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Morocco and Western Sahara 2020

The authorities responded to the COVID-19 pandemic with a new health emergency decree-law, which restricted freedoms of movement, expression and assembly, and used it to prosecute people for criticizing the government’s handling of the crisis or for breaking the emergency measures. Sahrawi human rights defenders continued to be intimidated, harassed and arrested for peacefully expressing their opinions. Women continued to face discrimination as well as sexual and other gender-based violence, and faced increased difficulties in accessing justice during the pandemic. Consensual same-sex sexual relations between adults remained a criminal offence and the authorities failed to investigate incitement to violence against lesbian, gay, bisexual, transgender and intersex people. The rights of migrants were violated, including as a result of inadequate COVID-19 protection measures in migrant detention centres. The Polisario Front, which administers camps in Algeria for refugees from Western Sahara, detained at least one critic. Courts handed down death sentences; there were no executions.

Background

In January, Morocco passed laws adding the waters off the coast of the disputed Western Sahara land to its maritime territory, extending its jurisdiction over the waters from Tangier city in the north to Lagouira town on the Mauritanian border.

On 20 March, the government declared a state of health emergency that remained in place until the end of the year. It also imposed a national lockdown which was gradually lifted in June and replaced by a set of measures including restrictions on movement and area-specific lockdowns.

In October, the UN renewed the UN Mission for the Referendum in Western Sahara’s mandate until October 2021, without granting it a human rights component unlike most other UN peacekeeping missions. The territory of the Western Sahara and the Polisario camps remained inaccessible for human rights organizations, making it difficult to monitor human rights abuses.

In December, the government signed a deal with the USA agreeing to establish full diplomatic relations with Israel in exchange for the USA’s official recognition of Moroccan sovereignty over the Western Sahara.

Repression of dissent

The authorities used the health emergency to pass restrictive legislation. In March, Parliament passed Law No. 2.20.292 which set penalties of a three-month prison sentence and a fine of MAD1,300 (around US\$146) for anyone breaching “orders and decisions taken by public authorities” and for anyone “obstructing” those decisions through “writing, publications or photos”. Since its adoption, the authorities have used the new law to prosecute at least five human rights activists and citizen journalists for criticizing the government’s COVID-19 response, accusing them of “incitement to violate the authorities’ decisions”.

In April, authorities prosecuted and detained Mohamed Bouzrou, Mohamed Chejii and Lahssen Lemrabti, administrators of the Facebook news page Fazaz 24, for two posts that criticized the local authorities’ handling of COVID-19. Mohamed Chejii was released soon after his arrest though his trial continued, but Mohamed Bouzrou and Lahssen Lemrabti remained in detention.¹

In April, police in Nador in the north-eastern Rif region arrested Omar Naji, the local representative of the Moroccan Association for Human Rights (AMDH), and prosecuted him for spreading “false allegations or lies” with the aim of “harming privacy or defamation”, as well as for breaching the health emergency law. He was arrested after he published a post on social media criticizing Nador authorities for confiscating merchandise from unauthorized vendors during the pandemic and released the following day on bail. On 17 November, the First Instance Court in Nador acquitted him of all charges.

Freedom of expression

The authorities continued their crackdown on freedom of expression in Morocco and Western Sahara, investigating and prosecuting a number of journalists and activists for their online posts.

In January, courts around the country sentenced at least nine individuals, including rappers and activists, to between six months and four years in prison, for their online speech on YouTube and Facebook. All were accused of “offending” public officials or institutions under the Penal Code.²

In May, Sahrawi journalist and human rights activist Ibrahim Amrikli was arrested in Laayoune, in Western Sahara, and detained for over two days.³ Security officers interrogated him about his work for Sahrawi human rights organization Nushatta Foundation and repeatedly beat and insulted him. They forced him to sign a “confession” to trumped-up charges of throwing stones at police officers in April. Two days later, he was charged with “breaking orders related to the health emergency status” and “offending public officials” under Article 263 of the Penal Code. His trial opened on 18 November but was postponed to an unknown date.

In June, an Amnesty International report revealed that the phone of independent journalist Omar Radi had been hacked using surveillance technology produced by the Israeli company NSO Group.⁴ After the report was published, Omar Radi was summoned for police interrogation several times and a state media smear campaign accused him of espionage. On 29 July, the Prosecutor of the Appeals Court in Casablanca charged him with sexual assault, rape, “undermining external state security” and “harming internal security” – all charges he vehemently denied – under provisions in the Penal Code. He was placed in pre-trial detention, where he remained at the end of the year.

In July, police in Laayoune arbitrarily detained Algargarat Media's founder Essabi Yahdih for 10 hours when he went to the police station to obtain an administrative certificate, before releasing him without charge. He said that police insulted and threatened him with “arrest, rape and murder” and interrogated him about Algargarat's editorial line, its staff and funding as well as his personal online posts, specifically a post that mocked another post by a Moroccan parliamentarian about the King.

In December, following years of harassment and unlawful surveillance, academic and human rights defender Maati Monjib was arrested arbitrarily and detained. He and members of his family were accused of money laundering and he was awaiting trial at the end of the year.

Women's rights

Women continued to face discrimination in law and practice as well as sexual and other gender-based violence. Although Morocco adopted Law 103-13 for the Prevention of Violence against Women in 2018, mechanisms for its implementation remained weak. The Law requires victims to file for criminal prosecution to obtain orders of protection, which became virtually impossible under the COVID-19 lockdown.

Women's organizations such as Mobilising for Rights Associates (MRA) reported an increase of problems for women suffering violence during lockdown, including being confined with their abusers, often without access to means of communication, and difficulty accessing shelters. Between 20 March and 20 April, the number of prosecutions for violence against women fell to one-tenth of the monthly average, according to the Chief Prosecutor. The authorities said this was because of “the stability of the Moroccan family”. However, MRA attributed the decrease to difficulties women faced in accessing justice during the lockdown.

Right to health

Health workers

In August, doctors began a national strike to denounce their poor working conditions, the absence of minimum protection measures for health workers, and the lack of medical treatment or proper confinement for frontline workers who contracted the virus.

In August, the Health Ministry suspended annual leave for doctors and other medical staff in public hospitals, forcing them to work without a break to meet the demands caused by COVID-19. Hundreds of doctors demonstrated around the country in protest against the move.

Cruel, inhuman or degrading punishment

Prisoners were held in harsh conditions, including prolonged and indefinite solitary confinement, in violation of the prohibition of torture and other ill-treatment. Despite the elevated risks of COVID-19 transmission in prisons and other places of detention, authorities imprisoned people solely for breaching restrictions imposed in the context of the pandemic.

Between April and August, the King issued four royal pardons for a total of 8,133 detainees, including 20 activists from the Hirak El-Rif social justice movement.

In August, Nasser Zefzafi and Nabil Ahamjik, leaders of Hirak El-Rif, staged a 25-day hunger strike to protest against the denial of family visits and the scattering of Hirak El-Rif detainees in different prisons inaccessible to their families.

Sulaiman Raissouni, a journalist and editor of *Akhbar Al Yaoum*, was detained from May until the end of the year, and was permitted only one hour a day to walk alone in the courtyard.

Authorities continued to hold 19 Sahrawi activists in prisons in Ait Melloul and Bouizarkane in south-west Morocco, after they were convicted following unfair trials in 2013 and 2017 that failed to adequately investigate torture allegations. They were held hundreds of kilometres from their families and, due to the COVID-19 restrictions, were not permitted family visits.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

Article 489 of the Penal Code continued to criminalize consensual same-sex sexual relations.

Authorities failed to investigate incitement to violence against LGBTI people or to provide people protection regardless of their sexual orientation or gender identity.

In April, in an apparent campaign, a number of individuals forcibly “outed” people on same-sex dating apps, disclosing their sexual orientation or gender identity without their consent. LGBTI organizations reported that this “outing” campaign led to people being assaulted and threatened, as well as a Facebook group in Agadir calling for people to lynch LGBTI sex workers. The authorities failed to publicly condemn this, and the state media failed to report on it.

Migrants’ rights

The authorities continued to arrest, detain and deport migrants throughout the year. In early 2020, the Spanish governmental delegation in Melilla, Spain, announced the intention to end the migratory route between the northern coast of Morocco and Spain, and the Moroccan authorities reported their arrests of migrants near the border with Ceuta. Several NGOs reported an absence of COVID-19 protection measures in migrant detention centres in Nador and Laayoune. According to the AMDH, around 100 migrants were detained for over a week in Nador in May without access to a lawyer in violation of Law 02-03 of 2003 on the entry and stay of foreigners, which stipulates that after 24 hours of detention, irregular migrants must be put under judicial control and given access to a lawyer.

Freedom of religion and belief

Moroccan law continued to criminalize “insulting Islam”, which can be punishable by a prison sentence. In May, Casablanca police arrested actor Rafik Boubker for a video posted on Facebook in which he mocked Islamic rituals. He was charged with “insulting Islam” and released the next day. His trial opened in November and was postponed several times. In July, a court in the city of Safi in western Morocco sentenced Muhammed Awatif Qashqash to six months in prison and a fine, under the same provision, for a caricature he posted online depicting religious figures, including the Prophet Mohammed.

Polisario Front camps

The Polisario Front, which calls for the independence of Western Sahara and has set up a self-proclaimed government in exile, detained at least one critic in the camps it administers in Algeria. On 8 August, police in the camps held citizen journalist Mahmoud Zeidan for 24 hours, interrogating him about posts he published online that criticized the way camp authorities handled COVID-19 aid distribution.

The Polisario Front failed to ensure that those responsible for committing human rights abuses in the camps in previous decades were brought to account.

Death penalty

Courts continued to hand down death sentences; there had been no executions since 1993.

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1. [Morocco and Western Sahara: End prosecution of activists under new health emergency law \(Press release, 9 June\)](#)
 2. [Morocco/Western Sahara: Crackdown against activists for criticizing the King, public institutions and officials \(Press release, 11 February\)](#)
 3. [Morocco: Drop charges against Ibrahim Amrikli and cease arbitrary arrests of journalists and activists in Western Sahara \(MDE 29/3111/2020\)](#)
 4. [Moroccan journalist targeted with network injection attacks using NSO group’s tools \(Blog, 22 June\)](#)

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