

Submission by: Front Line; The International Foundation for the Protection of Human Rights Defenders. (Front Line has Special Consultative Status with the Economic and Social Council of the United Nations)

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Introduction

The following submission has been prepared based on information received from independent human rights defenders in Morocco and Western Sahara. Front Line is an international NGO in Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Front Line is deeply concerned about the ongoing persecution of independent human rights defenders (HRDs) in Morocco and particularly in Moroccan administered Western Sahara. HRD's are regularly victims of assault and harassment by the Moroccan authorities. The following submission is divided into two parts, the first concerning human rights defenders in Morocco the second concerning human rights defenders in Western Sahara.

Human rights defenders at risk in Morocco

The *Association Marocaine des Droits de l'Homme* - AMDH (Moroccan Association for Human Rights), is a non-governmental organisation founded in 1979, which works to defend and protect human rights in Morocco. The organisation and its members have been subjected to ongoing arrests, unfair trials, ill treatment and physical attacks by the authorities. On 1 May 2007, following peaceful demonstrations to mark International Workers Day, seven members of the AMDH, including **Abderrahim Karrad, Mehdi Berbouchi Thami Khyati, Youssef Reggab, Oussama Ben Messaoud, Ahmed Al Kaateb** and **Rabii Raïssouni** were arrested. They were prosecuted for "*offences against the sacred values of the kingdom*", for having allegedly chanted slogans criticising the monarchy during the demonstrations. According to reports, the HRDs did not receive fair trials, were subject to ill-treatment during their arrest, and were allegedly threatened while they were interrogated. Abderrahim Karrad and Mehdi Berbouchi were sentenced to two years imprisonment and fined 10,000 Dirham each. The remaining five were sentenced to a three-year prison term and fined 10,000 Dirham each.

On 5 and 6 June 2007, **Abdelkbir Rabaoui, Abass Abbassi, Mohamed Fadel, Abdelaziz Timor, Brahim Ahansal, Smaïn Amrar, Mohamed Boughrine, Abderrahmane Aaji,**

Mohamed Yousfi and Nabil Cherqui, all members of AMDH, were arrested in Beni Mellal for participating in a peaceful demonstration, on 5 June 2007, in solidarity with their above-mentioned colleagues. They are accused of the same crimes as their colleagues. On 26 June 2007, three of the HRDs were sentenced to two months in prison, six members were acquitted and Mohamed Bougrine (72 years) was sentenced to one year in prison and fined 1000 *Dinars*. During an appeal hearing, Mohamed Bougrine's sentence was extended to three years. The nine other HRDs received a one year prison sentence, but were eventually released. On 15 June 2007, the police violently dispersed a peaceful demonstration organised in support of the detained AMDH members. According to reports at least seventeen members of AMDH were injured, including: **Khadija Nitassi**, who suffered a fracture to her foot; **Hassan Mahfoud**, who suffered from a burst eardrum; AMDH President **Khadija Ryadi** along with Vice-Presidents **Amine Abdelhamid** and **Abdelilah Ben Abdeslam** and **Omar Akji**, President of the Tiflet section of AMDH, were also seriously injured.

Freedom of Expression

The Moroccan Constitution provides for freedom of opinion and expression and states that "no limitation, except by Law, shall be put to the exercise of such freedoms". Yet in spite of its supposedly favourable position in the constitution, Morocco's commitment to freedom of expression has been tested over and over again, and has too often been found wanting. There are three constraints on freedom of expression in Morocco that are not open to discussion; the Monarchy, Islam and Western Sahara. Any attempt to criticize any aspect of the regime's interpretation of these three fundamental pillars has too often led to drastic consequences. Article 41 of the press code also stipulates that any offence against the King or the Royal Princes will be punished by three to five years imprisonment and a fine of up to 100.000 *Dirhams*. The same punishment will be issued for an offence against Islam, the monarchical system or Morocco's territorial integrity.

Western Sahara

Human rights defenders are arbitrarily arrested, sentenced at unfair trials, subjected to ill treatment and torture while in detention. HRDs are often placed under intrusive surveillance and are frequently detained and interrogated about their work and their contacts. The authorities regularly prevent HRDs from interviewing victims of human rights violations. The security forces conduct illegal searches at the homes of HRDs often confiscating human rights reports and damaging their personal belongings. HRDs are subject to travel restrictions and their passports are confiscated. Human rights organizations are denied legal registration and those organisations that are registered are not allowed to operate.

Freedom of Association

The right to freedom of expression and peaceful association is enshrined in international treaties to which Morocco is a state party. However, independent human rights organisations in Western Sahara are prevented by the Moroccan authorities from legally registering. Other measures are also taken by the authorities in order to impede the legitimate work of such organisations. Some HRDs have been prosecuted for membership of an illegal organisation because they continued to operate in defiance of the denial of registration. Independent Non Governmental Organisations (NGO's) are prevented from holding meetings.

The **Association Sahraouie des Victimes de Violations Graves des Droits Humains Commises par l'Etat Marocain- ASVDH**, (the Saharawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State) has been denied legal registration by the Moroccan authorities and its members have been prevented from meeting.

The ASVDH has made a formal complaint in relation to the fact that their request to register was turned down on 31 March 2006. The Association's Executive Committee has reported that their initial request was authorised by a Juge d'instruction in Agadir, but this decision was appealed by the Moroccan authorities and reversed for what are believed to be politically motivated reasons.

The Moroccan organization **AMDH** established a branch in Laâyoune in Western Sahara in 1997. Although the AMDH Sahara Branch is legally registered, the organisation was forced to shut its office down in 2003, after it was not granted a second licence to rent premises. To date the AMDH – Sahara Branch has not been permitted a licence to rent.

The **Forum Vérité et Justice** (Forum for Justice and Truth) is a Moroccan organization established in 1999 to establish the truth about human rights violations, put an end to impunity and pursue redress and rehabilitation for the victims. In June 2003, a court order was issued to dissolve the Western Sahara branch of the organisation, which had initially been legally registered. A complaint had been made against the branch by the Moroccan authorities who accused the Forum of "conspiring with international bodies and organisations which are hostile to Morocco, with the aim of causing the diplomatic position of the Kingdom to deteriorate" and "being responsible for slogans hostile to territorial integrity." Prior to the closure of the branch the Forum had been publicising reports documenting human rights violations committed by the Moroccan authorities, including through cooperation with international human rights organisations and the United Nations. On 20 February 2006, the Executive Committee of the *Forum Vérité et Justice* Sahara Branch applied for a new registration under the same name but have not as yet received an outcome for this application.

The **Collectif des Défenseurs sahraouis des droits de l'homme – CODESA (Collective of the Saharawi Human Rights Defenders)** is a newly formed NGO, which is active in promoting human rights and monitoring and documenting human rights violations. The organisation has submitted documents to the Moroccan authorities requesting that it be legally registered. On 7 October 2007, CODESA attempted to hold a General Assembly but was denied permission by the Moroccan authorities to hold the event.

There are a number of informal committees, which operate throughout Western Sahara. Many work on behalf of the families of the disappeared. These committees are also in a vulnerable situation operating without legal registration.

Detention of human rights defenders

Many Saharawi human rights defenders have been victims of arrest and detention because of their human rights work, often having been convicted as a result of unfair trials. Charges include participation in or inciting violent activities. Front Line continues to receive reports of the torture and ill treatment of human rights defenders in detention.

Brahim Sabbar, the Secretary General of the *Association Sahraouie des Victimes de Violations Graves des Droits Humains Commises par l'Etat Marocain*- ASVDH (the Saharawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State) and **Ahmed Sbai**, member of the Advisory Council of ASVDH, and of the *Comité pour la Protection des Détenus de la Prison Noire – CPDPN* (Committee for the Protection of 'Black Prison' detainees), were arrested on 17 June 2006 in Boujdour, Western Sahara. They were arrested shortly after the ASVDH published an extensive report detailing allegations of arbitrary arrests, torture and ill treatment in Western Sahara. On 6 March 2007, both men were sentenced to 12 months imprisonment for belonging to an unauthorized association and

allegedly inciting violent protest activities against the Moroccan administration of Western Sahara. They are currently detained in the Laâyoune Civil '*Black Prison*'. On 22 May 2007, the Court of Appeal extended their sentence by a further six months. Two international observers were reportedly prevented from observing the trial proceedings and Moroccan security forces surrounded the courtroom prior to the trial in order to prevent people from entering the building. Brahim Sabbar was also sentenced to two-years in prison on 27 June 2006 for assaulting and disobeying a police officer. An appeal court upheld this decision on 20 July 2007. Brahim Sabbar denies the accusations and claims that he has been denied access to the police report that was used as evidence against him.

On 19 January 2007, Brahim Sabbar suffered a leg broken as a result of a physical assault orchestrated by members of the CMI in the cell that he was sharing with Ahmed Sbai and sixteen other political prisoners at Laâyoune Civil '*Black Prison*'. Reports received allege that a number of prisoners were beaten with batons. All the prisoners were subsequently handcuffed. Brahim Sabbar was refused access to medical treatment and denied visitation rights and the right to make phone calls. The attack followed a month of demonstrations by the human rights defenders and the political prisoners at the "*Black Prison*". Front Line is deeply concerned about the physical well being of Brahim Sabbar.

Torture and ill-treatment of human rights defenders in detention

Mohamed Tahlil, President of the Boujdour Committee of the ASVDH was arrested by police at a checkpoint outside Laâyoune on 18 April 2007. He reports that he was blindfolded and brought to an unknown place where he was subjected to acts of inhuman and degrading treatment. It is reported that he was undressed, cold water was poured on him, and he was physically assaulted. He was abandoned at 11.00pm at the Erraha district. Mohamed Tahlil has been arrested prior and subsequent to this occasion.

Houssein Lidri and Brahim Noumria are members of the officially dissolved Sahara Branch of the *Forum Vérité et Justice* and have been the victims of arbitrary arrest, detention, torture and ill-treatment. In the morning of 20 July 2005, Houssein Lidri and Brahim Noumria were arrested by members of the Moroccan security forces, at the home of the human rights defender, Fatma Ayacha in Laâyoune. On the day preceding the arrests, Houssein Lidri had given an interview to the Arabic satellite television channel, *Al-Jazeera*, about the arrest of Ali-Salem Tamek, whilst Brahim Noumria had given an interview about the human rights situation to a Spanish newspaper. The men were brought to the police station in Laâyoune, where they were reportedly questioned by members of the *Groupe Urbain de sécurité* (GUS), in connection with the recent demonstrations. After two hours they were transferred to an illegal detention centre. They were allegedly bound and gagged and taken to the headquarters of the Mobile Intervention Company (CMI) where they were detained for two days and systematically tortured. Both men claim to have been suspended in contorted positions and to have been subjected to severe beatings, sleep deprivation, prolonged interrogation and other cruel and inhumane acts. Brahim Noumria claims that he had previously been held and tortured at the same CMI headquarters during the time that he was "disappeared" in the 1980s. Houssein Lidri claims to have recognised the voices of those who tortured him and that they were members of the GUS and *Renseignements Généreux*.

On 22 July 2005, Houssein Lidri and Brahim Noumria were reportedly transferred to the police station in Laâyoune, before being brought before the judicial authorities in Laâyoune. They allege that the judicial authorities refused to accept their complaints of ill-treatment and that they were denied access to medical treatment. Their detention period was then extended by 24 hours. Houssein Lidri and Brahim Noumria were reportedly transferred back to CMI where they were detained for a further several hours and tortured again. On 23 July 2005, Houssein Lidri and Brahim Noumria were charged in relation to allegedly participating in and inciting

violent protest activities and belonging to an unauthorized association. At this point they were permitted to submit a complaint and to request medical attention. The medical examination, conducted by a doctor appointed by the authorities on 25 July 2005, concluded that the only physical evidence visible were marks on their wrists and ankles as a result of having been bound. However witnesses who saw the two men whilst in detention, including lawyers and other detainees, state that both men showed visible physical signs of having been severely beaten and that it was clear that both men had been tortured.

On 1 August 2005, Houssein Lidri and Brahim Noumria together with two others endured a transfer journey lasting approximately 20 hours to Okacha prison, Casablanca. They were reportedly blindfolded and forced to lie face down on the floor of an unventilated van with their hands bound behind them. They were not given access to a lavatory. They were held at Okacha Prison in Casablanca for two months. Houssein Lidri, along with other detained Saharawi human rights activists and demonstrators, reportedly engaged in a hunger strike from 8 August to 29 September 2005 to demand, among other things, improved conditions of detention, investigations into the allegations of torture against himself and Brahim Noumria, their return to Laâyoune Civil Prison and their release. Both HRDs were subsequently transferred back to Laâyoune Civil Prison. Brahim Noumria went on hunger strike a second time from 20 October to 3 November 2005 to protest at poor prison conditions.

In 2005, a Front Line delegation met with Mr Bez, Crown Public Prosecutor at the Court of Appeal in Laâyoune, who is responsible for the investigation into complaints of torture. The Front Line delegation was assured that the complaint of torture would be fully investigated. To date there is no evidence that those allegedly responsible have even been questioned and the victims have not been interviewed about their complaint.

Travel Restrictions

On 12 October 2007, **El Ghalia Djimi**, the Vice-President of the ASVDH, was refused a '*certificate of authorisation to leave the country*' by her employer the Director of the Provincial Department of Agriculture of El Ayoune. The certificate of authorisation is a document that every civil servant must obtain in order to travel abroad. The Director of the Provincial Department of Agriculture did not apparently justify his decision and has confiscated all the documents El Ghalia Djimi had submitted. Her annual holidays were scheduled to begin on 15 October and to end on the 26 November 2007. It was during her annual leave that she had intended to travel to France, at the invitation of Amnesty International, and to Ireland to attend the Dublin Platform for Human Rights Defenders organised by Front Line from 22 – 24 November 2007. El Ghalia Djimi intends to reapply for authorisation to leave Morocco so that she can attend the Front Line conference.

Sidi Mohammed Dadach, an ex-political prisoner and winner of the 2002 RAFTO prize for human rights was prevented him from travelling on 23 March 2003. He had been en route to Geneva to the UN Human Rights Commission, when he was arrested by the Moroccan authorities at the airport. His passport was confiscated and he was detained along with three other people that he had been travelling with. He was released shortly afterwards but his passport was not returned to him. As there is no known legal reason preventing Sidi Mohammed Dadach from travelling, his support for self-determination for the Saharawi people may have provoked the authorities actions. Sidi Mohammed Dadach appealed to a Tribunal of the Agadir Administrative Court for the return of his passport and received a positive decision on 12 February 2004. However, the Minister of the Interior reportedly appealed against this decision and it was overturned. Sidi Mohammed spent 25 years in prison over two separate prison sentences. He was released from prison in 2001. To date, he has been not permitted to travel.

Front Line calls upon the UN to urge the authorities in Morocco to prioritise the protection of human rights defenders and in doing so to:

- (1) To conduct an independent inquiry into the source of threats, ill-treatment, torture and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this submission;
- (2) To ensure that all human rights defenders in Morocco and Western Sahara are free to carry out their human rights activities free from persecution;
- (3) To invite the UN Special Representative for Human Rights Defenders to Morocco.

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