the professional community in the establishment of this body is another important handicap.

## The Press Code Reform: Lack of Political Will?

The current press code was reformed in 2002. Three law projects were presented by the new government in October 2014, covering a new press code, a new status for professional journalists and the formation of a national council of the press. Several repressive provisions are still embodied in the current press and penal codes, especially criminalising critical speech. The press code imposes prison sentences of three to five years for speeches that are considered to be ‘undermining religion, the monarchy or territorial integrity’<sup>39</sup> or that are offensive to ‘his Majesty the King, and the royal princes and princesses’.<sup>40</sup>

The press code contains the terms ‘prison’ and ‘imprisonment’ 24 times.<sup>41</sup> It does not provide a legal guarantee that journalists will be able to keep the identity of their sources secret.<sup>42</sup>

<sup>34</sup> *The Constitution of Morocco*. Available at <http://www.maroc.ma/en/content/constitution> (accessed 18 April 2016).

<sup>35</sup> Issiali, ‘Liberalization of the Moroccan Broadcasting Sector’, p. 138.

<sup>36</sup> *Dahir no. 1-02-212 du 31 août 2002*.

<sup>37</sup> Ahmed Hidass, ‘Radio and Television in Morocco: New Regulation and Licensing for Private Channels’, *Journal of Arab & Muslim Media Research* 3/12, 2010, pp. 19–36 at p. 30.

<sup>38</sup> Sakr, *Arab Television Today*, pp. 21, 35.

<sup>39</sup> ‘Morocco: Free Student Imprisoned for “Insulting King”’, *Human Rights Watch*, 6 July 2013. Available at <http://www.hrw.org/news/2013/07/16/morocco-free-student-imprisoned-insulting-king> (accessed 17 February 2016).

<sup>40</sup> Errazzouki, ‘Spin Cycle’.

<sup>41</sup> Hatem al Batiwi, ‘The New Press Code Will Not Include Repressive Sanctions’, *Al Sharq al Awsat*, 19 October 2014. Available at <http://aawsat.com/home/article/204926> (accessed 17 February 2016).

<sup>42</sup> Ahmed Hidass, ‘Le Statut de Journaliste Professionnel au Maroc’, *Les Cahiers du Journalisme* 8, 2000, pp. 205–26 at p. 216.

The new press code project was praised for several advances in the protection of journalists and the profession,<sup>43</sup> especially reducing or eliminating punitive measures such as fines or incarceration. In particular, this applies to charges of defamation, frequently used as a tool to intimidate critical journalists or simply to limit the media's ability to tackle specific topics. However, the adoption of the new press code is continually delayed, despite repeated calls from professionals to enact it. 'No one really wants this new code, neither the government nor the political parties. It is too beautiful to be true', comments Nadia Salah, director of publications at Eco Médias, one of the largest private media groups.<sup>44</sup>

However, these reforms are restricted by the persistence of other means through which the authorities can pre-emptively censor the media. According to the draft press code, online publications must register with the Moroccan authorities in order to be able to diffuse audio or video on the internet. Judges are given the power to block, confiscate or prevent the diffusion of certain media content.<sup>45</sup> While the creation of a national press council is an important step, the proposed text leaves a number of sanctions to the legal system which could instead be administered by the council itself. The proposed definition of 'professional journalist' is too restrictive and effectively excludes citizen journalists. The article on the protection of sources' confidentiality is not really effective, and freedom of access to information is limited by several exceptions.

Most importantly, the new draft press code does not abolish the restrictions on topics considered as taboo: Article 76 allows the banning of publications that damage the Islamic religion, the King's dignity or that of the royal family, and the country's national integrity. The vague wording of regulations upholding 'public order' or 'national security' and limiting press freedom may encourage journalists to self-censor in order to avoid retaliation.<sup>46</sup>

In addition to restrictions and punitive measures embedded in the current press code, other restrictions are included in the penal code and specific laws, especially the anti-terrorism law. This adopts a broad definition of terrorism and has been utilised to charge and jail journalists. The law endangers basic civil and political rights; offences such as 'encouragement of terrorism' and 'praising', 'glorifying' or 'justifying' terrorism are not clearly enough defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression.<sup>47</sup>

<sup>43</sup> 'Observations de Reporters Sans Frontières Relatives aux Projets de Loi sur la Presse Marocaine', *Reporters Sans Frontières*, 15 November 2014. Available at <https://fr.rsf.org/IMG/pdf/112014rsf-projet-pressemaroc.pdf> (accessed 17 February 2016).

<sup>44</sup> Salah also talks about the continuous use of lawyers and exorbitant related costs in order to avoid libel cases. Interview with author, Rabat, July 2015.

<sup>45</sup> 'Observations', *Reporters Sans Frontières*.

<sup>46</sup> 'Observations', *Reporters Sans Frontières*.

<sup>47</sup> 'Human Rights Abuses in the Fight against Terrorism', *Fédération Internationale des Ligues des Droits de l'Homme*, 15 July 2004. Available at <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/morocco/Human-Rights-abuses-in-the-fight> (accessed 17 February 2016).



Legal cases against journalists are a major feature of journalists' environment. It is impossible within the limits of this report to list all legal cases against journalists on the basis of their professional activities. Most notorious are the conviction of journalists Ali Anouzla, for publishing an article containing a link to a video by Al-Qaeda, and Rachid Nini, for criticising the government's counterterrorism practices.<sup>48</sup> The case of the journalist Ali Lmrabet is special, as he was sentenced in 2005 to a 10-year ban from practising journalism, on charges of libel – an unprecedentedly harsh sanction on a journalist.<sup>49</sup> Lmrabet had described Sahrawis living in camps in Algeria as 'refugees' rather than 'captives', the term used by the Moroccan government. Rachid Nini was sentenced in 2011 to one year in prison, the longest prison sentence implemented against a journalist in the country. He was tried and convicted of disinformation, attacking state institutions, and 'compromising the security and safety of the homeland and citizens'.<sup>50</sup> Anouzla is to stand a new trial over comments about the Western Sahara he allegedly made to the German press. He faces charges of 'undermining national territorial integrity'.<sup>51</sup>

Other examples include that of Youseff Jajili, editor in chief of the weekly *Alaan*, who was given a two-month suspended prison sentence in June 2013 and a fine of 50,000 dirhams (US\$6,000) for publishing an article in which he reported that a government minister had used public money to order alcohol while on a taxpayer-funded trip. Jajili was charged with criminal defamation.<sup>52</sup> A report by the Moroccan Digital Rights Association on the spread of citizen surveillance in the country led to the imposition of charges of 'false denunciations', 'depreciating the efforts of the state' and 'insulting the authorities' against the vice president of the Association, Karima Nadir.

The extremely high and disproportionate fines imposed on journalists and media outlets muzzle critical reporting. Suspended prison sentences are another powerful tool with which to intimidate journalists, as the regime can resort to implementing the sentence at any time.

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<sup>48</sup> 'Moroccan Journalist to Face Trial after Criticising Counter-Terrorism Laws', *Freedom House*, 30 April 2011.

<sup>49</sup> Being banned from practising a profession exists as a punishment in Article 87 of Morocco's Penal Code, though it had not been used against a journalist in recent memory before this case.

<sup>50</sup> Cecily Hillarey, 'The Case of Rachid Nini: A Test of Press Freedom in Morocco', *Voice of America*, 21 June 2011. Available at <http://www.voanews.com/content/the-case-of-rachid-nini-a-test-of-press-freedom-in-morocco/158381.html> (accessed 17 February 2016).

<sup>51</sup> 'Moroccan Journalist Faces Trial for Western Sahara Comments', *New Arab*, 24 January 2016. Available at <http://www.alaraby.co.uk/english/news/2016/1/25/moroccan-journalist-faces-trial-for-western-sahara-comments> (accessed 4 March 2016).

<sup>52</sup> 'Morocco: Freedom of the Press 2015', *Freedom House*.

## The Media Landscape: Diversification, Growth and Polarisation

### The Printed Press: A Dynamic Landscape

In contrast to the audio-visual sector, which is mainly state owned, the print sector is mainly private and partisan.<sup>53</sup> It is estimated there are nearly 20 daily and more than 80 weekly publications, most of them privately owned.<sup>54</sup> The party-owned press played a primary role in diversifying media content and in providing counter-narratives to the official media discourse. With its militant ideological tone, this press provided political parties with a platform from which to challenge the regime's narratives.

This part of the press is witnessing a sharp decline in readership and revenues with the rise of a newsy, privately owned press, encouraged by the liberal economic trends and increased privatisation of the early 1990s. The two most prominent new titles were *L'Economiste* and *La Vie Economique*.<sup>55</sup>

The development of an investigative press, providing critical content that challenged taboos and relying mainly on advertising revenue, is solidly linked to the history of the French-language weekly *Le Journal* or *Le Journal Hebdomadaire*,<sup>56</sup> launched in 1997. This weekly publication pioneered investigative journalistic practices, publishing reports that angered the establishment.<sup>57</sup> In 2000, *Le Journal* was banned after it published an interview with the head of the separatist Polisario Front. In 2010, Moroccan authorities closed down the weekly after a court ordered the publication to pay US\$360,000 in fines at the outcome of a defamation suit.<sup>58</sup> The combination of legal intimidation and economic boycott led to the exile of its editor and co-founder, the leading journalist Aboubakr Jamaï.<sup>59</sup>

Another important title in the history of this investigative, elite francophone press is the news magazine *Tel Quel*,<sup>60</sup> launched in 2000. The magazine adopted a liberal editorial line with a focus on challenging social taboos and defending the ideals of a secular society. It was equally bold in challenging political taboos, such as tackling the topic of the King's salary.<sup>61</sup> In 2006, the magazine launched a sister edition, *Nichane*, which uses the principal

<sup>53</sup> Hamza Tayebi, 'The Independent Press after the "Moroccan Spring"', *Mathal* 4/1, 2015, article 4. Available at <http://ir.uiowa.edu/mathal/vol4/iss1/4> (accessed 17 February 2016).

<sup>54</sup> 'Morocco: Freedom of the Press 2015', *Freedom House*.

<sup>55</sup> The French press magnate Jean-Louis Servan-Schreiber was at the head of *La Vie Economique* by special royal derogation and pushed it to rebel against habits of self-censorship

<sup>56</sup> *Le Journal* was closed and had to relaunch with a new title, *Le Journal Hebdomadaire*.

<sup>57</sup> Tayebi, 'Independent Press'.

<sup>58</sup> 'Free Speech under Attack in Morocco', *Freedom House*, 4 February 2010. Available at <https://freedomhouse.org/article/free-speech-under-attack-morocco> (accessed 4 March 2016).

<sup>59</sup> *Ibid.*

<sup>60</sup> The title's slogan is 'Le Maroc tel qu'il est', meaning 'Morocco as it is', and not as it should be or as it is presented by the regime and official media discourse.

<sup>61</sup> *Tel Quel* published a special investigation on the King's salary. The article was widely cited in interna-

spoken language of Morocco (Moroccan colloquial Arabic, or *Darija*); this weekly rapidly became the leading Arabic investigative platform. In 2007, *Nichane* was suspended for two months after it published an article on ‘how Moroccans joke about religion, politics, and sex’. The paper’s editor in chief, Driss Ksikes, and another journalist were convicted of ‘offending the Islamic religion [and] the publication and the distribution of writings contrary to morals and good customs’, and sentenced to three-year suspended prison terms.<sup>62</sup> In 2010, *Nichane* declared bankruptcy and closed, although scoring high distribution figures. Its financial failure may be attributable in part to an advertising boycott conducted against it.

Recent years have witnessed the decline of the French-language press and the growth of Arabic-language dailies and weeklies. An important title was the daily *Assabah*, which set the model for other similar publications, providing a mixture of politics, entertainment and sports news in Arabic. The experience of the newspaper *Al Massae* is an example of this developing and fragile sector of the ‘audacious’ press. Launched in 2007 by three prominent journalists, the daily was a major platform from which to publish reports that challenged the regime, such as investigations of abuses and corruption among members of the establishment and the security services. Other projects of the investigative press include *Al Jareeda al Okhra* (‘The Other Journal’) and *Al Jareeda al Oula* (‘The First Journal’).<sup>63</sup> These experiments could not establish a solid tradition of independent reporting. The combination of the use against them of several tools, such as economic boycotts by advertisers, prison sentences and exorbitant fines, led to the bankruptcy and closure of most of these projects.

With a limited number of state-owned press outlets,<sup>64</sup> the current press landscape is dominated by large private media groups spanning dailies and weeklies as well as printing houses or radio stations, along with some few small-to-medium-sized press outlets. The Eco Médias group, founded in 1991, publishes two of the previously mentioned dailies, namely *L’Economiste* (French) and *Assabah* (Arabic). It also owns Atlantic Radio and the monthly publications *L’Economiste Magazine* (French) and *Majallat Assabah* (Arabic). It has its own printing house, Eco-Print, and a college for training journalists. Another group, Médi Editions, publishes the daily *Al Ahdath al Maghrebiya* (Arabic) and the weekly *L’Observateur du Maroc et d’Afrique* (French) and owns Med Radio. A third group, Les Editions de la Gazette, publishes *Challenge Hebdo* (weekly economics magazine), *VH Magazine* (monthly magazine for men) and *Lalla Fatéma* (monthly magazine for women in Arabic). It owns MFM Radio.

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tional media. See an article by the French daily *Libération* on this investigation by *Tel Quel*: José Garçon, ‘“Pauvre” Roi Mohammed VI’, *Libération*, 4 January 2005. Available at [http://www.liberation.fr/planete/2005/01/04/pauvre-roi-mohammed-vi\\_505022](http://www.liberation.fr/planete/2005/01/04/pauvre-roi-mohammed-vi_505022) (accessed 4 March 2016).

<sup>62</sup> ‘Le Roi, les Islamistes et la Presse Libérale: Répercussions de l’Affaire des Blagues de *Nichane* au Maroc’, *MEMRI.FR*, 25 April 2007. Available at <http://www.memri.fr/2007/04/25/le-roi-les-islamistes-et-la-presse-liberale-repercussions-de-laffaire-des-blagues-de-nichane-au-maroc> (accessed 17 February 2016).

<sup>63</sup> Independent journalist Ali Anouzla, interview with author, Rabat, July 2015.

<sup>64</sup> The group Maroc Soir publishes the daily *Le Matin* and *Maroc Soir* (French) and *Assahraa al Maghrebiyya* (Arabic). Although the group is privately owned, the editorial line of these publications represents the official voice of the regime.

Alongside these large groups, there are other small-to-medium projects such as the newspaper *Al Massae*, with an editorial line close to the Islamic government;<sup>65</sup> the newspaper *Al Akhbar*, a populist daily; and the daily *Akhbar al Yom*, adopting a liberal editorial line though friendly to the Islamic-led government. The partisan press constitutes a main pillar of this landscape, despite very limited distribution and coverage, although it receives government subsidies.<sup>66</sup>

## Audio-Visual Media: A Symbol of Sovereignty

The audio-visual sector is heavily dominated by the state. It is a symbol of the regime's sovereignty. The liberalisation of the audio sector was strictly limited to the radio field; there are 18 private radio stations today, with limited political content.<sup>67</sup> This partial liberalisation contributed to the diversification of media content, especially in tackling controversial topics related to social taboos. The new stations reinvigorated pluralism and diversity in the audio-visual sector, especially through their live debates and news output. Their focus on local and national Moroccan topics as well as their special style in addressing audiences, mixing classical and colloquial Arabic, made them hugely popular, especially among young people.<sup>68</sup>

The television landscape is largely state owned and used as editorial support for the regime, although technically it is legal to establish privately owned television stations since the liberalisation of the audio-visual sector. The state television landscape is composed of eight national channels providing a mixture of generalist and thematic output, led by the main two generalist channels: *Al Aoula* (the first SNRT channel to be established) and *SOREAD 2M*.<sup>69</sup> A single private TV licence was granted by the HACA in 2006, in a process which was criticised for lacking transparency.<sup>70</sup> The recipient of the licence, the private channel *Medi1TV*, presents itself as a generalist news, debate and entertainment channel.<sup>71</sup> According to Article 21 of the Audiovisual Communication Law, a company or a stakeholder cannot control more than one TV or radio station.

<sup>65</sup> This newspaper owns a distribution company, *Al-Wasset*.

<sup>66</sup> Bouziane Zain and Mohamed Ibrahine, 'Mapping Digital Media: Morocco', *Open Society Foundations*, 30 May 2011, p. 63.

<sup>67</sup> These are: RMI, SAWA, ATLANTIC, Radio Plus Agadir, Radio Plus Marrakech, MFM SAISS, MFM Souss, MFM ATLAS, MFM Sahara, MFM Oriental, Cap Radio, ASWAT, CHADA FM, HIT Radio, Radio Mars, Radio Luxe, Med Radio and Medina FM.

<sup>68</sup> Zain and Ibrahine, 'Mapping Digital Media', p. 64.

<sup>69</sup> The others are *Arriyadia* (sport), *Assadissa* (religion), *Arrabia* (education and culture), *Aflam TV* (films), *Tamazight TV* (generalist for the promotion of Amazigh culture and language), and *al-Magribiyya* (rediffusion of main news bulletins of the first and second channels). The channel *Laayoune TV* is a regional one, covering the southern provinces with generalist output.

<sup>70</sup> 'Project of Statistical Data Collection on Film and Audiovisual Markets in 9 Mediterranean Countries. Country Profile 2: Morocco', *Euromed Audiovisuel*, (Tunis: Euromed Audiovisual III/CDSU, 2012), p. 41. Available at [http://www.obs.coe.int/documents/205595/403403/euromed\\_MA\\_report\\_EN.pdf/e38a595d-c805-40ad-a684-57b71b854705](http://www.obs.coe.int/documents/205595/403403/euromed_MA_report_EN.pdf/e38a595d-c805-40ad-a684-57b71b854705) (accessed 17 February 2016).

<sup>71</sup> *Ibid.*

Born as a private, thematic, encrypted channel with an international vocation in 1989, the second channel, SOREAD 2M, presents a unique model of a TV channel which migrated from private to state ownership. The launch of the channel was a strategic decision by the late King Hassan II to provide the regime with a modern face. The channel was initiated under the patronage system: the main stakeholder is the company managing the royal family wealth,<sup>72</sup> and its director general is the King's son-in-law. Conceived as an elite medium, the channel suffered from its economic model and was rebranded as a generalist, national terrestrial channel largely owned by the state in 1997.<sup>73</sup> The TV channel introduced a revolutionary change by pioneering debate programmes and modern news bulletins:

At that time, 95 per cent of news was about the activities of institutions. The citizen was absent. We tackled social taboos that no one could talk about such as single mothers or prostitution; giving voice to a figure from the opposition and to ordinary citizens' demands was at that time a big revolution,

explains Samira Sitail, head of news and programmes at the channel,<sup>74</sup> stressing that the launch of the channel was a major tool of the democratisation of the country.

The public audio-visual sector is under the direct oversight of the King. Before the 2011 constitution, he used to appoint the head of the state-owned media by royal *Dahir*. Under the new constitution, nominations to the post of head of the public media are exclusive to the King as concerning strategic institutions.<sup>75</sup>

The liberalisation of the television sector is stalled, although the government announced the awarding of new television licences in 2012.<sup>76</sup> There were two rounds of licence granting in 2006 and 2009, organised by the HACA for private TV and radio stations but without much information on media ownership.<sup>77</sup> The deputy head of the HACA, Abdel Jalil al Hammoumi, justifies this delay:

The economic crisis and its impact on the advertising market forced us to suspend this plan. We don't want to approve TV projects which could be unable to sustain their operations.<sup>78</sup>

<sup>72</sup> The ONA Group (Omnium Nord-Africain) was established in 1934 and dissolved in 2010 and succeeded by another group, Société Nationale d'Investissement (SNI). The group withdrew seven years after the launch of the channel.

<sup>73</sup> The state now owns 68 per cent of the channel's shares.

<sup>74</sup> Interview with author, Ain el Sebaa, Morocco, July 2015.

<sup>75</sup> This is according to the organic law defining the power-sharing system between the King and the head of government, and popularly called 'what is for the King and what is for Benkirane'. (Abdelilah Benkirane became prime minister and head of government in November 2011.)

<sup>76</sup> Turaya Guaaybess, 'L'Audiovisuel Public Marocain, à la Croisée des Chemins?', *Inaglobal*, 22 September 2015. Available at <http://www.inaglobal.fr/television/article/l-audiovisuel-public-marocain-la-croisee-des-chemins-8530> (accessed 17 February 2016).

<sup>77</sup> Zain and Ibrahine, 'Mapping Digital Media', p. 65.

<sup>78</sup> Interview with author, Rabat, July 2015.



Most of the journalists who were interviewed believe the real reason behind keeping the state's strong grip on television is political. According to Abdel Samad Ben Sherif, the head of the TV channel Al-Maghrebiyya, 'the regime is afraid of losing control over the televised media discourse; the opening of television channels could create a new awareness among citizens leading to strong new socio-economic and political demands'.<sup>79</sup>

## Taboos: The Game of Ups and Downs

The journalists who were interviewed talk about two main phases of openness for the traditional national media. The so-called 'democratic margin' (1997–2003) was triggered by the political *alternance*, a process of dialogue with the opposition launched by the late King Hassan II and leading to the formation of a political government<sup>80</sup> after the 1997 parliamentary elections,<sup>81</sup> with the aim of preparing for a peaceful transition to the throne for his son. This unprecedented political dynamism encouraged the flourishing of an investigative independent press. The 2003 suicide bombings in Casablanca effectively ended this phase by re-imposing censorship and self-censorship in newsrooms as part of anti-terrorism policies. The second phase coincides with the outbreak of the pro-democracy demonstrations of the 20 February movement, in which the online press, in particular, played a leading role in widening the scope of public debate. While the 'red lines' are clearly defined by various laws, the regime resorts to applying a strict interpretation of these taboos in some phases and allows a larger margin of manoeuvre in others, under internal or international pressure.

During the pro-democracy demonstrations in 2011, major taboos had fallen, mainly those related to criticising the King's centralised powers.<sup>82</sup> 'The main taboo had fallen but it is back now even stronger, after the storm of the political change had settled', said al Maati Monjib, a professor of history and a rights activist.<sup>83</sup> Monjib, who leads a local non-governmental organisation called Freedom Now, was facing a travel ban – lifted after he went on hunger strike – after being accused by the judicial police of 'collaboration with organisations hostile to Morocco' and 'diffusing a negative image of the country'.<sup>84</sup> He is among

<sup>79</sup> Ibid.

<sup>80</sup> The government was led by Abdel Rahman Youssoufi, the leader of the opposition Union Socialiste des Forces Populaires (USFP).

<sup>81</sup> Marina Ottaway and Meredith Riley, 'Morocco: From Top-Down Reform to Democratic Transition?', *Carnegie Papers, Middle East Series*, 71 (Washington, DC: Carnegie Endowment for International Peace, 2006), p. 6. Available at [http://carnegieendowment.org/files/cp71\\_ottaway\\_final.pdf](http://carnegieendowment.org/files/cp71_ottaway_final.pdf) (accessed 17 February 2016).

<sup>82</sup> Independent journalist Ali Anouzla published many articles on the king's holidays and the cost of monarchy. Debates about the king's centralised power were allowed on the state-owned TV channels.

<sup>83</sup> Interview with author, Rabat, July 2015.

<sup>84</sup> Yassine Aitmoulay, 'Maati Monjib: The Cost of Free Speech in Morocco', *World Post*, 1 December 2015. Available at [http://www.huffingtonpost.com/yassine-aitmoulay/maati-mounjib\\_b\\_8463534.html](http://www.huffingtonpost.com/yassine-aitmoulay/maati-mounjib_b_8463534.html) (accessed 4 March 2016).

many faced with a travel ban in a climate of mounting repression of critical journalists, academics and rights activists.<sup>85</sup>

Journalists have various approaches to established taboos. The common tactic is to avoid tackling some topics or to restrict treatment of them to the official narratives. The lack of information on several topics, such as the business activity of the King and his entourage and the budget of the palace, makes treating them highly risky in terms of possible legal consequences. Some institutions, such as the army, are a black box.

The continuous changes in the regime's stance on media freedom, allowing a higher scope of information on touchy subjects before restricting media reporting on them again, is best described by the director of *Tel Quel* magazine, Abdallah al Turabi:

There is definitely more information in the press today about the palace. But it all depends on the decision to open or to close this window. The day they decide they want to go after a journalist or a media institution, they will not be short of means to do so.<sup>86</sup>

The lack of transparency in allowing access to information on topics related to the treatment of these red lines makes any investigative reporting on them highly risky or impossible. The information provided on these opaque institutions is mostly the result either of leaks from inside them, reflecting internal struggles between various power centres in the regime, or of simple directives conveyed to journalists. Leading journalist Ali Anouzla explains:

The sources of information on topics related to the military, the secret services and the palace are not ordinary sources that any journalist can access. Officials in these institutions will call the journalist to provide him with information with the aim of directing him to what he should write; it is not the other way around.<sup>87</sup>

The severity of the sanctions that could be imposed for critical reporting on touchy topics is leading journalists to embrace self-censorship. The dynamism in the political sphere, reflected by the formation of a political government, provides journalists with the ability to criticise the government's policies while avoiding sensitive topics related to the real centre of power:

We sometimes impose self-censorship on ourselves. The important issue for us is to survive. We can talk easily on topics such as government policies and ministers' behaviour; topics related to the king, the security services and the army are very difficult to tackle,<sup>88</sup>

explains Taoufik Bouachrine, founder and editor of the daily *Akhbar al Yôm*.

<sup>85</sup> 'Muzzling Dissent in Morocco', *New York Times*, 18 October 2015. Available at [http://www.nytimes.com/2015/10/19/opinion/muzzling-dissent-in-morocco.html?emc=eta1&\\_r=1](http://www.nytimes.com/2015/10/19/opinion/muzzling-dissent-in-morocco.html?emc=eta1&_r=1) (accessed 17 February 2016).

<sup>86</sup> Interview with author, Casablanca, July 2015.

<sup>87</sup> Interview with author, Rabat, July 2015.

<sup>88</sup> Ibid.

In October 2009, Bouachrine and the newspaper cartoonist Khalid Gueddar received three-year deferred prison sentences for ‘lacking respect towards the royal family’, along with hefty fines for publishing satirical cartoons depicting the royal family and the Moroccan flag.<sup>89</sup>

In addition to the established red lines defined by laws, social taboos are enforced by a mounting conservatism within Moroccan society, encouraged by the access to power of an Islamic-led government. The case of the arrest and trial of two women, accused of ‘gross indecency’ for wearing short dresses in a rural area in south Morocco during the holy month of Ramadan, sparked uproar in civil society, whose members took en masse to the streets.<sup>90</sup> The women’s case was largely debated by the French-language press, while the Arabic-language press remained less engaged. The question of the interdiction on fast-breaking in daylight during Ramadan<sup>91</sup> sparked no debate in the press, French and Arabic alike. A leading editor who prefers to remain anonymous comments: ‘I cannot today defend in an opinion article the right to eat publicly during Ramadan. Before, 10 or 15 years ago, this could have been done but not today’.<sup>92</sup>

## Internal Resistance, Self-Censorship and Moral Denigration of Opponents

A complex set of elements explains the inability of the journalistic community to safeguard the gains it obtains from the relative and sporadic political and media openness. First, there is the strong link between media institutions, leading editors and the political powers:

The press linked to power changed during the so-called Moroccan Spring because the regime changed its approach to media freedom. When the regime was back to previous restrictions, the press was back to its old practices; they are even used now in account-settling against activists and independent journalists, tarnishing their reputation,

said leading journalist Taoufik Bouachrine.<sup>93</sup> The prevalence of the old generation of journalists with links to the political powers obstructed the implementation of a real change process within newsrooms, according to many of the journalists interviewed.

<sup>89</sup> J. P. Tuquoi, ‘Au Maroc, Plusieurs Journaux Sont Victime d’une Reprise en Main par le Pouvoir’, *Le Monde Afrique*, 22 October 2009. Available at [http://www.lemonde.fr/afrique/article/2009/10/22/au-maroc-plusieurs-journaux-sont-victimes-d-une-reprise-en-main-par-le-pouvoir\\_1257354\\_3212.html?xtmc=caricature\\_maroc&xtcr=23](http://www.lemonde.fr/afrique/article/2009/10/22/au-maroc-plusieurs-journaux-sont-victimes-d-une-reprise-en-main-par-le-pouvoir_1257354_3212.html?xtmc=caricature_maroc&xtcr=23) (accessed 17 February 2016).

<sup>90</sup> Fatima El-Issawi, ‘Blink and You’ll Miss Them: Civil Liberties in Morocco’, *Al-Araby al Jadeed*, 27 August 2015. Available at <http://www.alaraby.co.uk/english/comment/2015/8/27/blink-and-youll-miss-them-civil-liberties-in-morocco> (accessed 17 February 2016).

<sup>91</sup> Article 22 of the Moroccan Penal Code stipulates that all those who are known as being Muslims and who openly declare not observing the fast of Ramadan in a public space in daylight without a lawful excuse will face imprisonment of from one to six months and will be fined.

<sup>92</sup> Interview with author, Casablanca, July 2015.

<sup>93</sup> Interview with author, Rabat, July 2015.

Equally important are the lack of enthusiasm among journalists, the fear of change and the entrenched habits of self-censorship. The traditions of production within the official TV channel Al Aoula are a good example of journalists' internal resistance to change. The regime's directives for public media were to give a platform to activists of the 20 February movement in open debate programmes, within its strategy to co-opt the movement. Fatima Ifriqui, an anchor in the TV channel, recounts:

Journalists could not change, even during this phase of openness, they had not enough courage to tackle things in a different manner, because of long-lasting habits but also because they are aware of the frequent swings from openness to closure [of the public and political spheres].<sup>94</sup>

The return in force of habits of self-censorship is encouraged by an environment of control over the media, using several tools, including campaigns of denigration against journalists and activists or opponents. Legal cases based on private affairs such as adultery or the use of drugs are a prominent tool with which to intimidate those critical and to isolate them, by delegitimising them in the eyes of their community, given the crucial place of religion in conservative Moroccan society. The press is used as the platform from which to disseminate and sometimes to conduct these defamatory campaigns. The case against the rights advocate Hicham Mansouri, who was sentenced to a ten-month prison term and a US\$4,057 fine over adultery charges, is a prominent example. Being an active member of the Moroccan Association for Investigative Journalism (AMJI), Mansouri believes that the real motive behind his trial and arrest is his work on a report about alleged internet surveillance of activists and journalists by the Moroccan authorities.<sup>95</sup>

The use of the efficient tool of moral denigration via legal cases against journalists and activists aggravates the environment of fear among journalists and the need to stay away from topics that can annoy, in order to avoid potential retaliation. A young journalist, who asked to remain anonymous, describes the impact of this intimidation on his work:

I am very careful. Most of the journalists attacked in these legal cases are pursued for their personal opinions. I am scared of the idea that they can be looking to fabricate moral cases against me. Professionalism is not enough to protect me.<sup>96</sup>

The reputational damage that can result from such legal cases is a strong tool with which to intimidate journalists, especially those vocal critics of the regime, according to Fatima Ifriqui:

Independent critical journalists have no real personal life. They cannot meet friends in bars, they cannot live their life normally, we are obliged to retreat socially; we are not only scared of the regime but even more of the society, which can be violent.<sup>97</sup>

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<sup>94</sup> Ibid.

<sup>95</sup> CPJ, 'Morocco Jails Press Freedom Advocate Hicham Mansouri', 7 April 2015. Available at <https://cpj.org/2015/04/morocco-jails-press-freedom-advocate-hicham-mansou.php> (accessed 17 February 2016).

<sup>96</sup> Interview with author, Rabat, July 2015.

<sup>97</sup> Ibid.

## Media, Politics and the Ideological Schism

The media landscape is one of the major fields of struggle between two belligerent camps: a growing conservative camp with a strong attachment to Arab and Islamic identities, represented politically by the ruling party, the Islamic Justice and Development Party (PJD); and a pro-monarchy camp proclaiming the values of secularism. The schism between the two camps is mirrored in the struggle for control of the media discourse between the press friendly to the Islamic-led government, adopting a conservative agenda, and the press of the opposition (to the government), taking the defence of secular values and civil liberties as a major pillar of its editorial line. Another schism is noticeable between those – few – advocating for new governance independent from the palace and those – very numerous – supporting the status quo under the guise of safeguarding the stability of the country amid regional upheavals.

The solid link between influential media editors and the palace is frequently referred to as the ‘mediatic Makhzan’, in allusion to the palace’s ability to control the news agenda and its image in the media smoothly through a media elite linked to the palace by chains of loyalty. Allegations about a rise of media investments close to the PJD are rife, a matter which is not denied by editors close to the party. According to Jawad al Shafadi, director of the weekly *Al Tajdeed*, main representative of the Islamic party’s discourse:

There is a small liberal minority controlling the media, they have large economic powers but don’t represent Moroccan society; we are in the middle, we are not weak but we are not a controlling power [in the media].<sup>98</sup>

The change in the nature of the Moroccan press with the rise of Arabic-language media outlets is very much reflective of deep changes within Moroccan society, according to the TV presenter and producer Nadia Hachemi: ‘The victory of the Islamic party represents the rise of the middle class which was not represented before in the media; our society is diversifying and power is not any more in the hands of the social elite.’<sup>99</sup> The ‘war’ between the PJD prime minister and the second public channel, SOREAD 2M, known for a liberal identity and tone, could be considered as one episode in the struggle between the two camps. At the centre of this struggle is the personality of the channel’s influential head of news and programmes, Samira Sitail, known for being close to the palace. Sitail does not hide her contempt for the rise of Islamic trends in Moroccan society. After the Casablanca bombings in 2003, she gave statements to French television comparing the rise of the PJD to that of the extreme right in France, leading to an angry protest by the party’s supporters in front of the television’s premises.<sup>100</sup>

<sup>98</sup> Ibid.

<sup>99</sup> Interview with author, Casablanca, July 2015.

<sup>100</sup> See the video of the interview of Sitail with the French TV channel. Available at <https://www.youtube.com/watch?v=RqOUSRf8RSw> (accessed 17 February 2016).



I was always considered as the chief target of Islamists. The channel has faced pressure from all governments but this is nothing compared to the pressure exercised by the current government,

she said.<sup>101</sup>

The dubious relations between the regime, especially the security services, and the media are best reflected in the so-called Chris Coleman hacking case. The obscure hacker leaked classified diplomatic cables, released on a fake Twitter account.<sup>102</sup> Among these documents were leaked exchanges of emails between high officials in the secret services and prominent journalists. Among these journalists is Sitail, who allegedly transferred emails she received from activists in the 20 February movement to the email address of a high security official.<sup>103</sup> Asked to respond to these allegations, she simply said: 'of course I have high-ranking contacts, I have an address book; this is why I am in this position'.<sup>104</sup>

The political polarisation in the media increased the diversity of media content while contributing at the same time to the decline of professional trends in lobbying for rights and civil liberties. The political manipulation of the media goes hand in hand with the rise of 'patriotism' as the main value cherished by journalists, reflected in the defence of the status quo and the denigration of critical voices in the name of safeguarding national identity and interests:

The ideal of a journalist acting as the conscience of the people is not any more attractive for journalists, but rather that of defending the stability of the regime. This conservative thesis is implemented through a continuous effort by the regime to orientate journalists,

comments researcher and writer Driss Ksikes.<sup>105</sup>

## Online Press: The Democratic Platform?

The demonstrations of 20 February 2011 were an experiment in the dynamism of social media networks, including news websites, and their ability to trigger action on the streets. Central to the 20 February movement was the role played by the website Lakom.com,<sup>106</sup> founded and edited by leading journalist Ali Anouzla. While providing a professional

<sup>101</sup> Interview with author, Ain el Sebaa, July 2015.

<sup>102</sup> Ignacio Cembrero, "'Moroccan Wikileaks' Rattles Rabat', *Al-Araby al Jadeed*, 23 December 2014. Available at <http://www.alaraby.co.uk/english/features/2014/12/23/moroccan-wikileaks-rattles-rabat> (accessed 17 February 2016).

<sup>103</sup> Yassine Majdi, 'Affaire Chris Coleman: Samira Sitail au Cœur de la Tourmente', *Tel Quel*, 30 December 2014. Available at [http://telquel.ma/2014/12/30/affaire-chris-coleman-samira-sitail-au-coeur-tempete\\_1428145](http://telquel.ma/2014/12/30/affaire-chris-coleman-samira-sitail-au-coeur-tempete_1428145) (accessed 17 February 2016).

<sup>104</sup> Interview with author, Ain el Sebaa, July 2014.

<sup>105</sup> Interview with author, Rabat, July 2015.

<sup>106</sup> The news site was blocked on 17 October 2013, and a new version, lakome2.com, was launched recently by Anouzla. Available at <http://www.lakome2.com> (accessed 17 February 2016).

journalistic output, the website employed journalists and activists, and rapidly became the main platform for the movement. Along with the news website Hespress, Lakom.com acted as a main provider of information on the movement, but it played also an activist role by granting a voice to the movement's activists and by acting as a focal point to gather and sometimes to guide them.

We found ourselves amid a popular movement calling for values in which we believe as journalists, but we did not adopt a propagandist tone in defence of the movement,

Anouzla argues.<sup>107</sup>

The website represents a successful experiment in using social media networks for activism alongside the publication of professional investigations on topics considered to be untouchable, such as the king's frequent long holidays or the high financial cost of the monarchy. The scandal known as 'Danielgate' is another example of the website's success in using professional investigation and social media activism in conjunction in order to trigger street action calling for change. In an article based on confidential sources, Anouzla unveiled a deal between King Mohammed VI and the Spanish King Juan Carlos, leading to the granting of a special pardon to a Spanish paedophile, Daniel Galvin, condemned to 30 years for the rape of 11 Moroccan children of between 4 and 15 years old.<sup>108</sup> A special Facebook page was launched by an activist linked to the website, calling people to take to the streets to object to the royal decision to free the convicted man:

A huge number of people took to the streets. Those were not the people of the 20 February movement. For the first time, what we call the silent institution, the palace, issued four communiqués in hours in which the King declared finally that a mistake had been committed and that he was sorry,

Anouzla recounts.

While the number of news websites was limited before the 20 February movement, it is becoming the major platform for information and lobbying, and the regime is becoming aware of the impact of such an influential platform. Dozens of new websites mushroomed, mostly adopting a pro-regime editorial line, while some used the online space for defaming opponents. An example is the dissemination by one of these websites of a YouTube video of a leader of the Islamic Al Adl Wal Ihsan group in his bedroom with his lover.<sup>109</sup> The proliferation of online news projects with a pro-regime editorial line is contributing to the further isolation of the few remaining independent media. In addition to creating new websites, the regime is using people to guide the comments on these websites, in order to create a virtual supportive public opinion, according to Taoufik Bouachrine.

<sup>107</sup> Interview with author, Rabat, July 2015.

<sup>108</sup> 'L'Affaire du Pédophile Espagnol Gracié au Maroc en 4 Questions', *Le Monde Afrique*, 5 August 2013. Available at [http://www.lemonde.fr/afrique/article/2013/08/05/maroc-la-grace-accordee-a-un-pedophile-espagnol-en-question\\_3457450\\_3212.html](http://www.lemonde.fr/afrique/article/2013/08/05/maroc-la-grace-accordee-a-un-pedophile-espagnol-en-question_3457450_3212.html) (accessed 17 February 2016).

<sup>109</sup> The daily *Assabah* published an article on the arrest of the leader 'naked with his lover'. Available at [http://www.assabah.press.ma/index.php?option=com\\_content&view=article&id=68934:2015-03-16-17-10-36&catid=37:cat-laune&Itemid=782](http://www.assabah.press.ma/index.php?option=com_content&view=article&id=68934:2015-03-16-17-10-36&catid=37:cat-laune&Itemid=782) (accessed 17 February 2016).

The return to an environment of self-censorship and fear among journalists pushed them to migrate to Facebook, which became a major platform not only for freedom of expression but also for information. Facebook is by far the most popular social media platform among Moroccans: according to the 2014 Freedom House report on the freedom of the net, more than 5 million Moroccans have Facebook accounts.<sup>110</sup> This social networking service is acting as the largest political party in the country, as described by Anouzla. All the journalists who were interviewed, without exception, said they use Facebook to express their opinions openly, to network their work and to connect with their audiences, while abiding by the limitations imposed by their editors in their newsrooms.

The use of Facebook and other social networking tools, however, is no longer restricted to lobbying for rights and liberties. It is also massively used in denigration campaigns and in spreading rumours, thus contributing to the decline of professional standards, and to feeding the media with slander and scandals. Nevertheless, ‘although social media tools are also used for the regime’s propaganda and for defamation, those using these tools for democratic change are more influential by being more credible’, argues Anouzla.<sup>111</sup>

## A National Media Industry in Crisis

The political and media polarisation, as well as the continuous mutations in the ownership and operation of media outlets, is aggravating the fragility of the working environment for journalists. The use of economic boycotts by advertisers against independent media projects is hampering the flourishing of a sustainable independent press.

There are seven firms monopolising the field of advertising. A few phone calls to them are enough to stop the flow of advertisements for any publication,

argues veteran journalist Talha Jibril.<sup>112</sup>

It is important to add here that, since 1987, the government has opted for a policy of giving fixed subsidies to newspapers and magazines while favouring those that abide by official narratives.<sup>113</sup> In addition, the intricate link between the private business community and the regime makes the pressure exercised by the business community on the media even stronger than that implemented by the regime, as Taoufik Bouachrine argues.

Most of the wealthy businessmen are loyal to power and use advertising as a tool for censorship. We have launched a campaign against these businessmen accusing them of imposing economic censorship on the media,

he comments.<sup>114</sup>

<sup>110</sup> Morocco: Freedom on the Net 2014, *Freedom House*. Available at <https://freedomhouse.org/report/freedom-net/2014/morocco> (accessed 17 February 2016).

<sup>111</sup> Interview with author, Rabat, July 2015.

<sup>112</sup> Interview with author, Rabat, July 2015.

<sup>113</sup> Zain and Ibrahine, ‘Mapping Digital Media’, p. 66.

<sup>114</sup> Interview with author, Rabat, July 2015.

The quest for sensational content in the race for larger audiences and financial resources led to the rise of a populist reporting style encompassing defamation, breach of privacy and the spreading of rumours, or the so-called ‘culture of buzz’,<sup>115</sup> as described by the journalists who were interviewed. These sensational trends can go to such lengths as the weekly *Maroc Hebdo* publishing a front-page headline asking whether ‘we should burn gay men’, causing heated debate and tough reactions.<sup>116</sup>

Beyond the sustainability of media projects, the internal work conditions for journalists do not provide them with job stability and opportunities for professional advancement. TV anchor and producer Nadia Hashimi explains:

The economic structures of the media are very limited, which is leading to a decline in professional standards and quality. The media industry today has not got enough legitimacy and reputation to attract good journalists and to develop their capacities; this is why most of these good journalists migrate to other fields.<sup>117</sup>

The Syndicat Nationale de la Presse Marocaine, founded in 1963, presents itself as an independent professional association that seeks to uphold the journalistic profession and to defend freedom of expression.<sup>118</sup> However, most of the journalists who were interviewed criticised what they perceive as the weak role of the Syndicat in providing protection for journalists and in defending editorial values and standards. The Syndicat is perceived as not independent from the current political polarisation and interests.

## Conclusion

In Morocco, editorial discretion is tolerated or even encouraged as long as it serves the regime’s purposes. It is suppressed when it becomes a threat to the authorities.

The Moroccan media today are more diversified in their content and operation. The scope of topics that can be tackled has extended, and entrenched social taboos are now debated. Interest in investigative reporting on socio-economic topics is rising among journalists, especially the younger generation. However, the ability of the so-called ‘sacred’ topics to resist attempts to liberalise is what makes media reform in Morocco such a complex process, with contradictory trajectories. On the one hand, political and media spaces are wider and the media are bolder in tackling topics in connection with the everyday problems of Moroccan citizens, especially in neglected rural areas. On the other hand, the severe sanctions incurred for reporting and expressing dissent make the development of a genuine independent press a utopian hope.

<sup>115</sup> Tayebi, ‘Independent Press’.

<sup>116</sup> “‘Faut-Il Brûler les Homos?’: La Une d’un Hebdomadaire Marocain Fait Scandale’, *Sud Ouest*, 12 June 2015. Available at <http://www.sudouest.fr/2015/06/12/faut-il-bruler-les-homos-la-une-d-un-hebdomadaire-marocain-fait-scandale-1949595-5166.php> (accessed 17 February 2016).

<sup>117</sup> Interview with author, Casablanca, July 2015.

<sup>118</sup> See an overview on the establishment and mandate of the syndicate as presented on the organisation’s website <http://www.snpm.org/> النقابة / من نحن؟ / 137-النقابة-الوطنية-للصحافة-المغربية-من-التأسيس-إلى-الهيكلية

The ambivalent attitude of the regime towards press freedom is contributing to exacerbating further the fragility of an industry in continuous mutation and facing an uncertain future. While the press historically played an active role in shaking the boundaries of what can be said, its liberalisation was as rapid as its suppression. Gains from the relative and controlled openness afforded to the media did not establish solid new traditions of media reporting because this openness was not legally institutionalised.

The extreme manipulation of the media and the use of them to send political messages are putting professional standards at risk. The most alarming practice is the use of legal cases based on personal affairs in order to delegitimise and isolate critical journalists and activists. The use of the media as a platform for defamation is encouraging the rise of populist trends, thus restricting the scope available to the media to debate topics at the heart of democratic change.

The rise of news websites provides a viable economic model independent from the stranglehold of advertisers and media funders. However, the regime's appetite for using this influential platform to propagate its discourse led to a flood of new online projects, some of them with dubious standards, further isolating the few remaining independent media.

The dynamic Facebook scene is acting as a two-edged sword: it is allowing a free space for the expression of views and for networking while it is also used as a strong platform for denigration and the spreading of rumours. The migration of debates from mainstream media to Facebook is also solidifying the status quo within the former; most of the journalists who were interviewed say they can easily abide by the limitations set by their editors, while expressing their true self on their Facebook pages.

Moroccan journalists work today in a climate of fear and willingness to embrace self-censorship. The rise of the model of the journalist defending the status quo in the name of 'patriotism' as opposed to the model of 'troublemakers' – critical journalists accused of tarnishing the image of their country – is aggravating the instrumentalism of the national media. The lack of legal, structural and editorial media reform that is real and inclusive makes media freedom a fragile prey for the regime's ambivalent tactics.



## الاستنتاجات الرئيسية

- كرس الدستور الجديد بعض الحقوق الأساسية للإعلام. إلا أن الفارق الشاسع بين النص الدستوري والممارسة العملية جعل عملية تحرير الإعلام مسارا غير متناسق يتسم بتوجهات متناقضة.
- إن قدرة المحظورات "المقدسة" على الصمود في وجه التغيير تحد إمكانات العمل الصحافي الإستقصائي بالموضوعات المسموح تناولها بعيدا عن القضايا ذات الصلة الوثيقة بالسلطة. إن غياب البنية التنظيمية الكفيلة بحماية الإنفتاح الإعلامي غير المقنون يجعل من هذا الانفتاح بنية هشّة فريسة لسياسات النظام التكتيكية.
- إنعكست الدينامية الجديدة في المجال السياسي في استقطاب إعلامي يعكس الصراع بين التوجهات المحافظة وتلك الحداثية في المجتمع المغربي. رغم إسهام هذا الاستقطاب في تعزيز التنوع في مضمون الإنتاج الاعلامي إلا أنه يغذي التوجهات نحو الشعبوية والإثارة في الإنتاج الإعلامي.
- لا يمكن عمليا للصحافة الاستقصائية أن تزدهر في مناخ السيطرة على الإعلام السائد حاليا. يشكل فرض عقوبات قضائية وغرامات باهظة فضلا عن المقاطعة الاقتصادية من جانب المعلنين، عائقا جديا أمام العمل الصحافي المستقل. كما أن عادات الرقابة الذاتية الراسخة في أوساط الصحافيين والخوف من التغيير يجعلهم غير راغبين في التخلي عن عادات ممالقة النظام في التغطية الصحافية.
- إن استخدام التشهير الأخلاقي في حق صحافيين ناقدين وناشطين في مجال حقوق الانسان عبر ملاحقات قضائية في قضايا ذات علاقة بالحياة الخاصة ينظر إليها في الغالب باعتبارها ذات دوافع سياسية، يسهم في تقييد التغطية الصحافية الناقدة. إن الضرر الذي تسببه هذه الملاحقات القضائية على سمعة الصحافي أو الناشط الحقوقي قد يكون أكثر فاعلية من عقوبة السجن في إسكات هؤلاء.
- تساهم وسائل الإعلام الحديث والمواقع الإخبارية الألكترونية في تقديم خطاب بديل للخطاب المهمين في الإعلام التقليدي. كما باتت صفحات موقع الفيسبوك تستخدم منصة للتغيير السياسي. إلا أن استخدام الإعلام الحديث أيضا للدعاية للنظام والتهشير بمعارضيه ونشر الشائعات يطرح السؤال حول دور الإعلام الحديث كمحرك للتغيير الديمقراطي.

## الملخص التنفيذي

منحت تظاهرات "ربيع" المغرب الداعية للديمقراطية الصحافة المغربية موسماً من الانفتاح لم يتسنى له أن يدوم طويلاً. في تلك المرحلة، خرجت قضايا تعتبر من المحظورات إلى مجال النقاش العام بما في ذلك نقاش السلطات المركزية للملك. اليوم، يعمل الصحفيون في مناخ من السيطرة على الإعلام تغذيه شعارات مكافحة الإرهاب وتعميم نموذج الصحفي المدافع عن استمرار الأوضاع على حالها، باسم "الوطنية".

شهد الإعلام في المغرب فترات قصيرة عديدة من الانفتاح لم تتمكن من أن تتغلب على سياسات النظام التكتيكية وتبنيه لموقف عدائي من الحريات الإعلامية. كانت مراحل الانفتاح المدروس هذه متقطعة ولم يكن بمقدورها أن تقدم الشروط المستدامة الكفيلة بتسيخ تقاليد العمل الصحفي الاستقصائي في وسط الصحفيين.

استفادت الصحافة من الدينامية الجديدة في المجال السياسي، والتنوع الكبير في الموضوعات التي بات الصحفيون يتناولونها، فضلاً عن تطوير مجالات التحقيق الاستقصائي في قضايا ذات صلة بحاجات المواطنين اليومية ومشكلاتهم. إلا أن قدرة المحظورات المتضمنة في الدستور أو ما يسمى بالخطوط الحمراء - الملكية والإسلام وسلامة أراضي المملكة - على الصمود في وجه تيار التغيير، جعلت هذه التطورات الإيجابية ذات تأثير محدود.

أقر الدستور الجديد للبلاد لعام 1102 حقوقاً أساسية للإعلام إلا أن النصوص الدستورية الجديدة خلت من تعريف واضح لهذه الحقوق ولم تصل إلى مستوى المعايير الدولية كما أن الاستثناءات الكثيرة على تطبيقها غالباً ما أُلغتها عملياً. تشكل الملاحظات القضائية المتكررة في حق الصحفيين - والتي تستند في الغالب إلى قوانين القذح والذم أو قوانين مكافحة الإرهاب - سلاحاً قوياً لثني الصحفيين عن تحدي هذه المحظورات الراسخة.

تشكل حملات التشويه الأخلاقي ضد صحفيين ناقدين ونشطاء في مجال الدفاع عن الحقوق والحريات - الناجمة عن ملاحظات قضائية في شؤون خاصة أو حملات التلويح الإعلامية - وصفة ناجعة لإسكات هؤلاء وعزلهم إجتماعياً. كما أن استخدام سلاحي العقوبات القانونية والمقاطعة الاقتصادية - من جانب المعلنين - ضد المشاريع الصحفية المستقلة جعل قدرة هذه المشاريع على الاستمرار ضعيفة جداً.

يشكل الاستقطاب السياسي والإيديولوجي وانعكاسه على الصحافة سبباً ذو حدّين: يتيح هذا الاستقطاب تعزيز التنوع في التعبير عن وجهات النظر المتباينة وينشط التعددية في المجال العام. إلا أن هذا الاستقطاب يساهم في الوقت نفسه في استفحال استخدام الإعلام كوسيلة للتشويه ونشر الشائعات كما يجعل من السباق وراء الإثارة إحدى الميزات البارزة للإنتاج الإعلامي.

تسهل التغييرات المتواصلة في مؤسسات الإعلام التقليدي في تفاقم هشاشة ظروف عمل الصحفيين المتقلبة أساساً كما يشجع غياب فرص التطوير المهني وقصور الاستقرار الوظيفي على الهجرة من الصحافة إلى مجالات مهنية أخرى.

باتت اليوم عادات الرقابة الذاتية متفشية بين الصحفيين إذ يخشى هؤلاء ردود الفعل العقابية ليس بسبب ما ينتجونه فقط بل أيضاً بسبب مواقفهم السياسية. ومع ارتباط الاستثمار في مجال الإعلام بالأجندات السياسية والإيديولوجية، لم يعد الدفاع عن القيم الديمقراطية أولوية بالنسبة للصحفيين في المملكة.



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# الإعلام المغربي: ما بين الوضع الراهن و التخيير

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