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Commander of the Faithful
Morocco, the King and the Internal Security Services

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Denver, Colorado

September 2004

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The reform and the democratic control of the security sector have become, at the threshold of the 21st century, a key challenge – for the Euro-Atlantic region as much as for the developing world.

Ambassador Dr. Theodor H. Winkler

Introduction

Morocco is a clear choice for the study for ongoing democratization. Perhaps more important, Morocco is *the* only instance of some Western-based ideals of democracy growing in the Arab world. Though it is reasonable to argue that democracy of some form is developing in Morocco, there remain vestiges of the *ancien regime* that lag behind in the country's move toward the transparency and accountability so necessary in any liberal governance. This paper addresses one particular institution within the changing Moroccan political landscape: the internal security forces. I argue that the security forces in Morocco, though having changed dramatically in the past ten years, remain a source of potential and real hindrance to democracy's strengthening in Morocco. Because of the twinned features of the services' direct responsibility to the executive with no institutional oversight, the internal security services as obstacle to further political liberalization remain fully entrenched.

This research into Morocco's transition to democracy is the first case study of a wider research agenda that seeks to answer this basic question: have institutional controls impacted the human rights records of internal security services in post-authoritarian regimes? In other words, what decisions have particular states taken with respect to their internal security within the democratic context, and how do those decisions in turn

manifest themselves in the real-life actions of their services? Answering these questions has real policy implications. Should an outside state interested in maximizing indigenous anti-terrorist capabilities encourage systems that may routinely violate democratic *praxis*? Do more transparent systems lead to ineffective services? Morocco itself cannot provide the universal answers, but it does provide policy-relevance in the successes and foibles of democratization as the United States seeks partners in the Middle East who both are accountable to a liberal polity and are capable in the fight against international terrorism.

Hypothesis, Definition and Intellectual Foundations

Hypothesis. The actions of the internal security services are a reliable barometer of a country's overall level of democratization. Stated differently, the accountability and transparency of the internal security services indicate where the overall level of democracy in a country falls along the continuum of authoritarianism to established liberal democracy. The character and nature of politics manifest themselves in quite exclusive ways in both of these ideal types. Without exception, in authoritarian regimes the leading elite or coalition of elites use the state's internal security organs for repression against opposition, which is often found among other ethnicities within the state's boundaries. The internal security services are then seen (and perceive themselves as well) as a tool solely for the use of one particular nationality or elite structure. As these societies undergo the transition to democracy, the internal security services may maintain their pre-democracy prerogatives and disrupt the democratization of their respective states. In a decidedly normative sense, the incipient democracies must shed their

repressive tendencies and instead become a tool for maintenance of democracy, not repression.

Internal Security Services. Are responsible primarily for collecting, analyzing and acting on information of concern to the security of the state. The security services are any official or unofficial agency whose primary responsibility is the maintenance of regime stability and control through coercion and force. Shulsky and Scmitt (2002: 4) call these services' actions "domestic intelligence," which protect a state's:

...ability to govern, or its very existence, that arise from individuals or groups within the nation's borders. Such threats could come from groups that seek to overthrow the government by illegal means, use violence to change government policies, or exclude from the body politic the members of a given ethnic, racial or religious group.

Police forces, paramilitaries, national counterintelligence agencies and the military are the most common examples of security services. Gill (1994: 5) distills a variety of definitions to a basic idea that focuses, "implicitly or explicitly, (on) the political nature of the targets of domestic intelligence. It is this factor that leads some analysts to describe domestic intelligence as 'political police,' and is what distinguishes it from 'criminal' or law enforcement intelligence." Even the most cursory review of the literature demonstrates that the study of the role of internal security services in transitioning states remains an important, yet much understudied, field.

Intellectual Foundations. The accountability of the government for its actions remains a persistent benchmark for assessing democratic quality. Accountability conjures an idea that after power to govern is transferred to a polity, that polity must in turn be checked.

This concept is the defining theme of the much-cited reasoning expressed in *The Federalist Papers 51*, worthy to cite again here:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

The author's intent was clear: institutions of government must be strong enough to govern, but that strength must be checked so as it discourage abuses of power. This concept of accountability carries with it weighty normative implications, but Schedler's (in Schedler, et al, 1999: 14) two-dimensional axis provides a reasonably encompassing view of what accountability may entail. The two basic connotations, he writes, are: *answerability*, "the obligation of public officials to inform about what they are doing"; and, *enforcement*, "the capacity of accounting agencies to impose sanctions on powerholders who have violated their public duties." The latter is particularly reflected in the number and quality of plural sources of power, including the existence of independent civil society groups like human rights and anti-corruption nongovernmental organizations.

Chalk and Rosenau's (2004) study of four advanced security intelligence apparatuses (the UK, Canada, France and Australia) help form an ideal type of democratically-responsive internal security services. Especially in Canada and Australia, institutionalized checks and balances have formed an "integral component" of the intelligence structures, the net

effects leading not only to a transparent medium to demonstrate the services' utility, but has also developing public confidence that, "only balanced and controlled responses will be instituted in the name of national security" (2004: xiii). In other words, internal security services that remain accountable tend to be more effective in their duties and more responsive to the demands of the polity.

Combining an Arab cultural context with an elite-driven democratization, this study of the Moroccan internal security services offers illuminating perspectives into Morocco's real-life practice of democracy. With this glimpse into the Moroccan polity, this study aims to provide the policymaker with specific conceptual tools to improve democracy *and* the internal security capacities in Morocco, and in other transitioning states as well.

I hated him for the irreparable crime he had committed in locking up a woman and six children, the youngest of whom was only three, for such a long time and in such inhuman conditions.

Malika Oufkir

Morocco and the Internal Security Services

Morocco supports the thesis that the methods of political control over the internal security services most reliably indicate a country's overall level of democracy. In the Moroccan context, despite real steps toward political liberalism, the Moroccan polity is reticent to cede final control of the internal security services to democratic accountability. The underlying reasons reflect some of the very specifics of the Moroccan cultural context, while also providing universal lessons of democratization and the role of institutions. When studying Moroccan politics, the monarchy is the central element, which cannot be ignored on any level. The monarchy itself fosters the democratic transition, while not allowing democratic oversight of the internal security services. The traditional symbiotic relationship between the internal security services and the monarchy underscores why the Moroccan internal security services remain publicly unaccountable and in their so being, remain a hindrance to further democratization

The King and his Police: A Brief History

Morocco is a country of complexities and intricacies that the outside observer may find difficult to comprehend fully. While Morocco has a rich and vibrant artistic and cultural life and top-down political reforms, it still finds itself hindered by a lack of real political voice, economic concerns, and a system that maintains the most exclusive prerogatives for the monarch, beginning with King Mohammed V, through Hassan II and continuing with the youthful reformist Mohammed VI today.

Mohammed V. Mohammed V is revered as the father of modern Morocco, the man who allowed Morocco to develop a unique Arab-Berber personality in the face of close economic and political ties to the West. He allowed for political liberties unique in the Arab world. He was praised for being a force for moderation. Accepting these accolades, one recognizes that Mohammed V was a practical man, focused on quelling internal dissent and maintaining monarchical rule. The leader who won Moroccan independence from French colonial domination, Mohammed V recognized immediately the need to dominate personally a powerful and effective police force to maintain the hegemony of his throne.

Despite his strong political credibility, the king had no other practical means of coercion until the spring of 1956, when he fostered the development of both a Moroccan military and a national police force. After the police and military came into existence, Mohammed V ensured that instead of allowing at least some notional legislative control over the services, the police and army were to be entirely loyal to the throne (Waterbury, 1970: 146-7). Ashford's (1961: 163-5) sympathetic analysis of this early period of Moroccan statehood depicts a country in internal turmoil, with the most threatening presence coming from the dissidents who had previously fought against the French occupation using the evolving tactics of guerilla urban-warfare. Receiving the most modern equipment available coupled with the rapid purge of any obvious French participation, the police and army were the most obvious examples of royal patronage and the royal campaign of "Moroccan-ization."

From this earliest period in modern Moroccan politics, two broad observations of the monarchy and the internal security services demonstrate the inextricable bond that influenced subsequent internal relations:

1. The king saw the expediency of maintaining direct control of the services, with little transparency or legislative oversight. From the very literal beginning of contemporary Morocco, the king controlled all major actions of the *Sûreté Nationale* (the National Police), either personally or through his the proxy of its first director, Mohammed Laghzaoui. During the earliest state-building period, which witnessed a flurry of new legislation, the only law concerning the internal security services was a vaguely-worded *dahir* that placed the *Sûreté Nationale* in the Ministry of Interior (Ashford, 1961:164).
2. The work and actions of the internal security services were not open to public criticism, the only early scrutiny coming from the trade unions, themselves the targets of the internal security services.

The hegemonic relationship of the king over the internal security services and Moroccan society in general endured throughout Mohammed V's reign. It was this association that Mohammed's son and successor was to inherit to ensure the continuation of the Alaouite domination of Moroccan politics.

Hassan II. The coronation of Crown Prince Hassan in 1961, after the death of his father Mohammed V, continued the succession of Alaouite rule that had ruled over Morocco uninterrupted since the seventeenth century. The Alaouite, who trace their origins over

40 generations to the Prophet Mohammed through Hassan, the son of the Prophet's son Ali and his daughter Fatima, came from Arabia in the beginning of the thirteenth century. The monarchy's call to the most prominent of Islamic heritages is relevant to the state of political (in)security even today. The heritage privileges the monarchy's claim to double legitimacy: *religious*, as fulfilling the ruler's function as "commander of the faithful," and *political*, as continuing the authority of the Alaouite dynasty (Dwyer, 1991: 102). Despite these oft-expressed claims, threats to the legitimacy of the monarchy during the tumultuous rule of Hassan II provide insights of contemporary relevance into the direct executive control of the internal security services.

Even before assuming the throne, crown prince Hassan was adept at employing the tools of the state to the advantage of the crown. To shore up imperial rule, the crown prince developed a "shadow cabinet," with loyalist police forces as its centerpiece. Using the praetorian Sûreté Nationale accountable only to him, crown prince Hassan was able to discredit the leftist prime minister, Abdullah Ibrahim (Watebury, 1970) and the prime minister's threats to royal hegemony. Under Hassan's control, the internal security services extended and expanded their role and capabilities, particularly under a series of extreme interior ministers. As one observer noted, "The greatest force in neutralizing opposition in the early years was Mohammed Oufkir...He created a powerful and centralized police force that acted with scant regard for either outside control or human rights" (Pennell, 2000: 321).

Morocco faced both real internal and external threats during the first years of Hassan II's rule. Externally, in 1963, Morocco and Algeria began a border dispute that was to last many years; moreover, relations with Algeria worsened after it was accused of supporting a plot to overthrow the king that same year. Internally, despite openings for political expression, a succession of crises forced monarchical suppression. The first major threat to the regime began in 1965. Riding a crest of internal dissidence that had been rising for years, students and slum dwellers rioted, setting Casablanca ablaze (Pennell, 2000). The riots forced police and army action, under the direction of the newly-appointed Minister of the Interior General Mohammed Oufkir, that led to more than 400 deaths. More than any single event, these riots precipitated a five-year suspension of the constitution and subsequent rule by decree. The actions of the internal security services reflected the contemporary environment of political insecurity.

Later in 1965, the internal security services were implicated in the kidnapping (and "disappearing") of prominent political oppositionist Ben Barka, an issue that still demands international attention today.¹ Underscoring his sometimes-tenuous grip on power, in the aftermath of the riots of 1965, the king faced a series of coup and assassination attempts, including:

July 1971, the first coup attempt. Army cadets under the direction of disaffected military officers attacked the king's palace in the outskirts of the capital Rabat during a diplomatic reception to celebrate the king's birthday. The

¹ The death of prominent oppositionist Ben Barka continues to receive significant attention in Morocco and abroad, particularly in France. France recently announced that it was to open again an investigation into the circumstances of Ben Barka's murder to determine any official involvement of the French government.

attackers killed over fifty guests, and the king himself was held at gunpoint before convincing his attackers to release him.

August 1972, a second coup attempt. Its own fighter escorts attacked the king's jet in flight. This attack, organized by the king's closest confidant interior minister Oufkir, had the paradoxical effect of shaking the king's power to its very foundation while concurrently elevating his standing as enjoying divine privilege (Dwyer, 1991).²

March 1973, when a Libyan-sponsored insurrection was uncovered, leading to further repression of political opposition, especially of the political left.

His reputation increased the view for some that Hassan II possessed special blessedness – *baraka* – that supported his staying in power. Hassan II, though, knew that luck alone would not maintain his power. Only reform of the political system and the forging of a common purpose with the nationalist opposition would foster the security the monarchy so desperately needed (Pennell, 2000: 333). In the context of these internal threats, the monarchy began to establish a new constitution in 1972, though the constitution would not be implemented until 1977. The constitution of 1972 established a parliament, with two-thirds of its members to be chosen directly by universal suffrage and one-third through professional organizations, community councils and unions. Though the constitution touted its democratic and liberal principles, the king maintained the lion's share of real power (Dwyer, 1991: 104), including commander-in-chief of the armed

²The generally accepted history of this assassination plot is that the king's pilot radioed that the king had been mortally wounded in the initial attack. After landing, the king personally commandeered a private auto and drove to a palace outside of Rabat. From there, he was able to direct a successful counter-offensive.

forces and the ability to declare states of emergency. Another observer argues, “In the Moroccan constitution, ministers, senators, magistrates and governors enjoy certain prerogatives but wield no real power independently from the king. Hassan II publicly called high government and state officials *khudama*’ (loyal servants to the throne) and treated them as such -- not as agents or representatives of modern political institutions with formal political authority” (Maghraoui, 2001). This principle of monarchical hegemony in the most important spheres that shape state security is a hallmark of constitutional maneuverings during Hassan II’s reign and continuing through his son Mohammed VI’s current liberalization.

**Morocco, the King, and Democracy:
Political Factors Shaping Moroccan Security**

Throughout the press and academic literature, Morocco is touted routinely as the only example of real democratization in the Middle East,³ a claim that is difficult to dispute, though any praise of Morocco must come with serious qualifications. Stemming from the constitution promulgated in 1972 and reforms instituted by Hassan II in the 1990s, Morocco remains a constitutional monarchy, though the king has ceded some power to an elected parliament. However, as even the State Department (2004) concedes, ultimate authority rests with King Mohammed VI. Reining in all the real power organs of the state, the king presides over the Council of Ministers, appoints or approves members of the government, and has the discretion to terminate any minister, dissolve Parliament, call for new elections, and rule by decree in times of national crises.

³ During an interview with the author, the chief of a major US NGO that focused on fostering liberal democracy made clear repeatedly that Morocco was undergoing real democratic change, despite some of the more histrionic claims from indigenous groups on the left.

Before his death in July 1999, Hassan II's elimination of most potential challengers to executive power allowed for a smooth transition to power for King Mohammed VI. The new king sought immediately popular approval via a series of very public actions, including a series of visits throughout the country and the first monarch to visit the Rif Mountains since the rebellion there was crushed in 1958 (not incidentally, under the generalship of Crown Prince Hassan). Moreover, Mohammed VI fostered an image of the "poor people's king" and made public speeches to tout that he understood the economic plight of so many Moroccans. The most prominent royal action for the internal security services was the very public firing of Interior Minister Driss Basri, Hassan II's closest and trusted adviser at the close of his rule.

Basri's sacking in November 1999 was calculated to demonstrate that the king intended real political liberalization. Basri was universally viewed as both the source of security abuses and the institutional resistance to parliamentary rule and the rule of law.

Cordesman (2002) describes Basri's receiving the Grand Ribbon of the Arch, Morocco's most prestigious public award, though the king's timing of Basri's departure to coincide with the prime minister's absence abroad underscored that the king himself was responsible for the changeover in the Interior Ministry. Howe (2000:60) argues that Mohammed VI, along with the prime minister, has transformed at least the international image of Morocco from an "autocratic police regime" to a more open participatory society. The king appointed a new minister, touted as a technocrat, Ahmed Al Midaoui. The prime minister later announced that the government had allocated funds to compensate the victims of police repression and illegal detention. Mitigating the

positive steps toward liberalization that Basri's removal may have signified, the elected prime minister was informed of the firing and subsequent replacement of the interior minister *ex post facto*.

Organization of the Government

In August 1997, most likely in an effort to ease the transition to power for his son Crown Prince Sidi Mohammed, Hassan II convoked special parliamentary session to ratify laws to create a two-chamber national assembly (Cordesman, 2002: 71). Morocco's bicameral legislature consists of a 325-seat lower house, the Chamber of Representatives, directly elected through universal suffrage, and a 270-seat upper house, the Chamber of Counselors, whose members are elected indirectly through a variety of regional, local, and professional organizations. The lower house's particular power, at least in theory, is that it may dissolve the government through a vote of no confidence. In September 2002, Morocco held parliamentary elections for the lower chamber that were widely regarded as the first free, fair, and transparent elections in its history (Department of State, 2004). The Parliament is intended to have a range of authorities to check the power of the king. Additionally, the Moroccan constitution sets up an independent judiciary to enforce laws and to settle civil disputes. Mirroring the institutional structure of other advanced states, the internal security services are solely under the day-to-day authority of the executive.

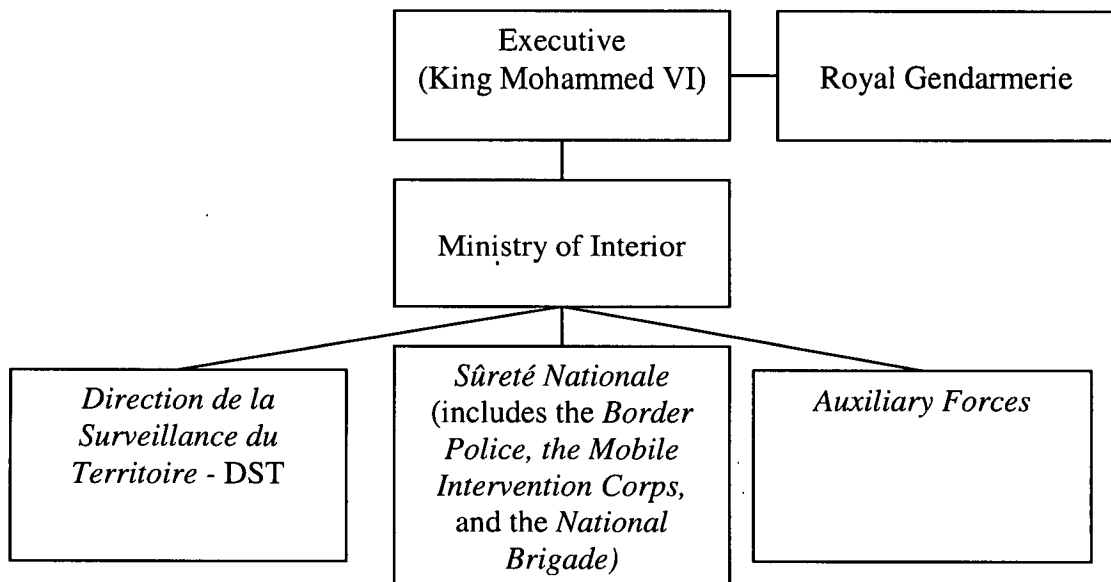
Organization of the Internal Security Services

There are few reliable official reports on the internal security services and their actions, particularly the services' human rights abuses and popular redresses. To that end, an amalgam of unofficial reports, media glimpses into the actions of the security services and reporting from the human rights community serve to provide glimpses into

Morocco's *de facto* security architecture. (Figure 1.1) The US State Department's annual report on human rights practices provides one of the few initial, broad views of the internal security services of Morocco. State reports that the Moroccan security apparatus includes several overlapping police and paramilitary organizations:

- **The National Police (*Sûreté Nationale*)**
 - Border Police
 - Mobile Intervention Corps
 - National Brigade
- ***Direction de la Surveillance du Territoire – DST***
- **Auxiliary Forces**
- **Judicial Police**
- **Royal Gendarmerie**

Figure 1.1 Moroccan Internal Security Services



Source: Author

Though her analysis of the security apparatus under Hassan II is somewhat dated, Waltz's (1995: 119) logic that the fragmented - and rivalrous - structure of the internal security services allows the monarchy to maintain control over a powerful and unwieldy apparatus. With about 6,000 personnel, the National Police - *Sûreté Nationale* - includes

the National Brigade, the Border Police and the Mobile Intervention Corps. The border and immigration services are mandated to oversee the frontiers, while the National Brigade has primary investigative responsibility for serious violations of the federal penal code, including terrorism, and organized and white-collar crime. The Ministry of Interior oversees two other branches responsible for internal security - the French-styled internal intelligence service (*Direction de la Surveillance du Territoire* - DST) and the Auxiliary Forces, the latter numbering about 25,000 personnel. The Judicial Police are under the jurisdiction of the Ministry of Justice, while the 29,000 Royal Gendarmes report directly to the Palace in performing their mandated functions of law enforcement in rural regions and the national highways. The security services are able to bolster their forces to respond to potential and emerging threats. For example, in response to intelligence indicating potential terrorist attacks in Casablanca prior to New Year's celebration in 2003, Moroccan security mobilized over 8,000 members of national police, gendarmerie, the rapid intervention forces and reservists.⁴

The State Department reports that civilian authorities maintained effective control of the security forces, though "Some members of the security forces continued to commit serious human rights abuses." These two particular aspects require further elaboration and constitute the remainder of this paper: civilian control over the security forces and the services' human rights abuses. Most especially, this paper scrutinizes the activities of the agency that has the least public oversight and the most extensive security mandate, the DST.

⁴ *Al-Sharq al-Awsat* (London), January 4, 2004.

The *Direction de la Surveillance du Territoire* (DST) has the primary responsibility is to target threats to the internal security of the state, particularly the monitoring of internal dissent, the practical definition of which has changed over the years. Under Moroccan *dahir* 1-73-652, January 2, 1974, the DST is “charged with ensuring the protection and safeguard of the state’s security and institutions.” In practice, the DST is Morocco’s principal anti-terrorist organization and the most specialized domestic intelligence service to handle terrorist issues.⁵ While working directly for the Interior Minister, the chief of the DST coordinates with the national police force, the General Directorate of National Security (the DGSN, Gen Hamidou Laanigri).⁶ In a July 2003 public announcement, the king appointed Ahmed Harari to the position of director of the DST.⁷

Though the exact numbers of personnel and operating budget are not publicly disclosed, one estimate places the operating budget for 2004 at 122.8 million Moroccan dirham (at \$1 = 11dh), an increase over its 2003 estimated budget of 14.3m dirham. The DST was to recruit 100 new agents in 2004, increasing total personnel to 2,999.⁸ Its personnel are neither credentialed agents nor officers of the judicial police; therefore, under Moroccan law the DST does not enjoy technically any authority to arrest, detain or question subjects (Amnesty International, 2004).⁹ In fact, DST personnel routinely arrest and detain

⁵ *La Razon* (Madrid), April 1, 2004.

⁶ Laanigri has a long relationship with the DST, his appointment in 1999 making him the first military officer to be appointed its chief. Lannigri replaced strong-man Driss Basri as *de facto* head of the agency, accused by many to be the main perpetrator of human-rights abuses under the reign of Hassan II. *Al-Haya* (London), October 3, 1999, p6.

⁷ *Maghreb Arabe Presse*, July 25, 2003.

⁸ *Al-Ahdath al-Maghribiya* (Casablanca), April 8, 2004.

⁹ The Moroccan Code of Criminal Procedures stipulates which security personnel have arrest prerogatives. See Articles 16-33 of the Code of Criminal Procedure, supplanted by Articles 16-35, effective October 1, 2003.

thousands of suspects every year. These arrests violate not only Moroccan law, but international treaties to which Morocco is a signatory as well.

In the course of their activities, DST personnel do not produce arrest warrants (since indeed they cannot under Moroccan law because they are not credentialed law enforcement agents), nor do they inform the suspect of the crimes for which he is being detained. The families of those arrested are not informed of the detention nor the whereabouts of their relatives.¹⁰ The DST's main function, then, by law is limited to surveillance and analysis of particular internal threats, a structure similar to the domestic intelligence bureaus of some Western countries. In practice, though, the DST routinely violates this mandate.

Controlling political violence – capabilities and techniques

The DST and the Moroccan national criminal investigation division are certainly capable of clandestine surveillance and technical eavesdropping. Moreover, the internal security services use networks of personal informers. One incident involving three Saudis who established an al Qaeda sleeper cell demonstrated the Moroccan internal security services' ability to infiltrate the Islamist community in Morocco, as well as their ability to monitor cell phones and Internet traffic.¹¹ "Operation Gibraltar," as it became known, revealed at least to one outside observer the pervasiveness of the informer networks, a

¹⁰ Interview with human rights activist, May 6, 2004.

¹¹ Martin Bright. "Where Informers are Patriots." *The New Statesman*, June 24, 2002. There appears also to be a renewed sense of international cooperation between the Moroccan internal security services and international partners, especially France and the United States. See Douglas Frantz, "War of Secrets: Sharing Information," *The New York Times*. Sep 8, 2002. pg. 4.1

technique that the services use to great effect.¹² The internal security services' "constant presence" infuses society so deeply that informing takes the status of a patriotic duty.¹³ This sense of duty makes an interesting parallel between the deeply-ingrained association between the monarchy and the conception of Moroccan identity in the popular psyche. Waltz (1995: 104) describes this public adhering to the state-monarchy as "not a social contract so much as a psychological contract that binds the people to the monarchy." One interviewee revealed personally the extent of the surveillance, particularly of three classes foreigners: US citizens, for their "own safety," Spaniards and journalists, the latter two to ensure they were engaging in approved activities. Most likely, as shown in the case of "Operation Gibraltar," the list has expanded to other nationalities as well. Personal observation reinforced that when, outside of one hotel in an area popular with tourists and foreign diplomats, one local observer pointed out several known paid police informants to keep track of foreigners.

Despite the obvious pervasive capabilities of the internal security services unhindered by powerful oversight, the DST seemingly has trouble infiltrating the rapidly-developing slums. Growing cancer-like not only on the outskirts of the major cities but in-fill areas within urban areas, the slums are a direct result of the previous five years of extreme drought. Having lost their ability to pay mortgages, equipment loans and other expenses, already impoverished peasants flocked to the cities in search of livelihood, though literally no jobs are to be had. This trend brings two potential security concerns: 1) that

¹² In January 2004, the internal security services, acting on information from an local informant, broke up a *Salafi Jihad* cell of three women, which intended to carry out bombings in Casablanca on the New's Year's Eve holiday days earlier (*Al-Sharq al-Awsat* (London), January 4, 2004)

¹³ Ibid.

the poverty may lead to extremism and resentment against the king and the West; 2) the slums may provide havens for terrorists. During an interview with a Moroccan urban planner, he spelled out his thesis that the lack of a developed infrastructure hinders the state's ability to penetrate the slums. His logic is compelling: though the planners of the May 2003 suicide bombings in Casablanca (discussed below) were captured in one of the numerous slums surrounding Casablanca, the terrorists themselves were all from the urban middle class. Instead of providing a breeding ground for the terrorists, the slums have become a convenient haven from police because of the general lack of infrastructure and the social anonymity slums afford.¹⁴

The twinned relationship between the king of Morocco and the internal security services is as enduring as the modern Moroccan state. Despite the institutional changes the monarchy has shaped to bring about societal and political liberalization, the institutional mandate has stopped short of influencing the internal security services. Though Morocco has a series of laws and judicial remedies to protect against state abuses, a lack of real democratic oversight has manifested itself in gross breaches of human rights.

¹⁴ Interview with Benjelloun, May 7, 2004.

These two "sanctuaries," the police station and the parliament, eloquently symbolize the crisis of political authority in Morocco.

Abdeslam Maghraoui

Institutional Controls beyond the Executive – the Constitution, Laws, and Parliament

Since the *naissance* of the contemporary Moroccan state, the foundational constitution and its related laws and codes have developed in part as a reflection of popular moods and concerns, but also to provide a patina of judicial legitimacy to state actions. This section provides the most relevant coda and institutional controls, but, as Nouaydi (2003:159) forwards, “the poor enforcement of these constitutional and conventional guarantees means that they represent potential, not substantial, change.”

The Constitution of 1996 and other Legal Strictures

Since the constitutional revision of 1992, the Preamble to the 1996 Constitution reaffirms the language of responsibility in governance and adherence to international human rights standards. “Aware of the need of incorporating its work within the frame of the international organizations of which it has become an active and dynamic member, the Kingdom of Morocco fully adheres to the principles, rights and obligations arising from the charters of such organizations, as it reaffirms its determination to abide by the universally recognized human rights. Likewise, it reaffirms its determination to continue its steady endeavors towards the safeguard of peace and security in the world.” In short, the written framework of the constitution centers foremost on the protection of personal and international security. In addition to the constitutional provisions relating to the legislative process described earlier, the Constitution of Morocco enumerates rights and privileges of Moroccan citizens in police and security matters:

Article 9

The constitution shall guarantee all citizens the following:

- (a) freedom of movement through, and of settlement in, all parts of the Kingdom;
- (b) freedom of opinion, of expression in all its forms, and of public gathering;
- (c) freedom of association, and the freedom to belong to any union or political group of their choice.

No limitation, except by law, shall be put to the exercise of such freedoms.

Article 10

No one shall be arrested, put into custody or penalized except under the circumstances and procedures prescribed by law.

The home shall be inviolable. Search warrant shall be issued and investigation ordered under the conditions and procedures prescribed by law.

Article 11

Secrecy of personal correspondence shall be preserved.

In addition to the personal guarantees under the constitution, the judiciary is meant to play a limiting and independent role to ensure that legal and human rights standards are adhered to:

Article 82

The Judiciary shall be independent from the legislative and executive branches.

Article 85

Magistrates in the bench shall be irremovable.

The obvious gap in the Moroccan constitution is that it does not prohibit arbitrary arrest or detention. As State (2004) reports, the police continue to use these practices.

Laws and Code of Criminal Procedure

To enforce these broad constitutional principles, a series of *dahir* (laws) and codes specify the responsibilities of the government and judiciary. The Code of Criminal

Procedure, modified in 1962 to be made stricter, then returned to their original form in 1972, relate most to Article 10's guarantees of personal safety.

The more relevant codes relating to actual police practice in the course of their internal security duties include:¹⁵

Article 3, October 1, 2003, states "No person may be convicted for an act which is not expressly defined as an offence in law, or subjected to penalties not prescribed by law," offences and punishments are defined in law.

Articles 16 to 35, October 1, 2003, stipulate which security forces are officers or agents of the of the judicial police. The DST is not listed as and agency with arrest authority.

Article 67, October 1, 2003, requires the arresting officials to notify the family as soon as authorities decide that custody will be transferred to internal security forces.

Articles 66 and 80 relate, "In cases involving threats to State security, custody may last up to 96 hours and may be extended once only, on the written authority of the Crown Prosecutor. In cases involving terrorist offences, custody may last up to 96 hours and may be extended twice: once for 96 hours, and again for 48 hours, in each instance on the written authority of the Public Prosecutor's Office."

Article 154, October 1, 2003, stipulates that the police authorities must present an arrest warrant and a copy issued to them.¹⁶

Article 293, October 1, 2003, clarifies that no confession obtained through "violence or duress" may be admissible in court. Article 438 lists that any perpetrator faces the death penalty if the victim "has been exposed to torture."

Article 399, October 1, 2003, provides for the death penalty for officials who employ torture or "barbarous acts" to commit an act classified as a crime.

¹⁵ Research note: Despite assistance from research librarians, including the Library of Congress, I could not find an official source for the Moroccan Code of Criminal Procedures; therefore, much of this section comes from the Moroccan government's response to the UN and various human rights reporting.

¹⁶ Moreover, Morocco is a state signatory to the International Covenant on Civil and Political Rights (ICCPR), which states in Article 9(2), "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

The actual practices of the internal security services, often do not comply with the written codes and procedures. Because arbitrary police action is not uncommon in even the most established and transparent societies, the judiciary is usually mandated to check police powers. Morocco has such a legal framework.

The Judiciary

Under the Constitution, the judiciary is meant to be independent of the other government bodies, though this is not the case in practice.¹⁷ Mirroring features common in the West, Morocco has a layered judicial system to try a variety of cases and issues. The Moroccan judicial system provides four levels in the common law courts system: communal and district courts; courts of first instance; the Appeals Court, and Supreme Court. The official Moroccan position is that the judiciary is responsible for the investigation and prosecution of suspected abuses by security personnel, through a variety of special courts, to include the Permanent Court of the Armed Forces, the Special Court of Justice, and High Court.

In Morocco's most recent report to the UN Human Rights Committee, the role of the judiciary is clear: "With a view to tightening up the monitoring of police, gendarmerie and prison premises throughout the country, several circulars have been sent to public prosecutors' offices requesting them to ensure that the legal provisions on time limits and conditions for custody are duly observed" (UN Human Rights Committee Report, 2004: 17). The actual practice of the judiciary, particularly with respect to the protection against security actions contravening Moroccan law, demonstrates that at best the judiciary is inconsistent in its enforcement record.

¹⁷ See State, 2004. Also expressed in interview with NDI, May 7, 2004.

One of the concerns is that the security forces are not bound in practice to report to the judiciary detentions, despite laws requiring them to do so. Often, human rights groups, after hearing of the arrest of a particular individual from his family members, are the first to notify the judiciary.¹⁸ Police impunity remains a problem, with bribery and smuggling prevalent (State, 2004).¹⁹ Having singled out the DST earlier in its report, concerns about official impunity prompted the UN Committee against Torture (2004) to recommend that Morocco, “take all necessary measures to eliminate impunity for public officials responsible for torture and cruel, inhuman or degrading treatment.” The general attitude about the police, reports one human rights advocate, is that police in general are corrupt and can act with impunity. Moreover, and perhaps more telling, is that police are well protected, particularly in the judicial system where corruption is endemic, a sentiment expressed in other interviews.²⁰ Amnesty International’s (2004) is replete with instances of the judiciary failing to comply with the legal codes binding the security services. The net impact is that services, with no judicial oversight, has the ability to act as they deem fit.

Parliament

The literature presents considerable disagreement as to the actual state of democratization within Morocco. The dividing line seems to be more normative than empirical in the sense that most bullish observers are pleased with any liberalization of the polity or civil

¹⁸ Interview with AMDH, May 6, 2004.

¹⁹ For examples of police impunity for extra-legal activities, see OMDH’s October 2003 “Observations and Recommendations on the Report by the Moroccan Government...”

²⁰ Interview with AMDH, May 6, 2004; interview with factory owner, May 3, 2004.

society,²¹ while others are less sanguine. Though the Moroccan Parliament enjoys considerably more powers than those of other comparable constitutional monarchies – Kuwait and Jordan, for example – Morocco is “more reminiscent of the failed constitutional monarchies than of the successful ones,” argues one observer (Herb, 2004). In general, the Moroccan parliament suffers from lack of resources, and more specifically, the Moroccan legislative bodies give little to no oversight of the internal security services.

Formally, the Moroccan Parliament appears more advanced liberally than other Arab constitutional monarchies. A majority of deputies can remove confidence in a government ministry, and the Moroccan party system is the most well developed.²² The use of party lists in elections discouraged the gangly proliferation of small, independent parties represented in government (Herb, 2004). The actual limits on the parliament mitigate some of influence it may have on security institutions. The Moroccan constitution does not make explicit the authority over the internal security services, though Article 30 provides that, “The King shall be the Commander-in-chief of the Royal Armed Forces. He shall make civil and military appointments and shall reserve the right to delegate such a power.” Bolstering this constitutionally mandated position, statements early in the king’s reign make clear that his control over the armed forces extends to all matters of security, including the interior, religious affairs and justice.²³

²¹ For an example of the optimistic camp for Moroccan democratization, see Marvine Howe, “Morocco’s Democratic Experience,” *World Policy Journal*, 17(1): 65-70. Under the direction of King Mohammed VI, she argues, “Morocco would at last seem to be on the road to becoming a modern, progressive democracy.”

²² The director of NDI-Morocco related (May 7, 2004) that “hands down” the political parties were the main obstacles to further democratization. The only viable parties were the religious-based parties; their secular counterparts were disjointed and lack organization.

²³ *Al-Sharq al Awsat*, July 24, 2001. Cited in Michael Herb, 2004.

In practice there is no parliamentary oversight. As one human-rights practitioner reported, “The policymakers are much less informed than the NGOs.”²⁴ This lack of oversight is indicative of the general ineffectiveness of the majority of the national legislature to provide effective input on almost any issue. Members of parliament simply do not have the resources to provide effective oversight: they do not have offices (they often use their political parties’ offices), and have no allowances for staff, accommodations when in the national capital nor for travel from their home communities to Rabat.²⁵ Under these conditions, the rampant legislative absenteeism hardly comes as a surprise. The few instances of parliamentary oversight seem to be limited to public pronouncements, such as the Islamist-oriented Justice and Development Party (PJD) Parliament Group’s railing against the alleged torture by DST personnel.²⁶ Though it is but one selective report, the claim that, “It is the DST that has the final word on sensitive matters. The security apparatus can even impose its advice on the all-powerful Ministry of the Interior” does coincide with a pattern of a security apparatus acting with little outside control.²⁷

Despite solid written coda, Morocco does not have effective supra-executive oversight of its security services. This lack of parliamentary or judicial oversight, coupled with the extensive human rights abuses by the security services discussed below, bolsters the

²⁴ Interview with AMDH, May 6, 2004.

²⁵ Interview with NDI, May 7, 2004.

²⁶ *Attajdid* (Casablanca), July 9, 2004.

²⁷ *Demain*, May 18, 2002.

central thesis that the status of institutional controls over the security services is a most reliable barometer of the true level of a state's democratization.

“Of course, you know it’s much easier to operate as an al-Qaeda cell in Britain, don’t you?” Britain’s respect for the freedom of the individual, he suggested, allowed terrorists to operate with impunity.”

Senior Moroccan Security Official²⁸

It is no accident that Morocco is at the forefront of Arab countries in examining its repressive legacy. The country's openness toward its past - along with an outspoken press, a vibrant civil society, and recent reforms to the family code - helps burnish its image as one of the region's bright spots in terms of human rights.

Eric Goldstein

Human Rights and the Moroccan Security Services

The human rights record in Morocco illustrates a decidedly mixed story. The state has been instrumental in supporting human rights reforms and fostering both governmental and non-governmental bodies to oversee its human rights record. However, the state also has been a gross violator of human rights, especially through its security functions. In this section, I argue that those abuses perpetrated by the state through the internal security services continue with little apparent abatement, while there is a growing elite-fostered effort that might begin to mitigate the patterns of abuse.

Under pressure both internally and from abroad (especially the United States and France), the early 1990s witnessed a flourishing of international agreements and organizations within Morocco devoted to ensuring human rights standards, as well as other tangible actions. In June 1993 alone, Morocco ratified four major human rights conventions, including the United Nations Convention against Torture, and created a Ministry of Human Rights, positioning it at the cabinet-level to give it (at least notionally) authority on par with the other ministries. In a goodwill gesture to twin word with deed, the following year King Hassan II freed 424 political prisoners under a royal guarantee of

²⁸ As quoted in Bright, 2002.

amnesty. Through gradual loosening of governmental oversight, Morocco now has literally thousands of human rights-oriented non-governmental organizations.

Among the thousands of non-governmental organizations representing a wide variety of interests and efforts, three in particular are nation-wide and enjoy official public recognition: the *Ligue Marocaine pour la Defense des Droits de l'Homme* (LMDDH); the *Association Marocaine des Droits de l'Homme* (AMDH); and the *Organisation Marocaine des Droits de l'Homme* (OMDH). The three organizations work together on many issues, including the development and signing of a joint charter of human rights and a memorandum to the government addressing their collective concerns relating to human rights legislation (Nouaydi, 2003). Despite the official status of these three human rights organizations, the relationship between them and the government was often tenuous. The AMDH does not cooperate officially with the government, but sometimes shared information while for its the government harassed and restricted the activities of AMDH and OMDH,²⁹ despite some former OMDH leaders' occupying high-level post within the government (State, 2004). Moreover, legislative and judicial reforms have attempted to induce improvements in the overall human rights records of Morocco. Despite these attempts at structural change, Nouaydi's assessment highlights the problematic nature of human rights and Morocco. Since 1994, "The constitutional, legal and institutional framework," she argues, "is incomplete and inadequate as it stands to ensure the effective promotion of human rights" (2003:158). One of the clearest

²⁹ To highlight this sometimes contentious relationship between the Moroccan government and human rights groups, during an interview on May 6, 2004, one interviewee described how police beat the 60+-year-old leader of one prominent human rights group during a rally, hospitalizing him for facial and cranial injuries.

examples of the spotty human rights records remains tied to the Morocco internal security services.

I don't know why they speak of the DST, when it doesn't have the status of judicial police. It's the judicial police which investigates cases submitted to it by the DST.

Justice Minister Mohamed Bouzouba³⁰

The internal security services in Morocco have for years been implicated in heinous human rights abuses, most without any legal retribution to the officials perpetrating to the acts. However, in the first years of Mohammed IV's reign the security services, in particular the DST, have improved their human rights records. Recent trends have witnessed a reverse wave in patterns of official abuse. Responding to numerous press and human rights reporting, the UN's Committee against Terror (2004b) expressed concern about:

The increase, according to some information, in the number of arrests for political reasons during the period under consideration, the increase in the number of detainees and prisoners in general, including political prisoners, and the increase in the number of allegations of torture and cruel, inhuman or degrading treatment or punishment, allegations implicating the National Surveillance Directorate (DST).

Most lucid observers recognize that any intelligence organization must have some degree of secrecy to protect its operational capabilities, but DST's lack of transparency on any issue, even the seemingly most trivial, attests to the lack of democratic oversight. A glaring instance surrounds the UN Committee against Torture queries to the Moroccan government in November 2003 about several benign (though politically troublesome) aspects of the DST:

³⁰ *Le Matin du Sahara*, September 10, 2003.

- What was the status of the DST and what special functions were assigned to it?
- Was the Temara detention center subject to the control of the judicial authorities?
- How many DST had been convicted following investigations into torture?³¹

In response, Moroccan officials confirmed only that DST personnel were not part of the judicial police and they would need time to clarify and provide written answers to the UN Committee Against Terror's other questions. Those answers have not yet been published. (Amnesty International, "Torture...", 2004).

The most damning report on the human rights abuses by the security services, and the DST in particular, is Amnesty International's "Torture in the 'anti-terrorism' campaign- the Case of the Témara Detention Center." Though Amnesty and other human rights groups have reported for years on the political abuses, this report is remarkable for two reasons. The first is that it served to spark major demonstrations against the security services, demonstrations that the services would probably have crushed violently in earlier periods. The second is the level of detail of the systematic patterns of abuse.

The DST's detention center in Témara, a suburb of the capital Rabat, is reported to have been used for decades as a detention center, but the numbers and lengths of stay are unprecedented. The allegations against the DST, in violation of Moroccan and international agreements which Morocco ratified, include:

Secret detention for periods of several weeks to nearly half a year. The detainees have been denied access to their families and the outside world.

³¹ UN documents CAT/C/SR.577 and CAT/C/SR.580.

Detainees were blindfolded and handcuffed during interrogation. Some detainees were stripped or suspended from the ceiling. Many of the detainees reported having been beaten or threatened with the rape of their wife or female relative.

Detainees were forced to sign or thumb-print statements later used in judicial proceedings.

As detailed earlier, Morocco now has severe legislative prohibitions against human rights violations by the security services. In spite of these prohibitions, the security services are implicated consistently as main violators of human rights with little to no judicial retribution. In its efforts to assist the US to forestall terrorism, Morocco may be jeopardizing its shaky progress on human rights. As testament to the freedom of criticism, Moroccan human-rights groups reported in the aftermath of September 11th, the security services were returning to old habits of disappearing suspects into unofficial interrogation centers. For the modern human-rights activists haunted by dark memories of the 1970s and 1980s, when Moroccan interrogators honed their torture techniques, and hundreds of political prisoners were never seen again.³²

Human Rights and the Security Services after the Casablanca Bombings. On May 16, 2003, twelve suicide bombers conducted coordinated attacks on symbolic Western and Jewish targets in the Moroccan financial center Casablanca. These attacks took the lives of at least 45 persons, including the killers') and led to extensive property damage. To normalize the cross-cultural psychological and legislative impacts of the bombings on Moroccan society and government, comparison between the attacks on US targets on

³² "Bad memories reawakened: Moroccan interrogation, *The Economist*. Jan 11, 2003. 366(8306): 48.

September 11, 2001 and the May 16, 2003 Casablanca bombings is sometimes made.³³

Particularly relevant for this study of the security services is the legislative fallout from the bombings, giving even more latitude for the services' actions. The principal outcome of this legislation, at least according to one major human rights observer though emblematic of the sentiment in the human rights community, is a "major regression in Morocco's achievements in ensuring human rights protections and basic freedoms over the last decade," though this assessment is not shared by all outside observers.³⁴

Less than two weeks after the Casablanca attacks, all 89 legislators present in Parliament's upper house voted in favor of the new legislation to affirm the lower house's approval of the same bill the previous week.³⁵ The law had actually been rejected the month before the bombings after human rights groups criticized the bill strongly. (See French AFP new agency report.) Of the anti-terrorism law's provisions, its broad definition of what constitutes a terrorist act most directly impacts the services' activities and mandates. Anti-Terror Bill 03.03 lists "any premeditated act, by an individual or a group, that aims to breach public order and violence." Under its very liberal conditions, any event that the authorities determined had the underlying intent to create fear and discord in society or threaten its safety could lead to arrest (State, 2004). The net impact, according to the UN body entrusted to oversee allegation of human rights abuses in member states, is an increased number of reported cases of torture and an absence of

³³ See for instance, "Counterterrorism and Human Rights in Morocco," a discussion held by human rights attorney Jamil Dakwar. Available at <http://hrw.org/english/docs/2004/07/01/8995.htm>.

³⁴ During a May 6, 2004, interview, Jim Bednar, a senior US official in Morocco, believed that Morocco has shown restraint in its responses to the attacks. He believed that the attacks pointed for most Moroccans toward the need for accelerated reforms.

³⁵ BBC News, "Morocco Passes Anti-Terror Law." Available at <http://news.bbc.co.uk?go/pr/-/hi/africa/2943112.htm>.

information on authorities' measures taken to investigate complaints of torture and to bring the accused through judicial measures.

In addition to the generous definition of terrorism, the anti-terror law allows security forces to:

- hold suspects without access to a lawyer,
- intercept telephone calls and Internet communications as well as private post,
- search homes and businesses without a warrant,
- detain suspects incommunicado for 12 days.³⁶

In 2003, human rights groups reported the Moroccan security forces detained thousands of citizens, most of whom the government classified as Islamists. The State Department puts the number of detainees closer to 1000. Subsequent to the arrests, the judiciary services started trials on terrorism charges against dozens of the suspects. Regardless of the exact figure, Human Rights Watch (2004a) reported that local and international human rights organizations noted scores of cases in which detainees were alleged to have been tortured and ill-treated, denied basic due-process rights, and subjected to expedited and unfair trials.” At least 14 people were sentenced to death in connection with the Casablanca blasts. Of particular interest is that scores of Moroccan lawyers and human rights activists have pointed out that the government did not rely on the anti-terror legislation to carry out massive arrests and large-scale detentions in the wake of the May 16th bombings, demonstrating that the anti-terror legislation was not needed (Amnesty

³⁶ An extension from earlier laws that allowed security forces to detain individuals for a maximum of three days incommunicado. See Freedom House's Morocco's Country Report, 2004.

International, 2004b: fn 28). To push the point further, Goldstein (2004) notes that, “in the past year, despite the near-complete absence of further acts of political violence, 2,112 Islamists have been charged, 903 convicted, and 17 sentenced to death,” evoking “the bad old days...of a largely unaccountable security apparatus.”

The *Sturm und Drang* of Moroccan politics in recent years has produced both avenues for political expression, but always stopping short of threatening entrenched institutions. The Equity and Reconciliation Commission is consistent with this pattern. Meant to address the past abuses of the internal security services, the Committee poses little redress to contemporary concerns.

Equity and Reconciliation Commission is tasked to produce the definitive account of official human-rights abuses, which included torture known as “the parrot” and “the airplane,” or the use of electric shocks of merely a urine-soaked rag over the mouth. Most unique is the opening of Moroccan police, army and security service archives.³⁷ Though the commission is to be made of prominent former political prisoners and other human-rights advocates, a similar previous attempt under King Hassan to unmask human rights abuses met with severe criticism when it was apparent much of the abuses was grossly underreported.³⁸ The current commission is probably a compromise falling short of the desires for full disclosure of Morocco’s human rights abuse. The Equity and Reconciliation Committee’s report, due out in early 2005, is already the subject of

³⁷ “An Arab First: Splendid, if the king’s men continue as they have started.” *The Economist*. January 24, 2004, 41.

³⁸ *Ibid.*

criticism that it will do little to impact the services themselves. The commission itself is criticized on several fronts:

- The commission's statute explicitly bars it from determining individual responsibilities for abuses. While information developed by the commission could be referred to the courts for possible action, this is unlikely because of the lack of an independent Moroccan judiciary.
- The commission has no power to compel testimony or the production of documents. Though its statute allows that public institutions "must" cooperate with it, without sanctions or amnesty powers, it is unlikely that former abuse perpetrators in the security apparatus will testify.
- Goldstein (2004) notes that "The commission's mandate is to focus on cases of 'arbitrary detention' and 'enforced disappearance,' but it is unclear whether the commission can document and provide compensation for other widespread violations such as torture, sham trials and the shooting of demonstrators."
- The commission's credibility will hinge on how it confronts the present erosion of human rights, especially in the wake of the May 12, 2003 Casablanca bombings and the subsequent broad anti-terrorism legislation.³⁹

The human rights record of Morocco has undoubtedly improved over the decades, and the latest royal efforts are sincere in the desire to confront its past abuses, a first for the Arab world. Despite these improvements, Morocco still commits serious human rights violations with little to know redress for its victims and no sanctions for its perpetrators. The lack of judicial and parliamentary oversight are the most probable first, most direct cause behind these continued abuses. As Morocco continues to fight against real threats, the most obvious concern is whether this lack of oversight affects the internal security services' abilities. If so, then it may be possible to overlook these abuses.

³⁹ These criticisms of the Equity and Reconciliation Commission are drawn from Michael Goldstein, "A New Moroccan Commission, but How Much Truth?" *Arab Reform Bulletin*, Carnegie Endowment for International Peace, June 21, 2004. Available at <http://www.hrw.org>. In addition, see Susan Slyomovics, "A Truth Commission for Morocco," *Middle East Report*, 218 (Spring 2001).

Summary and Conclusions

Morocco is moving toward political liberalization, if not necessarily toward complete western-style participatory democracy. Incremental steps, oftentimes fostered by the king, have brought more press freedom, increased vibrancy in the nascent civil society, especially for human rights organizations, and pockets of local control. The king, though he may “not actually believe in liberal democracy – what king would?”⁴⁰ may be the best chance for a more liberal Moroccan society. Morocco is unique, especially in the Middle East, in that the authoritarian government is the main force in fostering democratic change, while concurrently it remains unwilling to give up real power and authority. The last/most obvious vestige of this internal palace struggle is the reluctance to cede control of the internal security services to democratic accountability, contrary to clear legal provisions.

The director of the highly respected Geneva Center for the Democratic Control of the Armed Forces recognizes that the, “intelligence community⁴¹ needs its legitimate secrets protected. Its work cannot be fully transparent to the public. Yet the price of that protection must be an increased parliamentary control through highly competent special committees and high professional standards imposed on these agencies” (Winkler, 2004:6). Though common in almost all established democracies, not having legislative oversight does not equate to a record of human rights abuses by the internal security services. France, the most prominent example, does not have a parliamentary oversight

⁴⁰ “Two Countries.” *The Economist*. September 9, 2003.

⁴¹ Into which I group the internal security services, through the term intelligence community is generally recognized to encompass both positive and counter-intelligence capacities.

mechanism for its DST, though recent legislative proposals move France toward more transparent and accountable internal security services.⁴²

Morocco is consistent with Zakaria's (2004: 120) argument that the Arab rulers of the Middle East are "autocratic, corrupt and heavy-handed. But they are still more liberal, tolerant and pluralistic than what would likely replace them." The Moroccan security services are by no means accountable to the laws and strictures in place for the very purpose of controlling abuses of authority, though they do respond positively to personal limits. The DST cannot be blamed solely for the human rights abuses perpetrated by its officers. Rather, the DST functions as a component of a system that intends to combine the institutions of the Moroccan state: the parliament with its oversight duties, the judiciary enforcing legal strictures and the executive. In recognizing the power of the DST, one opts for a rule by men, not a rule for institutions.⁴³

Democracy cannot flourish if the populace knows that the internal security apparatus is not under firm democratic control; human rights then remain in jeopardy and the socioeconomic development cannot be sustained. Even if one less concerned about human rights and focused on the development of effective, if unaccountable, security services, Winkler's (2002) warning that security functions unaccountable to democratic oversight mechanisms will be done at best inefficiently, at worst ineffectively. In the Moroccan context, strengthening democratic oversight will:

Discourage the high costs associated with the need to placate the politicized security mechanisms;

⁴² See Chalk and Rosenau, 22-3.

⁴³ See Khaled Jamai, "Of Institutions and Men," *Le Journal* (Casablanca), November 23, 2003.

Encourage long-term professionalism of the services and discourage politically motivated investigations;

Force transparency that in-turn encourages efficiency of the internal security services;

Guard against the loss of the state's monopoly on the use of force to an unaccountable security apparatus can lead only to political unrest and potential societal instability.

Morocco is one of those rare cases that can move toward real democracy while concurrently increasing security. Policies that seek to foster the strengthening of democratic institutions in Morocco ultimately will serve to strengthen the security capacities to assist in the ongoing efforts to combat international terrorism.

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Morocco, North Africa, internal security services, security cooperation, intelligence services-Morocco

Abstract

Morocco is a clear choice for the study for ongoing democratization. Perhaps more important, Morocco is *the* only instance of some Western-based ideals of democracy growing in the Arab world. Though it is reasonable to argue that democracy of some form is developing in Morocco, there remain vestiges of the *ancien regime* that lag behind in the country's move toward the transparency and accountability so necessary in any liberal governance. This paper addresses one particular institution within the changing Moroccan political landscape: the internal security forces. I argue that the security forces in Morocco, though having changed dramatically in the past ten years, remain a source of potential and real hindrance to democracy's strengthening in Morocco. Because of the twinned features of the services' direct responsibility to the executive with no institutional oversight, the internal security services as obstacle to further political liberalization remain fully entrenched.

Commander of the Faithful
Morocco, the King and the Internal Security Services

Major Joseph L. Derdzinski

Overview

Morocco is a clear choice for the study for ongoing democratization. Perhaps more important, Morocco is *the* only instance of some Western-based ideals of democracy growing in the Arab world. Though it is reasonable to argue that democracy of some form is developing in Morocco, there remain vestiges of the *ancien regime* that lag behind in the country's move toward the transparency and accountability so necessary in any liberal governance. This paper addresses one particular institution within the changing Moroccan political landscape: the internal security forces. I argue that the security forces in Morocco, though having changed dramatically in the past ten years, remain a source of potential and real hindrance to democracy's strengthening in Morocco. Because of the twinned features of the services' direct responsibility to the executive with no institutional oversight, the internal security services as obstacle to further political liberalization remain fully entrenched.

This research into Morocco's transition to democracy is the first case study of a wider research agenda that seeks to answer this basic question: have institutional controls impacted the human rights records of internal security services in post-authoritarian regimes? In other words, what decisions have particular states taken with respect to their internal security within the democratic context, and how do those decisions in turn manifest themselves in the real-life actions of their services? Answering these questions has real policy implications. Should an outside state interested in maximizing indigenous

anti-terrorist capabilities encourage systems that may routinely violate democratic *praxis*? Do more transparent system lead to ineffective services? Morocco itself cannot provide the universal answers, but it does provide policy-relevance in the successes and foibles of democratization as the United States seeks partners in the Middle East who both are accountable to a liberal polity and are capable in the fight against international terrorism.

Morocco's incremental steps toward a more open political system have brought more press freedom, increased vibrancy in the nascent civil society, especially for human rights organizations, and pockets of local control. The king may be the best chance for a more liberal Moroccan society. Morocco is unique, especially in the Middle East, in that the semi-authoritarian government is the main force in fostering democratic change, while concurrently it remains unwilling to give up real power and authority. The last and most obvious vestige of this internal palace struggle is the reluctance to cede control of the internal security services to democratic accountability.

The DST

Morocco has a variety of agencies dedicated to internal security, but this paper focuses on the *Direction de la Surveillance du Territoire* (DST). The DST has the primary responsibility is to target threats to the internal security of the state, particularly the monitoring of internal dissent, the practical definition of which has changed over the years. Under Moroccan *dahir* 1-73-652, January 2, 1974, the DST is "charged with ensuring the protection and safeguard of the state's security and institutions." In practice, the DST is Morocco's principal anti-terrorist organization and the most specialized

domestic intelligence service to handle terrorist issues. While working directly for the Interior Minister, the chief of the DST coordinates with the national police force, the General Directorate of National Security.

Though the exact numbers of personnel and operating budget are not publicly disclosed, one estimate places the operating budget for 2004 at 122.8 million Moroccan dirham (at \$1 = 11dh), an increase over its 2003 estimated budget of 14.3m dirham. The DST was to recruit 100 new agents in 2004, increasing total personnel to 2,999.

DST personnel are neither credentialed agents nor officers of the judicial police; therefore, under Moroccan law the DST does not enjoy technically any authority to arrest, detain or question subjects. In fact, DST personnel routinely arrest and detain thousands of suspects every year. These arrests violate not only Moroccan law, but international treaties to which Morocco is a signatory as well.

Summary and Conclusions

The director of the highly respected Geneva Center for the Democratic Control of the Armed Forces recognizes that the intelligence community needs its legitimate secrets protected and cannot have its be fully transparent to the public. The price of the protection of the internal security services must be an increased parliamentary control through highly competent committees and high professional standards imposed on these services. Though common in almost all established democracies, not having legislative oversight does not equate to a record of human rights abuses by the internal security services. France, the most prominent example, does not have a parliamentary oversight

mechanism for its internal security services, though recent legislative proposals move France toward more transparent and accountable internal security services.

The Moroccan security services are by no means accountable to the laws and strictures in place for the very purpose of controlling abuses of authority, though they do respond positively to personal limits. The DST cannot be blamed solely for the human rights abuses perpetrated by its officers. Rather, the DST functions as a component of a system that intends to combine the institutions of the Moroccan state: the parliament with its oversight duties, the judiciary enforcing legal strictures and the executive. In recognizing the power of the DST, rule by men is being chosen, not rule by enduring and thoughtful political institutions.

Democracy cannot flourish if the populace knows that the internal security apparatus is not under firm democratic control; human rights then remain in jeopardy and socioeconomic development cannot be sustained. Even if one less concerned about human rights and is instead focused on the development of effective, if unaccountable, security services, Winkler's (2002) warning that security functions unaccountable to democratic oversight mechanisms will be done at best inefficiently, at worst ineffectively.

In the Moroccan context, strengthening democratic oversight will:

- Discourage the high costs associated with the need to placate the politicized security mechanisms;

Encourage long-term professionalism of the services and discourage politically motivated investigations;

Force transparency that in-turn encourages efficiency of the internal security services;

Guard against the loss of the state's monopoly on the use of force to an unaccountable security apparatus can lead only to political unrest and potential societal instability.

Morocco is one of those rare cases that can move toward real democracy while concurrently increasing security. Policies that seek to foster the strengthening of democratic institutions in Morocco ultimately will serve to strengthen the security capacities to assist in the ongoing efforts to combat international terrorism.

“Commander of the Faithful”

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Thesis

- The method and de facto level of control over the internal security services are a reliable barometer of the actual democratization of a country.
 - “As these societies undergo the transition to democracy, the internal security services may maintain their pre-democracy prerogatives and disrupt the democratization of their respective states.”

Variables

- **Dependent Variable**
 - Institutional control mechanisms
 - Legal/judicial, legislative
- **Independent Variable**
 - Human Rights records of the Internal Security Services

Morocco

- Clearly democratizing
 - Increased civil society
 - Press more freedoms
 - Transparent elections
- Internal security services remain a source of potential and real hindrance to democracy's strengthening

Internal Security Services

- Police Agencies
 - Gendarme
 - Sûreté Nationale
 - Auxiliary Forces
 - Judicial Police
- *Direction de la Surveillance du Territoire*
(DST)

Institutional Controls

- Legal/Judicial
 - Constitution
 - Code of Criminal Procedures
- Parliamentary
 - Little, reflective of broader legislative malaise
- Executive
 - Complete

Human Rights

- Extensive Abuses in past
- Some improvement in recent years
- Aftermath of Casablanca Bombings
 - New legislation
 - Torture
 - Impunity

Recommendations

- Encouraging increased democratic oversight in US security interests.
- Accountable oversight of security sector:
 - Discourages the high costs associated with the need to placate the politicized security mechanisms;
 - Encourages long-term professionalism of the services and discourage politically motivated investigations;
 - Forces transparency that in-turn encourages efficiency of the internal security services;
 - Guards against the loss of the state's monopoly on the use of force to an unaccountable security apparatus, which could lead to political unrest and potential societal instability.