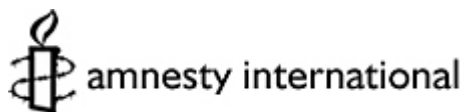


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Amnesty International Report 2010 - Morocco/Western Sahara

KINGDOM OF MOROCCO

Head of state: King Mohamed VI
Head of government: Abbas El Fassi
Death penalty: abolitionist in practice
Population: 32 million
Life expectancy: 71 years
Under-5 mortality (m/f): 43/29 per 1,000
Adult literacy: 55.6 per cent

Attacks increased on freedom of expression, association and assembly in relation to issues viewed as integral to the state's internal or external security. Human rights defenders, journalists seen as transcending red lines in reporting on the monarchy, proponents of self-determination in Western Sahara, and members of the unauthorized political organization Al-Adl wal-Ihsan faced harassment, arrests and prosecutions. Terrorism suspects were arrested and detained, at times incommunicado. Arrests and collective expulsions of migrants continued. Perpetrators of ongoing and past human rights violations enjoyed almost total impunity.

Background

In June, the Party of Modernity and Authenticity, founded by Fouad Ali el Himma, won most seats in local elections, followed by the Istiqlal Party led by Prime Minister Abbas El Fassi. In July, one opposition political figure was given a two-year prison term, and four opposition political figures and a journalist were sentenced to between 20 and 25 years in prison, in a highly politicized case known as the "Belliraj Affair", which was marred by allegations of torture and procedural irregularities.

The stalemate continued in negotiations on the status of Western Sahara between Morocco and the Polisario Front, which calls for an independent state in Western Sahara and runs a self-proclaimed government-in-exile in refugee camps in south-western Algeria. The UN Security Council extended the mandate of the UN Mission for the Referendum in Western Sahara until 30 April 2010 with no provision for human rights

monitoring.

Freedom of expression

The authorities remained intolerant of views expressed or information published deemed offensive to the monarchy. They seized or suppressed editions of national and international publications containing opinion polls, articles or cartoons about the royal family, and closed down publications. They also prosecuted journalists under various provisions of the Penal Code and Press Code, both of which can be used to punish peaceful expression with imprisonment.

- Khaled Gheddar and Tawfik Bouashrin, respectively a cartoonist and the director of the daily *Akhbar Al-Youm*, received suspended four-year prison sentences on 30 October for publishing a cartoon depicting the King's cousin, Prince Moulay Ismail, against a backdrop of the Moroccan flag. They were also heavily fined and required to pay damages for showing disrespect to the national flag and offending a member of the royal family. The sentences were confirmed on appeal in December. The Prince exempted both men from paying damages following their apology. Their newspaper was shut down by order of the authorities but reopened under another name.

Judicial proceedings were initiated against a number of publications that commented on the King's health.

- On 15 October, Idriss Chahtane, publisher of the weekly *Almichaal*, was sentenced to one year in prison by the Court of First Instance of Rabat for publishing false information with "malicious intent". *Almichaal* was shut down in November after his sentence was confirmed on appeal.

Human rights defenders, journalists and others were prosecuted for denouncing corruption and criticizing the authorities.

- Human rights defender Chekib El-Khiari was sentenced to three years' imprisonment and a heavy fine on 24 June for undermining or insulting public institutions and for violating financial regulations. The ruling was upheld by the Court of Appeal of Casablanca on 24 November. Chekib El-Khiari had publicly alleged that high-ranking officials were involved in drug-trafficking. He remained imprisoned at the end of the year.

Repression of dissent

Sahrawi activists

The authorities tightened restrictions on expression in favour of self-determination for the people of Western Sahara. Sahrawi human rights defenders, activists and others faced continuing harassment, including close surveillance, threats and assault at the hands of security officials, and prosecution on politically motivated charges, apparently to deter or punish them for expressing their views and documenting human rights.

- Seven Sahrawi activists who visited the Tindouf camps in Algeria run by the Polisario Front were arrested on their return to Morocco on 8 October and referred for trial before the military court in Rabat. They included human rights defenders Brahim Dahane and Ali Salem Tamek, and Dakja Lashgar, a former victim of enforced disappearance. They were charged with threatening state security, including Morocco's "territorial integrity". They were still detained awaiting trial at the end of the year.
- On 27 August, Ennaâma Asfari, co-president of the Committee for the Respect of Freedoms and Human Rights in Western Sahara, who lives in France, was sentenced to four months in prison and a fine for "contempt" of public officials on

duty. His codefendant, Ali El-Rubia, received a suspended prison term and a fine. Both alleged that they were assaulted by police during arrest on 14 August.

- On 14 November, on her return to Laayoune from abroad, human rights defender Aminatou Haidar was expelled from the airport to the Canary Islands for allegedly renouncing her citizenship. She was allowed to return on 17 December, having spent over a month on hunger strike in Lanzarote airport to protest against her expulsion.

The authorities restricted the movement of Sahrawi activists and human rights defenders, preventing them from observing trials, documenting violations and meeting foreigners. Some were banned from travelling abroad and had their identification and travel documents confiscated.

- In October, the authorities prevented five Sahrawi activists from travelling to Mauritania and confiscated their travel and identification documents without providing any reason for the travel ban.

Dozens of Sahrawis were prosecuted on violent conduct charges in connection with demonstrations held in 2009 or previous years; the court proceedings reportedly failed to satisfy international standards of fair trial. Some Sahrawis who advocated independence for Western Sahara were harassed and beaten by Moroccan security forces.

Al-Adl wal-Ihsan members

Members of Al-Adl wal-Ihsan continued to face harassment. The group's spokesperson, Nadia Yassine, had been awaiting trial since 2005 for allegedly defaming the monarchy. Her trial was again postponed, to January 2010.

- In February, security forces assaulted Hakima Moaadab Aloui, a member of Al-Adlwal-Ihsan, when they raided the office in Témara of the Tanwir Association, whose membership includes Al-Adlwal-Ihsan activists. In December, the general prosecution decided that there was not enough evidence to press charges against a government official she had accused of beating her.

Counter-terrorism and security

In September, the official state news agency reported that a "terrorist" network had been broken up and 24 suspects arrested. Some suspects were reported to have been detained by officials of the Directorate for Surveillance of the Territory, a security force implicated in torturing and otherwise ill-treating detainees in previous years. Some of the detainees were held incommunicado for several weeks and in some cases their families were not officially informed of their arrest and whereabouts.

- On 4 February, an appeal court in Rabat confirmed the 10-year prison sentence imposed on Said Boujaadia, a Guantánamo Bay detainee returned to Morocco by US authorities in May 2008. His lawyers withdrew from the case in protest at what they considered to be irregularities in the trial. One of them, Tawfik Moussaef, faced disciplinary proceedings for denouncing human rights violations committed against detained terrorism suspects. In April, the Supreme Court upheld lower court rulings that he had breached standards of the legal profession.
- No steps were known to have been taken by the Moroccan authorities to investigate the allegations of Binyam Mohamed, released from Guantánamo Bay in February, that he had been tortured in Morocco, where he was secretly detained between July 2002 and January 2004.

Hundreds of Islamist prisoners sentenced after the 2003 Casablanca bombings demanded their release or judicial review of their trials, some staging hunger strikes to protest against their detention and prison conditions. Many were convicted on the basis

of "confessions" reported to have been obtained under torture.

Migrants' rights

The authorities continued to arrest and expel foreign nationals suspected of being irregular migrants, often without considering their individual protection needs or allowing them to contest their expulsion. Some were reported to have been assaulted and ill-treated at the time of or following their arrest or when being expelled; some were reported to have been dumped at the border with Algeria or Mauritania without adequate food and water.

- A 29-year-old migrant from Cameroon died on 1 January after being shot by Moroccan security officials when a group of about 50 migrants attempted to reach the fence between Morocco and the Spanish enclave of Melilla. Fourteen others in the group were arrested, beaten and eventually dumped on the border with Algeria near the city of Oujda. No investigation into these incidents was known to have taken place.

Refugees and asylum-seekers

Although Morocco is party to the 1951 Refugee Convention and its 1967 Protocol, the authorities did not issue residency cards or other necessary documents to refugees recognized by UNHCR, the UN refugee agency. On 15 June, a group of refugees staged a sit-in outside the UNHCR office in Rabat to protest against their conditions and call for their resettlement in other countries. Two weeks later, there were clashes between police and refugees when the latter refused to disperse. Five refugees were arrested, convicted of violent conduct, sentenced to one month in prison and fined. They were cleared of the charge of irregular stay. They were reported to have been beaten at the time of arrest.

Freedom of religion

The authorities prevented members of the Alternative Movement for Individual Freedom from publicly breaking the Ramadan fast on 13 September in Mohammadia. At least six members of the group were reportedly arrested or called in for questioning, although none was formally charged. The general prosecution in Rabat banned from travelling abroad two of the group's organizers, Ibtissame Lashgar and Zineb El-Razoui, both of them women.

In March, after the authorities accused Iranian diplomats in Rabat of carrying out activities inimical to the "religious fundamentals" of Morocco, there were reports that a number of suspected Shi'a Muslims were questioned, Shi'a documents were seized, and a school for Iraqi children was closed.

Transitional justice

A list of cases of enforced disappearances investigated by the Equity and Reconciliation Commission was still not published. The Commission, established to investigate gross human rights violations committed between 1956 and 1999, completed its work in November 2005 and the list was due to be published by the Advisory Council on Human Rights, tasked to follow up its work. In September, the Advisory Council said that 17,012 survivors and victims' families had received financial compensation as a result of the Commission's decisions and 2,886 people had been issued with health care cards. However, victims and survivors continued to be denied effective access to justice and the perpetrators had still not been held to account. In June, the UN Working Group on Enforced or Involuntary Disappearances visited Morocco. On 20 August, the King called for judicial reform, as recommended by the Commission, but no reform measures were implemented.

Polisario camps

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.

Amnesty International visit/reports

- Amnesty International's Secretary General and other delegates visited Morocco in March and discussed human rights with the Ministers of Justice and Interior.
- No more half measures – addressing enforced disappearances in Morocco and Western Sahara (MDE 29/005/2009)
- Morocco/Western Sahara: Expulsion of human rights defender reflects growing intolerance (MDE 29/012/2009)

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