Below is an unofficial translation of the excerpt of the judgment issued by the Rabat Administrative Court of First Instance holding the authorities responsible for improperly preventing the Moroccan Association for Human Rights from holding gatherings.

Rabat Administrative Court

Ruling no. 114

January 16, 2015

File no. 2014-7112-988

Moustapha Simou presiding

The Moroccan Association for Human Rights v. The Bouhlal Reception Center of the Minister of Youth and Sports

On the substance: the petition seeks to establish the respondents' liability for the material and moral harm sustained by the plaintiff as a result of their barring the plaintiff from using the facilities of the Bouhlal Reception Center to organize two days of training for its members and seeks a judgment ordering them to jointly pay a sum of 200,000.00 dirhams in restitution for this harm, with expedited enforcement and legal interest.

Consideration of the establishment of administrative liability and eligibility for compensation requires proving the elements of liability under Section 79 of the Law on Obligations and Contracts, which makes liability dependent on three elements: fault, harm, and a causal relationship between them…

But as is evident from an examination of the case files and documentation, the plaintiff did indeed obtain the approval of the Minister of Youth and Sport in order to use the Bouhlal Reception Center, which is a facility under its responsibility, in order to organize two days of training for its members and it was unable to access the aforementioned center because it was locked, as stated in its petition and as confirmed by the director of the center, who told the notary (huissier) in the legal report that the municipal authority is the one that barred the plaintiff from accessing the center. The veracity of this statement is not denied by the administration of the latter in its response. In turn, it does not qualify as proof that this ban existed and was imposed by a party other than the center alone, as long as it provides no proof of its issuance by the municipal authority in light of the latter's denial of this. The content of the inspection report carried out on September 5 cannot be relied on, as it was carried out by a notary (huissier) who is not subordinate to the primary court circuit of the place of the inspection. As such it does not comply with Articles 2 and 21 of Law 81.03 regulating the profession of notary (huissier), which

denies it the probative value that such reports have under the provisions of Section 419 of the law on obligations and contracts and its relationship with Articles 15 and 18 of the aforementioned professional law.

Since the Ministry of Youth and Sport granted the plaintiff approval to use its Bouhlal Reception Center then locked the doors in its face without legal cause, thus denying it access to the center, its conduct constitutes a proven fault on its part and entails its liability.

As to the argument that judicial protection requires the applicant to be in conformity with the law and that this is not the case with the plaintiff in the dispute because it is in violation of the legal guidelines set forth in Section 3 of the law on public assemblies with regard to the need for a prior permit, it should be clarified that the subject of the activity that the plaintiff in the current dispute was barred from organizing is connected with a training seminar for its members in the field of human rights. This is a field that remains, despite the interpretation advanced by the administration, obviously and by its very nature subsumed under the field of cultural activities, like any rights activity. As such, it is exempt from the prior permit required under Paragraph 6 of Section 3 of the law on public assemblies. Saying otherwise strips human rights of its natural, intimate connection to knowledge, education, upbringing, awareness-and consciousness-raising. In and of itself, human rights constitutes a culture and knowledge that should be instilled by every legally available means in the collective consciousness and daily conduct of every individual in society in order to elevate it. Educational and pedagogical institutions and civil society bodies bear a fundamental responsibility in this area, as affirmed by the royal missive commemorating the 51st anniversary of the Universal Declaration of Human Rights, which stated, "Spreading a culture of human rights assumes spreading the light of knowledge. The role of the school remains central in instilling human rights values in young charges, such that human rights becomes natural and innate. As such, the highest priority of concern to us is fighting illiteracy, for eliminating ignorance is a victory for knowledge and human rights. We urge our civil society to actively engage with the issues of our society and work to advance all segments of our people. It soothes the breast to see the spirit of responsibility it evinces and the dynamism it demonstrates."

As to the administration's argument that "the term 'culture,' according to the plaintiff's perspective and interpretation, strays beyond the legal understanding of the term to the extent that it becomes representations and descriptions irrelevant to its real definition; saying "human rights culture" does not mean that "human rights" is a feeder or component of culture as much as it is an expression of a particular conduct because the same thing can be applied when one speaks of a culture of communication and dialogue; it is a characterization of behavior rather than a definition of the term "culture." There are disciplines and legal references, defining this term, mentioned in the decree that set the specialties and the duties of the Ministry of Culture. The decree limited the meaning of the term "culture" in "architectural, archaeological,

ethnographic, antiquarian heritage, oral tradition, customs and traditions, indigenous arts and crafts, audio archives, promotion of the book and the heritage of archives, theater, music, dance, visual arts, and folk art." What must be clarified here is that this cohesive interpretation is a result of widespread linguistic confusion (abus de language), which reduces culture to the classical types of cultural services offered by the state. In fact, the interpretation relied on in this area is that adopted by UNESCO, which took great pains to define culture, most importantly at the World Conference on Culture in 1982 held in Mexico, which produced the Mexico Declaration on Culture. That document defines culture as "the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only the arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs. It is culture that gives man the ability to reflect upon himself. It is culture that makes us specifically human, rational beings, endowed with a critical judgment and a sense of moral commitment. It is through culture that we discern values and make choices. It is through culture that man expresses himself, becomes aware of himself, recognizes his incompleteness, questions his own achievements, seeks untiringly for new meanings and creates works through which he transcends his limitations." This is the same interpretation adopted by the Arab League Educational, Cultural, and Scientific Organization. There is no need in the present dispute to distinguish this from the legal meaning of the term 'culture,' which must remain the same, globally recognized meaning. Moreover, provisions of Section 3 of the law on public assemblies as regards the prior permit, insofar as this is an exceptional restriction of the freedom of assembly and congregation, must be interpreted in light of this fact as required by necessity. Adopting a comprehensive meaning of the term 'culture' dictates against expanding the scope of this restriction because exceptions and restrictions are not subject to broad interpretation.

At the same time, the subject of the activity from which the plaintiff was barred goes to the heart of the plaintiff association's objectives since, according to its charter, it aims to defend human rights broadly construed. Its missions include increasing familiarity with human rights, and spreading and promoting them. As such, it has the right to organize this activity wherever it wishes, provided it does not infringe public security, which there is no evidence would be threatened or infringed if the training seminar were to be organized at the Bouhlal Reception Center.

Since the material harm the plaintiff claims to have sustained because of the ban remains unproven, the petition for compensation for these damages must be denied.

As regards compensation for moral harm, it is established in the facts of the dispute that the ban constituted an assault on an established right—the right of assembly and congregation—which inflicted moral harm on the association as a moral entity exercising rights and assuming duties within the framework of a statutory law, in which capacity it benefits from legal protection. This demands a reconsideration of the harmed party by looking at how the unlawful banning of its activity infringed its image as an association whose central mission is to defend human rights

and spread and promote this culture. It further requires that it be fully, rather than nominally compensated as restitution for this moral harm. Based on the facts and circumstances of the dispute and exercising the court's discretionary authority in this area, the court sets compensation in the sum of 50,000 dirhams, to be paid by the state in the person of the prime minister on behalf of the Youth and Sport Sector to which the respondent reception center is subordinate, in keeping with the provisions of Section 515 of the Civil Code, while also removing the province of Rabat-Salé-Zemmour-Zaer from the suit due to the lack of proof of its liability for the ban as noted above.