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Amnesty International Annual Report 2011 - Morocco/Western Sahara

Head of state: **King Mohamed VI**

Head of government: **Abbas El Fassi**

Death penalty: **abolitionist in practice**

Population: **32.4 million**

Life expectancy: **71.8 years**

Under-5 mortality (m/f): **43/29 per 1,000**

Adult literacy: **56.4 per cent**

Restrictions on freedom of expression, association and assembly continued, particularly on issues considered politically sensitive such as the status of Western Sahara. Human rights activists, journalists, members of the unauthorized political group Al-Adl wal-Ihsan, and Sahrawi activists continued to face harassment and politically motivated charges. Dozens of people were detained on suspicion of security-related offences; some were held incommunicado and allegedly tortured or otherwise ill-treated. Security forces forcibly removed thousands of Sahrawis from a protest camp amid clashes resulting in deaths and injuries. Arrests and collective expulsions of foreign nationals continued. Death sentences were passed; no executions were carried out. No steps were taken to bring perpetrators of past gross human rights violations to justice, and little progress was made in introducing long-promised judicial and institutional reforms.

Background

The stalemate over the status of Western Sahara continued between Morocco, which annexed the territory in 1975, and the Polisario Front, which calls for its independence and runs a self-proclaimed government in exile. In April, the UN Security Council renewed the mandate of the UN Mission for the Referendum in Western Sahara without including a human rights monitoring component.

In October and December, the UN Secretary-General's Personal Envoy for the Western Sahara visited and subsequently convened informal talks between Morocco, the Polisario Front and the governments of Algeria and Mauritania.

Also in October, thousands of Sahrawis set up a camp in Gdim Izik, a few kilometres from Laayoune, to protest against their perceived marginalization and lack of jobs and housing. On 8 November, security forces dismantled the camp and forcibly removed several thousand Sahrawis, sparking violence in the camp. Many protesters were beaten and had their property destroyed. Shortly after, communal violence broke out in Laayoune, resulting in injuries and damage to property. A total of 13 people, including 11 members of the security forces, died in connection with the events. The authorities arrested around 200 people, many of whom alleged they were tortured or otherwise ill-treated in detention. At least 145 were facing trial on public order and other charges, including 20 civilians who were transferred to the Military Court in the capital, Rabat.

In July, the Salé Court of Appeal upheld the convictions in the so-called Belliraj Affair, a highly politicized case marred by allegations of torture and procedural irregularities, but reduced some of the sentences.

Transitional justice

The Advisory Council for Human Rights, mandated to follow up on the recommendations of the Equity and Reconciliation Commission, published a report in January. The report covered the period since the Commission, which had investigated enforced disappearances and other human rights violations between 1956 and 1999, ended its work in 2005. The report failed to provide a comprehensive list of those who had disappeared or any detailed findings on individual cases or whether they had been referred for further investigation. The overdue list of 938 victims of enforced disappearance and other human rights violations was published on 14 December as an annexe to the initial report. Little and vague information, if any, was added on individual cases. Six pending cases were listed and referred for further investigation.

Victims and survivors continued to have no effective access to justice, and none of those who perpetrated the gross violations were investigated or brought to account.

By the end of 2010, the authorities had still not taken any concrete measures to implement recommendations for judicial and institutional reform made by the Equity and Reconciliation Commission, including reform of the judiciary and security forces. The EU provided 20 million euros to assist the government to introduce legal reforms and 8 million euros towards preserving the memory and archives of the gross human rights violations between 1956 and 1999.

Freedom of expression

Human rights defenders, journalists and others were penalized for commenting on issues that the authorities considered politically sensitive, including the monarchy, and for criticizing state officials or institutions.

- Taoufik Bouachrine, a journalist and publisher of the daily *Akhbar al-Youm Al-Maghribya* newspaper, was sentenced to six months' imprisonment and a fine on 10 June after he was convicted of fraud by the Court of First Instance of Rabat. He appealed. He had previously been acquitted in 2009 but the case was reopened by the prosecuting authorities, possibly for political reasons on account of his writings criticizing the monarchy and the government.
- Chekib El Khiari, a human rights defender and a journalist, continued serving a three-year prison sentence. He was convicted in June 2009 on charges of undermining or insulting public institutions after he alleged that high-ranking state officials were involved in drug trafficking and corruption.
- Kaddour Terhzaz, a 73-year-old retired senior military officer, remained in solitary confinement at Salé Prison serving a 12-year sentence imposed for "divulging military secrets". He had written a letter to the King to ask that better provision be made for former air force pilots previously held captive by the Polisario Front; in the letter he had criticized the leadership of Morocco's armed forces.

Attacks on independent media continued. In July, the Minister of Communication declared that all TV networks must obtain official authorization before undertaking assignments outside the capital – a stipulation that appeared intended to curtail freedom of expression and restrict media coverage of social protests.

In July, the independent weekly *Nichane* was forced to cease publication, reportedly due to loss of income. It was subject to an advertising boycott after it published an opinion poll about the King in August 2009.

In October, the Ministry of Communication suspended the Al Jazeera bureau in Rabat after it accused the station of damaging "the image of Morocco and its superior interests, notably the issue of territorial integrity" in reference to the status of Western Sahara.

In November, the authorities were reported to have prevented several Moroccan and foreign journalists from travelling to Laayoune to report on events related to the forced removal of Sahrawis from the protest camp.

Repression of dissent – Sahrawi activists

The authorities continued to restrict the peaceful exercise of freedom of expression, association and assembly by Sahrawis advocating self-determination for the people of Western Sahara. Sahrawi human rights defenders and activists faced harassment, surveillance by security officials and politically motivated prosecutions. Sahrawi human rights organizations continued to be blocked from obtaining official registration.

- Ahmed Alansari, Brahim Dahane and Ali Salem Tamek continued to be detained, although four other Sahrawi activists arrested with them in October 2009 were freed pending trial. The seven, who were arrested on their return from Algeria after visiting the Tindouf camps administered by the Polisario Front, were charged with "undermining internal security". Their case was sent to the Permanent Military Court but then referred back to a regular court. The trial began before a Casablanca court on 15 October and was continuing at the end of 2010.

Torture and other ill-treatment

There were new reports of torture and other ill-treatment, notably by the Directorate for Surveillance of the Territory (DST) and, in some instances, the National Brigade of the Judicial Police, in most cases apparently committed with impunity. The most frequently reported methods included beatings, electric shocks and threats of rape. The victims included security suspects held by the DST and other criminal suspects.

- Mohamed Sleimani, Abdalla Balla, Bouali M'naouar, Hicham el-Hawari, Izaddine Sleimani, Hicham Sabbah and Tarek Mahla, all members of Al-Adl wal-Ihsan, were reported to have been tortured and otherwise ill-treated by National Brigade of the Judicial Police officers over three days following their arrest on 28 June. At least five of the seven alleged that they had been raped. No investigation was known to have been conducted by the authorities. The seven were held incommunicado for longer than the maximum allowed by law, during which they

said they were forced to sign incriminating statements under torture. They were charged with kidnapping and assaulting a former member of Al-Adl wal-Ihsan. On 21 December, all of the defendants were acquitted and released. The former member of Al-Adl wal-Ihsan appealed against the acquittals.

- Fodail Aberkane was reported to have died on 18 September as a result of internal bleeding caused when he was beaten by a group of seven or eight police officers at Salé police station. His family lodged a complaint. An investigation led to the arrest of several policemen believed to be responsible.

Counter-terrorism and security

The authorities announced that they had dismantled several "terrorist networks" and arrested dozens of people. Detainees were held incommunicado, often in excess of the maximum 12 days permitted by law, at an unrecognized detention centre, believed to be at Témara, where they faced torture and other ill-treatment.

- Youssef al-Taba'i was reported to have been held in extremely cold conditions, beaten, deprived of sleep and food, and had freezing water poured over him when he was held for more than three weeks at the Témara detention centre following his arrest on 28 March in Casablanca. He was charged with terrorism-related offences.

Defendants charged with terrorism-related offences faced unfair trials. Some were convicted on the basis of confessions that they alleged were extracted under duress; the courts did not conduct adequate investigations into their complaints.

Detainees awaiting trial on terrorism-related charges staged hunger strikes to protest against their alleged torture and conditions of imprisonment. Hunger strikes were also staged by prisoners serving sentences, including Islamists convicted in connection with bomb attacks in 2003 in Casablanca. The government failed to take adequate steps to ensure that all detainees, particularly those held on security-related grounds, were protected against torture or other ill-treatment, and to investigate allegations of such abuses.

Migrants' rights

In August and September, the authorities cracked down on foreign migrants who they said had entered or were living in Morocco without proper authorization. They arrested 600 to 700 people, including children, in Oujda, Rabat, Tangier and other cities. During some raids, security forces used bulldozers to destroy migrants' dwellings and were reported to have beaten people. Those arrested were transported to the desert area

near the Algerian border and left there without adequate food and water and without recourse to appeal.

Freedom of religion

The authorities summarily expelled 130 foreign Christians, including teachers and aid workers, during 2010, apparently because they were suspected of proselytizing although none was charged with this. Proselytizing is a criminal offence under Article 220 of the Penal Code.

Death penalty

At least four people were sentenced to death; the government maintained the de facto moratorium on executions in place since 1993.

In December, Morocco abstained on a 2010 UN General Assembly resolution calling for a worldwide moratorium on executions.

Polisario camps

Polisario Front officials detained Mostafa Salma Sidi Mouloud, a former Polisario Front police officer, on 21 September after he publicly expressed support for the autonomy of Western Sahara under Moroccan administration. He was detained at the border post leading to the Polisario Front-controlled Tindouf camps in the Mhiriz region. After international criticism, the Polisario Front said on 6 October that he had been released. However, he remained held and denied contact with his family until 1 December, when he was transferred to the UNHCR, the UN refugee agency, in Mauritania.

No steps were known to have been taken by the Polisario Front to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s.

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