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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

The government began considering recommendations made by the Equity and Reconciliation Commission in 2005, but key follow-up steps had not been undertaken by the end of 2006. Eight Sahrawi human rights defenders imprisoned in 2005 were released, but two others were detained amid continuing protests against Moroccan rule in Western Sahara. Some 200 suspected Islamist activists were arrested and charged, and in some cases convicted, many on the basis of a vague definition of terrorism. Two were sentenced to death. Over 500 members of the unauthorized Islamist group, Al-Adl wal-Ihsan (Justice and Charity), were charged with offences such as belonging to an unauthorized association after the group launched a recruitment campaign. Unlawful expulsions of refugees, asylum-seekers and migrants continued, during which some were allegedly sexually abused by security force personnel.

Background

A 5,000-strong community police unit created in 2004, the Urban Security Groups, was disbanded in October after accusations of brutality, particularly when breaking up demonstrations and making arrests. Beatings by its officers allegedly caused the deaths of several people, including Hamdi Lembarki and Adel Zayati in 2005 and Abdelghafour Haddad in 2006.

The deadlock in attempts to resolve the dispute between Morocco and the Polisario Front over Western Sahara continued to form the backdrop of demonstrations by Sahrawis against Moroccan administration of the territory. The Polisario Front calls for an independent state in Western Sahara and runs a self-proclaimed government-in-exile in refugee camps in south-western Algeria.

Equity and Reconciliation Commission

In January, King Mohamed VI gave a speech to mark the publication of the final report of the Equity and Reconciliation Commission, which in November 2005 finished its investigations into grave human rights violations committed between 1956 and 1999, particularly cases of enforced disappearance and arbitrary detention. He expressed his sympathy for the victims of the violations, but stopped short of offering an apology.

The King instructed the national human rights institution, the Human Rights Advisory Board, to follow up the work of the Commission. In June, Prime Minister Driss Jettou set up joint working committees comprising government officials and former members of the Commission to examine the Commission's recommendations, particularly on reparations and

institutional and legal reforms. The Board began informing victims and their families of the results of research into 742 cases of enforced disappearance that it said it had resolved. It continued the Commission's research into 66 unresolved cases. The Board said that a detailed list of the enforced disappearance cases examined by the Commission would be published in mid-2006, but this had not happened by the end of the year. No progress was made on providing victims with effective access to justice and holding accountable individual perpetrators, issues not addressed by the Commission.

Arrests and trials of Sahrawis

Eight Sahrawi human rights defenders imprisoned in 2005 for involvement in protests against the Moroccan administration of Western Sahara were released following royal pardons in March and April. Some 70 others arrested during or after demonstrations in the territory in 2005 and 2006 and charged with violent conduct were also freed. In February the Justice Ministry stated that the human rights defenders had been imprisoned for their involvement in criminal acts, not for their views. However, AI considered them likely to be prisoners of conscience, targeted for exposing abuses by Moroccan security forces and publicly advocating self-determination for the Sahrawi people.

Demonstrations by Sahrawis against Moroccan rule continued into 2006. Hundreds of people were reportedly arrested. The vast majority were released after questioning by the police. Some 20 were later convicted and sentenced to up to six years in prison for inciting or participating in violence. At least 10 demonstrators alleged that they were tortured or ill-treated during questioning in police custody. Sahrawi human rights activists continued to be the subject of intimidation by the security forces.

- Brahim Sabbar, Secretary-General of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State, was sentenced after an unfair trial to two years' imprisonment in June for assaulting and disobeying a police officer. In May, his association had published a report detailing dozens of recent allegations of arbitrary arrest and torture or ill-treatment. Brahim Sabbar and his colleague Ahmed Sbai were awaiting another trial on separate charges that included belonging to an unauthorized association and inciting violent protests. Both were possible prisoners of conscience.

A mission of the Office of the UN High Commissioner for Human Rights visited Western Sahara in May. Its leaked confidential report concluded that the human rights situation there was of serious concern, and that Sahrawi people were denied their right to self-determination and were severely restricted from exercising other rights, including the rights to express their views, create associations and hold assemblies.

Abuses in the 'war on terror'

Some 200 suspected Islamist activists, including at least nine members of the police and military, were arrested and charged with offences that included preparing terrorist activities, belonging to terrorist groups and undermining state security. Two were tried and sentenced to death, while at least 50 received prison terms of up to 30 years on the basis of a broad and unspecific definition of terrorism.

Some 300 suspected Islamist prisoners, many sentenced on terrorist charges following bomb attacks in Casablanca in May 2003, staged a month-long hunger strike in May to demand their release or a judicial review of their trials. Many had been convicted after trials that breached international fair trial standards. Dozens of them alleged that they had been tortured in previous years during questioning by the security forces.

Four Moroccan nationals were transferred from US custody in Guantánamo Bay, Cuba, to Morocco in February and October. Three were tried and convicted in November. One of them was sentenced to five years' imprisonment for setting up a "criminal gang", among other charges, and was held in custody. The other two received three-year prison sentences for forging official documents, but remained at liberty pending appeals. The fourth returnee faced charges of belonging to a terrorist organization, among other offences. Five other former Guantánamo detainees, who were returned to Morocco in 2004, were on trial on similar charges. The authorities categorically denied foreign media reports that the USA planned to build a secret detention centre in Morocco.

Arrests and trials of Al-Adl wal-Ihsan activists

Over 3,000 members of Al-Adl wal-Ihsan were reportedly questioned by the police after the group launched a recruitment campaign in April, with members opening their homes to the public to present the group's literature. The vast majority were released without charge after questioning. Over 500 were reportedly charged with offences that included participating in unauthorized meetings or assemblies, and belonging to an unauthorized association.

- The house of one of the group's leaders, Mohamed Abbadi, was sealed after the authorities accused him of holding illegal meetings there. In October, he and three other members of the group were sentenced to one year in prison for breaking the seals, but remained at liberty pending appeal.

Other members were prosecuted and sentenced to suspended prison sentences or fines, or were awaiting trial at the end of the year.

- A trial against the group's spokesperson, Nadia Yassine, was ongoing at the end of the year. In a 2005 interview with the newspaper *Al Ousbouiya Al Jadida* she said that she believed that the monarchy was not appropriate for Morocco. She was charged, along with two journalists from the newspaper, with defamation of the monarchy.

Refugees and migrants

In July, three migrants died as they tried to scale the fence between Morocco and the Spanish enclave of Melilla. One fell onto the Spanish side of the border, reportedly dying from gunshot wounds. The other two died after reportedly falling from the fence into Moroccan territory. Witnesses alleged that Moroccan security forces shot in the direction of the migrants. No results were announced of the official investigations into the 2005 deaths of migrants at the borders with the Spanish enclaves of Ceuta and Melilla.

Thousands of people suspected of being irregular migrants, including minors, were arrested by the Moroccan authorities and expelled to Algeria and, to a lesser extent, Mauritania. They reportedly included dozens of refugees or asylum-seekers. Those arrested were generally expelled shortly after their arrest, without the chance to appeal against the decision to deport them or to examine the grounds on which the decision was taken, despite these rights being guaranteed by Moroccan law. They were often left without adequate food and water. One of a group of 53 migrants expelled to the border between Western Sahara and Mauritania by the Moroccan authorities and left without food or water was reported in August to have died of dehydration.

- In late December hundreds of foreign nationals were arrested and expelled to the border with Algeria following raids in several cities. At least 10 recognized refugees and 60 asylum-seekers registered with the UNHCR, the UN refugee agency, in Rabat were reportedly among them. Several deportees alleged that they had been subjected to sexual abuse or robbed by security force personnel in Algeria and Morocco.

Women's rights

The Justice Ministry said in June that Morocco planned to lift reservations it had made when ratifying the Convention on the Elimination of All Forms of Discrimination Against Women.

The UN Committee on Economic, Social and Cultural Rights examined Morocco's record on these rights in May. It welcomed recent legislative reforms to improve the status of women, but expressed concern that Moroccan legislation still contained "some discriminatory provisions, particularly with regard to inheritance and criminal matters". It acknowledged Morocco's efforts to combat domestic violence, but noted with concern that the Criminal Code contained no specific provision making domestic violence a punishable offence.

Polisario camps

A mission of the Office of the UN High Commissioner for Human Rights visited the refugee camps in Tindouf in south-western Algeria in May. Its leaked confidential report recommended closer monitoring of the human rights situation in the camps.

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 reports/visits

Report

- Spain/Morocco: Failure to protect the rights of migrants - Ceuta and Melilla one year on (AI Index: EUR 41/009/2006)

Visit

An AI delegate visited Morocco in July to participate in a conference on transitional justice in Rabat and to meet local human rights organizations.

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