

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	107
Land:	Marokko
Kilde:	Refugee Documentation Centre (Ireland).
Titel:	Legal Board Aid. Information on treatment of those who are believed to support Polisario by Moroccan authorities (Information from 2009 and 2010 only please).
Udgivet:	28. oktober 2010
Optaget på baggrundsmaterialet:	14. april 2011



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Morocco – Researched and compiled by the Refugee Documentation Centre of Ireland on 28 October 2010

Information on treatment of those who are believed to support Polisario by Moroccan authorities. (Information from 2009 & 2010 only please).

A report by *Amnesty International* under the heading 'Collective Reparations' states:

"Amnesty International has long expressed concern about the human rights violations affecting the contested Western Sahara territory. From the end of 1975 to the early 1990s, hundreds of Sahrawi men and women were subjected to enforced disappearance, because of their alleged pro-independence activities, support for the Polisario Front, and opposition to Morocco's control of Western Sahara. Others, including elderly people and children, were forcibly disappeared because of their family links with known or suspected opponents to Moroccan authorities' policy in Western Sahara. While today the extent and gravity of the human rights violations in the region are of a lesser scale, restrictions on freedom of expression, association and assembly remain in place, and torture or other ill-treatment of detainees as well as unfair trials continue to be reported. Human rights activists are harassed and assemblies are often broken up by excessive use of force. Amnesty International urges the CCDH to address the restrictions on civil and political rights which exist in Western Sahara as a first step towards setting up collective reparations. The respect of such rights is a precondition to any meaningful consultation with the local population on the development of the region. Doing so would be in line with the institutional reforms recommended by the IER. In line with its mandate to protect and promote human rights, the CCDH should advocate for the respect of the rights to freedom of expression, association and peaceful assembly in the territory, and for human rights activists to work without fear of harassment or intimidation." (Amnesty International (6th January 2010) *Western Sahara, Morocco: "Morocco/Western Sahara: Broken Promises: The Equity and Reconciliation Commission and its Follow-up"* – pg. 53)

Another report by *Amnesty International* under the heading 'Sahrawi activists' states:

"The authorities tightened restrictions on expression in favour of self-determination for the people of Western Sahara. Sahrawi human rights defenders, activists and others faced continuing harassment, including close surveillance, threats and assault at the hands of security officials, and prosecution on politically motivated charges, apparently to deter or punish them for expressing their views and documenting human rights.

Seven Sahrawi activists who visited the Tindouf camps in Algeria run by the Polisario Front were arrested on their return to Morocco on 8 October and referred for trial before the military court in Rabat. They included human rights defenders Brahim Dahane and Ali Salem Tamek, and Dakja Lashgar, a former victim of enforced disappearance. They

were charged with threatening state security, including Morocco's "territorial integrity". They were still detained awaiting trial at the end of the year." (Amnesty International (28th May 2010) *Amnesty International Report 2010 - Morocco/Western Sahara*)

It also states:

"The authorities restricted the movement of Sahrawi activists and human rights defenders, preventing them from observing trials, documenting violations and meeting foreigners. Some were banned from travelling abroad and had their identification and travel documents confiscated.

In October, the authorities prevented five Sahrawi activists from travelling to Mauritania and confiscated their travel and identification documents without providing any reason for the travel ban.

Dozens of Sahrawis were prosecuted on violent conduct charges in connection with demonstrations held in 2009 or previous years; the court proceedings reportedly failed to satisfy international standards of fair trial. Some Sahrawis who advocated independence for Western Sahara were harassed and beaten by Moroccan security forces." (ibid)

A report by the *United States Department of State* under the heading 'Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment' states:

"On August 24, authorities sentenced Sahrawi independence activists, Ennaama Asfari and Ali El-Rubia, to four months in prison and a two-month suspended sentence, respectively, for "contempt of public officials while in performance of their duty." According to NGO reports, police officers assaulted Asfari and Rubiou. Authorities charged the two after police reportedly saw Asfari in Tan Tan carrying a key ring with the pro-independence flag of the Western Sahara. Supporters of the defendants were not allowed access to the court, and others were arrested on their way to the hearing. Most of the activists were released without charge after six hours of detention. Four reported mistreatment including claims that authorities beat them and then threw them out of a moving police car on the road to Smara." (United States Department of State (11th March 2010) *2009 Human Rights Practices: Morocco*)

In a section titled 'Denial of Fair Public Trial' it states:

"On October 8, authorities detained seven Sahrawi activists in Casablanca who had visited Algiers and the refugee camps near Tindouf from September 26 to October 8. The government accused the seven of participating in military parades with Polisario soldiers, charged them with "intelligence cooperation with a foreign entity," and referred the case to a military tribunal." (ibid)

A report by *Human Rights Watch* under the heading 'World Report 2010 Morocco/Western Sahara' states:

"Restrictions on rights are particularly tight in the restive Western Sahara region, which Morocco claims sovereignty over and administers as if it were part of its national territory. A pro-independence movement known as the Polisario Front (Popular Front for the Liberation of the Saguía al-Hamra and Río de Oro) demands a referendum on self-

determination for the Sahrawi people. The Polisario rejected an April 2007 Moroccan proposal for enhanced autonomy for the region, mainly because it nowhere mentions a referendum in which independence would be an option. Numerous Sahrawis were charged or imprisoned because of their peaceful advocacy of self-determination for the contested Western Sahara. Politically motivated restrictions on the right to travel increased." (Human Rights Watch (20th January 2010) *World Report 2010 Morocco/Western Sahara*)

A report by *Global Insight* under the heading 'UN Secretary-General Expresses Concern over Growing Moroccan-Sahrawi Tensions' states:

"UN Secretary-General Ban Ki-moon released a statement yesterday expressing his concern over heightened tensions between Morocco and the Sahrawi independence movement, the Polisario Front. The statement relayed by Agence France-Presse (AFP) said that Ban was concerned over tensions caused by Morocco's detention of seven Sahrawi activists last month, and over the condition of Aminatou Haidar, a Sahrawi activist who has gone on hunger strike to protest the confiscation of her Moroccan passport last week in Spain. In the statement, Ban "urged both parties to continue to co-operate with his Personal Envoy, Mr. Christopher Ross, in seeking to schedule another set of talks and to work to achieve progress toward a mutually agreed political solution".

Significance: The Polisario Front threatened late October to cease its participation in talks with the Moroccan government due to the arrest of seven Sahrawi activists who were arrested upon their return to Morocco from the Tindouf Sahrawi refugee camp in Algeria. Morocco accused the seven of making "contact with parties hostile to Morocco, thus threatening the best interests of the nation" according to a statement relayed by AFP at the time (see Morocco: 28 October 2009:). The renewed tensions are yet another stumbling block to already slow-moving UN mediated peace talks over the disputed territory between the Polisario Front and Morocco and neighbouring Algeria which are strong backers of the Polisario Front." (Global Insight (24th November 2009) *UN Secretary-General Expresses Concern over Growing Moroccan-Sahrawi Tensions - Gala Riani*)

References:

Amnesty International (6th January 2010) *Western Sahara, Morocco: "Morocco/Western Sahara: Broken Promises: The Equity and Reconciliation Commission and its Follow-up"*

<http://www.amnesty.org/en/library/asset/MDE29/001/2010/en/63d99172-428d-4717-8c25-866c879c80e9/mde290012010en.pdf>

(Accessed 28th October 2010)

Amnesty International (28th May 2010) *Amnesty International Report 2010 - Morocco/Western Sahara*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4c03a812c>

(Accessed 28th October 2010)

Global Insight (24th November 2009) *UN Secretary-General Expresses Concern over Growing Moroccan-Sahrawi Tensions - Gala Riani*

<http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21 T10457433261&format=GNBFULL&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29 T10457433264&cisb=22 T10457433263&treeMax=true&treeWidth=0&csi=250053&docNo=2>

(Accessed 28th October 2010)

Human Rights Watch (20th January 2010) *World Report 2010 Morocco/Western Sahara*
<http://www.hrw.org/en/node/87731>

(Accessed 28th October 2010)

United States Department of State (11th March 2010) *2009 Human Rights Practices: Morocco*

<http://www.state.gov/q/drl/rls/hrrpt/2009/nea/136075.htm>

(Accessed 28th October 2010)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

Amnesty International

BBC News

Electronic Immigration Network (EIN)

European Country of Origin Information Network (ECOI)

Freedom House

Human Rights Watch

Lexis Nexis

UNHCR Refworld

United Kingdom Home Office

United States Department of State