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# COMMITTEE FOR JUSTICE

## MOROCCO: ACHPR COUNTRY BRIEFING REPORT: HUMAN RIGHTS VIOLATIONS AND VIOLATIONS OF THE AFRICAN CHARTER (OCTOBER 2024 – APRIL 2025)

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## Introduction

The present report is submitted with the objective of monitoring, documenting, and assessing patterns of human rights violations observed in the Kingdom of Morocco over the period extending from October 2024 to April 2025. The findings herein place particular emphasis on violations concerning the rights to liberty, security, fair trial guarantees, and the overarching principle of state accountability.

Although Morocco has not ratified the African Charter on Human and Peoples' Rights, as a member of the African Union, it is expected to respect and uphold the principles enshrined in the Charter as part of its obligations under the AU framework. Membership in the African Union entails a commitment to the organization's foundational instruments and values, including the protection and promotion of human rights. By voluntarily rejoining the AU in 2017, Morocco reaffirmed its acceptance of the Constitutive Act of the African Union, which emphasizes respect for human rights, democratic principles, and the rule of law. Consequently, even in the absence of formal ratification, Morocco bears a political and moral obligation to align its domestic policies and practices with the standards articulated in the African Charter. Moreover, respect for human rights is one of the cornerstones of the AU's credibility and functioning, and all member states are expected to demonstrate adherence to these principles not only at the regional but also at the national level. Failure to do so undermines the collective commitments of the Union and jeopardizes the rights of individuals under its protection.

This reporting period has been marked by a discernible intensification of state-led repression, particularly directed against migrant communities and voices critical of the political status quo. Such practices underscore the persistent structural challenges that undermine the effective realization of rights enshrined in the African Charter.

Human rights defenders operating in this context were subjected to a spectrum of violations, including physical assaults, intimidation, arbitrary surveillance, and severe restrictions on freedom of movement. These acts collectively constitute infringements upon the right to personal integrity, the right to peaceful assembly, and the right to be free from cruel, inhuman, or degrading treatment.

Furthermore, the human rights situation at Morocco's northern borders — particularly in the vicinity of the Spanish enclaves of Ceuta and Melilla — has continued to deteriorate. Reports from international human rights organizations and media outlets have documented repeated instances of excessive force, arbitrary detention, torture, and ill-treatment of migrants attempting to cross into European territory.

In parallel, the domestic civic and political space remains constricted. Legislative and judicial instruments continue to be deployed to sanction and silence journalists, human rights defenders, legal practitioners, and civil society actors engaged in the legitimate exercise of freedom of expression.

Despite a de facto moratorium on the implementation of the death penalty, the persistence of this sanction in national legislation continues to raise concerns in relation to the right to life.

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## 2. Legal and Institutional Framework

The Kingdom of Morocco remains an exceptional case within the institutional architecture of the African Union (AU), as it has yet to ratify the African Charter on Human and Peoples' Rights. Since the adoption of the Charter in 1981 and its entry into force in 1986, the vast majority of AU member states have acceded to this landmark regional human rights instrument. Morocco, however, continues to stand apart as the only AU member state that has not ratified the Charter, despite its formal reintegration into the Union in 2017 following a prolonged absence.<sup>1</sup>

This persistent refusal to ratify the African Charter carries important legal and institutional consequences. Ratification constitutes a fundamental prerequisite for the establishment of binding obligations under the Charter and for the full engagement of state parties with the African Commission on Human and Peoples' Rights, including the submission of periodic reports and cooperation with the African Court on Human and Peoples' Rights. In the absence of such ratification, Morocco remains beyond the formal reach of these regional oversight mechanisms, thereby significantly limiting the avenues available for independent scrutiny of its human rights practices at the continental level.<sup>2</sup>

At the domestic level, Morocco's legal framework formally enshrines several guarantees pertaining to the protection of fundamental rights, including the right to liberty and security, the right to a fair trial, and the absolute prohibition of torture and other cruel, inhuman, or degrading treatment or punishment. These principles are enshrined both in the 2011 Constitution and in national legislation, notably the Penal Code, which criminalizes acts of torture, and the Code of Criminal Procedure, which outlines procedural safeguards designed to protect detainees, including judicial oversight and access to legal representation.<sup>3</sup> Despite these formal guarantees, there remains a significant and persistent gap between law and practice. The independence of the judiciary, although affirmed in constitutional and legal provisions, continues to be undermined by structural weaknesses and interference from the executive, especially in cases implicating national security or dissenting political expression.<sup>4</sup>

Morocco has also established a series of national institutions mandated to safeguard and promote human rights, most notably the National Human Rights Council (Conseil National des Droits de l'Homme — CNDH), the Médiateur du Royaume (Ombudsman), and specialized judicial bodies. The CNDH plays an advisory and monitoring role, and its mandate includes reporting on the human rights situation, engaging with international human rights mechanisms, and raising awareness among the public. While the Council has at times issued reports critical

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<sup>1</sup> African Union, "List of countries which have signed, ratified or acceded to the African Charter on Human and Peoples' Rights," updated March 2025.

<sup>2</sup> African Commission on Human and Peoples' Rights, "Mandate and Rules of Procedure," 2020 Edition.

<sup>3</sup> Kingdom of Morocco, Constitution of 2011, Articles 22, 23, and 120; Penal Code, Articles 231-1 to 231-8; Code of Criminal Procedure, Articles 66, 80, and 134.

<sup>4</sup> United Nations Special Rapporteur on the Independence of Judges and Lawyers, "Report on Morocco," A/HRC/53/29/Add.2 (2023).



of state practices, its ability to influence systemic change remains limited by its lack of binding authority and its structural proximity to the executive branch.<sup>5</sup>

Similarly, the Ombudsman is mandated to receive and investigate individual complaints concerning abuses committed by administrative authorities. However, its effectiveness in addressing complaints of systematic violations or politically sensitive matters has proven constrained, particularly where state security or political interests are invoked.<sup>6</sup> Judicial remedies for victims of arbitrary detention, torture, and other grave violations are formally available but, in practice, remain largely inaccessible or ineffective, further contributing to a context of limited accountability and impunity for human rights abuses.<sup>7</sup>

The absence of ratification of the African Charter further exacerbates the disjunction between Morocco's stated commitments to human rights and the lived realities of many individuals under its jurisdiction. Several core provisions of the Charter—including Article 4 (right to life), Article 5 (prohibition of torture and inhuman treatment), Article 6 (right to liberty and security), Article 7 (right to a fair trial), and Article 18 (right to participate freely in public affairs)—remain inconsistently respected, both in law and in practice.<sup>8</sup> Notably, while the Constitution affirms the prohibition of arbitrary detention and torture, numerous credible reports indicate that such practices persist, particularly in politically motivated cases.

In summary, the legal and institutional framework of Morocco presents a complex and paradoxical landscape: formal legal guarantees coexist with deep structural and operational deficits that undermine the effective protection of human rights. This situation is further compounded by the country's longstanding refusal to ratify the African Charter, which deprives individuals and communities of the additional safeguards and accountability mechanisms provided by the African human rights system. Addressing these gaps requires not only legal reform but also genuine political will to enhance institutional independence and ensure full compliance with international and regional human rights standards.

### 3. Main Violations Identified

This section details the principal human rights violations documented in Morocco from October 2024 to April 2025

#### A. Arbitrary Arrest and Detention

A persistent pattern of arbitrary arrests without warrants or legal basis has been observed as activists, human rights defenders, journalists, and peaceful protesters are being arbitrary arrested. Security forces frequently detain individuals during or following demonstrations, often without formal charges or access to legal counsel. Moroccan authorities also use emergency laws and counter-terrorism legislation to justify detentions, often transferring cases to military courts, which lack transparency and due process guarantees. The case of Fouad

<sup>5</sup> Conseil National des Droits de l'Homme, "Annual Report 2023," Rabat, 2024.

<sup>6</sup> Médiateur du Royaume, "Rapport Annuel 2023," Rabat, 2024.

<sup>7</sup> Human Rights Watch, "Morocco: Human Rights Backsliding Continues,"

<sup>8</sup> African Charter on Human and Peoples' Rights, adopted 27 June 1981, entered into force 21 October 1986.



Abdelmoumni, a prominent activist sentenced in absentia to six months' imprisonment for a Facebook post criticizing Moroccan-French relations, illustrates the use of judicial processes to silence dissent<sup>9</sup>. Denial of access to lawyers and prolonged pretrial detention remain widespread, especially in politically sensitive cases, undermining detainees' right to a fair defense.

## **B. Enforced Disappearance**

Enforced disappearances remain a grave concern. Political opponents, activists, and ordinary citizens have reportedly been detained in secret or unofficial detention facilities without acknowledgement by the state. The Moroccan authorities have consistently denied the existence of enforced disappearances despite credible reports from victims' families and human rights organizations.

## **C. Denial of Fair Trial**

Trials of political detainees and activists frequently occur before special or military courts, which lack independence and impartiality. Judicial independence is severely compromised, with courts often acting as instruments of the executive branch, particularly in cases involving dissent or national security. Due process rights are routinely violated, public hearings are rare, coerced confessions are used as evidence, and defense lawyers face intimidation. These practices contravene Article 7 of the African Charter, which guarantees the right to a fair trial, and reflect a systemic failure to uphold judicial standards.

## **D. Prison Conditions and Ill-Treatment**

Detention facilities in Morocco suffer from severe overcrowding, inadequate medical care, and widespread use of torture and other forms of ill-treatment. Reports detail the use of solitary confinement as a punitive measure, often targeting political prisoners and activists. Torture methods reportedly include beatings, electric shocks, and psychological abuse aimed at extracting confessions or punishing dissent. The lack of independent monitoring and effective complaint mechanisms enables impunity for perpetrators and perpetuates inhumane conditions.

## **E. Repression of Human Rights Defenders and Victims' Families**

Human rights defenders, lawyers, journalists, and families of victims face systematic harassment, intimidation, and surveillance. Surveillance and harassment extend to families seeking justice for disappeared or detained relatives, creating a climate of fear and silencing dissent. This repression violates the rights to freedom of expression, peaceful assembly, and association protected under the African Charter.

In conclusion, the human rights situation in Morocco during the reporting period is marked by entrenched patterns of arbitrary detention, enforced disappearances, denial of fair trial guarantees, inhumane prison conditions, and targeted repression of human rights defenders and victims' families. These violations reflect systemic shortcomings in state accountability and

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<sup>9</sup> <https://www.hrw.org/news/2025/03/27/morocco-activist-sentenced-peaceful-speech>



the rule of law, compounded by Morocco's refusal to ratify the African Charter and its obstruction of international monitoring mechanisms. The documented abuses call for urgent reforms and international attention to uphold the rights enshrined in the Charter and international human rights law.

#### 4. Case Study

##### Case 1: The Arbitrary Detention and Unfair Trial of Mr. Fouad Abdelmoumni

The case of Mr. Fouad Abdelmoumni, a distinguished Moroccan human rights defender and public intellectual, has drawn significant concern from both national and international human rights organizations. Mr. Abdelmoumni was sentenced in absentia to six months' imprisonment in late 2024 on the basis of a Facebook post in which he criticized the state of diplomatic relations between Morocco and France. His case highlights the increasing recourse to criminal defamation and national security legislation as tools to silence independent voices<sup>10</sup>. Mr. Abdelmoumni was subjected to arbitrary arrest and detention, without being presented with clear charges or access to legal counsel within the legally prescribed timeframe. The judicial proceedings lacked transparency, and were marked by procedural irregularities, including the reliance on coerced statements and the absence of a public hearing<sup>11</sup>. The conviction triggered widespread condemnation from human rights defenders, who described it as emblematic of the shrinking space for freedom of expression in Morocco. Despite these concerns, no remedial measures were taken, and the authorities did not authorize any independent inquiry into allegations of ill-treatment or procedural violations during Mr. Abdelmoumni's detention<sup>12</sup>.

Mr. Abdelmoumni remains at risk of imprisonment and continues to face judicial harassment. His case exemplifies the broader pattern of criminal prosecutions against peaceful critics and independent voices, which has contributed to a climate of fear and self-censorship among human rights defenders, journalists, and political activists in Morocco. The government has justified the prosecution of Mr. Abdelmoumni by invoking considerations of public order and national security, and has not acknowledged any violations of his fair trial rights or of his right to freedom of expression, as protected under international human rights law<sup>13</sup>.

In both case studies, the response of the Moroccan authorities reflects a pattern of denial and deflection. Allegations of serious human rights violations, including the unlawful use of force, arbitrary detention, and violations of fair trial guarantees, have either been dismissed or justified under the pretext of safeguarding public order and national sovereignty. To date, no credible investigations or prosecutions have been initiated against security forces or judicial officials implicated in these cases.

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<sup>10</sup> International Commission of Jurists, Report on Judicial Independence and Fair Trial Rights in Morocco, February 2025

<sup>11</sup> Moroccan Association for Human Rights (AMDH), "Abdelmoumni: A Case of Judicial Harassment," Press Release, January 2025

<sup>12</sup> *ibid*

<sup>13</sup> Moroccan Government Official Statement, Ministry of Interior, December 2024



## 5. Reactions by Regional and International Actors

Between October 2024 and April 2025, various national non-governmental organizations, lawyers' associations, and civil society groups in Morocco have expressed serious concerns regarding the human rights situation. Legal professionals have underscored issues related to fair trial guarantees and the application of counter-terrorism laws.

At the regional level, engagement by the African Commission on Human and Peoples' Rights remains constrained due to Morocco's current status regarding the African Charter. Nonetheless, United Nations mechanisms have maintained a constructive dialogue on the situation.

Additionally, diplomatic missions and multilateral groups at the United Nations Human Rights Council have called for enhanced transparency and independent oversight to support progress in human rights protection.

Overall, regional and international stakeholders continue to advocate for constructive engagement, accountability, and respect for fundamental rights, while encouraging Morocco to facilitate access for independent observers and to pursue reforms that strengthen the protection of human rights in the country.

## 6. Conclusion and Recommendations

The monitoring period from October 2024 to April 2025 reveals a deeply concerning human rights landscape in Morocco characterized by systematic and widespread violations. The most frequently infringed rights include the right to liberty and security (Article 6 of the African Charter), the right to a fair trial (Article 7), the prohibition of torture and cruel treatment (Article 5), and the right to participate in government (Article 18). Arbitrary arrests and detentions without legal basis or warrants are pervasive, often accompanied by denial of access to legal counsel and prolonged pretrial detention. Enforced disappearances remain unacknowledged by the state, exacerbating fears of impunity. Trials before military and special courts lack independence and transparency, frequently relying on coerced confessions and denying due process. Prison conditions are harsh, with documented cases of torture, solitary confinement, and discrimination against political detainees. Human rights defenders, journalists, and victims' families face ongoing harassment, intimidation, and surveillance, further shrinking civic space.

Morocco's refusal to ratify the African Charter significantly undermines the regional human rights protection framework's applicability and effectiveness. Despite constitutional guarantees, the state's practices fall short of the Charter's provisions, reflecting systemic impunity and disregard for fundamental freedoms. The use of emergency and counter-terrorism laws to suppress dissent, lack of judicial independence, and failure to investigate abuses contravene the spirit and letter of the Charter. Morocco's obstruction of international monitoring further impedes accountability and compliance with regional human rights standards.

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## Recommendations to the Moroccan Government

1. **Immediate Release of Arbitrarily Detained Individuals:** The government should promptly release all persons detained without legal basis, particularly peaceful activists, human rights defenders, and journalists, to uphold the right to liberty and security.
2. **Investigate and Prosecute Cases of Torture and Enforced Disappearance:** Independent and transparent investigations must be launched into all allegations of torture, ill-treatment, and enforced disappearances. Perpetrators, including security personnel and officials, should be held accountable in fair trials.
3. **End the Use of Exceptional and Military Courts for Civilians:** The government should abolish the practice of trying civilians in military or special courts, ensuring all judicial proceedings adhere to principles of independence, impartiality, and transparency.
4. **Ensure Fair Trial Guarantees and Access to Legal Aid:** Morocco must guarantee the right to a fair trial by providing detainees with timely access to legal counsel, public hearings, and the presumption of innocence. Judicial reforms should strengthen the independence of the judiciary and protect defense rights.

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