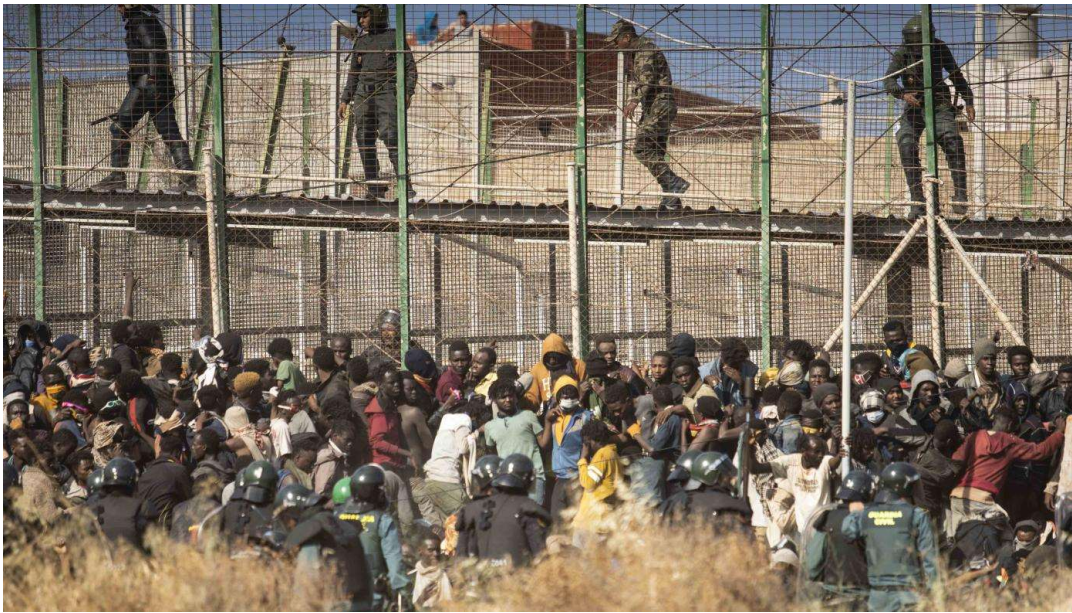


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Morocco and Western Sahara



On June 24, 2022, at least 23 African men died at the Melilla-Morocco border when as many as 2,000 people attempted to enter Spain by climbing the high chain-link fences surrounding the Spanish enclave of Melilla.

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Moroccan authorities [stepped up](#) their harassment of activists and critics and continued to detain and subject dissidents, journalists, bloggers, and human rights defenders to unfair trials. Laws restricting individual freedoms remained in effect, including laws that discriminate against women and lesbian, gay, bisexual, and transgender (LGBT) persons. Western Sahara remained a taboo issue, with draconian laws used by prosecutors to punish even peaceful advocacy for self-determination.

Criminal Justice System

According to the Code of Penal Procedure, a defendant has the right to contact a lawyer after 24 hours in police custody, extendable to 36 hours, but no automatic right to have a lawyer present during police interrogations. Police have for many years used coercive tactics to pressure detainees to sign self-incriminating statements, which judges have used for convictions.

Once cases progress to the trial phase, higher profile [dissidents](#) in particular face other due process violations including prolonged pretrial detentions, inability to access court files, coercion of individuals to testify in favor of the prosecution, and the lack of notification of trial sessions that have resulted in convictions in absentia.

Freedom of Association and Assembly

Authorities continued to impede the work of the Moroccan Association for Human Rights (AMDH), the country's largest independent human rights group. As of January 13, authorities [declined to process](#) the administrative formalities for 74 of 99 [AMDH local branches](#), impeding their ability to open new bank accounts or rent spaces, according to AMDH. The AMDH also reported that other civic groups were also affected by the authorities' denial of legal status or

refusal to complete administrative procedures, including groups that work on violence against women and youth groups.

Freedom of Expression and Human Rights Defenders

Morocco's penal code punishes with prison and fines nonviolent speech offenses, including "causing harm" to Islam or the monarchy, and "inciting against" Morocco's "territorial integrity," a reference to its claim to Western Sahara. While the Press and Publication Code does not provide prison as a punishment, journalists, activists, and bloggers on social media have been prosecuted under the penal code for their critical, nonviolent speech.

[Moroccan authorities](#) have also prosecuted high-profile journalists and activists for non-speech crimes since the mid-2010s. Critics have been prosecuted in unfair trials for serious crimes such as money laundering, espionage, rape, sexual assault, and human trafficking. Among the tactics to muzzle dissent, authorities have resorted to unfair trial proceedings, digital and camera surveillance, harassment campaigns by media close to the royal court known as the Makhzen, physical surveillance, aggression and intimidation, and targeting of relatives of activists.

On July 21, the Wadi Zem First Instance Court sentenced [Said Amara](#), head of the Wadi Zem AMDH branch, to seven months in prison (of which four months were a suspended sentence) and a 6,000 Dirham (US\$545) fine for "insulting an employee in the course of his duty," in reference to an alleged altercation between him and a police commander in Wadi Zem. According to AMDH, the court did not permit testimonies by witnesses summoned by the defense. Amara was [released](#) on September 7.

The same court sentenced blogger Fatima Karim on August 15 to two years in prison for allegedly publicly insulting Islam through posts on her Facebook page.

A court in Rabat in January 2021 sentenced in absentia [Maati Monjib](#), a historian and free speech activist, together with six co-defendants, to one year in prison for "receiving funds from a foreign organization in order to undermine Morocco's internal security," for a complaint brought against him in 2015. At the time of his conviction, he was being held in pretrial detention on separate embezzlement charges, but authorities did not transfer him to the court session where his other case was being heard. As of September 26, both cases remained ongoing. In 2021 authorities imposed a travel ban and an asset freeze on him.

The al-Hoceima Appeals Court on June 16 upheld a four-year prison sentence imposed by the al-Hoceima Court of First Instance against social media commentator [Rabie al-Ablaq](#) for disrespecting the king. The court doubled the fine imposed by the lower court from 20,000 to 40,000 Dirhams (around US\$3,640). The [allegations](#) against al-Ablaq, who was active in the social justice street protest movement Hirak in Morocco's Rif region, were based on two videos posted on Facebook and YouTube in which al-Ablaq addressed the king in a casual tone and contrasted his personal wealth to Morocco's widespread poverty.

A Rabat court of first instance in February sentenced [Mohamed Ziane](#), a lawyer and former minister, to three years in prison on charges including offending officials and institutions, defamation, and "spreading false information about a woman because of her gender." Other charges included "participation in adultery," "sexual harassment," and "participation in misbehavior destined to provide a bad example to children." Ziane appealed the decision and remained provisionally free. On November 21, Ziane was imprisoned after an appeals court upheld the first instance verdict.

Ziane has been targeted by authorities since 2017, when he publicly criticized statements and decisions on security matters by the government during the Hirak protests, and when he took on as lead lawyer the case of Hirak top leader Nasser Zefzafi, who was prosecuted alongside 52 other protest leaders for "harming the state's internal security" and "rebellion."

Amnesty International's Security Lab found in March that two phones of [Aminatou Haidar](#), an award-winning human rights defender from Western Sahara, were targeted and infected by the Pegasus spyware between 2018 and 2021. Pegasus, developed and sold by the Israel-based company NSO Group, becomes a powerful surveillance tool once installed on a phone by gaining complete access to the camera, calls, media, microphone, email, text messages, and other functions. Pegasus spyware has been used against human rights activists, journalists, opposition figures, politicians, and diplomats, including in Morocco.

Western Sahara

The United Nations-sponsored process of negotiations between Morocco and the Polisario Front, the movement that seeks self-determination for Moroccan-controlled Western Sahara, remained stalled. The UN has classified Western Sahara as a non-self-governing territory. A 1991 ceasefire agreement between the Polisario Front and Morocco failed to bring about a referendum on self-determination, and in November 2020, the [Polisario Front](#) said it ended the ceasefire.

Moroccan authorities systematically prevent gatherings supporting Sahrawi self-determination and obstruct the work of some local human rights groups, including by blocking their legal registration.

Nineteen Sahrawi men remained in prison after they were convicted in unfair trials in 2013 and 2017 for the killing of 11 security force members, who died during clashes in 2010 when authorities forcibly dismantled a protest encampment in Western Sahara's Gdeim Izik. In June, 18 of them filed a complaint against the Moroccan government with the United Nations Working Group on Arbitrary Detention, alleging acts of torture and political repression.

Women's and Girls' Rights

The Family Code discriminates against women regarding inheritance and in decisions concerning children after divorce if the woman remarries. The code sets 18 as the minimum age of marriage but allows judges to grant "exemptions" to marry girls aged 15 to 18 at the request of their families.

While Morocco's 2018 Violence against Women law criminalized some forms of domestic violence, established prevention measures, and provided new protections for survivors, it required survivors to file for criminal prosecution in order to obtain protection, which few can do. It also did not set out the duties of police, prosecutors, and investigative judges in domestic violence cases, or fund women's shelters. The penal code exempts [corporal punishment](#) of children from penalty if it causes only "light harm."

Morocco's law does not explicitly criminalize marital rape, and women who report rape can find themselves prosecuted instead for engaging in sexual intercourse outside of marriage if authorities do not believe them. Pregnant girls and adolescent mothers, who are exposed to criminal punishment if unmarried, would not be expected to stay in school.

In [September](#), women protested calling for legalizing abortion after a 14-year-old girl was reported to have died following a clandestine abortion. Abortion is illegal in Morocco and is punishable by up to five years in prison, except in cases when the woman's health is in danger.

Sexual Orientation and Gender Identity

Consensual sex between adults who are not married to one another is punishable by up to one year in prison. Moroccan law also criminalizes what it refers to as acts of "sexual deviancy" between members of the same sex. Article 489 of the penal code punishes same-sex relations with prison terms of up to three years and fines of up to 1,000 dirhams (\$91).

In a memorandum published in October 2019, the National Human Rights Council, a state-appointed body, [recommended decriminalizing](#) consensual sex between non-married adults. More than 25 NGOs expressed support for the recommendation. The Moroccan government [did not act upon it](#).

Refugees and Asylum Seekers

The government has yet to approve a draft of Morocco's first law on the right to asylum, introduced in 2013. A 2003 migration law remained in effect, with provisions criminalizing irregular entry that failed to provide an exception for refugees and asylum seekers. Civic groups [reported](#) that authorities continued to arbitrarily detain migrants in ad-hoc detention facilities, followed by forced relocations or expulsions. According to the [Mixed Migration Center](#), arrests of migrants and refugees by authorities increased in mid-2022 in Laâyoune, Western Sahara, with people detained in unhygienic conditions before expulsion to remote desert locations, including near the Morocco-Algeria border.

In June, at least [23 African men](#) died at the Spain-Morocco border in Melilla. The incident occurred as around 2,000 people—migrants and asylum seekers, including many from [Sudan, South Sudan, and Chad](#)—attempted to enter Spain by climbing the high chain-link fences surrounding Melilla, one of two Spanish enclaves in North Africa. Video and photographs from the incident show Moroccan security forces using excessive force, including beatings, and Spanish Guardia Civil launching teargas at men clinging to the fences. [Moroccan courts sentenced dozens](#) of migrants to prison in connection with the June incident for a slew of offenses, including human smuggling, illegal entry into Morocco, and violence against law enforcement. As of September 19, the Spanish authorities had yet to publish the results of an [investigation](#) announced by the state attorney general in June.

[Yidiresi Aishan](#) (also known as Idris Hasan), a Uyghur activist, remained under threat of extradition from Morocco to China since his July 2021 arrest upon arrival in Morocco from Turkey. Authorities in Morocco arrested him based on an Interpol red notice, issued at China's request, "for belonging to a terrorist organization." Extraditing Hasan would violate Morocco's international obligations to not forcibly return anyone to a country where they would risk persecution and torture.