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Human rights in the Middle East and North Africa: Review of 2019; Morocco and Western Sahara

The authorities harassed journalists, bloggers, artists and activists for expressing their views peacefully, sentencing at least five to prison terms for “insulting” public officials and apparently targeting others with spyware. They restricted the rights to freedom of association and assembly by preventing some groups critical of the authorities from operating and using unnecessary or excessive force to disperse demonstrations in Morocco and Western Sahara. Following an unfair trial, a court upheld prison sentences of up to 20 years against 43 people convicted in relation to social justice protests in 2017 in the northern Rif region. Security forces arrested and detained thousands of migrants, forcibly transferring some to the south of Morocco and others to other countries. Women continued to face discrimination, including sexual and other gender-based violence, and prison sentences were issued in relation to alleged illegal abortions. Police continued to harass lesbian, gay, bisexual, transgender and intersex people (LGBTI) people; same-sex sexual relations between consenting adults remained a criminal offence. A new law confirmed Amazigh as an official language, alongside Arabic. Courts handed down death sentences; there were no executions. The Polisario Front, which administers camps in Algeria for refugees from Western Sahara, detained at least two critics.

Background

In October, the National Human Rights Council recommended decriminalizing sexual relations between unmarried adults. That same month, the UN Security Council extended the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) for a year without adding a human rights component.

In February, Morocco suspended its membership of the coalition led by Saudi Arabia and the United Arab Emirates (UAE) in the armed conflict in Yemen.

Freedom of expression

The authorities continued to harass journalists, bloggers, artists and activists for expressing their views peacefully. Courts sentenced at least five individuals to prison terms for “insulting” public officials. The charges were based on Penal Code provisions that criminalize legitimate speech.

In February, a court in the city of Tétouan sentenced blogger Sofian al-Nguad to two years in prison for online posts that criticized the authorities. In November, a court in Salé convicted rapper Mohamed Mounir (known as Gnawi) for “insulting” public officials and sentenced him to one year in prison and a fine.[1]

In April in Western Sahara, Moroccan authorities arrested Sahrawi activist Ali Al Saadouni after he posted online a video showing activists raising the flag of the Polisario Front, which calls for the independence of Western Sahara and has set up a self-proclaimed government-in-exile. In July, a court in Laayoune fined citizen journalist Nazha El Khalidi 4,000 dirhams (US\$400) for livestreaming on Facebook a protest in 2018 without the correct media accreditation. In November, Laayoune court sentenced Sahrawi activist Mahfouda Bamba Lefkir to six months in prison for “offending” public officials after she “misspoke” to a judge in court.

Amnesty International found that two Moroccan human rights defenders – Maati Monjib and Abdessadak El Bouchattaoui – had been targeted repeatedly by surveillance technology developed by the Israeli company NSO Group since 2017.[2] Both received messages containing links that, if clicked, would secretly install Pegasus software, allowing the sender to gain near-total control of the phone. In December, eight civil society activists targeted by the spyware filed a complaint with the National Control Commission for the Protection of Personal Data. NSO Group is known to sell its spyware only to government agencies, raising serious concerns that Moroccan security agencies were behind the surveillance.

Torture and other ill-treatment

The authorities failed to investigate allegations of torture and other ill-treatment adequately, leading to unfair trials. Prolonged solitary confinement of prisoners, which amounts to torture or other ill-treatment, was recorded in several cases.

In April, Casablanca’s appeal court upheld prison sentences of up to 20 years against 43 people convicted in relation to social justice protests in 2017 in the northern Rif region (the Hirak El-Rif protests). They were convicted on the basis of evidence allegedly obtained by torture or other ill-treatment. Prison authorities punished prisoners who staged protests with solitary confinement and restricted family visits.

Taoufik Bouachrine, former editor of the independent newspaper *Akhbar al-Yaoum*, continued to be held in prolonged solitary confinement in the prison of Ain El Borja, as he had been since February 2018. In October, an appeal court in Casablanca increased his sentence for sexual assault from 12 to 15 years’ imprisonment.

Authorities continued to hold 23 Sahrawi men after they were convicted in unfair trials in 2013 and 2017 based on verdicts marred by a failure to adequately investigate torture claims. The defendants were convicted of responsibility for the deaths of 11 security force members during clashes that erupted when the forces dismantled a large protest encampment in Gdeim Izik, in Western Sahara in 2010.

Freedom of association and assembly

Authorities restricted the rights to freedom of association and assembly on several occasions.

In April, the government dissolved the legally registered cultural group Racines after guests at an online talk hosted by the group criticized the authorities.^[3] In July, the Moroccan Association for Human Rights (AMDH) was banned from holding a previously authorized event after it had to be moved to the premises of the Democratic Confederation of Labour in Azrou.

The authorities used a loophole in the law to prevent 62 local branches of the AMDH from operating legally. It refused to accept registration renewal documents submitted by 52 of them and failed to provide 10 others with receipts for such documents. Moroccan law allows an association to operate once it has submitted registration documents to the local administrative authorities and received a corresponding receipt, as long as the authorities do not formally object to its formation.

On 23 April, police used unnecessary and excessive force against a peaceful protest by teachers in Rabat calling for better working conditions. Police used water cannons and batons to disperse demonstrators and prevent them from marching. In October, local authorities banned for “security reasons” demonstrations organized in Al Hoceima to commemorate the death of Mouhcine Fikri, a fisherman killed in the town in 2016 during a police campaign against illegal fishing.

On 19 July in Western Sahara, police used excessive force, including rubber bullets, batons and water cannons, against protesters celebrating Algeria’s victory in the final of football’s Africa Cup of Nations. Sabah Njourni died after she was run over by two Moroccan Auxiliary Forces cars. Authorities opened an investigation, but results had not been made public by the end of the year. Up to 80 people were thought to have been injured, but the exact number remained unclear as many did not go to hospital fearing reprisals.^[4]

Migrants

Security forces arrested and detained thousands of migrants. They forcibly transferred over 11,000 to the south of the country and expelled over 1,000 to their countries of origin, allegedly without following due process in many cases. According to the AMDH, the authorities held dozens of sub-Saharan men, women and children in an informal detention centre in Arekmane, close to the city of Nador in the Rif region, before forcibly transferring them to cities in the south of the country or deporting them to Algeria, where they faced further detention, or expelling them to countries including Cameroon, Mali and Senegal.

Women's rights

Women continued to face discrimination, including sexual and other gender-based violence. Although Morocco passed a law for the prevention of violence against women in 2018, mechanisms for its implementation remained weak. According to a national survey on the prevalence of violence against women carried out between January and March, over half of Moroccan women had been affected by violence, but only 6.6% of survivors had filed complaints with the authorities for lack of trust in the authorities' ability to carry out proper investigation and hold perpetrators accountable.

Abortion remained criminalized in all circumstances unless the health of the pregnant woman was at risk and her spouse agreed to the procedure, restricting women's autonomous decision-making. In all other cases, women seeking or undergoing abortion and any health professionals involved in performing abortions risked imprisonment and other penalties. On 30 September, journalist Hajar Raissouni was sentenced to one year in prison for allegedly having an illegal abortion and premarital sexual relations. Her fiancé Amin Rifaat was also sentenced to one year in prison in relation to the same allegations. A doctor allegedly involved was sentenced to two years in prison and banned from practising medicine for two years. Two other medics received suspended prison terms. On 17 October, the King pardoned all five on grounds of compassion.[5]

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

Police continued to harass LGBTI people on account of their sexual orientation or gender identity. Survivors of homophobic and transphobic attacks reported being afraid to approach the police to file complaints because of the risk of arrest under Article 489 of the Penal Code. Consensual same-sex sexual relations between adults remained a criminal offence punishable by up to three years in prison under this article.

Economic, social and cultural rights

In April, the government submitted a draft bill to parliament to regulate strikes. The bill contained severe restrictions on the right to strike, as guaranteed by both the constitution and international law, including measures that would impose criminal and financial penalties on workers for peacefully going on strike. Following pressure by national and international labour organizations, the bill was withdrawn. However, its status remained unclear.

In June, after decades of campaigning by activists, parliament unanimously approved a bill that confirmed Amazigh as an official language, alongside Arabic. The language was initially recognized as such in the 2011 constitution, but the new law aimed to operationalize the language's official status in all priority areas of public life, integrating it into education, legislation, media and communication, as well as artistic and cultural activities. According to a 2004 census, 8 million people – a quarter of the population – spoke one of the three main dialects of Amazigh in Morocco every day.

Death penalty

Courts continued to hand down death sentences; there were no executions. The last executions were in 1993.

Polisario camps

From June onwards, the Polisario Front, which administers camps in Algeria for refugees from Western Sahara, detained at least two critics while an investigating judge explored treason and other charges against them.

The Polisario Front failed to ensure that those responsible for committing human rights abuses in the camps in previous decades were brought to account.

[1] Amnesty International, *Morocco: Sentencing of rapper Gnawi to one year in prison a flagrant assault on freedom of expression* (Press release, 25 November 2019). <https://www.amnesty.org/en/latest/news/2019/11/morocco-rapper-sentenced/> (<https://www.amnesty.org/en/latest/news/2019/11/morocco-rapper-sentenced/>)

[2] Amnesty International, *Moroccan human rights defenders targeted using malicious NSO Israeli spyware* (Press release, 10 October 2019). <https://www.amnesty.org/en/latest/news/2019/10/moroccan-human-rights-defenders-targeted-using-malicious-nso-israeli-spyware/> (<https://www.amnesty.org/en/latest/news/2019/10/moroccan-human-rights-defenders-targeted-using-malicious-nso-israeli-spyware/>)

[3] Amnesty International, *Morocco: Abandon attempts to dissolve cultural group* (Press release, 18 January 2019). <https://www.amnesty.org/en/latest/news/2019/01/morocco-abandon-attempts-to-dissolve-cultural-group/> (<https://www.amnesty.org/en/latest/news/2019/01/morocco-abandon-attempts-to-dissolve-cultural-group/>)

[4] Amnesty International, *Morocco/Western Sahara: Investigate brutal crackdown on Sahrawi protesters* (Press release, 1 August 2019). <https://www.amnesty.org/en/latest/news/2019/08/morocco-western-sahara-investigate-brutal-crackdown-on-sahrawi-protesters/> (<https://www.amnesty.org/en/latest/news/2019/08/morocco-western-sahara-investigate-brutal-crackdown-on-sahrawi-protesters/>)

[5] Amnesty International, *Morocco: Release of journalist jailed after being accused of having an abortion* (Press release, 17 October 2019). <https://www.amnesty.org/en/latest/news/2019/10/morocco-release-of-journalist-jailed-after-being-accused-of-having-an-abortion/> (<https://www.amnesty.org/en/latest/news/2019/10/morocco-release-of-journalist-jailed-after-being-accused-of-having-an-abortion/>)

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