

Deploying Legal Instruments to Counter the Terror Threat in Morocco

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On May 16th 2003, five simultaneous suicide bomb attacks disrupted the long lasting calm of the largest Moroccan city of Casablanca. By all standards, these surprisingly unexpected blasts have been considered and effectively represent a major source of security concern for this small moderate North African monarchy which has long stood for being a major US ally in the MENA region [1]. They could have stemmed from any subversive politically driven movement. But, evidence has proven that they were not. Their main perpetrators have evidently been identified as local cells claiming lofty loyalty to radical international would be "Islamist" groups, including 'Al Qaeda'. The developments of the present paper will therefore be mostly focused on this particular ideological aspect and on its specific deployment in a society that has been institutionally built on moderate Islamic values for more than thirteen centuries. The reference to this specific religion does not however necessarily imply that terrorism is akin to Islam. Twentieth century Europe has also experienced all kinds of terror threats genuinely stemming from its roots, i.e. the Irish IRA, the Spanish ETA, the Italian Red Brigades, the German 'Bader Gang', the French FNLC, etc... Even in the US, the 1995 Oklahoma City bombing is yet one of these contemporary non-religiously driven terror manifestations. Beyond any ethnic, geographic, religious or ideological parenthood, terrorism has grown to become a non containable unprecedented style of subversion. The twenty first century is experiencing the birth of a fluid and complex insurgency environment where there is no center of gravity, no unified ideology and no effort to take ground, randomly deployed by many loosely and ad hoc organized terrorist actors!

The word "terrorism" is however politically and emotionally charged. It is evidently difficult and pretentious to dare providing a precise definition of this notion. Yet, a few researchers have counted about 109 definitions of terrorism and generally concluded that the 'only general characteristic generally agreed upon is that terrorism involves violence and the threat of violence.' The term "terrorism" actually comes from Latin 'terrere', "to frighten" via the French word 'terrorisme', which is often associated with the "régime de la terreur" [the Reign of Terror]. The English word "terrorism" was first recorded in English dictionaries in 1798 as meaning "systematic use of terror as a policy." The Oxford English Dictionary still records a definition of terrorism as "Government by intimidation, generally, a policy intended to cause terror in those against whom it is adopted." But still, the modern definition of terrorism is inherently controversial. The use of violence for the achievement of political ends is common to state and non-state groups. The difficulty is in agreeing on a basis for determining when the use of violence (directed at whom, by whom, for what ends) is legitimate. Some such definitions are so broad as to include the disruption of a computer system wherein no violence is intended or results. The contemporary label of "terrorist" is however highly pejorative; it is a badge which denotes a lack of legitimacy and morality. The application "terrorist" is therefore always deliberately disputed. Attempts at

defining the concept invariably arouse debate. Yet, a few definitions may however be ventured for the purpose of trying to circumscribe the notion:

- A first attempt to reach an internationally acceptable definition was made under the League of Nations, but the convention containing it which was drafted in 1937 never came into existence: "All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public".
- For their part, the UN Member States still have no agreed-upon definition despite various attempts to do so, as was the case in 1994 when a UN General Assembly Resolution titled 'Measures to Eliminate International Terrorism' contained a provision describing terrorism as "Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them" or a 1999 UN General Assembly Resolution which "Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed" and "Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable" (GA Res. 51/210 Measures to eliminate international terrorism). More recently, and beyond the inputs of the UN Security Council Resolution N°1373 adopted in 2001, Resolution N°1566 also adopted by the UN Security Council on October 8th 2004 attempts to give a definition: "criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act".
- Academicians have also through various intellectual inputs ventured definitions attempts that may be summarized as follows: "Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience[s]), turning it into a target of terror, a target of demands or a target of attention".

The contemporary renewals of terrorist developments in the aftermaths of the collapse of the Berlin Wall and the dismantlement of the former Soviet system mainly reside in the search for new shells to occupy and means to deploy for the accomplishment of variously motivated subversive purposes. The persisting injustices in the Middle East, along with the return to their homelands of former anti-soviet Afghanistan's 'Mujahedines' facilitated the rapid dissemination of a new extremist ideology based on an alleged 'Divine Command'. Islam has thus been used as an easy means to vehicle these extremist groups' hidden agendas. Their choice of Islam has been

perniciously clever: not only does it offer the means to call upon sensual convictions and beliefs of generally illiterate populations, but it also uniquely offers the opportunity for five daily gatherings that the 'Muezzins' call for permanently! All it then takes these manipulators is to discretely visit the mosques and start recruiting after each prayer! Unemployment and widely extended poverty also greatly help in facilitating the recruitment process. It has therefore been evident that in a country like Morocco, the use of Islamist terminology has been noticeable in the speeches and acquaintances of the concerned individuals. All the terror outbursts that Morocco has recently experienced have somehow been linked with Islamists. Even subsequent official actions of public containment of this phenomenon that have been promptly initiated have tried to tackle the Islamic aspects of past failures of the Moroccan social system.

That's why our approach in the context of the present developments will voluntarily examine the terror threat and the counter threat deployments in Morocco through the prism of its Islamist inspiration. Thus, beyond a redefinition of the legal instruments for countering the terror threat will be also examined the societal and religious reforms that have also occurred in this terror risk containment effort carried out in Morocco at the dawn of the twenty first century.

Morocco is located in North Africa. Its geographically diversified landscape (mountains, deserts and fertile plains) is about twice the size of California. Its population of about 33 million inhabitants is mainly made of Muslim Arabs and Berbers, peacefully living for many centuries with minorities of Jews and Christians. Morocco is an active member of the Arab League and a founding member of the Organization of African Unity (OAU) as well as of the Organization of the Islamic Conference (OIC).

Both the preamble of its Constitution and article 6 of the same document clearly refer to its deeply rooted Islamic values: "An Islamic and fully sovereign State...", "Islam shall be the State religion". Its young king, Mohamed VI, clearly aspires to reinforcing the democratic institutions of his ancestral monarchy: "Based on this clear vision of our religious references, Islam and modernity complement each other, forming one of the major tributaries which flow into the mainstream of the universal reference. The process takes place in perfect harmony with its most important pillar, namely democracy, for which we have opted as an irreversible choice and as a keystone of the Moroccan constitutional monarchy".

This land of peace and tolerance has grown to firmly adopt the "Sunni" rite as conveyed, since the 8th century, by the Malekite School of thought. The introduction of this rite in Morocco in the 9th century, found in the newly built "Al Qaraouine" mosque (867 a.c.) an ideal cradle for the development and expansion of the teachings of Islam, as based on the "Koran" and the "Sunna" (teachings of the Imam of Medine, Malik Ibnou Anas Ibnou Amer El Asbahi, who had compiled all the relevant and authentic "Hadiths" of the Prophet in his book "Al Mouattaa" (الموطأ). Malekism thus served as a factor of religious and legal unity, facing potential penetration from the east of other religious teachings considered as heretic: i.e. "Chiism" and "Moatazilism". Sunni Malekism was therefore due to be more deeply rooted within the local traditions and religious understanding and interpretation of Islam. All prevailing schools of thought in the region were to further perpetuate such a trend. Parallel to this tendency of irreversible religious penetration, based on the sole veneration of 'Allah' (God) and on the belief in the

teachings of His Prophet, local traditions paradoxically still allowed for the veneration of large numbers of Saints. Practices ranged from respectfully pious prayers and invocations of almighty God, for the rest and blessing of the Saint's soul, to miscellaneous practices of ignorance, which at times reached states of heresy.

Despite its occupation by colonial rule (French and Spanish) during the first half of the twentieth century, the kingdom of Morocco kept its traditional institutions in the form of an ancestral monarchy. Furthermore, national liberation movements made of the 'Alaouite' Throne a symbol for their struggle. The then reigning 'Sultan', Mohammed V, "Imam of the Muslims and protector of the religion" [2], openly requested independence and promised the setting of "a free Morocco...with democratic institutions in line with the fundamental principles of Islam and the expectations of modern times" [3]. Not only had he then confirmed one of his prior declarations that "time for democracy had come for all peoples", but he put himself in accordance with the stipulations of the "Independence Manifesto" which clearly formulated the demand for "the institution of a consultative political regime...in which the rights of all elements of the people and all the social classes will be protected and their obligations specified". The king further stressed his will after independence to go ahead and institute a "democratic regime within the framework of a constitutional monarchy based on the separation of powers". His son, King Hassan II, was to be later invested with the responsibility of building the democratic institutions sought for by all national trends of the population. This mission started with the presentation on the 18 of November 1962, for a popular referendum, of a project due to later become the first Moroccan Constitution. Since then 5 constitutions have been adopted by referendum (1962, 1970, 1972, 1992 and 1996). They progressively shaped the scope of Moroccan constitutional institutions into a tolerant pluralist Muslim liberal democracy. In this determining strategic institutional choice lay both the basic foundations of this nation's strength along with its endemic vulnerability.

1. The Organizational Imbrications of the Islamist Web:

It is a basic fact that Islam is the religion of the State. The whole constitutional and legal systems of Morocco are built around this postulate. While commonly accepted, if not lumped, it sometimes is openly defied by a few extremist groups and violently challenged by terrorist activists. Behind the apparent calm, lay therefore evident signs of potentially harmful outbursts.

a. The key institutional role of the allegiance process:

Morocco has been subject to Islamic rule since the conquest of this North African territory at the end of the seventh century by Oqba Ibn Nafie in 682 and later finalized by Moussa Ibn Noceir after the year 700. It has thus been governed by monarchies since the first creation of a State in it in 788, by the Cherif Moulay Idriss Ben Abdallah, a political refugee who had then run away from Abbasid prosecution in the Middle East.

Since then a few families set up dynastic rules in it based on the Islamic faith: the "Idrissides", the "Almoravids", the "Almohads", the "Merinids", the "Saadis" and, since 1660, the "Alaouites". The presently ruling monarchy is issued from the "Alaouite" family,

whose local political ascendance was actually launched by the 'beiaâ' (allegiance) of the Sijilmasa region in eastern Morocco. Ever since, the 'beiaâ' process has been subtly institutionalized as a legitimization mechanism of political power deployments of the governing monarchical elites.

Thus, Islam is and remains a main source of inspiration of Moroccan legislation. Keeping this fact in mind will help understand the imbrications of the system and the reciprocal roles of all actors who may be tempted to claim some religious legitimacy. Actually, with this system in place, there is actually no more room left for any other religiously based political claim. Whether it is the constitution or whether it is organic laws, normal laws or executive rulings, the whole system is built upon the respect of a hierarchy of legal norms that put the reference to the Koran in a privileged position. Various constitutional references to Islam comfortably seat its precepts among the highest binding sources of legal obligations.

One fundamental element of the Moroccan institutional organization lies within the notion of "**Amir Al Mouminine**" [أمير المؤمنين] (Commander of the Faithful) stipulated for by article 19 of the constitution. Beneath this notion is implied the importance of allegiance in the Moroccan political system. With reference to western democracy terminology, the sovereignty which is naturally invested in the people (J.J. Rousseau, "*Du Contrat Social*"), is transferred through the act of 'Beiaâ' {Allegiance}, initially carried out by the National Council of Oulemas, and annually renewed by representatives from all provinces, to the king, who therefore becomes referred to as the "Sovereign". With the only exception of referendums, through which the population may still be called upon to express its political will, nominally, and through the mechanisms of the "Beiaâ", the king will detain all powers which he, in turn, will distribute back, in the name of the people, to the constituents of the three branches of government, within a carefully deployed scheme of separation of powers (Charles De Montesquieu's ideal terrain of predilection). Power transmission is then based on the notion of "delegation"; all three executive, legislative and judicial branches exercise a merely delegated power by the legally invested authority of the attributes of sovereignty: "**Amir Al Mouminine**", who is, at the same time, "*Defender of the Faith*" (Article 19). Multiple court cases as well as various doctrinal writings have firmly established this firm ruling. Neither the Parliament, nor the Government nor the judiciary exercise attributed power per se. They merely act as depositaries of delegated power by the sovereign. The electoral process also becomes vested by a new and original meaning: elections do not directly confer positions; they only constitute a popular designation of those whom the sovereign may confirm in their legislative functions. A "dahir" of nomination is therefore issued to validate the issue of the ballots and invest the incumbents with their new powers. Furthermore, pertinent other Islamic values are adopted through the legislative and regulatory processes and constantly adapted to the expectancies of modern times.

It thus evidently stems from the exegesis of the text of the Constitution as well as from the meticulous observation of the mechanisms of power articulation and deployment in Morocco that the 'Palace' plays an important role within the system. Getting into Moroccan politics implies a necessary awareness that the 'Palace' remains a central piece, an important source of power and the sole distributor of privileges. Its

strength constitutes a real and unavoidable guarantee of stability which, in turn, further fosters the deployment of more tangible democratic achievements.

Whether it is the bureaucratic apparatus of the executive branch, or the floating mechanisms of the legislative bicameral structures, or the maneuvering negotiations of the partisan formations, or the less apparent almighty power of the military, or the no less influential impact of various religious orders of “Ulemas”, all sources of decisional flux or of influential impact stem out of the good grace that the ‘Palace’ might momentarily, or more permanently, express towards any of them. And within the ‘Palace’, the authority of the king remains a key constitutional element and a sole depository of legitimate attributes of sovereignty.

b. The official instrumentalization of Islam:

Islam is the religion that “Allah” entrusted His messenger Mohamed with, through the “Holy Koran”. Its precepts are triple: the convictions (العقائد) that the Moslem believes in, the prayers (العبادات) which he accomplishes in veneration of Allah and the behaviour and relationship that define his rapports with others in his (or her) daily life (السلوكات والمعاملات). A wide range of precepts are thus set forth by the “Koran” as well as by the “Hadith” for the Muslim to comply with. Through the Islamic “**Sharia**” (الشريعة الإسلامية), the “Mouminoune”(Believers) are instructed to follow the religious path which leads to the right choices. God has reminded His Prophet and Messenger Mohammed to follow this religious path set forth for him and for his followers: « Then we put thee on the right way of religion; so follow thou that way, and follow not the desires of those who know not » (Sourate Al Jathiah, Verse # 18). ‘Sharia’ has thus grown to mean « religious law » which basic sources are the « Koran » and the « Hadith » (Sunna); other sources such as the « Ijma » (Consensual interpretation of the religious issues by the ‘Oulemas’) and the « Ijtihad » (creativity by the most knowledgeable among them) are also considered as valid sources by some Islamic rites. Conviction (العقيدة), spirituality (التعلق بالقيم الروحية) and legal stipulations (الاحكام) also constitute fundamental elements and basic components of the Islamic society. Applying the “Sharia” therefore means for the Muslim a thorough application of his Islamic spirituality and religious beliefs. It is also a mode of life and a moral conception of existence. Besides from its theological aspects, the Islamic faith embraces several temporal prescriptions and teachings. Among other aspects of State organization, these precepts deal with the “Shoura” (consultation) and the “khilafa” (succession or community commandment).

Most particularly, the notion of “Khilafa” has shown signals of problematic interpretation in a few contemporary contexts. Literally, the word “Khalifa” refers to the successor or the deputy. In both cases, the idea of taking over someone else’s duties is implied by the term “Khelifa”. This notion is recurring in various verses of the “Holy Koran”. But, this does not necessarily imply any sacred character that is conveyed to the notion by Islam. Temporal considerations have oriented certain political systems in the Muslim world to conferring a sacred connotation to this institution for legitimacy purposes.

The exegesis of the “Holy Koran” shows the reference to this notion of “Khalifa” at least on two occasions: The first use of the expression occurs in the verse 30 of Sourate “Al Bakara (البقرة)” when it conveys God’s will to have a vicegerent on earth: « Behold, thy Lord said to the Angels: I will create a **vicegerent** on earth... » . Another reference to this notion comes in the 26th verse of Sourate “Sad” (ص): « Ô David, We did indeed make thee a **vicegerent** on earth; so judge thou between men in truth (and justice), nor follow thou the lust (of thy heart), for it will mislead thee from the path of Allah »

Doctrinal disagreement has been prevailing since the cradle of Islam on whether the “*khilafa*” is meant to be to God on earth or only to His prophet. Some religious thinkers have contained themselves to a narrow interpretation of the “Koran” which might convey that it is a “*khilafa*” to God that is meant by the “Sourates” that refer to it. Present day reference to religious and spiritual foundations of the exercised temporal power try to maintain this belief for evident legitimacy purposes. Notions such as “Amir Al Mouslimine” or “Amir Al Mouminine” contribute evidently to the institutional longevity of theocratic approaches to political power. Yet, other schools of thought have persistently excluded any possibility for anyone to claim a “*khilafa*” to God for the simple reason that succession may be conceived for “those who disappear or die, while God is everlasting and never dies or disappears” [4]. Therefore, the “Khalifes” have always been known to be the successors of the authority holders. With the geographic expansion of the Islamic territories, multiple “Khalifes” have also been called upon to govern the various Islamic communities. Specific rules of designation have therefore been set forth for the “Imama” through the various historic phases of Islamic history. In Moroccan institutional practices, the Islamic ‘Majliss of Ulemas’ plays a key role in the fulfilment of this function.

The allegiance (“Beiaâ”, “Walaâ”) is initially owed to the person of the king and confirmed by the ‘Ulemas’ of the nation. Representatives from all provinces renew it formally in an annual allegiance ceremony held on the Throne day celebration. Through this act, and as previously mentioned, the commander of the faithful [أمير المؤمنين] becomes referred to as the “Sovereign”. With reference to western democracy terminology, the sovereignty which is naturally invested in the people (J.J. Rousseau, “Du Contrat Social”), is transferred through the act of ‘Beya’ {Allegiance} to its new depository who, in turn, redistributes its attributes. That is mainly the interpreting trend unequivocally asserted by constant jurisprudence of the Administrative Chamber of the Moroccan Supreme Court.

It is within the Supreme Court that such a justification of power ventilation has been set forth and that apparent signs of instrumentalization have appeared. Since the creation of this high judiciary institution in 1957, its five Chambers have established high level rulings and assured the cohesiveness of the national judiciary system. Within its spheres of competency, its administrative chamber has been particularly invested with the competency of controlling the respect of law, within the executive branch of government, by all administrative authorities. It has been empowered by law to make rulings on claims for cancellation of *ultra vires* acts filed against administrative authorities, disputes related to administrative contracts and claims for compensation of prejudice caused by public entities' acts or activities. It has also been empowered to ascertain the consistency of administrative acts with legal provisions. On various occasions, however, this chamber

has been requested to overrule decisions taken by the royal authority. Through its various attempts to solve these issues, it has developed a constant doctrine relative to the value of royal decisions, based on the notion of “*Amir Al Mouminine*” and on the notion of delegated powers.

The main question which arose then, regarding royal executive powers, was if it were conceivable to consider the king, within the Moroccan legal framework, as an executive (administrative) authority, given the fact that many executive functions are assigned to him by the constitution. Beyond the disputes affecting decisions taken by the king, it was, in fact sought the consideration of whether the king may or may not be an object of judiciary control. The long time established British doctrine of “*the king can do no wrong*” was to be irrelevant in this context, since the king of Morocco effectively exercises important constitutional attributions. But, multiple other considerations dictated a cautious judicial approach to this question for the sake of preserving the stability and legal strength of a reform carrying institution. Three court cases then offered to the Supreme Court justices a unique opportunity to elaborate their doctrine on the sources and deployment processes of royal attributions [5].

In the first affair, the claim was directly made by a “Cadi” (judge) against a ‘dahir’ (decision) taken by the king suspending him from his functions. Well aware of the newly role assigned to the then recently created Supreme Court, in matters related to its competency regarding the quashing of illegal decisions taken by administrative authorities and estimating that the king did not have enough legal grounds to base his decision on, Judge Abdelhamid Ronda decided to resort to justice. In a similar case, Abdallah Bensouda resorted to the same jurisdiction against a conservatory decision taken by the minister of justice and later reinforced by a royal ‘dahir’. In both cases, the administrative chamber of the Supreme Court rejected the recourse on the grounds that the attacked decision “*emanated from the Sovereign and had the form of a dahir*”; no further explanation or justification was given to that attitude of the justices to refuse to recognize their competency to appreciate royal acts even if these acts covered materially administrative matters. In their non expressed arguments, the king was just not to be considered as an administrative authority in the sense meant by the dahir of creation of the Supreme Court. The opportunity for the Supreme Court to further elaborate on its position was offered in a later case in which no decision had been directly taken by the king. The facts of this case go back to the mid-sixties during the period of exception, during which the Parliament had been suspended and all political powers were exercised either directly by the king, or, indirectly through the procedure of “*delegation of signature*”, by his prime minister. In Morocco, as well as in European continental law, and mainly in French public law, such situations of delegation of signature make of the depositary of the signing power a mere instrument who applies the received instructions. The acts taken within this procedure take position as acts emanating from the delegating authority. On this basis, the Supreme Court, in the *Agricultural Propriety Abdelaziz vs. the prime minister and minister of agriculture* affair considered the decree signed by the prime minister as a decision emanating from the king personally and admitted its competency to consider its legal value in light of its newly emerging position on such issues. In its rendered judgment, it considered that given the fact that “*His Majesty the king exercises his constitutional powers in his quality of ‘Amir Al Mouminine’ [Commander of the Faithful], in*

accordance with the stipulations of article 19 of the Constitution, and that, in this quality, he can, in no way, be considered as an administrative authority in the sense meant by article 1 of the dahir of September 27, 1957 (instituting a Supreme Court)”; (and that) “given that the judicial functions are among the primary functions belonging to the Imam of the Faithful; that the judge only exercises them by simple delegation...”, the jurisdiction of the Supreme Court does not extend to decisions taken by his majesty. It therefore rejected the claim on the grounds of incompetence.

It thus resulted and has been constantly accepted that ultimate religious power (and all other powers) is vested in the king. Within this power realm have been tolerantly operating multiple religious groups. They vary from conformist moderates to virulent extremists.

c. The Islamist Group Activism:

Observing religious practices of Islam over the centuries in Morocco conveys an evident image of calm and moderation. There is and has ever been no evidence of any terror threat links stemming either from its teachings or from any known organized religious groups. Thus, the following presentation of the multiple trends and practices does in no way imply that most of the examined groups have ever shown any signs of virulent disturbance. It is only in the realm of contemporary international upheavals that the local terror threat has adamantly emerged among groups that claim would be Islamist affiliations.

Original Islam has initially emerged as a religion of individual and collective salvation for human kind. Within this broad acceptance, the religious fact has worn various forms pending on the objectives of its main actors. Thus four broad trends have characterized the Moroccan Islamic scenery.

- **Catechist Islam:** It may also be called predicator Islam. It entertains a moralizing discourse. This trend has often been in line with the official political doctrine reigning over the country. It is presently represented by the Ministry of ‘Awqaf’ and Islamic Affairs. It is widely represented in the mosques. Its discourse preaches good deeds and warns against evil behavior. Through its educative approach, it mostly aims at deeply rooting traditional Moroccan Islam based on the ‘Acharite’ dogma and on the ‘Malekite’ rite. Its wide network of official ‘Imams’ is employed to respond to the knowledge quests of the believers and to positively orient their understanding and knowledge, thus potentially filling the gap left by other official educational and cultural institutions and effectively hindering the underground subversive preach of non conformist groups. It openly aims at enlarging the official scope of action of the religious institution to the social field, thus investing the ‘Imams’ with a socializing mission of the believers, and again invading one of the subversive groups’ terrain of predilection.
- **Suffi Islam:** Beyond the moralizing approach, it mostly vehicles an educative discourse, carried out through the recent centuries by the various religious confraternities. It is a spiritual means of teaching, considered to be deeply rooted in Islamic traditions. Its premises were launched at the 11th century. For more than ten centuries, it has managed to inspire ethical charts of community organization in

Islamic territories. These confraternity centers, also called 'Zaouias' or 'Ribats' are scattered nationwide and do exercise evident civic and spiritual influence on large fringes of the population. The 'Tariqas' "Qadiriya-Boutchichya", "Tijaniya" and others are just a few of these many very influentially framing preservers of traditional Islamic practices in Morocco. Even King Mohamed VI has personally and publicly acknowledged (in a 'Suffi' Congress held in Marrakech in 2004) the positive role of such a spiritual trend: "The Moroccans have internalized since the advent of Islam, that the essence of religion is to purify the soul from human selfishness, hatred and extremism, in conformity with morality and rising above the temptations that demean the heart and intelligence through the restraint and self-control, in a quest for spiritual coronation known as Sufism... Morocco has known, throughout its history, Sufi brotherhoods founded by master educators recognized for their leniency and their foresight and discernment regarded as models of moral conduct to be followed..." .

- **Political Islam:** It includes both the trends that have organized themselves as political parties (i.e. the 'Party of Justice and Development') and those that still prefer the no less effective means of associative action (i.e. 'Jamaat Al Adl Oua Alihssane'). Other more or less radical underground groups also claim political action channeled via Islamist language. It is also worth underlining that most political parties, including the most conformist ones like 'Istiqlal' (whose leader Abbas El Fassi is presently the Prime minister of Morocco), use Islamist referential terminology. Actually, it is difficultly conceivable that in an officially Islamic state whose community is overwhelmingly Moslem, some group action can be efficiently undertaken without such claim. Yet, the Islamic arena is actually occupied by the institution of 'Imarat Al mouminine'. There is normally no more room for anyone to use Islam for public action. Actually, no political party can be set up on an Islamist program!

How did PJD then work it out? A subtle political game has then been mounted in 1996 to make it possible, without any one else being able to later come and claim the use of this precedent for similar political purposes. A few Islamist militants, most particularly their leader Abdelilah Benkirane along with another Islamist leader named Ahmed Raïssouni and the no less influential Saadeddine El Othmani, all issued from the former radical student movement initially called in the seventies 'Chabiba al-Islamiya' (Islamic Youth) and later constituted in 1981 in the 'Jamaa Islamiya' association set up a political program aiming at the transformation of Moroccan society through a necessary return to the sources of religious doctrine. They thus formed a new militant organization called the 'Movement Unification and Reform' (MUR), which entered into political negotiation with a decaying political party then called the MPDC (The Popular Democratic and Constitutional Movement), led by a major historic nationalist figure Dr. Abdelkrim El Khatib, notably known for having close ties with the Royal Palace. The PJD was then formed under the temporary leadership of the moderate El Khatib who later passed the command over in 1999 to El Othmani. An Islamist party has thus been formed without necessarily going through the process of a new party creation. It has later been able to play a major role in Moroccan partisan politics. It mainly

rejects violence while still believing in the necessary recourse to major reforms based on the 'Charia'.

As of 'Jamaa aladl wa alihssan' (Justice and Good Deeds), it mounts back for its creation to the mid seventies: its leader Cheikh Abdeslam Yassine issued in 1974 a virulent pamphlet against the king and the monarchy under the no less flamboyant title « Islam or the Deluge »! It has been functioning since mostly as a hardly tolerated, but extremely influential, politically activist group which also rejects violence and bets on a progressive transformation of the Moroccan society through its charity actions. It controls most university campuses in the country. But it remains however out of the official political game enacted by the public institutions.

- **Fundamentalist & Radical Islam**: It covers a wide era of both imported 'Sunni' and 'Chiia' trends, which have brought in different rituals from what Moroccans have long been used to. Saudi Wahhabism has played a major role in launching this movement of imported ideology since the seventies. It has more recently been relayed by more combative 'Salafism' and also by violent activist groups such as 'Al-Sirat Al-Moustaqim' (Strait Path) and 'Atakfir Wal Hijra' (Apostolate and Pilgrimage), born in Egypt in the seventies through the action of the "Muslim Brothers". Most of the initial militants of these groups initially stem from anti soviet veterans who fought in Afghanistan. Their local recruiting remains marginal however and is mostly operated in poor slum neighborhoods and shanty towns. But, most of the violent outbursts that Morocco has known during recent years in Casablanca and elsewhere have been officially attributed to them.

2. The Challenging Outbursts to Morocco's Stability:

After a relatively long period of unchallenged quietness and stability, during which the officially reigning political beliefs have been prevailing despite evident social disparities, defying voices have more recently been launching what appears to be a new reality of uncertainties characterized by evident threats to national and local security. The persistent use of Islamist referential has more or less openly been marking these various upheavals and sporadic turbulences.

a. The Deployment Mechanisms of the New Challenges to Institutional Stability:

Within the above described context of political positioning and struggle for power among and between the operating protagonists, have developed over a few decades multiple means of subtle underground operations. Various activist groups have effectively been carrying out continuous recruiting missions, ground infiltration, training sessions and have most importantly been showing helpful social availability to the most needy. This certainly may not have been happening without the knowledge of competent security services. They might certainly have underestimated the efficient impact of such ideological dissemination activities or might have wanted to tolerate their action in order to better infiltrate and monitor their action. But the fact is that the diversity of field action of these radical groups may just have not happened and lasted without the evident presence

of potential high level and field complicities. Chances are also that 'Wahabi' diplomatic pressures may have been exercised through public funding mechanisms.

The association "Adaoua wa attabligh" has for example been publicly operating its proselytism activities with a supportive tolerance of public institutions. Its main Moroccan headquarter, located in "Masjid Annour" in Casablanca, has long served as a sanctuary in which this would be pacifist movement operated vulgarization teachings of the precepts of Islam to members, issued from various regions of the country, but also from many foreign countries, who would constantly visit it for short overnight stays. The international diversification of its attendants, including numerous Afghanistan returnees, was not at all a secret and neither were their activities. Yet, it still operated openly with no disturbance whatsoever except intelligence follow up of its preaches by competent police and security authorities. It is however from its pacifist ranks that emerged a few violence advocates such as Ahmed RAFIKI (known as Abou Houdeifa, later sentenced to 10 years of prison that the Moroccan Supreme Court later reduced back to 5) and his son Abdelwahab RAFIKI (known as Abou Hafs, presently sentenced to 30 years of prison).

For its part, the association "Al Adl Wa Al Ihssane" has mostly focused its dissemination strategy on university campuses, thus seeking to enlarge its recruitment among intellectual elites. Its campus activism has proven to be extremely rewarding, by the use of the decaying student union (UNEM), that it has reactivated and efficiently controlled. Applying the orientations of their spiritual leader, a former high school teacher, Cheikh Abdesslam Yassine, its militants also deploy their ground activism in multiple benevolent services.

They have thus outstandingly occupied the "charity assistance" field evidently left out for many decades by official public social services. Making themselves available to answer the immediate survival needs of the most needy, their militants have grown to become popular figures in their poverty stricken neighborhoods. Under cover, social assistance was permanently supplied. Literacy courses were continuously offered for free to adult illiterates; school support to children has also been part of the recruiting strategy. Even summer vacation monitoring of neighborhood children was sporadically organized through unofficial summer camps. Even cemeteries have proven to be ideal locations of infiltration of mourning families: assistance was immediately proposed and the evening dinner organized for family and relatives generally offers perfect safe conditions for new indoctrination and recruitment purposes.

Multiple other non declared and underground organizations progressively grew into gaining prevailing statuses among local crowds whose illiteracy evidently helped greatly in the large deployment of extremist trends. Some of these local leaders also gained local notoriety by declaring themselves local "Emirs" (i.e. Princes) thus exercising seemingly autocratic powers on their followers. Among the most notorious cases were Miloudi Zakaria and Youssef Fikri in Casablanca as well as Abdelwahab Rebaa in Meknes. It is not evident that security services had been breast of all these underground deployments despite evident signs of a clear terror risk that had timidly started in 1975 by the crimes perpetrated in Casablanca by the "Chabiba Al Islamya" militants and that had burst again with the Marrakech Hotel Asni shooting in August 24th

1994: Three hooded men armed with a pump gun and 'Uzi' & 'Kalashnikov' machine guns burst into the main hall of this central Marrakech hotel and started shooting in the crowd. Two Spanish tourists were killed as were wounded many other foreign tourists, mostly French! Once arrested, the authors of the shooting claimed the Islamist inspiration of their acts. This was to erect the peaceful country of Morocco among the main targets of the international terror threat.

b. The Terrorist Deployments of May 16th 2003:

On the evening of May 16th 2003, as the whole country was getting ready to publicly and lavishly celebrate the birth of the newly born Crown Prince, the extremist terror groups sent unequivocal and sanguinary alarming signals: 14 'kamikazes' orchestrated and carried out five simultaneous suicide bombings against key economic and social targets (a Spanish club restaurant named "Casa de Espana", an Italian restaurant named 'Positano', a five star hotel named 'Farah', a Jewish community club named "l'Alliance Israélite" along with a Jewish cemetery. It was evident that the targets were either Jewish Community gatherings or foreign clubs, hotels and restaurants where alcohol was publicly and openly served! Forty two deaths were deplored as a result as well as more than one hundred wounded.

The word 'kamikaze' has made its public entry into Moroccan language terminology. Up to now it was locally known as a mere qualifier of the World War II Japanese auto destructive plane pilots or as more recent reference to the Palestinians that persistent and repetitive injustices drove into this senseless means of massive destruction of innocent victims. But never before had the Moroccans ever imagined that this uncommon practice was to be locally adopted by Moroccan natives. That somehow conveys the inefficient ability of both the informed analysts along with the multiple actors of intelligence services. Here we were facing a newly generated species of humanoids among whom destruction of the others as well as self destruction prevail over survival instincts. Long traditions of due individual and collective respect for life suddenly collapsed, thus reducing some locally authentic values into dwindled specs, by those ignorant individual who amazingly claim their Islamic inspiration!

The meticulous preparation of these acts has been reported by the three surviving terrorists who had been arrested by the police services: Some of the plotters had gathered on the eve of the attempt and spent the night together, being prepared psychologically through video presentations that spoke to them about heaven and how they would immediately reach it as martyrs. But all fourteen of them only got to know each other on the day of May 16th. They were then all well prepared and "ready to die and go to heaven", as declared by one of them to the police. The explosives were prepared. They were made of materials normally available in the local markets! Missions were assigned. And after an ultimate prayer, each group was bound towards its indicated destination. The bombs were to explode simultaneously. And so they did!

One of the evident problematic puzzles that the public authorities had to grasp though was that this was not an imported operation: these guys stem from the deeper poverty stricken "Carrière Thomas" of the 'Sidi Moumen' district in the Casablanca

suburbs! It is, as a press reporter put it, one of those *“dark misery neighborhoods that constitute the belt of Casablanca. It is on the other side of midnight. That is the other Morocco”* [6].

Three weeks of meticulous police investigations allowed the identification of three local radical Islamist organizations that were directly implicated in these terrorist events: These were **Assirat Al Moustakim** (The Straight Path), **Al Hijra wa Takfir** and the **Salafia Jihadia**. More than 250 suspects had also been immediately arrested, for the motive of being directly or indirectly linked with the attempts. It was later known that more than 2030 individuals had been sentenced in relationship with the May 16th events, 17 of them sentenced to the death penalty! A radical mobilization of all police and multiple investigation services has since then been deployed in order to contain this growing cancer and deter all potential sources of local terror threats. Yet, and most importantly, what has been known might simply be the apparently visible part of the iceberg! The realm of social imbrications may still hide potentially surprising threats.

c. **The persisting Terror Threat:**

Despite the wide popular rejection of this unacceptable outburst, as has been demonstrated by massive gatherings nationwide to express attachment to secular values of peace and stability, non disguised signs of the persistence of the terror threat are evidently prevailing. So is the police mobilization too. Wide range “cleansing” operations have allowed the dismantlement of numerous inactive cells. And more numerous ones are certainly still waiting for ripe time to emerge.

Multiple signals of terror threat persistence (but also of police vigilance) may thus be recapitulated: Beyond the multiple appearances before the judge of the various individuals implicated in the May 16th Casablanca events, numerous other judgments for terror related mobiles have also taken place. Thus on December 2004, a new group of 12 Moroccans presumably members of an unnamed illegal International Islamist organization have been presented to the Casablanca Court of Appeal for judgment. During the same month, the Judge of Instruction at the Rabat Court of Appeals was similarly examining the case of 5 other Moroccans who had been handed back from Guantanamo by US authorities for local prosecution. The March 11th Madrid train strikes which had generated more than 200 deaths had exclusively been carried out by Moroccan nationals. Most terrorists who had been arrested in Europe and elsewhere during this period were Moroccans, including Zakaria Al Moussaoui (a Moroccan native) who had been convicted in the US in relationship with the September 11th World Trade Center attack. More than 7000 arrests linked with terror prosecution proceedings have been operated during the last five years, including that of Mustapha Sebtaoui (also nicknamed Saad Al Houssaini), a mythical figure of Moroccan terrorism (who had been arrested in Syria at the end of 2005 and handed over to Morocco in February 2006): he is one of the founding members of the Moroccan Islamic Combat Group (GICM), a terrorist organization which claims its affiliation with Oussama Ben Laden’s Al Qaeda, along with Hassan El Haski who has also been arrested on December 2004 by Spanish Authorities in Lanzarote in the Canary Islands. Beyond their declared objective of setting up an Islamic State in Morocco, with the technical, logistical and human assistance of Al Qaeda, this mysterious underground organization (founded in 1997) counts multiple militants among the Moroccan Diaspora in Europe and has also been active in the recruitment of Moroccan ‘Jihadists’ to be sent to

fight in Iraq. It presently represents the major source of terror threat concerns for Moroccan security services.

On the operational ground, this gangrene has evidently been spreading to dissatisfied groups and individuals who apparently have no originally evident Islamist affiliation. Neighborhood proximity determines in most of the cases the acquaintances that finally put completely ignorant jobless individuals with trained manipulators who use their credulity for their harmful terrorist objectives. That was evidently the case both in the March 2007 Casablanca Cyber café kamikaze explosion as well as in the April 2007 US Consulate neighborhood failed attempt.

Again in Sidi Moumen in the evening of March 11th 2007, two kamikaze suicide bombers, ready to carry out their forfeit were apparently waiting for Al Qaeda instructions via internet in order to be fixed on their final destination. Namely Abdelfettah Raydi (23 years old) and Youssef Khoudri (18 years old) who were wearing explosive belts came at 21:45 into a Sidi Moumen cybercafé located in the “Al Adarissa” district in order to consult a ‘Jihadist’ website which was due to contain new instructions for them. Its manager, Mr. Mohamed Faïz (28 year old) noticed their strange behavior along with their evident connection to a site under surveillance, tried to convince them to leave his cyber under the pretext that it was time for him to close. A virulent argument resulted from this altercation, mostly that the cyber manager, a full-contact practitioner did not seem to be impressed by their aggressive attitude. He tried to lock them in while attempting to call the police. It is at this moment that one of the kamikaze bombers operated his explosive charge. The other one run away and was later arrested by the police a few miles away. The limited number of wounded victims could have been worse if these two individuals had managed to reach their final destination, which could have apparently been a crowded public place on a Sunday evening!

Less than a month later, on April 10th 2007, four other kamikaze bombers were tracked by police services in Hay El Farah. They all blew themselves around 19:00 into shattered pieces in the midst of crowds of local citizens and journalists who had been attracted to the site for media coverage of the ongoing event. On April 14th, 2007 at 9:00 am, two more suicide bombers exploded themselves in Boulevard Moulay Youssef, a few yards away from the US consulate General in Casablanca and the American Language Center. They were brothers: namely Mohamed Maha (32 years) and Omar Maha (26 years), who looked more like drug addicts than Islamist devotees. On August 13th 2007, another suicide bomber unsuccessfully targeted a bus full of tourists in the city of Meknes. This time, the apprentice terrorist is no longer an illiterate stemming from poverty stricken backgrounds: he was an engineer named Hicham Doukkali, working for the tax collection administration. Police investigations allowed a conclusion that he had established internet connection with the Al Qaeda branch in the Islamic Maghreb. In February 2008, Moroccan police dismantled another terrorist network headed by Abdelkader Belliraj. 35 suspects were then arrested in Casablanca, Rabat, Marrakech, Kenitra, Tangiers, Nador and Oujda. All these arrested individuals were suspected of traffic of weapons. Most of them were allegedly known in Belgium as deeply involved with the organized crime. They come from all social classes, but most of them are from middle to upper classes: a doctor of pharmacy, a police captain, the head of a telecommunications company, a hotel

manager as well as teachers! Investigations allowed the police to reach tangible conclusions that this group was linked to Islamist leaders; six national and local political leaders from the authorized Islamist parties were arrested in connection with this network. One of them, Mustapha Moatassim, leader of the al-Badil al-Hadari (civilized Alternative) party had been known for maintaining relations with Shiite circles that were Iranian or close to Hezbollah. Indeed, Abdellah Sriti, the correspondent in Morocco of Lebanese Hezbollah's TV station Al Manar was also arrested. And interestingly enough, among the arrested was also Alaa Badella Maa El Ainin, a member of the PJD (Justice and Development Party), the main Islamist party in Morocco and a candidate running in the legislative elections last September. The al-Badil al-Hadari party, which had however little clout on the political scene, was dissolved on February 20th 2008.

It is thus not any longer a mere threat, but a reality that has to be managed for security's sakes. Its authors are no longer deprived individuals, but middle class white collars. Even evidence of infiltration of existing parties has been unearthed. That's to confirm that in present times, the terror risk has become non containable. Explosions may occur anytime and anywhere, no matter how much police vigilance is deployed. That's why deep reforms have to be sought. They need to tackle the deeper roots of this contemporary evil. The Moroccan model has evidently innovated by deploying reforming initiatives at the institutional level.

3. The Institutional Outcomes:

The gravity of the incurred risks compelled an urgent reaction of the public powers. The need for immediate and efficient measures to contain the terror risk and deter its potential growth has imparted large scale institutional reforms. The government has thus promptly introduced legal reforms that the parliament immediately put into applicable forms (b), while urgently acting in the social and religious arenas (c), thus complying with its obligations towards the international community (a).

a. Complying with International counterterrorist Commitments:

The kingdom of Morocco has joined the UN immediately after its independence from colonial French and Spanish rule in 1956. Ever since, it has generally adopted an extremely moderate political line that complies with most of internationally enacted rules and guidance. Its bilateral and multilateral diplomacy deployments have constantly complied with full respect of the rules of *jus cogens*, including in its tentative solutions to one of its most vital and capital national matters that concerns its recovery of its southern provinces in Western Sahara, that other neighboring protagonists have constantly been defying in the international arena, including before the UN system institutions.

In its tackling of the terror threat issues, Morocco has also proven constant willingness to cooperate with the international community in containing and/or deterring this contemporary ordeal. It has so much been compelled to do so, not only from the genuine conviction of its policy makers in the global benefits of international peace and security, but also because it has found itself in the front line of combat of this ever

growing threat. Its full adherence to the UN system's rulings in this matter has evidently been unequivocal. Full compliance has been demonstrated both with General Assembly and Security Council Resolutions.

Thus, in one of its most recent resolutions (R.1822) pertaining to threats to international peace and security caused by terrorist acts, adopted on June 30th 2008, (similar in its content and wording to other resolutions passed earlier in 2006, such as R. 1735, in 2005 such as R.1617 and others), the UN Security Council has reaffirmed that "terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and reiterating its unequivocal condemnation of ongoing and multiple criminal terrorist acts aimed at causing the death of innocent civilians and other victims, destruction of property and greatly undermining stability" and has further reaffirmed "the need to combat by all means, in accordance with the Charter of the United Nations and international law threats to international peace and security caused by terrorist acts". It has also stressed that "terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate, and incapacitate the terrorist threat ... stressing in this regard the need for robust implementation of the measures of this resolution as a significant tool in combating terrorist activity" and has urged "all Member States, international bodies, and regional organizations to allocate sufficient resources to meet the ongoing and direct threat posed by ... "

Acting under Chapter VII of the Charter of the United Nations, it has thus encouraged the member states to take the following measures as previously imposed by paragraph 4(b) of resolution 1267 (1999), paragraph 8(c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002), i.e.:

- Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, or by their nationals or by persons within their territory;
- Prevent the entry into or transit through their territories of these individuals, provided that nothing shall oblige any State to deny entry or require the departure from its territories of its own nationals and these stipulations shall not apply where entry or transit is necessary for the fulfillment of a judicial process;
- Prevent the direct or indirect supply, sale, or transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment paramilitary equipment, and spare parts for the

aforementioned and technical advice, assistance, or training related to military activities.

Two years earlier (August 4th 2005), the UN Security Council had, in a resolution (R. 1618) pertaining to Iraq, reaffirmed the obligations of Member States under various UN resolutions “and other relevant international obligations with respect, inter alia, to terrorist activities in and from Iraq or against its citizens” and has strongly urged Member States to “prevent the transit of terrorists to and from Iraq, arms for terrorists, and financing that would support terrorists, and re-emphasizes the importance of strengthening the cooperation of the countries in the region”. It has furthermore urged “all States, in accordance with their obligations under resolution 1373 (2001), to cooperate actively in efforts to find and bring to justice the perpetrators, organizers and sponsors of these barbaric acts” and has finally expressed “its utmost determination to combat terrorism, in accordance with its responsibilities under the Charter of the United Nations”.

On October 8th 2004, the Security Council approved yet another resolution that reminds the States that “they must ensure that any measures taken to combat terrorism comply with all their obligations under international law” and reaffirms that “terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security”. It reaffirms “its profound solidarity with victims of terrorism and their families” and:

- Condemns in the strongest terms all acts of terrorism irrespective of their motivation, whenever and by whomsoever committed, as one of the most serious threats to peace and security;
- Calls upon States to cooperate fully in the fight against terrorism, especially with those States where or against whose citizens terrorist acts are committed, in accordance with their obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle to extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens;
- Recalls that criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and **calls upon** all States to prevent such acts and, if not prevented, to **ensure that such acts are punished by penalties consistent with their grave nature**;
- Calls upon all States to become party, as a matter of urgency, to the relevant international conventions and protocols whether or not they are a party to regional conventions on the matter. This call for adherence to international conventions and protocols relating to terrorism had earlier been advocated by

the UN Security Council in its resolution (R. 1456) adopted on January 20th 2003.

In this document, the Security Council called for the following steps to be taken by member States: “prevent and suppress all active and passive support to terrorism”, “become a party to all relevant international conventions and protocols relating to terrorism, in particular the 1999 international convention for the suppression of the financing of terrorism and to support all international initiatives taken to that aim”, “assist each other, to the maximum extent possible, in the prevention, investigation, prosecution and punishment of acts of terrorism, wherever they occur”, “cooperate closely to implement fully the sanctions against terrorists and their associates”, “to take urgent actions to deny them access to the financial resources they need to carry out their actions, and to cooperate fully with the Monitoring Group established pursuant to resolution 1363 (2001), and “bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute”. It has also invited the Counter-Terrorism Committee to intensify its efforts to promote the implementation by Member States of all aspects of resolution 1373 (2001).

It is the year 2001 however that triggered a massive invitation to repress terrorist acts in the aftermath of the September 11th events: UNSC Resolutions R.1368 (September 12th 2001), R.1373 (September 28th 2001) and R.1377 (November 12th 2001) are the most relevant for launching an unprecedented international campaign against terrorism.

After a virulent and unequivocal condemnation of “the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C. and Pennsylvania”, the UN Security Council has considered such acts (in its resolution 1368) “as a threat to international peace and security”. It has thus expressed “its deepest sympathy and condolences to the victims and their families and to the people and Government of the United States of America” and has called “on all States to work together urgently to bring to justice the perpetrators, organizers and sponsors of these terrorist attacks”. It has furthermore called “on the international community to redouble their efforts to prevent and suppress terrorist acts including by increased cooperation and full implementation of the relevant international anti-terrorist conventions and Security Council resolutions” and has expressed its “readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations”.

Two weeks later, it was to adopt its historic antiterrorist resolution, articulated mostly around the following commandments that all States must comply with:

- Prevent and suppress the financing of terrorist acts;
- Criminalize the willful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;
- Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or

- facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;
- Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;
 - Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
 - Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
 - Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
 - Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
 - Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
 - Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;
 - Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;
 - Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks, forged or falsified travel documents, traffic in arms, explosives or sensitive materials, use of communications technologies by terrorist groups and the threat posed by the possession of weapons of mass destruction by terrorist groups;
 - Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

- Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;
- Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;
- Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);
- Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;
- Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

A full program for which implementation was really ripe for multiple other reasons and which became so much so after the May 16th 2003 Casablanca blasts! It was just a ripe moment for which may validly apply the French proverb “A bon entendeur salut”! Measures heard, understood and promptly integrated into national legislation!

b. The Security Driven Legal Outcomes:

During many decades and until recently, stipulations applicable to terrorism or to terror related crimes have been almost totally absent from the Moroccan “Penal Law”. It is only in May 28th 2003 that, in the aftermath of the May 16th Casablanca blasts, appropriate legislation applicable to this matter has been enacted.

The first modern acquaintance of the Kingdom of Morocco with penal legislation dates back to less than one century ago, even though the State of Morocco has existed for more than twelve centuries! In fact it is on August 12th 1913 that under French colonial rule, was enacted a ‘Dahir’ that made the French “Code de Procédure Pénale” applicable to the parts of Morocco occupied by France, Spain acting similarly for the Moroccan regions that were submitted to its rule by enacting a ‘Dahir’ dated June 1st 1914. It is only after the country recovered its independence in 1956 that two key texts were adopted regarding penal aspects of social life: the ‘Dahir’ forming “Code de Procédure Pénale” dated 1st of Chaabane 1378 (equivalent to February 10th 1959) and the Dahir N° 1-59-413 dated 28th of Joumada 1382 (equivalent to November 26th 1962). Minor modifications have been constantly brought to both texts; but it is only in 2003 that has been enacted the currently applicable ‘Dahir’ N° 1-03-140 dated 26th of Rabea I 1424 (equivalent to May 28th 2003) promulgating the Law voted by Parliament under the N° 03-03 relative to “**Combating Terrorism**”[7]! Its stipulations have extended the range of application of both previous texts.

The text is articulated around nine articles that have introduced terrorism as major crime that will resolutely be tackled through maximal sanctions. Sanctions vary from the death penalty to complete absolute excuses to be pronounced by the competent judges.

Thus, terrorism is defined by the new article 218-1 added by the new law against terrorism to the still applicable 612 articles of the Penal Code and the 757 articles of the Penal Procedure Code. According to the stipulations of the new law, the following ten offences are considered as Constituting acts of terrorism, when they are intentionally, in relationship with an individual or collective initiative, aiming at causing serious breaches to public order through intimidation, terror or violence:

- The deliberate attack on people's lives or their integrity or their freedoms, as well as the kidnapping or abduction of persons;
- The participation in an association formed or an agreement established for the purpose of preparation or committing of acts of terrorism;
- The manufacturing, possession, transport, circulation or illegal use of weapons, explosives or ammunitions;
- The hijacking or degradation of aircrafts or ships or any other means of transport, the degradation of air, maritime or land navigation facilities and the destruction, degradation or deterioration of the means of communication;
- Knowingly hiding proceeds of a terrorism offence;
- Destruction, degradations or deteriorations;
- Offences related to automated systems of data processing;
- Theft and extortion of property;
- Counterfeiting or forgery of currencies or effects of public credit, State seals and stamps, postage stamps and markings, or counterfeiting or forgery referred to in Articles 360, 361 and 362 of this code;
- Counterfeiting or forgery on checks or any other means of payment covered by Articles 316 and 331 of the Code of Commerce;

The maximal penalties for these offences stipulated for under this article 218-1 may be fixed as follows when the facts which are committed represent terrorist offences:

- **Death penalty** when the normal sentence is life imprisonment;
- **Imprisonment for life** when the normal maximal penalty is 30 years imprisonment;
- The maximum custodial sentences are doubled, without exceeding **thirty years** when the normal penalty is imprisonment;
- When the penalty is a fine, **the maximal penalty is multiplied by one hundred** without being less than 100,000.00 dirhams;
- When the author is a corporation, the **dissolution of that corporation** as well as the two security measures stipulated for under Article 62 of the penal code (i.e. confiscation of goods and closing of the firm) must be pronounced with respect of third party rights.

According to the stipulations of article 218-3, is also considered as an act of terrorism, within the meaning of Article 218-1, the fact of introducing or putting in the atmosphere, soil, underground-soil or waters, including the territorial sea, a substance

that endangers the health of humans or animals or the environment. The facts thus set out are punishable by **ten to twenty years imprisonment**. The penalty is **life imprisonment** when the facts have generated mutilation, amputation or deprivation of the use of a limb, blindness, loss of an eye or any other permanent disability for one or more persons. The author is sentenced to a **death penalty** if the facts have led to the death of one or more persons.

A few other offences are also stipulated for by this new law as constituting acts of terrorism. These are, according to the stipulations of article 218-4:

- The provision, collecting or managing by any means whatsoever, directly or indirectly, of funds, securities or property with the intention of seeing them being used or knowing that they will be used, totally or partly, for the purpose of committing an act of terrorism, irrespective of the occurrence of such an act.
- The fact of providing assistance or giving advice for this purpose;

The punishment for offences thus referred to varies from **five to twenty years imprisonment** and **a fine of 500,000.00 to 2,000,000.00 dirhams** for the implicated individuals; it may be increased to a period varying from **ten years to thirty years imprisonment** and to a **doubled fine** when the offences are committed while using the facilities provided by the exercise of a professional activity, or when offences are committed by an organized gang or in cases of recidivism. A person convicted of financing terrorism incurs, furthermore, the **confiscation of all or part of his properties**. As of corporations convicted of such criminal offences, they may be subject to **a fine varying from of 1,000,000.00 to 5,000,000.00 dirhams**, without prejudice of the penalties that could further be imposed against their leaders or agents involved in these offences.

Furthermore, and in addition to cases of complicity stipulated for under Article 129 of the Penal Code, is also punishable by imprisonment varying from **ten to twenty years**, anyone who knowingly provides a person author, co-author or accomplice of a terrorist act, either with weapons, instruments of the offence, or with monetary contributions, ammunitions or means of subsistence, correspondence or transport, or supplies him with a meeting place, housing or retreat or who helps him dispose of the proceeds of his crimes, or who, in any other way, supplies him knowingly with assistance. The court may however waive from the penalty, the parents or allies (to the fourth degree), inclusive, of the author, the co-author or accomplice of a terrorist act, when they have only provided him shelter or means personal subsistence (Article 218-6).

Is also considered as guilty of non-disclosure of terrorism and punishable by imprisonment of **five to ten year**, any person who, with knowledge of projects or acts aiming at the perpetration of acts constituting terrorist offences, does not, from the moment he has learnt about them, reveal them to the judiciary, security, administrative or military authorities. However, the court may, in this case exempt from the penalty parents or relatives (to the fourth degree inclusively), of the author, co-author or accomplice of a terrorism offence (Article 218-8).

The dissuasive effort of the legislators has also been extended beyond the potential authors of terrorist attacks. It also concerns people who may by various mass

communication means praise or prone such acts. Thus article 218-2 considers that may be punished with an imprisonment sentence varying from two to six years and a fine of 10,000.00 to 100,000.00 dirhams, anyone praising acts constituting terrorism offences, by speeches, shouts or threats proffered in places of public meetings or by written means, or by documents that are sold, distributed or offered for sale or displayed in public places or meeting places or through the means of posters exposed to public vision by the various audio-visual and electronic mass media supports. Furthermore, and according to the stipulations of article 218-5, anyone who by any means, whatsoever, persuades, induces or causes another person to commit an offence stipulated for in this new law, is liable to the penalties prescribed for that offence.

Possible confiscation of goods and properties is also stipulated for in the modifications introduced by the new law against terrorism to article 44 (Chapter II, Title I, Book I) of the Penal Code, thus introducing a new article 44-1 which states that in the case of an act constituting a terrorist offence, the court may order the confiscation under the stipulations of article 42 of the Penal Code. The ordered confiscation must however always be subject to the respect of rights of third parties in case of conviction for a terrorism offence.

But, shall however benefit from absolutory excuses, as stipulated for by article 218-9 of the new law against terrorism and under the conditions stipulated for by articles 143 to 145 of the Penal Code, the author, co-author or accomplice who, prior to any attempt to commit a terrorism offence and before the launching of the intended terrorist action, is first to reveal the plot and convey the planned arrangement or the existence of the perpetrating organization to competent judiciary, security, administrative or military authorities. When the denunciation has however taken place after the offence, the penalty is reduced by half for the author, co-author or accomplice who presents himself ex officio to the above mentioned authorities or who denounces the co-authors or accomplices in the crime. When the penalty is death, it may be commuted to a life sentence imprisonment; when it is life imprisonment, it may be commuted to imprisonment varying from 20 to 30 years.

As of the procedural aspects linked with terrorism cases, they have also known relevant changes dealt with in modifications and addendums brought to articles 59 (paragraph 2), 62, 66 (paragraphs 4 & 9), 79, 80 (paragraphs 4 & 10), 102, 108 (paragraphs 3 & 4) as well as to article 115 of the Code of Penal Procedure. They concern most particularly the exclusively limited knowledge of the seized documents to concerned investigating authorities (secrecy of the procedure), to the legal hours for home searches (open any time with the written authorization of the public prosecutor), the permission of interception of telephone calls or other distance communications, their taping and conservation, the extension of the duration of conservatory custody (garde à vue) to a renewable period of ninety six hours as well as the authorized postponement of the communication of the prosecuted persons with their lawyers! All these are derogatory measures from the normally applicable procedural processes. They have exceptionally been introduced by law within the new context of combating terrorism.

The ultimate measures introduced in the context of the new 2003 reform of criminal proceedings linked with the terror threat deal with the countering of financial

aspects of the terror threat. For this purpose, a new Title IV (articles 595-1 to 595-10) has been added to the existing Book V of the Code of Penal Procedure.

Thus, the Attorney General may, during a criminal investigation linked with terrorism offences, request the banks to communicate information on operations or movements of funds suspected of being linked to terrorist financing (article 595-1). The judiciary authorities may also, under the provisions of the new article 595-2, order the freezing or seizure of funds suspected of being linked to terrorist financing. Should the concerned banks resist to such a request, the judiciary authorities may then seek the assistance of the Central Bank (Bank Al Maghrib) for the enforcement of these measures. It is clearly stipulated however in article 595-4 that banking institutions must provide the requested information within a maximum delay of 30 days starting from the date of receipt of the request. No professional secrecy can be opposed in such matters. The bank employees are evidently protected by the new law for doing so, since it is also clearly stipulated that for all facts done in connection with the performance of missions that are assigned to the banks (including Bank Al Maghrib), no prosecutions based on article 446 of the penal Code and no civil liability may be brought against these institutions, their leaders or their agents.

In the context of international cooperation against terrorism, the new law has also set forth a few rules applicable in this context:

- **Article 595-6:** Within the framework of implementation of international conventions pertaining to the fight against terrorist financing which the Kingdom of Morocco has acceded to and duly published, the Government may, upon the request of a foreign state, take up, under some specific conditions, the request to the General Prosecutor in order for him to take the following measures:
 - Research and identification of the product of an offence of terrorist financing, goods that were used or intended to commit the offence or any property whose value corresponds with the product of this offence;
 - Freeze or seize the goods;
 - Take conservatory measures on these goods
- **Article 595-7:** The execution on the Moroccan national territory of a decision of freezing, seizure or confiscation made by a foreign judicial authority and subject to a petition filed by that authority, is subject to authorization by the competent Moroccan Attorney General. The decision of freezing, seizure or confiscation must concern a property which was used or intended to be used for committing the offence, and proven to be on the national territory or consisting in the obligation to pay a sum of money corresponding to the value of that property. The execution of the foreign judgment is subject however to the satisfaction of the following two conditions:
 - The decision of the foreign court must be final and binding under the law of the requesting State;

- The assets to freeze, to seize or to confiscate under this decision must be likely to be frozen, seized or confiscated in similar circumstances under Moroccan law.
- **Article 595-8:** The authorization of confiscation issued by the Attorney General entails, without prejudice to the rights of third parties, the transfer to the State of Morocco of the ownership of the confiscated property, unless otherwise agreed with the requesting state or in the context of the implementation of an international convention or in application of the principle of reciprocity. The decision to authorize issued by the Attorney General and allowing the freezing or seizure only generates the unavailability of funds subject to the decision which cannot be subject to any alienation during the period of effect of the decision.

And finally, competency for prosecution, investigation and trial of acts of terrorism offences has been invested by the new law into the Rabat (Capital city) Court of Appeals. The concerned court may exceptionally however, for reasons of public safety, hold hearings in the territory of other jurisdictions.

Thus has been launched in Morocco a new era of deployment of new legal and exceptional instruments for the engaged combat against terrorism. Within the last five years, more than 5,200 suspects have been arrested and about 11,000 have been interrogated. More than 1,000 have so far been convicted on the grounds of the 2003 law against terrorism. These prosecution aspects of the ongoing reforms in Morocco have also been accompanied with major field actions that have mainly aimed at better occupying the social arena and reforming the public religious spheres which apparently have, for decades, been lagging far behind the ongoing transformation processes of the Moroccan society.

c. **The Nurturing of Social and Religious Reforms:**

Beyond the prosecution aspects of the official Moroccan reaction to the emergence of Terrorism as well as the accompanying security measures, massive redeployments within the religious spheres have occurred. It was evidently felt that major reforms needed to be carried out if the country were necessary to better contain the gangrening subversive developments carried through seemingly religious messages. The King himself launched these reforming initiatives by officially addressing the “Higher Council” and the “Provincial Councils” of ‘Oulemas (Scholars) **المجالس العلمية** on April 30th 2004. Excerpts from his speech clearly underline his resolute conviction to regain control of the situation:

- “As far as religious affairs are concerned, we must remain committed to our single historical source of reference, namely the Sunni Maliki rite, to which the entire nation unanimously adheres; In this respect, I want to ensure that relevant ‘Ijtihad’ efforts are pursued to keep abreast of modern times”;
- “We have reached the stage of finalizing and launching a comprehensive, multi-faceted and integrated strategy which means so much to me. It is a three-part plan designed to overhaul and revamp the domain of religious affairs in order to shield Morocco against the perils of extremism and terrorism. It is also meant to preserve

the distinctive Moroccan identity, which is characterized by moderation and tolerance”;

- “The Restructuring of the Ministry for ‘Waqf’ and Religious Affairs: The Promulgation of a Dahir (Royal decree) setting up two directorates: one for traditional education and the other in charge of mosques. The Ministry of Islamic affairs should be represented by regional delegates to be appointed and entrusted with the running of Islamic affairs locally and in accordance with modern management methods”;
- “Reviving the ‘waqf’ institution and rationalizing its policies so that it may go on fulfilling the objectives for which it was legally established, as well as carrying out its social solidarity mission, as it continues to develop and grow, thanks to the generosity of benefactors. The aim is to ascertain that places of worship are financed in a transparent, legal and sustainable manner”;
- “I have stamped with the Royal seal the Dahirs (Royal decrees) appointing members of the ‘Ulema’ Councils, in their new composition. I have asked the minister for ‘waqf’ and religious affairs to officially install these councils: Composed of learned persons known for their loyalty to the sacred institutions of the nation as well as for their erudition as religious scholars and their open-minded attitude to modern times. The Ulema Councils are expected to adopt a close-proximity approach in managing religious affairs across the country. I urge their members to listen to the citizens, especially young people, and to protect their faith and minds against those who have strayed and those who distort the truth. I also want the membership of these Councils to include women well-versed in religious matters. We would thus be doing justice to women and treating them on an equal footing with men”;
- “To shield the domain of religion from the influence of some intruders acting outside the legal institutional framework, I have asked the Higher Council of Ulemas to submit to me, as Amir al Muminine and President of the Council, ‘fatwas’ on events and matters with religious implications, lest others resort to expedient ploys or seek to spread confusion and chaos”;
- “I have instructed the government to give the matter (of sound Islamic education and modern scientific training) careful thought and to take the measures needed to rationalize, modernize and harmonize Islamic education, and to provide sound training in all the Islamic topics, within a unified national education system. Just as important is the need to modernize traditional schools, to safeguard the Koranic school system and to preserve it from misuse or deviation which might impair the Moroccan identity. Training programs and branches have also been planned to allow students enrolled in this system to join the national education scheme. Rather than inculcating narrow-mindedness, we shall be fostering open attitudes towards other cultures”;
- “The aim of all these measures is not simply to provide our country with a well-thought out, integrated strategy to help it meet all challenges in the domain of

religion. We also want to contribute, in a rational and purposeful way, to redressing the image of Islam, which has been tarnished by vicious campaigns, triggered off by the extremism of villains and the hideous acts of senseless aggressors indulging in terrorism”.

- “I shall remain at the forefront of the struggle against all destructive currents that are alien to our society, which remains unwaveringly committed to the moderation and purity of Islam. This commitment applies to all Moroccans, including my loyal subjects who live abroad”.

It is thus ‘Amir Al Mouminine’ [The Commander of the Faithful] that has personally initiated and monitored the introduced reforms. By itself within the Moroccan historical and institutional context, this is a major initiative! The monopoly exercised by the Monarchy on the religious sphere leaves no room and should normally leave no single opportunity for intruders. Thus, beyond the renewed prosecution threats and the mobilization of the security services, the scope of action of potential terror instigators has sensibly been narrowed. The Moroccan model, inspired from genuinely and authentically local traditions thus resolutely re-inscribed itself in the context of the original message of Islam which is a message of tolerance, moderation and justice. Despite its apparent success in neutralizing the terror phenomenon so far, this might probably not be a model for duplication. The institution of “Emir Al Mouminine” is detrimental to its success. Not all Islamic leaderships in the NESA region are eligible to claim the privilege of being the direct descendents of the prophet “Sidna Mohamed”!

Within these ongoing reforms, traditional education has been integrated into the general school system and has introduced along with the study of religion new curriculums containing science, languages and humanities. A new map of the authorized schools has been drawn as have also been defined the pedagogical instruments and the exam systems. Mosques have also started being used for the implementation of an official literacy program that has drawn to it more than 120,000 participants during its first year of implementation! On May 2004, women have made their entry into the National Superior Council of ‘Ulemas’ by the appointment of one first female member by the king Mohammed VI, while 35 other ladies entered the no less formerly closed world of regional councils of ‘Oulemas’. On a total of 545 official Oulemas accredited nationwide, 104 of them are women, an unequalled rate of gender representation in the whole Islamic world. The National Superior Council of Ulemas is presided over by the king himself and is the only competent institution for issuing “fatwas” (binding religious opinions). There will therefore be no room (at least officially) for intruders. As of the Regional Councils, they are competent to accredit the ‘Imams’ who may conduct the prayers in mosques as well as the ‘predicators’ who are authorized to vehicle the religious knowledge. The national council has grown to include 47 members including the Minister of Islamic Affairs; it also supervises and coordinates the actions of the 27 established Regional Councils which themselves monitor the field action of 68 local sections. One of the main initiatives of the National Superior Council of Oulemas in 2007 was the national seminar organized in June on behalf of more than 1,000 Imams who convened to discuss “Terrorism”! Participants openly debated on radical discourses and favoured a better dissemination of officially acceptable hypothesis. A national program of training of ‘Imams’ and

'Mourchidates' (lady religious scholars) was also launched:150 Imams and 50 'Mourchidates' thus graduated on April 2006 and a similar number did so in 2007. They have all signed a 'Charter of Imams & Mourchidates' in which they pledge to follow the Moroccan religious consensus while respecting the directives contained in the "Guide of the Imam". The university level "Dar Al Hadith Al Hassania" has also been reformed and modernized, as have also been utilized modern mass media means of communication: a radio station and a TV satellite station have started disseminating new conformist official programs; an internet website has also been set up in 2006 as have also been launched unprecedented programs of video predication programs transmitting the official interpretations of renown religious scholars to more that two thousand mosques disseminated through rural zones. These mass communication instruments mostly aim at stressing the specificities of the Moroccan religious identity and efficiently contribute to the re-enforcement of the common culture of tolerance and moderation.

Even though this voluntary policy of reform of the religious arena is relatively recent, it has known an evident success among the target population as well as among civil society and Moroccan political elites.

Probing results have so far been registered both on the security aspect as in the religious field containment efforts. But, vigilance must constantly be maintained as terror's peculiarity mainly consists in its geographic unpredictability. Any place and any instant may permanently bear potential risks. This is one of the evils of modern times!

Casablanca, July 14th 2008.

Me Hassan RAHMOUNI

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- [1] - The Sultan Sidi Mohammed Ben Abdallah had notified on February 20th 1778 to all European Consulates then accredited in Morocco, the decision of the Kingdom of Morocco to recognize the United States of America as an independent State.
 - [2] - Article 6 of the draft Moroccan Constitution of 1908.
 - [3] - Royal Speech delivered on November 18, 1950.
 - [4] - Abou El Hassan Al Mawardi, "Al Ahkam Assoultania wa Al wilatyate Addinia"(In Arabic) [Sultanian Orders and Religious Emirates], first edited in 450 of the Hegire Calendar (11th century), modern re-edition by Dar Al Koutoub Al Ilmya, Beyrouth, 1982.
 - [5] - *Abdelhamid Ronda vs. king Mohammed V*, rendered by the Administrative Chamber of Supreme Court on June 18, 1960; *Abdallah Bensouda vs. the minister of justice*, rendered by the Administrative Chamber of the Supreme Court on July 15, 1963; *Agricultural Propriety Abdelaziz vs. the prime minister and minister of agriculture*, rendered by the Administrative Chamber of the Supreme Court on Mars 20, 1970.
 - [6] - *Abdellatif Mansour* «Autopsie d'un carnage», in Maroc–Hebdo International <http://www.maroc-hebdo.com/>
 - [7] - Published in the Official Bulletin of the Kingdom of Morocco (BORM) N° 5114 dated Thursday June 5th 2003.