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# MOROCCO / WESTERN SAHARA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, several associations remained deprived of legal status because of the refusal of the local authorities to issue the receipt confirming the delivery of their declaration of incorporation. In addition, several peaceful rallies organised for the defence of human rights were repressed and several supporters were arbitrarily detained for denouncing corruption and violations of human rights committed in Western Sahara.

## Political context

In response to the protests that began on February 20, 2011 in cities across the country and inspired by movements in the region with similar claims and calling for constitutional reforms and the fight against corruption, King Mohamed VI promised a series of reforms to allow a “consolidation of the rule of law and institutions, expanding the scope of individual and collective freedoms and guarantees of their exercise, as well as strengthening human rights in all their dimensions, political, economic, social, cultural, environmental and developmental”. Thus, on March 3, 2011, the King appointed a new ombudsman at the national level and set up a National Council for Human Rights (NCHR)<sup>1</sup>; on March 9, he announced the creation of an *ad hoc* committee to prepare a “comprehensive constitutional reform”<sup>2</sup>; on March 18, he appointed an inter-ministerial delegate for human rights responsible for the coordination of public policy in this area; and, on April 14, he granted amnesty to nearly 190 prisoners, including many political prisoners who had their sentences commuted or reduced. However, institutional reforms have been expected since the publication in 2005 of the final report of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER) containing a series of recommendations to ensure compliance with the

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1/ The creation of the NCHR ended the mandate of the Advisory Council on Human Rights (*Conseil consultatif des droits de l'Homme* - CCHR). Its competencies include the protection and promotion of human rights, including the implementation of the recommendations of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER). It may, in particular, request the judiciary to open investigations into violations of human rights.

2/ On June 17, 2011, the King presented the constitutional reform, which includes expanding the powers of the Prime Minister and more guarantees of the independence of the Supreme Council of Magistracy.

rule of law and non-repetition of violations of human rights<sup>3</sup>. Five years later, no significant advance was registered in the implementation of these recommendations. The announcement by the Head of the State in December 2008, to lift the reservations to the ratification in 1993 of the Convention on the Elimination of All Forms of Discrimination Against Women, was not implemented.

In 2010, the freedom of the press continued to be restrained. Thus, the *Journal hebdomadaire* newspaper and the weekly Arabic-language *Nichane* had to close in January and October 2010, victims of a financial choking led by the authorities because of their often critical editorial position<sup>4</sup>. Moreover, on October 29, 2010, the Ministry of Communication announced the closure of the office of *al-Jazeera* and the withdrawal of accreditation of its journalists for having “breached journalistic ethics”, “seriously impaired the image of Morocco” and “manifestly harming its best interests, headed by the issue of territorial integrity”<sup>5</sup>. The proposed reform of the Press Code, initiated in 2007, also remained deadlocked because of a disagreement over the removal of press offenses between the Ministries of Communications and Justice on the one hand and representatives of the National Union of the Moroccan Press (*Syndicat national de la presse marocaine*) and the Moroccan Federation of Newspaper Publishers (*Fédération marocaine des éditeurs de journaux*) on the other. Keeping these offenses punishable by prison sentences continued to expose journalists, especially those who denounce violations of human rights, to prison terms or significant fines.

Moreover, the situation of human rights in Western Sahara did not improve in 2010-2011. In April 2010 and in 2011, the mandate of the United Nations Mission for a Referendum in Western Sahara (MINURSO) was extended for one year. During the adoption of the resolution 1979 dated April 28, 2011, the Security Council did not extend the mandate of MINURSO to the issue of human rights in Western Sahara, despite the demands of human rights organisations to set up a protection

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3/ The IER was created in November 2003 at the initiative of King Mohammed VI to establish a record of violations of human rights from Morocco's independence (1955) to the death of King Hassan II (1999).

4/ They were mostly victims of an advertising boycott.

5/ The decision came just days after *al-Jazeera* journalists visited Laayoune to investigate the death of a young man. No proceedings were instituted against the network prior to the closure of its premises. See FIDH and Moroccan Organisation of Human Rights (*Organisation marocaine des droits de l'Homme* - OMDH) Joint Press Release, November 3, 2010 and Reporters Without Borders (RSF) Press Release,

mechanism<sup>6</sup>. The city of Laayoun was also shaken in November 2010 by violent clashes between security forces and Saharawi people, leading to the death of twelve policemen and two civilians<sup>7</sup>.

### **Continued obstacles to freedoms of association and peaceful assembly**

Although freedom of association is established and governed by the Dahir (Royal Decree) No. 1.58.376 dated November 15, 1958, and amended in 2002 and 2006, several associations are deprived of a legal status. Thus, the National Association of Unemployed Graduates in Morocco (*Association nationale des diplômés chômeurs au Maroc* - ANDCM), the Group Against Racism and for Assisting and Defending Foreigners and Migrants (*Groupe antiraciste d'accompagnement et de défense des étrangers et des migrants* - GADEM), the Ennassir Association for the Support of Islamist Prisoners (*Association Ennassir pour le soutien des détenus islamistes*), the Amazigh Network for Citizenship (*Réseau amazigh pour la citoyenneté*) or the Saharawi Association of Victims of Grave Human Rights Violations Committed by the State of Morocco (*Association sahraouie des victimes de violations graves commises par l'Etat marocain* - ASVDH), were still not able to legally exist because they did not receive the receipt for the delivery of their founding documents to the local authorities.

Furthermore, although freedom of assembly is guaranteed by the Dahir No. 1.58.377 dated 1958, the authorities continued to repress peaceful gatherings organised for the defence of human rights. Thus, sit-ins and rallies organised by the ANDCM across Morocco continued to be regularly repressed by the authorities. For example, on November 17, 2010, during the Islamic Feast of Sacrifice (*eid al-adha*), the section of al-Hoceima of ANDCM tried to organise a peaceful march from the city centre in al-Hoceima to the wilaya to call for the respect of the right to work<sup>8</sup>. The police brutally attacked demonstrators from the beginning of

6 / Indeed, talks begun by the United Nations following the Moroccan initiative for negotiating an autonomy statute in the Sahara region, as presented to the UN in April 2007, have still not reached a conclusion.

7 / Two according to OMDH, three according to the Sahrawi Association of Victims of Gross Violations of Human Rights committed by the State of Morocco (*Association sahraouie des victimes des violations graves des droits de l'Homme commises par l'Etat du Maroc* - ASVDH). See ASVDH Press Release, November 13, 2010. The dismantling on November 8, 2010 by the Moroccan security forces of the Saharawi camp at Gdeim Izik, located a few kilometers from Laayoun, was responsible for these events. The camp was set up on October 10 by the Saharawi people to protest against the failure of socio-economic rights and the right to self-determination. The police also arrested hundreds of people. The majority of those arrested were subsequently released without charge against them but, in late April 2011, 26 Saharawi prisoners, including two women, were detained at the central prison of Laayoun. See ASVDH Press Releases, April 16 and 18, 2011.

8 / Administrative unit.

the gathering. Several people were injured and some had to be rushed to the hospital of the city<sup>9</sup>. Similarly, on February 26, 2011, police broke up with clubs a ANDCM sit-in calling for respect of the right to work in Taourirt, injuring several demonstrators<sup>10</sup>. Moreover, on February 21 and 22, 2011, members of the Moroccan Auxiliary Forces (*Forces auxiliaires marocaines* - FAM) and the Mobile Intervention Corps (*Corps mobile d'intervention* - CMI)<sup>11</sup> violently dispersed peaceful demonstrators gathered on the square in Bab el-Had in Rabat to support the requests for the political and socio-economic needs for a greater respect for human rights and a sit-in in solidarity with the Libyan people in front of the Embassy of Libya in Rabat. Several people were injured and twelve protesters were hospitalised, including Ms. **Khadija Riyadi**, President of the Moroccan Association for Human Rights (*Association marocaine des droits humains* - AMDH), and Messrs. **Abdel-ilah Benabdesselam**, AMDH Vice-President and a member of the OMCT General Assembly, **Abdelkhalek Benzekri** and **Mohamed Amri**, members of AMDH central office<sup>12</sup>. In addition, on March 31, 2010, the Court of Appeals of Marrakech upheld the conviction of eleven student members of the National Union of Moroccan Students (*Union nationale des étudiants marocains* - UNEM) to terms ranging from two to four years in prison. Accused of “participation in an armed gathering” and “violence against officers in service”, they had been sentenced on July 9, 2009 in first instance for participating in a demonstration on May 14, 2008 demanding better work conditions. Nine of them were released in May 2010 after serving their sentences<sup>13</sup>.

### Judicial harassment against defenders denouncing corruption

In 2010, several defenders fighting against corruption were subjected to judicial harassment. On March 8, 2010, Mr. **Mohamed Attaoui**, of the daily Arabic-language newspaper *al-Monataf* and President of the Association Future for Cedar and Sheep (*Association avenir pour le cèdre et le mouffon*), was arrested following the publication of several articles in which he denounced the smuggling of timber cedar by officials of rural municipalities in the region of Midelt, with the complicity of the police and the Office of National Water and Forests. His association also

9/ See ANDCM Press Release, November 18, 2010.

10/ See ANDCM Press Release, February 27, 2011.

11/ The FAM is a service of military order and rule, under the jurisdiction of the Interior Ministry. The CMI coordinates the FAM and consists of rapid response units.

12/ See AMDH.

13/ This included Ms. **Zohra Boudkhour** and Messrs. **Galal al-Qitbi**, **Abdelallah al-Rashidi**, **Alaa al-Dirbali**, **Mohamed Gamil**, **Youssef Mashdoufi**, **Mohamed al-Arabi Gadi**, **Youssef al-Alawi** and **Ousman al-Chouni**. Messrs. **Khalid Meftah** and **Mourad Chouini** remain in prison, the first having been sentenced to three

stood in March 2010 as plaintiff in a lawsuit against those responsible for trafficking. On March 22, 2010, he was sentenced to two years in prison by the Court of Midelt, ostensibly for having extorted the sum of 1,000 dirhams (about 90 euros). Mr. Attaoui, who was released on bail on April 15, 2010, appealed the decision but the trial was postponed several times. As of April 2011, the case was still ongoing<sup>14</sup>. Moreover, on April 14, 2011, Mr. **Chakib el-Khayari**, President of the Rif Association for Human Rights (*Association du Rif des droits de l'Homme* - ARDH) and member of the Federal Council of the World Amazigh Congress (*Congrès mondial amazigh* - CMA), was granted a royal amnesty and released. Mr. el-Khayari had been sentenced on appeal in November 2009 by the Court of Casablanca and sentenced to three years in prison and a fine of 750,000 dirhams (about 68,500 euros) for “insulting the Government”, after revealing to foreign sources information about senior civil servants involved in corruption and a network of drug trafficking in the Rif region. In addition, the authorities banned four times between December 9, 2010 and January 6, 2011 the Transparency-Morocco Association from holding a ceremony to award the “integrity prize” to Mr. el-Khayari and Mr. **Abderrehim Berrada**, a lawyer and founding member of Transparency Morocco, because of their fight against corruption<sup>15</sup>.

### **Obstacle to the freedom of movement of a human rights defender**

In 2010, a Tunisian defender who was to visit Morocco was prevented from entering the territory. On September 30, 2010, Mr. **Kamel Jendoubi**, President of the Euro-Mediterranean Human Rights Network (EMHRN) and an executive board member of OMCT, was turned away from Moroccan territory upon debarking the plane from Paris, with no reason given by the Moroccan authorities. He was then forced to spend the night on the plane before leaving for Paris. Mr. Kamel Jendoubi went to Rabat to receive a tribute to his action for human rights at a ceremony organised by the Moroccan Organisation for Human Rights (*Organisation marocaine des droits de l'Homme* - OMDH).

14/ See articles published in *al-Monataf*, January 14 and February 16, 2010.

15/ Following a decision of the Administrative Tribunal of Rabat which set aside a judicial decision of the Wali of Rabat on the prohibition of the award ceremony, they were finally able to hold the ceremony in early May 2011. See AMDH.

## Continued harassment of defenders denouncing human rights violations in Western Sahara

In 2010-2011, Sahrawi human rights defenders continued to be subjected to intimidation by the Moroccan authorities. Thus, on February 7, 2010, ten Moroccan police officers broke into the hotel room of Mr. **Hassan Duihi**, ASVDH member, to take him to the police station. Mr. Duihi was in the town of Tiznit, where he was accompanying, as a translator, two international observers delegated by the General Council of Spanish Lawyers (*Conseil général des avocats espagnols*) to the trial of ten young peaceful Saharawi activists defending the right to self-determination, which took place on February 8, 2010. He was released without charge on February 9, 2010. During his detention, the police interrogated him on the Sahara's proposal for autonomy and the Achahid Khat Movement<sup>16</sup>. On December 12, 2010, two plainclothes Moroccan police officers came to the house of Ms. **Djimi el-Ghalia**, Vice-President of the ASVDH, to prevent her from talking to two Spanish activists who had come from Madrid to meet her<sup>17</sup>. Moreover, the trial of seven human rights defenders from Western Sahara began in October 2010 before the Court of Casablanca. They were arrested on October 8, 2009 at the Mohamed V Airport in Casablanca as they were returning from a visit to the Saharawi refugee camps in south-western Algeria. Mr. **Ali Salem Tamek**, Vice-President of the Sahrawi Collective of Human Rights (*Collectif des défenseurs sahraouis des droits de l'Homme - CODESA*), Mr. **Brahim Dahane**, President of ASVDH, Mr. **Ahmad Anasiri**, Secretary General of the Saharawi Committee for the Defence of Human Rights in Smara (*Comité sahraoui pour la défense des droits humains à Smara*), a member of the coordinating council of ASVDH and CEO of AMDH in Smara, M. **Yahdih Ettarouzi**, member of the AMDH in Laayoun, Mr. **Saleh Lebayhi**, Chairman of the Forum for the Protection of Saharawi Children (*Forum pour la protection des enfants sahraouis*) and Head of the AMDH branch in Smara, Ms. **Degja Lachgar**, member of the ASVDH executive branch, and Mr. **Rachid Sghaer**, member of the Committee Against Torture in Dakhla, were accused of "attack on the country's internal security". During the first half of 2010, they were all granted bail by the judge of the Military Court in Rabat<sup>18</sup>, which then referred the case to the Ain Sebaâ Court of First Instance in Casablanca<sup>19</sup>. As of late April 2011, the exact charges

16/ Movement that supports the autonomy of the Moroccan Sahara.

17/ See ASVDH Press Release, December 12, 2010.

18/ Ms. Degja Lachgar was released on January 28, 2010, Messrs. Saleh Lebayhi, Rashid Sghaer and Yahdih Ettarouzi on May 18, 2010 and Messrs. Ali Salem Tamek, Brahim Dahane and Ahmad Anasiri on April 14, 2010.

19/ See Annual Report 2010 and ASVDH Press Releases, May 20 and September 23, 2010, and February 13 and April 16, 2011.

against the seven defenders were still unknown and no hearing had taken place. Mr. **Yahya Mohamed al-Hafed Aaza**, member of CODESA, was meanwhile still being held at the end of April 2011 in the prison of Ait Melloul, near Agadir. His health was of great concern and he required hospitalisation for several days in December 2010. In addition, visits were limited to people with the same name as him. Mr. Aaza was arrested in February 2008 for participating in peaceful demonstrations during which one policeman was killed.

Moreover, rallies organised by Sahrawi activists were often repressed by the Moroccan authorities. For example, on March 2, 2011, the police brutally dispersed a rally organised by Sahrawi activists in the city of Laayoun calling for the respect of their economic and social rights and denouncing the maritime fishing agreement between Morocco and the European Union. Without notice, the police attacked and beat demonstrators, leaving 25 people injured<sup>20</sup>.

#### **Urgent Interventions issued by The Observatory from January 2010 to April 2011**

<b>Name</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
<b>Mr. Hassan Duihi</b>	Arrest	Urgent Appeal MAR 001/0210/OBS 024	February 25, 2010
<b>Mr. Kamel Jendoubi</b>	Obstacles to the freedom of movement	Urgent Appeal MAR 002/1010/OBS 120	October 1, 2010

<sup>20</sup> / See ASVDH Press Release, March 3, 2011.