1. Situation of People who Apostatize from Islam

1.1 Legal Situation


Sources state that proselytizing Muslims is illegal in the country (World Watch Monitor 11 Feb. 2014; Morning Star News 9 Feb. 2014). According to the US Department of State's International Religious Freedom Report for 2013, "[t]he government ... respect[s] the right of ... citizens to practice religion, although government policies discouraged conversion from Islam and prohibited efforts by non-Muslims to proselytize" (US 28 July 2014, 1). According to the Moroccan Penal Code,

[translation]

[a]nyone who, through violence or threat, restrains or prevents one or several persons from worshiping or attending worship, is punishable by imprisonment for six months to three years and by a fine of 200 to 500 dirham [about $C26 to $C65].

Anyone who employs incitement to shake the faith of a Muslim or to convert them to another religion, by exploiting their weaknesses or needs, using educational, health, asylum institutions or orphanages incurs the same sentence. In the case of conviction, the closure of the institution that served to commit the offence may be ordered, either definitively or for a duration that may not exceed three years (Morocco 1963, Art. 220).

Article 222 of the Moroccan Penal Code prohibits anyone [translation] "commonly known to belong to the Muslim religion" from violating the fast in a public place during Ramadan "without having one of the justifications allowed by that religion" (ibid., Art. 222). Information on the application of this article of the penal code could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.2 Treatment of Apostates by Society and Authorities

1.2.1. Islam’s Place in Society
According to the *International Religious Freedom Report for 2013*, "there is widespread consensus among Muslims in the country regarding religious practices and interpretation" (US 28 July 2014, 8). In correspondence sent to the Research Directorate, an assistant professor at the International Development Studies program at York University [1] stated that

[translation]

Moroccan society as a whole remains deeply attached to religion (mainly as an element of identity and of culture), even though many Moroccans declare themselves to be atheists and are able to live their lives normally as atheists. In the last ten years, a number of groups have advocated for the separation of religion and the state, and some have tried, without success, to organize public lunches during Ramadan (Assistant Professor 31 July 2014).

Furthermore, the Moroccan news site H24 INFO, notes the existence of a community called "Masayminch," which [translation] "calls for the freedom to not fast during Ramadan" (30 Apr. 2013).

1.2.2 Treatment of Apostates

According to the Assistant Professor,

[translation]

[individuals who abjure Islam in Morocco do not face particular difficulties as long as they do not proselytize. While all Moroccan citizens are presumed to be Muslim or Jewish, the practice of religion in Morocco is not obligatory or controlled. No police officer will, for example, approach an individual presumed to be Muslim to verify whether they are respectful of Ramadan or, for example, whether they go to prayer (two commandments of the Islamic religion). In some cases, the law will punish individuals for disturbing the peace if they choose to make their apostasy public and if they choose, for example, to eat publicly during Ramadan. For the rest, Moroccans are free to live their faith (or lack of faith) as they intend to in their private sphere, without humiliation by the authorities.

... Conversion (from Islam to Christianity, for example) exists in Morocco, but it remains rather rare and very poorly seen by society (Assistant Professor 31 July 2014).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence sent to the Research Directorate, the founder of the Council of Ex-Muslims of Morocco (Conseil des ex-musulmans du Maroc) [2] stated that [translation] "the situation for individuals who abjure Islam ... is very difficult" in their family (Conseil 1 Aug. 2014). According to the founder, [translation] "an apostate in a Moroccan family would be persona non grata" (ibid.). The founder stated that the Council of Ex-Muslims

[translation]

[has received hundreds of emails and messages from Moroccans who affirm having been subjected to persecution by their family, employer, the authorities, neighbours or professors because they stated their religious opinion, as non-Muslims, either in places of education or work, in the family or even in the media (ibid. 31 July 2014).

He also stated that the Council

[translation]

[receives dozens of testimonies from people who have been rejected by their families, harassed and persecuted; some have been locked up, driven to psychiatric asylums, and forced to leave their studies or to practice Islam if they still want to receive the protection of the family; in a number of cases, they have been beaten by their brothers, parents and ... uncles. Even those who escape receive death threats or their family refuses to give them their documents (passport, diplomas, etc.) (ibid. 1 Aug. 2014).

According to the founder of the Council of Ex-Muslims, [translation] "dozens" of militants from the association receive "death threats daily," and other militants receive threats "as apostates" (ibid. 31 July 2014). The founder added that [translation] "such persecution remains a social and judicial taboo" and that it is "unfortunately difficult to prove that they exist" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Assistant Professor stated that, to his knowledge,
The last conviction for apostasy in Morocco dates back to the 1960s, when young Moroccans who converted to the Bahai Faith were sentenced to death by a trial court in the northern part of the country. The tribunal decision was quickly overturned by the Supreme Court and the youths were released after a few months (Assistant Professor 31 July 2014).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. However, according to the *International Religious Freedom Report for 2013*, “[m]any Muslim citizens characterized the Bahai Faith as a heretical offshoot of Islam and consequently considered Bahais apostates” (US 28 July 2014, 8). The report adds that most members of the Bahai community avoided disclosing their religious affiliation; however, concerns about their personal safety and property did not prevent their functioning in society, with some holding government jobs (ibid.).

Sources state that in September 2013, a former Muslim who converted to Christianity was sentenced to two and a half years in prison (Morning Star News 9 Feb. 2014; World Watch Monitor 11 Feb. 2014; Bladi.net 4 Sept. 2013). According to the Moroccan news site Bladi.net, aimed at “the Moroccan community living abroad” (ibid. n.d.), he was sentenced for “abandoning the Islamic religion and for proselytizing Christianity” (ibid. 4 Sept. 2013). However, other more recent sources merely state that he has been sentenced for proselytizing (World Watch Monitor 11 Feb. 2014; Morning Star News 9 Feb. 2014). According to Morning Star News, a news service that focuses “exclusively on persecution of Christians” in the world (ibid. n.d.) [3], during the arrest, police officers insulted the accused for renouncing Islam (ibid. 9 Feb. 2014). The accused was released from prison while awaiting his appeal hearing, after nearly one month of detention (ibid.; World Watch Monitor 11 Feb. 2014). In February 2014, an appeal judge overturned the conviction, for lack of evidence (ibid.; Morning Star News 9 Feb. 2014).

2. The High Council of Ulemas

Sources state that the High Council of Ulemas (or simply the Council of Ulemas) is the highest religious authority in Morocco (Morning Star News 9 Feb. 2014; *Morocco News Tribune* 19 Apr. 2013). AFP notes that the Council "represents official Islam in Morocco" (18 Apr. 2013). The Center for Strategic and International Studies (CSIS), a roundtable group in Washington, DC [4], presents the statements of Ahmed Abaddi, Ulema and Professor of comparative history of religions, regarding the creation of the High Council of Ulemas: by regulating fatwas, the government of Morocco wanted "to counter extremist ideology" (CSIS 24 June 2013, 2). The Assistant Professor explained that the Council of Ulemas is an official organization that is closely controlled by the state that conveys the official views of the Government of Morocco. The Council is used to promote the official practice of religion in the country and claims to adhere to moderate Islam and to be open to modernity. The second role of the Council is to oppose the independent (non-official) Islamic groups in the country whose positions are sometimes extreme (Assistant Professor 31 July 2014).

Several sources state that only the High Council of Ulemas may officially issue fatwas (US 28 July 2014, 4; Conseil 31 July 2014; Médias24 17 Apr. 2013). According to the Moroccan business site Médias24, fatwas are issued "by a college of Ulemas who must reach unanimous and well-thought-out opinions" (ibid.).

According to the *International Religious Freedom Report for 2013*, the High Council of Ulemas is made up of representatives from all regions of Morocco, who are appointed by the king (US 28 July 2014, 4). According to the online daily *Morocco News Tribune*, a newspaper founded in 2013 (*Morocco News Tribune* n.d.), council members are instead appointed by the Minister of Habous and Islamic Affairs (ministre des Habous et des Affaires islamiques) (ibid. 19 Apr. 2013). According to sources, the Council is run by the king (ibid.; Conseil 31 July 2014). According to the founder of the Council of Ex-Muslims, the Minister of Habous and Islamic Affairs is also part of the High Council of Ulemas (ibid.).

According to the founder of the Council of Ex-Muslims, the High Council of Ulemas, given its status, has extensive contact with Moroccan society,” through the media, mosques and publications (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. High Council of Ulema Opinion Issued Against Apostates in April 2013
In April 2013, sources state that the High Council of Ulema issued a fatwa that called for the death penalty for Muslims who convert from Islam (AFP 18 Apr. 2013; US 28 Jul 2014; Médias24 17 Apr. 2013). According to some sources, this fatwa was first mentioned in the media by a arabophone daily, Akhbar Al Yaoum [or Akhbar Al Youm] (ibid.; auffait 17 Apr. 2013). Sources state that the fatwa was originally published in a book compiling fatwas issued between 2004 and 2012 (ibid.; Morocco News Tribune 19 Apr. 2013; Médias24 17 Apr. 2013). According to Médias24, the fatwa on apostasy was decreed in 2012 (ibid.), while, according to the Ministry of Habous and Islamic Affairs, it dates back to 2009 (Morocco 8 May 2013). Some sources state that the Interministerial Delegation for Human Rights of Morocco (Délégation (inter)ministérielle des droits de l'homme du Maroc) asked the High Council of Ulemas to issue a fatwa on apostasy (Morocco News Tribune 19 Apr. 2013; auffait 17 Apr. 2013). However, the daily auffait, states that the interministerial delegation sent this request to the Ministry of Habous and Islamic Affairs, which relayed it to the High Council of Ulemas (auffait 17 Apr. 2013).

3.1 Repercussions of the Publication of the Opinion

Sources state that the publication of this opinion of the High Council of Ulemas created controversy in Morocco (ibid.; AFP 18 Apr. 2013). According to the International Religious Freedom Report for 2013, "[m]any political parties and civil society organizations quickly denounced" the fatwa (US 28 Jul 2014; 6). Other sources also report that it was denounced by human rights advocates (Assistant Professor 31 Jul 2014; BBC 27 Apr. 2013; auffait 17 Apr. 2013).

The founder of the Council of Ex-Muslims of Morocco stated that he was hounded by the authorities in the wake of the publication of the opinion by the High Council of Ulemas (Conseil 31 Jul 2014). Other sources also state that he evaded the authorities after two visits by the police to his home, the first of which was to interrogate his father about him (Yabiladi 2 May 2013; H24 INFO 30 Apr. 2013; CEMB 1 May 2013).

According to Médias24, the interministerial delegate for human rights in Morocco denied receiving a fatwa on apostasy from the High Council of Ulemas, stating also that there had been no contact with the Council (Médias24 16 Apr. 2013). The delegate also told AFP that [translation] "what was published in the document to the High Council of Ulemas does not concern our organization and is in no way binding" (AFP 18 Apr. 2013).

The Minister of Habous and Islamic Affairs stated that the High Council of Ulemas has issued [translation] "an opinion and not a fatwa" about apostasy (Morocco 8 May 2013). According to the Morocco News Tribune, one of the members of the High Council of Ulemas also declared on a Moroccan news site that the opinion was not an official fatwa, but rather an interpretation of Islamic law (19 Apr. 2013). The International Religious Freedom Report for 2013 also states that, according to the Ministry of Habous and Islamic Affairs, the opinion of the Council was "advisory" and not "binding," because the king had not endorsed it (US 28 Jul 2014; 6). According to the Minister, the Council of Ulemas issued the opinion before the adoption of the new Constitution of Morocco (in 2011), among a series of opinions seeking to respond to a number of issues of social or religious order (Morocco 8 May 2013).

The Assistant Professor also stated that [translation] "the 'fatwa' published in April 2013 is not a fatwa, but a simple opinion that reiterates a liturgical issue and that in no way has the force of law behind it" (Assistant Professor 31 Jul 2014). Médias24 also states that [translation] "the Council is not asking that this 'sentencing' be applied in reality" (Médias24 17 Apr. 2013). Rather, like other opinions issued by the Council,

[translation]

[1] It is merely a reminder of what these Ulemas consider to be orthodoxy in Islam and Islamic jurisprudence. It has been reiterated a number of times to the Council that these opinions have no legal or binding value, as restraint falls under the purview of the law (ibid., bold in original).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] With a doctorat in political science, the Assistant Professor's has conducted research in North Africa, and his research interests include protest movements.

[2] The Council of Ex-Muslims of Morocco (Conseil des ex-musulmans du Maroc) describes itself as follows: [translation] "a group of concerned apostates who believe that Islamic ideology represents a risk to freedoms
in our Moroccan society and prevents democratization of the Moroccan state" (Conseil n.d.). The Counsel is "the first atheist organization" in Morocco (CEMB 1 May 2013).

[3] Morning Star News is a non-profit association that "relies on a network of professionally trained, veteran journalists around the world" and that distributes its news free to media and other organizations (Morning Star News n.d.).

[4] CSIS describes itself as a bipartisan, non-profit organization that has a "large network of affiliated scholars [who] conduct research and analysis and develop policy initiatives" (CSIS n.d.).

References

Agence France-Presse (AFP). 18 April 2013. "Maroc : polémique sur une fatwa qui requiert la peine de mort pour apostasie." (Factiva)

Assistant Professor, International Development Studies Program, York University. 31 July 2014. Correspondence sent to the Research Directorate.


Conseil des ex-musulmans du Maroc (Conseil). 1 Aug. 2014. Correspondence sent to the Research Directorate by the founder.

_____ . 31 July 2014. Correspondence sent to the Research Directorate by the founder.


Additional Sources Consulted

**Oral sources:** Attempts to contact the following people and organizations were unsuccessful: Associate Researcher, Institut de recherches et d'études sur le monde arabe et musulman; Association de défense des droits de l'homme au Maroc; Association marocaine des droits humains; Centre marocain des droits de l'homme; Organisation marocaine des droits humains; Visiting Scholar, Stanford University.

**Internet sites, including:** Afrik.com; Amnesty International; *Aujourd'hui le Maroc*; Casablanca Daily; The Christian Post; ecoi.net; Fédération internationale des ligues des droits de l'homme; Freedom House; The Human Rights Warrior; Human Rights Watch; Juridica.net; *Maghreb Arabe Presse*; Morocco - Embassy of the Kingdom of Morocco in Ottawa, ministère des Affaires étrangères et de la Coopération, ministère de la Justice; Minority Rights Group International; Morocco World News; Mouvement contre le racisme et pour l'amitié entre les peuples; United Nations – Office of the High Commissioner for Human Rights, Refworld; *La Vie*.

**Tips on how to use this search engine.**

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