

Islamic Society, Human Rights, and the Death Penalty: Capital Punishment in Morocco

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The abolition of capital punishment is one of the largest human rights issues being tackled on today's global political scene. Morocco shows an example of how a deeply religious country attempts to make strides in human rights while honoring religious teachings.

World Context

Historically nearly all societies have used the death penalty in some measure. Today almost all of Europe, most of Latin America, and countries such as Australia, New Zealand, and Canada have abolished the death penalty from their law and practice. However, some countries such as the US, Guatemala, and much of Asia and Africa retain it. There are 69 countries that still apply the death penalty and about 30 others that still have it in their law.

Current Position

In theory, Morocco retains the death penalty for ordinary and military crimes; however, the death penalty has not been carried out since 1993. Article 16 of the Moroccan penal code allows capital punishment for murder, torture, armed robbery, arson, treason, desertion or an attempt on the king's life.

History

The last execution was carried out in 1993 on the police commissioner head of general intelligence, Mohammed Tabet. He was executed for using his position to rape hundreds of women and young girls.

More recently, there was a man sentenced to death for stabbing a foreign couple in their home in Rabat. On June 18th, 2007, a Moroccan appeals court upheld the death sentence. There are currently 131 people on death row, including 7 women. However, the death penalty is still the constitutional prerogative of the king, and King Mohammed VI has not yet signed a death warrant since he became king in 1999.

Royal Pardon

In Morocco, it is customary to mark national and religious holidays with a royal pardon of prisoners. In November 2005, King Mohammed VI granted royal pardon and reduced sentences to 10,000 prisoners to mark Morocco's 50th anniversary of independence. More recently, the king pardoned 9,000 prisoners to mark the birth of his daughter (February 28, 2007). Many inmates on death row have seen their death sentences reduced to life sentences through such royal pardons.

Terrorism

In today's political landscape, terrorism is considered to be the biggest obstacle to abolishing capital punishment in Morocco all together. In May 2003, the Moroccan parliament passed a new anti-terrorist law, which made ordinary crimes eligible for the death penalty if they are considered terrorist crimes. By August 2005, over 2,000 people had been accused of crimes related to terrorism. 903 of these were given prison sentences, while 17 were sentenced to death.

Current Debate

In 2003, a civil entity representing 4 associations, Coalition Nationale pour L'Abolition de la Peine de Mort au Maroc (CNAPM), was created to work towards the abolition of capital punishment in Morocco. The capital punishment debate, started by Le Front des Forces Democratiques (FFD), has led to the establishment of a commission of jurists to review the Moroccan criminal code regarding capital punishment. According to Mohamed Bouzabaa, Moroccan Justice Minister, the review is in an advanced stage and it looks like the debate among Moroccan jurists is increasingly oriented towards abolition. In October 2006, it was announced that a bill for the abolition of capital punishment would be presented to parliament for a vote in Spring 2007. Bouchra Khiari, deputy of the party leading the project to end capital punishment, the FFD, says that the bill is ready and has been submitted to the general secretariat of the government.

Political Positions

For:

The project to end capital punishment is being led by Le Front des Forces Democratiques (FFD). Support is coming from parties such as l'Union Socialiste des Forces Populaires (USFP) and Le Parti du Progres et du Socialisme (PPS). Malika Oulialy, member of the PPS, states that the abolition of capital punishment concerns the process of democratization of the country. She believes that it is important for a society to respect the right to life. Ahmed Kouza, member of Amnesty International Morocco, argues that capital punishment has no place in today's Morocco as it "leaves no opportunities for correction and re-integration for inmates into society."

Against:

Resistance to the bill for the abolition of capital punishment is expected from Le Parti de la Justice et du Developpement (PJD). They are the only government recognized Islamic Party, and they claim that the death penalty is consistent with Sharia law. Islamist groups claim that Sharia Law dictates the death penalty in crimes such as murder and adultery.

Islam and Capital Punishment

In Support of Abolition:

Muslim proponents in favor of abolition hold that God has made life sacred, and therefore the abolition of capital punishment does not contradict the teachings of Islam. Oulialy, of the PPS, says that, "Islam has prohibited killing. Therefore, there is no contradiction between Islam and a human rights culture." Quranic support for the position: "No one can die except by God's permission, the terms being fixed as by writing" (3:145).

In Support of Capital Punishment:

Many scholars of the Quran believe that it indicates the allowance for capital punishment. The main support for this position is: "Take not life, which God has made sacred, except by way of justice and law. Thus does He command you, so that you may learn wisdom" (6:151). Another indication that the Quran supports the use of capital punishment is: "And we prescribe for them therein the life for a life, the eye for the eye, the nose for the nose, the ear for the ear, the tooth for the tooth, and for wounds of retaliation. But whosoever forgives it (in the way of charity), it shall be expiation for him. Whosoever judges not by that which God has revealed, such as wrongdoers" (5:45).

Crimes Punishable by Capital Punishment:

According to Islamic law, there is an allowance for the death penalty in cases of intentional murder and Fasad fil ardh ("spreading mischief in the land"). This is based on: "...If anyone kills a person –unless it be for murder or for spreading mischief in the land –it would be as if he killed all people. And if anyone saves life, it would be as if he saved the life of all people" (5:32). "Spreading mischief in the land" is generally understood to include crimes such as treason, apostacy, terrorism, piracy, rape, adultery, and homosexual behavior. The Quran does give a chance for the victim's family to pardon the perpetrator and forgiveness is encouraged.

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About The Travel Source

The Travel Source is a travel agency based in Fes, Morocco. The Travel Source specializes in Morocco tours and holidays and provides clients with cultural, educational, adventure, desert, and golf tours.

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