

***Journalists' Arrest in Morocco:
Censorship or Criminalization of Violence Against Women?***

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Abstract

In recent years, Morocco has witnessed trials that dangerously intertwine sex and politics. Notably, several journalists have been sentenced to prison for charges including human trafficking, abuse of power for sexual purposes, rape, adultery, or prostitution. Consequently, these trials have plunged a segment of the Moroccan population into a moral conflict: whether to support the freedom of expression of bold journalists or to denounce the sexual violence perpetrated against women. In this conference paper, I aim to demonstrate that the criminalization of journalists, among others, for sexual violations is part of the patriarchal continuum that involves the appropriation of women's bodies. To achieve this, I conducted interviews with detainees' family members, ex-detainees, and activists. I also consulted their writings and supplemented these testimonies with publications from human rights associations. Applying discourse analysis, I examined the rhetoric and practices of the Moroccan state regarding sexual violence. I adopt feminist approaches to the state, which view state practices as grounded in specific concepts of masculinity and femininity. The outcome is the institutionalization of hierarchy in both private and public spheres, the verticality of social and political relations, and the repression of voices critical of the state's regime. Furthermore, this presentation emphasizes that the study of all forms of power must necessarily include theories of sexuality and gender hierarchy. In other words, sexuality and gender relations are fully integrated into the realms of politics.

Keywords: Morocco, Journalism, Freedom of the Press, Sexual Violence

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Introduction

In October 2018, a trial led the Moroccan public to call into question the integrity of Taoufik Bouachrine, who was then the editor-in-chief of the renowned Arabic-language daily newspaper *Akhbar al-Yaoum*. The Casablanca Court of Appeal sentenced Bouachrine to fifteen years in prison and a fine of €255,000 (Euros) for human trafficking, abuse of power for sexual purposes, rape, and attempted rape (Reporters without Borders, 2018). Admittedly, the charge of human trafficking seemed implausible to most of the public. Bouachrine was one of the few editorialists in the country who dared to be outspoken in his criticism of the public politics pursued by the ruling elite. However, the accusation that he used his professional status to obtain sexual favors, especially from junior journalists, seemed credible. After all, patriarchal structures, with their logic of male sexual predation and victimization of women, are deeply anchored in Moroccan society. According to statistics from the World Economic Forum, Morocco ranks 136th among 146 nations in terms of gender equality (World Economic Forum, 2023: 11). The consequences of patriarchal constructs include the feminization of unemployment (Ivan, 2008: 64; Rajaa, 2006: 288), discrimination against women in the job market (World Economic Forum, 2023: 267-268), and the normalization of violence against women, including sexual violence (Higher Planning Commission/Kingdom of Morocco, 2012). As a result, Bouachrine's trial threw part of the Moroccan population into a moral conflict, namely, whether to support the freedom of expression of a daring journalist or denounce the violence he allegedly perpetrated against women.

While public opinion was trying to position itself in the face of this moral conflict, another arrest, which occurred less than a year later, changed the game. In September 2019, Hajar Raissouni, a female journalist for *Akhbar al-Yaoum*, the same paper Bouachrine had managed before his incarceration, was sentenced to one year in prison (L'Humanité, 2020). She was accused of having had an illegal abortion and sex outside of marriage. Indeed, in Morocco, sexual intercourse outside of marriage is criminalized (Article 490 of the Penal Code); likewise, abortion is prohibited, except if the mother's life is in danger (Article 453 of the Penal Code). It should be noted that during her time as a journalist, Hajar Raissouni covered social protest movements, including the Hiraq Rif in 2017,¹ the Hiraq of Thirst in Zagora in 2017,² and the Hiraq Jerada in 2018.³ She also denounced the violence committed by police against peaceful demonstrators at these protests, as well as the abusive arrests of some of them. Thus, the question arose as to whether her sentence was being used to silence her. After major national and international rallying in support of Hajar Raissouni, she was pardoned by King Mohammed VI in October 2019.

In 2020, the issue of the instrumentalization of vice cases by the judicial system – with the deliberate aim of silencing voices critical of the regime – became a matter of public concern.

¹ The Hiraq Rif (“popular movement of the Rif”) arose following the death of Mohcine Fikri on 28 October 2016, in the city of Al-Hoceima. This fishmonger had been crushed in a dumpster while trying to recover his goods, which had been confiscated by the authorities. Since then, the inhabitants of the city have mobilized in peaceful demonstrations to demand socio-economic justice.

² The Hiraq of Thirst (“thirst protests”) in Zagora began in early summer 2017 to protest the fact that households in this locality, situated at the edge of the desert, are often deprived of tap water for several days, while others have access to it for only a few hours a day. Outraged, the population has organized several peaceful protests demanding access to drinking water.

³ The Hiraq of Jerada (“Jerada movement”) came about following the death of two miners on 22 December 2017, during the collapse of a clandestine coal mining well in Jerada. Since then, the population has organized sit-ins and peaceful demonstrations to demand, among other things, the economic development of the region.

In May 2020, Soulaïmane Raïssouni, Hajar's uncle, and a journalist and editor-in-chief, was arrested. Accused of sexually assaulting a young LGBTQ activist, he was sentenced to five years in prison and fined €9,500.⁴ It is important to note that after Bouachrine's incarceration, Soulaïmane Raïssouni took over the management of *Akhbar al-Yaoum*, which was targeted by the authorities because of its critical editorial line. A few months later, in July, investigative journalist, Omar Radi, was arrested and sentenced to six years in prison and a fine of €19,000 for espionage and rape (Human Rights Watch, 2021). Strikingly, Radi was particularly interested in the control of the country's economy by political elites. In a famous investigation, he documented, with supporting figures, the appropriation of the land of ordinary citizens by these elites.

In this article, I will demonstrate that the criminalization of journalists and activists, among others, for sexual violations is part of the historical and patriarchal continuum of appropriation of women's bodies. Without question, all complaints of rape and other sexual violence must be taken seriously, and therefore investigated meticulously and thoroughly by the courts. That said, the trials that have dangerously linked sex and politics and taken place in Morocco in recent years indicate that the state aims to kill two birds with one stone, namely, to silence voices critical of the regime, on the one hand, and to project the image of a state that protects women, on the other. However, by doing so, the state is holding back the democratization process in the nation while discrediting the causes of women and rape victims.

First, some methodological remarks are in order. I conducted interviews with detainees' family members, ex-detainees, and activists. I also consulted their writings and supplemented these testimonies with publications from human rights associations. Applying discourse analysis, I examined the rhetoric and practices of the Moroccan state regarding sexual violence. It must be added that I adhere to feminist approaches of the state (Enloe, 2019; Enloe, 2016; MacKinnon, 1989), which consider state institutions and practices to be based on specific concepts of masculinity, and conversely, of femininity. The result is the institutionalization of hierarchy in the private and public spheres, the verticality of social and political relations, and the violence against and repression of voices critical of the state's regime. Moreover, this text is in line with feminist historiographies that argue that the study of all forms of power must imperatively include theories of sexuality and gender hierarchy (McClintock, 1995). In other words, sexuality and gender relations are fully inscribed in the fields of politics and political history. Indeed, as I propose to show in two parts in this chapter, rape and threats of rape both play a central role in the recent history of power struggles in Morocco.

The Criminalization of Rape: A Double Standard

Historical studies show that women are more vulnerable to sexual violence during wars and periods of political instability (Cerretti, 2016: 794–812; Branche, 2002: 123-132; Nahoum-Grappe, 1996: 273-323). Indeed, by perpetrating mass rape, soldiers strip women of their humanity; the ways soldiers treat them aim to humiliate and, consequently, defeat the enemy. Unfortunately, the Moroccan state acts in a similar fashion as part of its politics to maintain the social status quo. More explicitly, women are seen as a means to silence men who are critical of the regime. Thus, the state uses a variety of tactics, in particular, the law that criminalizes sexual relations outside of marriage. For example, human rights activist, Fouad

⁴ From a phone interview with Khoulood Mokhtari, spouse of the editorialist, on 1 April 2022.

Abdelmoumni, was targeted in this way. In 2020, he discovered that he and his partner had been filmed having sex without their knowledge, and videos were sent to dozens of their loved ones.⁵ He realized that because of the close surveillance he was under, police officers had broken into his home, placed cameras in both rooms of his apartment, and had later retrieved them. In the context of Moroccan society, the revelation of a sex tape is devastating for a public (male) figure, but it is even more so for the woman involved. Moreover, because the couple was not married, they were in violation of the law prohibiting sex outside of marriage and, therefore, risked jail time and possible porn-shaming if police officers had circulated the incriminating videos on defamation media, which are known for their close ties to the security services.

Similarly, investigative journalist Hicham Mansouri and a female friend were brutally arrested in 2015 (Mansouri, 2022: 19-20). After receiving information through close surveillance that a woman was visiting him, armed agents broke down the door of his apartment and deliberately surprised them. They then stripped them naked, forced them to be photographed on the bed, and proceeded to arrest them. The journalist was sentenced to ten months in prison and a fine of €3,700 for complicity in adultery and preparation of a place for prostitution. His companion, in turn, was sentenced for complicity in adultery.

Yet, as researchers note, Moroccan society is changing, and transgressive sexual behavior is more the norm rather than the exception (Slimani, 2017; Glacier, 2017; Cheikh, 2011: 36-37). In other words, enforcement of the law prohibiting consensual sex outside of marriage is arbitrary and selective. Specifically, it targets journalists and activists who are critical of the regime. Ultimately, in the war waged by political elites against dissenting voices, men are targeted, but their partners or friends – women – are a kind of collateral damage.

It should also be noted that as part of the politics of the state elites to maintain the social status quo, sexual abusers are granted leniency, while critics of the regime are charged with rape in defiance of the principle of the presumption of innocence. We return to our first case of the editorialist Bouachrine (Committee To Protect Journalists, 2022). During his trial, the prosecutor presented several plaintiffs who accused him of rape. However, half of them ended up retracting their statements. In addition, Afaf Bernani, a journalist for *Akhbar al-Yaoum*, testified that Bouachrine had never touched her, and, at the same time, she regretted that officers of the judicial police had falsified her words. She was immediately moved from the witness stand to the defendant's dock. In June 2018, she was sentenced to six months in prison for perjury and defamation. She has since fled to Tunisia. Similarly, the trial of journalist Soulaïmane Raïssouni shows serious irregularities (Libération, 2022). He was arrested following a simple Facebook post in which an LGBTQ activist stated that two years earlier he had been raped by an unnamed public figure in their home.⁶ Finally, there is the case of the journalist Radi. After being viciously harassed by the judicial police for alleged espionage, he was arrested for a complaint of rape (Committee To Protect Journalists, 2021). At his trial, he claimed that it was a consensual relationship. In that regard, his colleague, Imad Stitou, a journalist who had spent the night in the same living room with him and the complainant, corroborated his claims (Democracy for the Arab World Now, 2021). As a result, Stitou went from being treated as a witness to being viewed as a guilty party. Even though the complainant affirmed that Stitou was asleep at the time of the alleged rape by Radi, Stitou was charged with participation in rape and sentenced to six months in prison (Human Rights Watch, 2021). This case contrasts with the usual practice in the judicial

⁵ From a phone interview with Fouad Abdelmoumni on 12 April 2022.

⁶ From a phone interview with Khouloud Mokhtari on 1 April 2022.

system, which generally shows a deplorable indifference to women victims of gender-based violence (Convention de l'élimination de toutes les formes de discriminations à l'égard des femmes, 2020).

Even more troubling is the leniency shown by state elites to some rapists. This was the case for Daniel Galvan Viña, who was released following a royal pardon in 2013 (Le monde, 2013). This Spanish pedophile was originally sentenced by Moroccan justice to thirty years in prison for raping eleven minors in 2011. However, it must be noted that after the strong protests caused by his release, he was arrested again. Similarly, the singer Saad Lamjarred was defended by King Mohamed VI in a trial for "aggravated rape" in France in 2016 (Lamlili, 2016). Yet, he was a repeat offender, having been incarcerated for similar offenses, assault, and rape, in the United States in 2010, before being granted bail, which he used as an opportunity to leave the country (Doubidji, 2018). Other complaints of aggravated rape have also been filed against him: one related to events in Casablanca in 2015, and the other in France in 2018. He was finally sentenced to six years in prison by a Paris criminal court in February 2023.

Thus, in the recent history of power struggles in Morocco, the connections between sex and politics indicate that it is not rape *per se* that is criminalized but, rather, the position of citizens *vis-à-vis* the regime in power. Inevitably, the movement or cause to support women and rape victims is, therefore, sometimes scorned and sometimes instrumentalized by the powers that be.

Rape as a Tool to Manage Political Opposition

In parallel with the double standard around the criminalization of rape, political elites use rape to manage political opposition. In this regard, Nasser Zefzafi, leader of the Hirak Rif, a socioeconomic protest movement that rocked northern Morocco in 2017, reported being raped with a stick during his arrest (Jeune Afrique, 2019). Khouloud Mokhtari, the spouse of editorialist Soulaïmane Raïssouni, attests that several rape threats were posted on her Twitter page.⁷ In other words, within the politics of maintaining the social status quo pursued by state elites, rape is an integral part of the arsenal deployed by law enforcement officials to silence voices critical of the regime, on the one hand, and to produce a docile population, on the other.

Not surprisingly, those who speak out against sexual assault by police officers and law enforcement are criminalized. This was the case for activist and teacher Nezha Majdi (Sadiqui, 2021). In March 2021, she participated in a demonstration organized by the National Coordination of Contractual Teachers in Rabat to protest their precarious employment conditions. In a video that went viral, she denounced the brutality with which police officers and security forces dispersed the peaceful demonstrators. In addition, she reported that female demonstrators were subjected to sexual violence, such as sexual insults and the touching of their breasts and buttocks with batons and clubs. Later, while she was reporting on the events in a Facebook Live stream, she was arrested in a very degrading way. Police officers dragged her to the ground and molested her for everyone to see. Moreover, while the forty-five contract teachers arrested were given two months of suspended prison sentences, she was the only one sentenced to three months of imprisonment (Nabbad, 2022). She was also charged with contempt of court. In other words, she moved from the plaintiffs'

⁷ From a phone interview with Khouloud Mokhtari on 1 April 2022.

camp to the guilty camp because she dared to denounce the fact that rape plays a role in the policies of maintaining the social status quo pursued by the political elites. Thus, far from being the protector of women and defender of the rights of rape victims, the state, instead, reinforces rape culture.

This also explains the treatment that the state reserves for women who dare to destabilize the regime in place. For example, the journalist Hajar Raissouni, mentioned earlier, was forced to undergo a gynaecological examination by the authorities when she was arrested; in this sense, the state violated her (Moussaoui & Azzouzi, 2020). More explicitly, the authorities told her, and are, in effect, telling other women like her, that no matter what critical voice she adopts, as a woman, she is still defined by her body. In a similar vein, young people were arrested in a café in Casablanca for not fasting during Ramadan (Ibriz, 2022). Unlike their male counterparts, the women were taken to the police station's toilets where they were subjected to a search that was as singular as it was degrading in order to check whether they were menstruating. The state's intrusion into these women's bodies indicates that they are reduced to an object to be appropriated.

One might point out, of course, that Zefzafi was a man, not a woman. In this regard, it should be remembered that historical and sociological research shows that patriarchal sexuality is imbued with relations of power and domination (Bourdieu, 1998: 24-28). Moreover, sex is a game of superiority and inferiority (Foucault, 1984: 43). In particular, penetration places both partners in a relation of domination and submission. For some, sexuality corresponds to a social status and is therefore exercised as a privilege. For others, it is an imposed condition. In this patriarchal context, the rape of Zefzafi appears to be a political attempt to feminize him, that is, to take away his masculinity by appropriating his body. In the dangerous liaisons between sex and politics, it is power that legitimizes access to women's bodies, not their consent. The practices of the state are thus situated in the historical and patriarchal continuum of the appropriation of women's bodies.

Conclusion

If the Moroccan state truly cared about women's rights, it would, first, stop its attack against women's peaceful activism. Indeed, in recent years, the country's political scene has been punctuated by the arrests of women. For example, activist Simane Tagrawlit, better known as Fatima Zahra, was arrested in November 2021 for, among other things, allegedly illegal demonstrations at the University of Tangier (ATTAC Maroc, 2021). Nevertheless, beyond this political trial, Fatima Zahra has distinguished herself through her leadership in activism on multiple fronts, including within the February 20 Movement, the Association for the Taxation of Financial Transactions and Citizen Action (ATTAC), and the Coordination of Unemployed University Students. Similarly, in April 2022, the activist Saïda el Alami was sentenced to two years in prison and a fine of €475 for, among other things, insulting a body regulated by law (Amnesty International, 2022). In fact, she dared to openly denounce on social media the state's drift in security policies.

Second, if the state truly cared about the welfare of women, it would abolish the provisions that expose them to all forms of abuse. In this regard, let us cite the example of a chief of police in Agadir who was aware of the gendered face of the law, particularly the article that criminalizes sexual relations outside marriage and the article that removes custody of the children from "promiscuous" mothers. Thus, he chose his victim accordingly. He seduced a young bank manager who had custody of her daughter, filmed their sexual encounter without

her knowledge, and blackmailed her for a long time until she was caught with her hand in the bank till (Rachad, 2022). In the same vein, let us consider the article that criminalizes abortion. Nearly 800 clandestine abortions are said to be performed in Morocco every day. These have serious consequences, including risks to the lives of mothers, suicides, honor killings, expulsions from the family home, infanticides, child abandonment, and the criminalization of doctors and nurses. Unfortunately, as long as these provisions are used to criminalize journalists, activists, and political opponents, the law will not change. Indeed, the study of the recent history of power struggles in Morocco indicates that “sex and politics,” as a duo, has no regard for women, or for children, or for men; the only thing that matters is maintaining the social status quo by holding back the march of citizens toward democracy, human rights, and gender equality.

This paper raises the issue of the close links between patriarchy and authoritarianism. It is true that patriarchal theories of the state equate the head of state with the head of a patriarchal family. However, while patriarchy is one of the pillars of authoritarianism, the role played by women’s domination in this regime still eludes its classical definitions. As a result, women’s subordination to male power tends to be seen as a specific issue at best, which obscures the broader historical and socio-political issues at stake.

This paper also demonstrates the impact of reductive constructs of femininity and masculinity on the citizens’ road towards democracy, human rights, and gender equality. Specifically, it highlights the interdependence between public and individual freedoms, the cornerstone of which is sexuality. Yet, critical thinking about sexuality is taboo or, at best, considered futile. As a result, there is a dissonance between sexual practices and the legal, political, and social norms governing the sexuality of a portion of citizens who are forced to live in secrecy. Mentalities in Morocco are currently the product of politics aimed at religious and cultural immobility. In this regard, it is important to note that in tandem with an educational deficit (UNESCO, 2015), teaching methods – especially in public schools – are outdated. Based on rote learning, these methods are conducive to indoctrination and standardization, and the annihilation of analytical and critical thinking. The recent history of power struggles in the country indicates that the taboo about sexuality contributes to maintaining the social status quo. Therefore, like some feminist historiographies, this paper suggests that no analysis of the ruling power will be adequate if it excludes from its scope the existing relations of domination in sexuality and gender hierarchy.

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