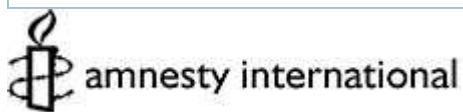


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Amnesty International Report 2016/17 - The State of the World's Human Rights - Morocco/Western Sahara

The authorities restricted rights to freedom of expression, association and assembly, prosecuting journalists and forcibly dispersing protests. Women faced discrimination in law and in practice. Consensual same-sex sexual relations remained criminalized. Courts imposed death sentences; there were no executions.

Background

In March, the government forced the UN to close a Military Liaison Office of the UN Mission for the Referendum in Western Sahara (MINURSO) and withdraw civilian staff after UN Secretary-General Ban Ki-moon referred to Morocco's "occupation" of Western Sahara. In April, the UN Security Council extended MINURSO's mandate for another year without including any human rights monitoring component. MINURSO had not returned to its previous capacity by the end of the year.¹

In September, Morocco submitted a request to join the African Union (AU).

October saw protests against social and economic grievances erupt in different parts of the country. Residents clashed with police when the authorities began demolishing informal settlements in the town of Sidi Bibi, near Agadir. Thousands of people took to the streets in major cities including the capital, Rabat, and Marrakech after Mouhcine Fikri, a fish vendor, died trying to retrieve fish that officials had confiscated from him in Al Hoceima, in the Rif region. Al Hoceima also witnessed large demonstrations. The protests subsided after four days when the authorities charged 11 people in connection with Mouhcine Fikri's death.

The UN Human Rights Committee reviewed Morocco's human rights record in October.²

Justice system

The authorities pursued their efforts to reform the justice system. In February, Parliament passed laws on the Higher Judicial Council and the Statute for Judges but these failed to establish judicial independence. In June, the Council of Government approved draft legislation to amend and complete the Penal Code; it contained some progressive provisions but failed to address the significant deficiencies of the existing Code including the death penalty and undue restrictions on freedoms of expression and religion, among others. The draft legislation had yet to be enacted at the end of the year. A draft bill to amend the Code of Criminal Procedure remained under consideration.

Freedom of expression

The authorities continued to prosecute journalists and critics for exercising their right to freedom of peaceful expression. They included Ali Anouzla, a leading independent journalist charged in January with advocating, supporting and inciting terrorism in an article published on the website Lakome.com in 2013. If convicted, he would face up to 20 years in prison. Seven journalists and activists faced charges that included “undermining state security” and “failing to report foreign funding” for participating in a foreign-funded project to train people in citizen journalism. If convicted, they would face prison sentences of up to five years.³

In February, the Higher Judicial Council dismissed Judge Mohamed El-Haini from office after the Minister of Justice and Liberties accused him of violating the duty of discretion and expressing opinions of a political nature by criticizing the draft laws on the Higher Judicial Council and the Statute for Judges on social and other media.

A new Press Code adopted in August removed imprisonment as a penalty for exercising press freedom, one month after the authorities amended the Penal Code to criminalize certain forms of peaceful expression.

Freedoms of association and assembly

The authorities continued to block the legal registration of several human rights organizations, including branches of the Moroccan Association of Human Rights, Freedom Now and the Maghreb Co-ordination of Human Rights Organizations.

They also prevented human rights groups and other associations from holding public and other meetings and assemblies, and continued to expel or deny entry to foreign journalists, activists and human rights defenders. In June, the International Institute for Nonviolent Action (NOVACT), a Spanish NGO, closed its Morocco office after the authorities denied entry to two of its staff. Amnesty International remained in dialogue with the authorities to lift remaining restrictions on its own fact-finding activities in Morocco and Western Sahara.

The authorities continued to restrict the right to freedom of peaceful assembly. In January, police forcibly dispersed peaceful protests by trainee teachers in Inezgane and other cities, beating protesters with batons and shields and injuring more than 150, according to witnesses.

In August, a court sentenced eight activists after an unfair trial to prison terms ranging from four months to one year for participating in a peaceful protest in Sidi Ifni, in southern Morocco.⁴ Convictions were upheld on appeal in October, with one four-month prison sentence reduced to three months.

Repression of dissent – Sahrawi activists

The authorities continued to stifle peaceful dissent in Western Sahara, dispersing peaceful protests and prosecuting and restricting Sahrawi activists who advocated self-determination or reported human rights violations. The authorities interrogated some human rights defenders when they returned from foreign travel, and continued to block the legal registration of the Collective of Sahrawi Human Rights Defenders (CODESA) and other Sahrawi rights groups.

In July the Court of Cassation ruled that 23 Sahrawi protesters and activists imprisoned following deadly clashes in 2010 in Gdeim Izik should be re-tried before a civilian court. Most had been sentenced in 2013 to long prison terms after an unfair trial before a military court based on “confessions” that they alleged were obtained through torture. The new civilian trial opened in late December but was adjourned until January 2017. Twenty-one of the 23 remained in prison at the end of the year.⁵

The authorities continued to expel from or bar entry to Western Sahara for foreign journalists and activists as well as human rights activists. In April, they expelled Spanish, Belgian and French jurists and a Spanish judge who had travelled to Rabat to make representations on behalf of the Gdeim Izik prisoners.

Torture and other ill-treatment

In April, security forces arrested Brahim Saika, an activist of the Co-ordination of Unemployed Sahrawis group in Guelmim, as he left home to join a peaceful protest in support of greater employment. He was charged with insulting and assaulting public officials and insulting a public institution, and began a hunger strike after accusing the police of ill-treating him in custody. Soon afterwards he died in hospital while under police custody. According to media reports, an official autopsy concluded that his death was caused by a virus but the authorities failed to conduct an independent inquiry into his death, as his family requested, and buried his remains against his family's wishes.

Dual Belgian-Moroccan national Ali Aarrass remained in prison more than three years after the UN Working Group on Arbitrary Detention concluded that he had been convicted after an unfair trial based on a torture-tainted “confession”. In June, he alleged in an open letter that he and other detainees had been subjected to ill-

treatment. He was transferred to Tiflet II Local Prison in October and detained in solitary confinement where he remained at the end of the year. The Court of Cassation had yet to rule on his case, more than four years after hearing an appeal against his conviction.⁶

Detainees protested against harsh prison conditions, including poor hygiene, inadequate nutrition and health care, and severe overcrowding. A National Preventive Mechanism had yet to be established, more than two years after Morocco acceded to the Optional Protocol to the UN Convention against Torture, which requires such mechanisms to be set up.

Impunity

The authorities failed to implement key recommendations from the Equity and Reconciliation Commission, 10 years after the Commission published its report examining human rights violations between 1956 and 1999.

Women's rights

In July, the lower house of Parliament adopted a long-awaited draft law on combating violence against women, but the draft remained under consideration before the upper house at the end of the year.⁷ It contained some positive elements, including measures to protect survivors of violence during and after judicial proceedings, but without significant strengthening it would not afford women effective protection against violence and discrimination.

The Penal Code continued to criminalize abortion. The authorities proposed amendments that would allow exceptions in cases of incest and rape and on certain medical grounds. However, the amendments would include requirements for third party notification and approval that could delay access to legal abortions, putting pregnant women's health at risk. The amendments had not been enacted by the end of the year.

In July, Parliament adopted a law regulating employment of domestic workers, predominantly women and girls. It established 18 as the minimum age for domestic workers but provided a five-year transition period during which children aged 16 and 17 may continue to be employed as domestic workers.

Rights of lesbian, gay, bisexual, transgender and intersex people

The authorities continued to prosecute and imprison LGBTI people under Article 489 of the Penal Code, which criminalizes consensual same-sex sexual relations. In March, they prosecuted two men who were victims of a homophobic attack by youths in the city of Beni Mellal. Film of the attack sparked wide condemnation when it was circulated on the internet. One of the attack victims received a four-month prison term under Article 489, suspended on appeal, and a fine; the other received a three-month suspended prison sentence. According to news reports, two of their attackers were sentenced to prison terms on appeal of four months and six months respectively.

Refugees' and migrants' rights

The authorities continued to prevent people from sub-Saharan Africa from irregularly entering the Spanish enclaves of Ceuta and Melilla in northern Morocco, with some people alleging excessive use of force by the Moroccan and Spanish authorities. The authorities repeatedly destroyed makeshift camps around the northeastern city of Nador and displaced dozens of people to cities in the south, according to human rights groups.

In July, lawmakers adopted legislation approving Morocco's ratification of ILO Convention 143 on Migrant Workers. In August the government promulgated a new law to combat human trafficking. In December, King Mohammed VI announced a new wave of regularization of undocumented migrants.

The authorities again failed to establish a national asylum system but allowed refugees access to basic rights and services, including education. They issued Syrians registered by UNHCR, the UN refugee agency, with documents protecting them against *refoulement* without taking a decision on their definitive status.

Polisario camps

The Polisario Front again failed to hold to account those responsible for committing human rights abuses in camps under its control during the 1970s and 1980s. Brahim Ghali became Secretary General of the Polisario Front following the death of Mohamed Abdelaziz in May.

Death penalty

Courts continued to hand down death sentences; there have been no executions since 1993. In July, the authorities commuted the death sentences of 23 people to life imprisonment.

1. UN must monitor human rights in Western Sahara and Sahrawi refugee camps ([News story](#), 26 April)
2. Morocco: The authorities must swiftly implement the recommendations of the UN Human Rights Committee ([MDE 29/5158/2016](#))
3. Morocco ramps up crackdown on press freedom with trial over citizen journalism ([News story](#), 26 January)
4. Morocco: Sidi Ifni protesters must be given fair appeal trial and released unless assault charges are proved ([MDE 29/4763/2016](#))
5. Morocco/Western Sahara: Further information – Sahrawi defendants granted civilian re-trial ([MDE 29/4615/2016](#))
6. Morocco: Torture survivor still detained despite UN calls for his immediate release ([MDE 29/4119/2016](#))
7. Morocco: Violence against women bill needs stronger safeguards ([MDE 29/4007/2016](#))

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