



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	67
Land:	Marokko
Kilde:	Amnesty International
Titel:	"Amnesty International - Marokko"
Udgivet:	20. juni 2006
Optaget på baggrundsmaterialet:	20. juni 2006

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Amnesty International

MOROCCO / WESTERN SAHARA

KINGDOM OF MOROCCO

Head of state: King Mohamed VI**Head of government:** Driss Jettou**Death penalty:** abolitionist in practice**International Criminal Court:** signed**UN Women's Convention:** ratified with reservations**Optional Protocol to UN Women's Convention:** not signed

Overview - Covering events from January - December 2005

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The Equity and Reconciliation Commission completed its work and submitted its report to King Mohamed VI. It recommended that compensation be paid to more than 9,000 people who had suffered human rights abuses between 1956 and 1999, but it was not permitted to name perpetrators. New allegations surfaced about Morocco's role in the US-led "war on terror". Eight Sahrawi human rights defenders were imprisoned after protests which originated in Western Sahara and to which police responded with excessive force. At least 13 migrants were shot dead at the border between Morocco and the Spanish enclaves of Ceuta and Melilla. The Polisario Front released the last of the Moroccans it had held as prisoners of war; some had been held for almost 20 years.

Background

From May until December, the territory of Western Sahara, particularly the town of Laayoune, was rocked by a series of demonstrations. In many of them, demonstrators expressed their support for the Polisario Front, which calls for an independent state in the territory and had set up a self-proclaimed government-in-exile in refugee camps in south-western Algeria, or called for independence from Morocco. The continuing deadlock in attempts to resolve the dispute between Morocco and the Polisario Front over Western Sahara appeared to have been a major factor behind the protests.

Equity and Reconciliation Commission

The groundbreaking Commission, the first truth commission in the Middle East and North Africa region, completed its work in November and reported its findings to King Mohamed VI. Since it was inaugurated in January 2004 with a remit to inquire into grave human rights violations committed between 1956 and 1999, the Commission had received information from more than 16,000 people. Many had appeared in person before the Commission. Several dozen had spoken about their experiences at seven televised hearings held in six regions of Morocco. A planned hearing in Laayoune, Western Sahara, was cancelled without official explanation. AI co-operated with the Commission, providing it with hundreds of documents from its archives, including details of several hundred cases of "disappearance" and arbitrary detention.

The Commission placed particular emphasis on finding ways of providing reparations. It ruled that over 9,000 individuals should receive financial compensation, and recommended assistance for those in need of medical attention or rehabilitation as a result of the violations they had suffered. The Commission also made a series of proposals for institutional and legislative reform.

The Commission's final report announced that it had resolved 742 "disappearance" cases and that 66 outstanding cases would be investigated further by a follow-up committee. The Commission indicated, however, that it had often not obtained the testimonies and documents it had requested from state officials, who were under no compulsion to co-operate with it. Many families of the "disappeared" were consequently disappointed.

Under its statute, the Commission was precluded from assigning responsibility to individuals for violations and, in its final report, made no proposals for suspected perpetrators to be brought to account. Impunity for past crimes remained a serious concern, particularly since some alleged perpetrators continued to be members, or even high-ranking officials, of the security forces. The independent Moroccan Human Rights Association, one of the Commission's main critics on this issue, organized its own public hearings, in which some victims named individuals they held responsible for violations against them.

Abuses in the context of the 'war on terror'

New allegations surfaced about Morocco's role in the US-led "war on terror". In December a Council of Europe investigator said that he believed some prisoners previously held by the USA in Europe had been moved to North Africa, possibly Morocco, a month earlier. Morocco denied the claim. However, the allegation echoed previous reports that the USA had sent detainees to Morocco for interrogation.

- Information emerged about the case of Benyam Mohammed al-Habashi, an Ethiopian national. He was arrested and detained in April 2002 by Pakistani officials in Pakistan, and said that he was handed over to US officials in July 2002 and then flown to Morocco. He alleged that he was held incommunicado there for the next 18 months and systematically tortured at the behest of US authorities, before being taken to Afghanistan and then to the US naval base at Guantánamo Bay, Cuba, where he remained held at the end of the year.

Dozens of suspected Islamist activists were arrested and prosecuted in Morocco during the year. This brought the total number of those arrested since bomb attacks in Casablanca in May 2003 to over 3,000 and the total of those prosecuted to over 1,500, according to official statements. Many of those prosecuted were sentenced to prison terms on charges based on a broad and unspecific definition of terrorism. At least four were sentenced to death.

Protests in Western Sahara

Popular protests which rocked Western Sahara, particularly Laayoune, from May until December were met with a police response that included excessive use of force. Scores of people, mostly demonstrators but also including police, were injured. Hundreds of people were arrested. Two men died allegedly after being beaten by police on arrest.

- Hamdi Lembarki, aged in his thirties, died on 30 October as a result of a head injury, according to an autopsy. Witnesses said that several Moroccan police officers had arrested him during a demonstration in Laayoune, taken him to a nearby wall, surrounded him and repeatedly beat him with batons on the head and other parts of his body. An investigation was launched by the authorities into his death.

Dozens of those held in custody alleged that they were tortured or ill-treated, either to force them to sign confessions, to intimidate them from protesting further or to punish them for their pro-independence stance. In July the Justice Ministry told AI that all complaints it received were treated seriously and that, on the basis of three complaints, investigations had been opened into allegations of torture and ill-treatment.

Dozens of people were charged with inciting or participating in violence in the demonstrations. Over 20 were later convicted and some were sentenced to several years in prison. Among those sentenced were seven long-standing human rights defenders who were monitoring and disseminating information on the crackdown by the security forces. Two alleged that they had been tortured during questioning. An eighth human rights defender was detained awaiting trial at the end of the year. All eight were possible prisoners of conscience.

Freedom of expression

Continuing restrictions on freedom of expression were reported, particularly on issues related to the monarchy and the Western Sahara dispute. Several journalists from independent newspapers and magazines, such as *Tel Quel*, were sentenced to suspended prison terms or heavy fines in this regard. In an unprecedented move, the Moroccan authorities blocked access to the Internet sites of several international associations advocating independence for Western Sahara.

- Ali Lmrabet, a journalist and former prisoner of conscience, was banned from working as a journalist for 10 years in April and given a heavy fine after he was convicted of violating both the Penal Code and Press Code. The case arose from a report he wrote after becoming the first Moroccan journalist to visit the refugee camps run by the Polisario Front in south-western Algeria. He stated that the Sahrawis there were refugees, not held as captives as the Moroccan authorities had long contended. This led to his being accused of defaming the spokesperson of a Moroccan organization that campaigns for the "release" of the Sahrawis in the camps.

Legal reform

Torture

Legal safeguards against torture were strengthened. A law defining torture as a criminal offence, punishable by long prison terms, was approved by parliament in October. At the international level, Morocco recognized the competence of the UN Committee against Torture to investigate complaints submitted by individuals.

Women's rights

Women continued to face discrimination despite the introduction of the reformed Family Code in 2004. In July, however, King Mohamed VI announced that one more element of discrimination was to be removed, declaring that the 1958 Citizenship Act would be reformed to allow children of Moroccan mothers and foreign spouses to be eligible for Moroccan citizenship on the same basis as children of Moroccan fathers with foreign spouses.

Refugees and migrants

Thousands of migrants, many of them from countries in west and central Africa and including an unknown number of refugees and asylum-seekers, sought to gain access to countries of the European Union from Morocco. Many congregated close to the Spanish enclaves of Ceuta and Melilla and made efforts to gain entry to the enclaves by various means, including by climbing over border fences. This came to a crisis point between late August and early October when both Spanish and Moroccan security forces resorted to excessive and, in some cases, lethal force

against the migrants. At least 13 were killed as a result, some being shot dead while they were reportedly scaling fences but posing no risk to the lives of security force personnel or others. Moroccan officials told AI in October that judicial authorities were investigating the deaths of people whose bodies were found on the Moroccan side of the border.

From September Moroccan authorities forcibly removed hundreds of migrants from their informal camps close to the enclaves. They arrested some and transported others to remote desert areas close to Morocco's border with Algeria, where they were dumped without adequate water, food or shelter, reportedly resulting in further deaths. Hundreds of migrants and dozens of asylum-seekers were subsequently held in military bases without access to legal counsel and other rights guaranteed to them under Moroccan law, such as the right to appeal against their custody. Many of the migrants were then repatriated, while the asylum-seekers had their claims assessed by representatives of the UN High Commissioner for Refugees after being denied access to them for several weeks.

Polisario camps

In August, the Polisario Front released the last prisoners of war that it was holding in its camps in south-western Algeria. Some 404 prisoners were handed into the care of the International Committee of the Red Cross and repatriated to Morocco; some had been held for almost 20 years.

In November the Polisario Front committed to a total ban on the use of anti-personnel mines by signing the Deed of Commitment of Geneva Call, an international humanitarian organization dedicated to engaging armed non-state actors to respect humanitarian norms.

Those responsible for human rights abuses in the camps in previous years continued to enjoy impunity. The Polisario Front took no steps to address this legacy.

AI country visits

AI delegates visited Morocco in January for meetings with the Equity and Reconciliation Commission, government authorities and local associations, and in October to investigate abuses against migrants and asylum-seekers seeking access to the Spanish enclaves of Ceuta and Melilla. An AI observer visited Western Sahara in November to attend a trial of Sahrawi human rights defenders.

Morocco / Western Sahara
Archive information

[Morocco/Western Sahara: Sahrawi human rights defenders under attack](#)
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