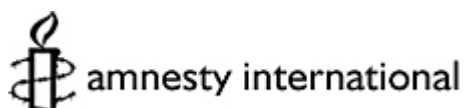


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Amnesty International Report 2009 - Morocco/Western Sahara

Head of state: King Mohamed VI
Head of government: Abbas El Fassi
Death penalty: abolitionist in practice
Population: 31.6 million
Life expectancy: 70.4 years
Under-5 mortality (m/f): 42/28 per 1,000
Adult literacy: 52.3 per cent

The rights to freedom of expression, association and assembly continued to be restricted. Criticism of the monarchy or views contradicting the official position on other politically sensitive issues were penalized. The authorities used excessive force to break up antigovernment protests. Proponents of self determination for the people of Western Sahara were harassed and prosecuted. Allegations of torture were not investigated, and victims of past human rights violations were not granted effective access to justice. The authorities continued to arrest, detain and collectively deport thousands of foreign nationals. At least four people were sentenced to death, but the government maintained a de facto moratorium on executions.

Background

In March, UN-mediated talks on the Western Sahara between the Moroccan government 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, ended in stalemate. Morocco insisted on an autonomy plan for the territory annexed in 1975, while the Polisario Front called for a referendum on self-determination, as agreed in previous UN Security Council resolutions. The UN Security Council extended the mandate of the UN Mission for the Referendum in Western Sahara until 30 April 2009. The mandate makes no provision for human rights monitoring.

In October, the EU and Morocco agreed an "ambitious roadmap" towards granting Morocco "advanced status" with the EU, including closer security, political, trade and other co-operation. Among recommendations made by several states when Morocco was considered under the Universal Periodic Review process in April were harmonization of

national law with international standards and respect for migrants' rights. However, the issue of impunity for torturers was not raised.

Repression of dissent

Critics of the monarchy

Criticism of the monarchy remained taboo. Human rights defenders, journalists and others were prosecuted for expressing views that the authorities deemed offensive to the King and the royal family.

- In February, the Court of Cassation confirmed prison terms imposed on three members of the Moroccan Association for Human Rights (AMDH) for "undermining the monarchy" by participating in a peaceful protest in June 2007. In April, they and 14 other AMDH members accused on similar grounds were granted a royal pardon.
- In September, the Court of Appeal in Agadir overturned on procedural grounds the two-year prison sentence against blogger Mohamed Erraji. He had been convicted of "lack of respect due to the King" after writing an online article suggesting that the King encouraged a culture of economic dependence.
- In November, the Court of Appeals in Marrakesh upheld the conviction of Yassine Bellasal, aged 18, for insulting the King but suspended the one-year prison sentence imposed by a lower court. He had written on a school wall "God, the Nation, Barça" – the last a reference to the Barcelona football team – in a play on words of the country's motto "God, the Nation, the King".

Sahrawi activists

Sahrawi human rights activists continued to face harassment, including politically motivated charges, restrictions on movement and administrative obstruction to prevent their organizations' legal registration.

- Ennaâma Asfari, co-President of the Committee for the Respect of Freedoms and Human Rights in Western Sahara, who lives in France, alleged that he was tortured by Moroccan security forces when he was detained while visiting the region in April. The authorities did not investigate his allegations and he was convicted of violent conduct and jailed for two months.
- Brahim Sabbar, head of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH), was told by the security authorities that he should not visit areas in Laayoune in which other ASVDH members live after he was released from prison in June.

Hundreds of Sahrawis suspected of demonstrating against Moroccan rule or distributing pro-Polisario Front materials were arrested. Some were released after questioning; others were tried on charges of violent conduct in proceedings that were reported not to have complied with international standards of fair trial. Many complained that they were tortured or otherwise ill-treated by security forces during questioning and that information allegedly obtained under torture was used as evidence in convictions.

- In October, Yahya Mohamed Elhafed laazza, a member of the Collective of Sahrawi Human Rights Defenders, was found guilty of violent conduct and sentenced to 15 years' imprisonment in connection with his participation in a protest in Tan Tan against Moroccan rule. Eight other defendants received sentences of up to four years in prison. Allegations that they were tortured during questioning were not investigated.

Al-Adl wal-Ihsan activists

Hundreds of members of the unauthorized political organization Al-Adl wal-Ihsan were questioned by police and at least 188 were charged with participating in unauthorized meetings or belonging to an unauthorized organization. The trial of the group's spokesperson, Nadia Yassine, charged in 2005 with defaming the monarchy, was postponed.

Excessive use of force

Security forces used excessive force to disperse antigovernment demonstrations, highlighting the failure of the authorities to implement a key recommendation of the Equity and Reconciliation Commission (IER). Established in 2004 to look into grave human rights violations committed between 1956 and 1999, the IER called in 2006 for improved regulation of the state's security organs.

- On 7 June, security forces were reported to have used excessive force to end a blockade of the port of Sidi Ifni established by protesters on 30 May. The security forces reportedly fired rubber bullets and tear gas, and used batons and police dogs. They also conducted unauthorized raids on homes, confiscated property, verbally and sexually harassed people, and carried out arbitrary arrests and detentions. Subsequently, 21 people, including four members of the Moroccan Centre for Human Rights (CMDH), were charged with violent conduct. A report by the parliamentary commission established on 18 June to investigate the Sidi Ifni events was made public in December. While affirming that the security intervention was justified, the report outlined a number of abuses committed by law enforcement forces, including violence against individuals. It called on the authorities to identify and bring to justice all citizens and members of the security forces responsible for illegal conduct and human rights abuses. To Amnesty International's knowledge, no law enforcement officer had been charged by the end of the year.
- In July, Brahim Sabbaa Al-Layl, a CMDH member, was imprisoned for six months after stating in an interview with Al Jazeera television that people had been killed and raped in Sidi Ifni. The journalist who interviewed him had his press accreditation withdrawn by the authorities and was ordered by a court to pay a heavy fine.
- Security forces were reported to have used excessive force to prevent a planned student protest march at Cadi Ayyad Marrakesh University in May. They raided the university campus, assaulting and arbitrarily detaining students, and confiscating personal belongings. Eighteen members of the National Union of Moroccan Students were arrested, including supporters of the leftist Democratic Path student movement. In June, seven people were sentenced to one-year prison terms for violent conduct; the remainder were awaiting trial at the end of the year. All alleged that they were tortured and otherwise ill-treated in police custody.

Counter-terror and security

Some 190 suspected Islamist militants were convicted of terrorism-related offences and sentenced to prison terms ranging from six months to life. According to reports, they included a Moroccan national who had been forcibly returned from Spain.

In February, the authorities said they had broken up a terrorist network led by Abdelkader Belliraj, a Belgian-Moroccan dual national. Some 35 people were arrested, including the leaders of three political parties – Al-Badil al-Hadari, the Oumma and the Party of Justice and Development. The Prime Minister then issued a decree dissolving Al-

Badil al-Hadari, and a court rejected the Oumma party's application for legal registration. The 35 faced a range of charges, including attempted murder, money laundering and financing terrorism. Their trial began in October and had not been completed by the end of the year. Some defence lawyers complained that the authorities failed to provide them with complete case files, others reported that their clients were tortured in custody.

Hundreds of Islamist prisoners convicted after the 2003 Casablanca bombing continued to call for judicial review of their trials, many of which were tainted with unexamined claims of confessions extracted under torture.

Transitional justice

The Human Rights Advisory Board, charged with continuing the work of the IER, had still not published the list of all cases of enforced disappearances investigated by the IER. The IER's final report, published in January 2006, recommended measures to ensure non-repetition of grave human rights violations through a comprehensive programme of judicial and institutional reforms, but these had not yet been implemented. Nor was any progress made towards providing victims with effective access to justice or holding individual perpetrators to account, issues that were excluded from the remit of the IER.

In June, a court ordered *Al-Jarida Al-Oula* newspaper to stop publishing testimonies made by senior public officials to the IER, following a complaint by the President of the Human Rights Advisory Board. This intervention was widely criticized by local human rights organizations.

Discrimination and violence against women

In January the UN Committee on the Elimination of Discrimination against Women considered Morocco's third and fourth periodic reports on its application of the Convention on the Elimination of All Forms of Discrimination against Women. It welcomed positive steps taken by the government to address discrimination against women but called for the legal criminalization of violence against women and active measures to combat it. In November the Ministry of Social Development, Family and Solidarity announced that such a law was being developed.

In December, in a further welcome move, King Mohamed VI announced that Morocco would withdraw reservations it made when ratifying the Convention.

Discrimination – imprisonment for 'homosexual conduct'

In January an appeal court upheld prison terms of up to 10 months against six men convicted of "homosexual conduct" in Ksar El-Kebir, north-western Morocco. They were arrested in November 2007 after public denunciations that a private party they had held was a "gay marriage". Same-sex sexual relations between consenting adults are criminalized under Moroccan law.

In November, an appeal court upheld the conviction and heavy fine imposed by a lower court on the editor in-chief of *Al-Massaa* for defamation of assistant Crown Prosecutors in Ksar el-Kebir, for having suggested that a Crown Prosecutor was present at the alleged "gay marriage". It appeared that the fine might cause the newspaper to cease publication.

Refugees, asylum-seekers and migrants

Thousands of people suspected of being irregular migrants were arrested and collectively expelled, mostly without any consideration of their protection needs and

their right under Moroccan law to contest the decision to deport them or examine the grounds on which it was made. The authorities said they prevented 10,235 immigration attempts between January and November. Some migrants were reported to have been subjected to excessive force and other ill-treatment at the time of arrest or during their detention or expulsion; some were reported to have been dumped at the border with Algeria or Mauritania without adequate food and water.

- At least 28 migrants, including four children, drowned in the sea off Al Hoceima on 28 April. Survivors alleged that Moroccan officials who intercepted their inflatable boat punctured and shook it when the migrants refused to stop. The authorities denied that their officials were responsible but did not carry out an investigation. The survivors were transported to the city of Oujda in eastern Morocco and left at the frontier with Algeria.

Polisario camps

Little independent information was available about conditions in the refugee camps run by the Polisario Front in Algeria. No steps were known to have been taken to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s.

Amnesty International visit

An Amnesty International delegation visited Morocco and the Western Sahara in February/March.

Amnesty International report

- Morocco/Western Sahara: Investigate Allegations of Torture and Grant Detainees a Fair Trial (1 July 2008)

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