

MOROCCO

ANNUAL REPORT 2007

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.

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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.

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An Equity and Reconciliation Commission was inaugurated to look into hundreds of cases of “disappearance” and arbitrary detention in previous decades. The authorities continued their clampdown on suspected Islamist activists, sentencing more than 200 people to prison terms. Several of those sentenced had allegedly been tortured during questioning by the security forces. Other breaches of the right to a fair trial were reported. The authorities drafted a law to combat torture and said in July that allegations of torture reported in 2002 and 2003 would be investigated. The legal framework for women’s rights was significantly improved. A royal pardon was granted to 33 people, including political prisoners and prisoners of conscience.

Background

The USA accorded Morocco the status of “major non-NATO ally” in June, apparently in acknowledgement of what a senior administration official described as “Morocco’s steadfast support in the global war on terror”. The status lifted restrictions on arms sales. The USA also signed a free-trade agreement with Morocco.

The Personal Envoy of the UN Secretary-General for Western Sahara, James Baker, resigned in June after seven years of failed efforts to resolve the dispute over the territory’s status. Morocco’s efforts to convince the international community of its sovereign rights over Western Sahara suffered a setback in September when South Africa formally established diplomatic ties with the Polisario Front, which calls for an independent state in Western Sahara and operates a self-proclaimed government-in-exile in refugee camps near Tindouf, south-western Algeria. A new war of words subsequently flared up between Morocco and neighbouring Algeria.

Equity and Reconciliation Commission

On 7 January an Equity and Reconciliation Commission was inaugurated by King Mohamed VI to “close the file on past human rights violations”. One of its tasks is to complete payment of compensation to victims of “disappearances” and arbitrary detention that occurred between the 1950s and 1990s. The Commission is also charged with providing other forms of reparation to enable victims to be rehabilitated and reintegrated into society, and with proposing measures to prevent recurrence of such human rights violations. To this end, it consulted

with victims and associations representing them on a range of ideas. By December the Commission had received requests for reparations concerning more than 16,000 victims.

Another main task of the Commission is to establish the fate of hundreds of people who “disappeared” in previous decades and, in the case of those who died in detention, to locate their remains. During the year the Commission collected testimonies from relatives of the “disappeared” and began preparing a report, due in April 2005, that would set out the reasons and institutional responsibilities for grave violations up to 1999. In December it began organizing public hearings, broadcast on radio and television, in which dozens of witnesses and victims would present their testimonies.

However, the Commission’s statutes categorically excluded the identification of individual perpetrators and rejected criminal prosecutions, prompting the UN Human Rights Committee in November to express concern that no steps were planned to bring to justice those responsible for “disappearances”. Some perpetrators were alleged to remain members or even high-ranking officials of the security forces.

Abuses during the ‘counter-terrorism’ campaign

The authorities continued their clampdown on suspected Islamist activists, a campaign that began in 2002 and intensified following the killing of 45 people in bomb attacks in Casablanca on 16 May 2003. Over 200 people were sentenced to prison terms ranging from several months to life imprisonment, convicted of belonging to “criminal gangs” or of involvement in planning violent acts. Those sentenced to death in 2003 remained in custody at the end of the year. No executions have taken place in Morocco/Western Sahara since 1993. Several of those sentenced in 2004 were allegedly tortured to extract confessions or to force them to sign or thumbprint statements they rejected. Other breaches of the right to a fair trial were reported, such as the frequent rejection by courts of requests by defence lawyers to call defence witnesses.

In February, AI sent a memorandum to the authorities detailing the findings of its research into the alleged torture in 2002 and 2003 of dozens of suspects held in secret detention by the Directorate for the Surveillance of the Territory (the internal intelligence service), allegations the authorities had dismissed as baseless at the time. Subsequently, the authorities acknowledged that a limited number of abuses may have occurred, and in July the Prime Minister declared that investigations would be carried out and “appropriate measures” taken against those responsible. Several investigations were started and a

law to combat torture was drafted.

The UN Human Rights Committee expressed concern in November about the large number of alleged cases of torture or ill-treatment in detention and the lack of independent investigations into them.

Women's rights

On 3 February a new Family Code was promulgated which significantly improved the legal framework for women's rights. Husbands and wives were accorded equal and joint responsibility for running the family home and bringing up children, and the wife's duty of obedience to her husband was rescinded. The minimum age of marriage for women was raised from 15 to 18, the same as for men, and the requirement of a male marital tutor (*wali*) for women to marry was eliminated. Severe restrictions were imposed on male polygamy. The right to divorce by mutual consent was established and unilateral divorce by the husband was placed under strict judicial control. However, provisions governing inheritance rights, which widely discriminate against women, remained almost entirely unchanged.

Confirming the findings of local women's rights organizations, the UN Human Rights Committee expressed its concern in November about the high level of domestic violence against women.

Pardon of political prisoners

On 7 January a royal pardon was granted to 33 people, including political prisoners and prisoners of conscience. Among them were human rights defenders, journalists and Islamist activists, including Ali Lmrabet, a Moroccan journalist sentenced to three years' imprisonment in June 2003, and Ali Salem Tamek, a human rights defender from Western Sahara sentenced to two years' imprisonment in October 2002.

Rights of migrants

Hundreds of migrants, most from sub-Saharan Africa, were arrested and deported. Several alleged that the security forces used excessive force during arrest or tortured or ill-treated them in custody. In April, two Nigerian nationals died reportedly after being shot by the security forces near the border with the Spanish enclave of Melilla. The authorities launched an investigation into the incident.

The UN Special Rapporteur on the human rights of migrants published a report in January following a visit to Morocco in October 2003. She expressed particular concern about the situation of sub-Saharan migrants who often "live in the most appalling conditions". She noted

that “many of them, fleeing from conflict in their own countries, have no assurance that they will be granted refugee status or that their asylum applications will be considered before they are escorted to the border” for deportation. The Special Rapporteur reported that “neither the authorities responsible for law and order and for control of air, sea and land borders, nor the judicial authorities, have clear information regarding refugee status”. She recommended, among other things, that “a plan of action be drawn up to protect migrants’ rights through training for judicial authorities, access to appeal procedures, awareness-raising and information campaigns.”

Expulsion of journalists

At least five foreign journalists reporting on Western Sahara were expelled, apparently as part of an attempt by the authorities to prevent independent reporting on the territory. The expulsions were not preceded by judicial rulings and the journalists were not allowed to submit reasons against their expulsion or to have their cases reviewed by a judicial authority.

- Catherine Graciet and Nadia Ferroukhi, respectively a French journalist and a French-Algerian photographer, were arrested at a police roadblock by men in plain clothes on 27 January as they were travelling to Western Sahara to report on living conditions there. They were detained overnight in a hotel and then taken to Agadir, where they were reportedly questioned by police in plain clothes and then obliged to take a flight to France. They said that the authorities accused them of not having notified the Moroccan authorities that they planned to report on Western Sahara before travelling to the region. Official sources said that they were expelled because they were suspected of undertaking “propaganda” activities in favour of the Polisario Front and were found in possession of “large amounts of documentation” favourable to the Polisario Front’s position.

Polisario camps

The Polisario Front freed 200 Moroccan prisoners of war whom it had captured between 1975 and 1991 and detained ever since in its camps near Tindouf, south-western Algeria. One hundred were released in February and another 100 in June. They were then repatriated under the auspices of the International Committee of the Red Cross. However, 412 remained in detention at the end of the year. Under international humanitarian law, the Polisario Front was obliged to release the prisoners without delay after the end of armed hostilities in 1991

following a ceasefire brokered by the UN.

Those responsible for human rights abuses in the camps in previous years continued to enjoy impunity. The Polisario authorities failed to hand over perpetrators still resident in the camps to the Algerian authorities to be brought to justice, and the Moroccan government failed to bring to justice perpetrators of abuses in the Polisario camps who had left the camps and were present on its territory.