



Morocco: Researched and compiled by the Refugee Documentation Centre of Ireland on 29th July 2009

Treatment of those accused of being anti-government

A report by the *US Department of State* under the heading '2008 Human Rights Practices: Morocco' subheading 'Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment' states:

"In July 2007 the government opened the trial of 52 individuals arrested in 2006 as part of the so-called Ansar El Mehdi case on charges of conspiring to overthrow the monarchy through terrorism. Many of the defendants claimed to the media, nongovernmental organizations (NGOs), and in court that they had been tortured and mistreated. They were denied permission to call witnesses, and in February the defendants were sentenced to 25 years in prison." (US Department of State (25th February 2009) *2008 Human Rights Practices: Morocco*)

It also states under the heading 'Political Prisoners and Detainees'

"The law does not distinguish political and security cases from common criminal cases. The government did not consider any of its prisoners to be political prisoners. The government stated that it detained individuals under criminal law only. Several NGOs, including the Moroccan Association for Human Rights (AMDH), Sahrawi organizations, and Berber activist groups, however, charged the government with detaining persons for political activities or beliefs under cover of criminal charges, such as AMDH members arrested for shouting antimonarchy slogans.

On April 13, police arrested Sahrawi activist Enaama Asfari in Marrakech after a night-time traffic altercation. He said that three plainclothes policemen slapped, punched, stripped, and kicked him, including in the stomach and on the soles of his feet, and burned him with cigarettes. They subsequently took him to a hospital for treatment, but when he requested a medical certificate of injury, he was whisked away. According to Asfari, he was later forced to sign a statement he had not written or read, admitting to drunk driving, and did so to stop the beatings. He was denied the opportunity to contact his family. During the trial the judge refused to allow a medical examination. Authorities expelled Asfari's wife and two other trial observers from Tan Tan and then the country for incitement. He was sentenced to two months in prison and fined 3,000 dirhams (\$420) and was freed on June 13.

On October 27, according to Amnesty International (AI) and Sahrawi activists, Mustafa Abdel Dayem, a member of both the AMDH and the Sahrawi Journalists' and Writers' Union, was arrested in Assa following antigovernment protests by Sahrawis. While Abdel Dayem claimed not to have participated in the protests,

he admitted to having lowered the national flag from the secondary school where he worked as a security guard. He explained that his action was intended to show his support and solidarity with the demonstrators and his opposition to the intervention of law enforcement officers to break up the protests.” (ibid)

A report by *Amnesty International* under the heading ‘Amnesty International Report 2009 - Morocco/Western Sahara’ subheading ‘Sahrawi activists’ states:

“Sahrawi human rights activists continued to face harassment, including politically motivated charges, restrictions on movement and administrative obstruction to prevent their organizations’ legal registration.

Ennaâma Asfari, co-President of the Committee for the Respect of Freedoms and Human Rights in Western Sahara, who lives in France, alleged that he was tortured by Moroccan security forces when he was detained while visiting the region in April. The authorities did not investigate his allegations and he was convicted of violent conduct and jailed for two months.

Brahim Sabbar, head of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH), was told by the security authorities that he should not visit areas in Laayoune in which other ASVDH members live after he was released from prison in June.

Hundreds of Sahrawis suspected of demonstrating against Moroccan rule or distributing pro-Polisario Front materials were arrested. Some were released after questioning; others were tried on charges of violent conduct in proceedings that were reported not to have complied with international standards of fair trial. Many complained that they were tortured or otherwise ill-treated by security forces during questioning and that information allegedly obtained under torture was used as evidence in convictions” (Amnesty International (28 May 2009) *Amnesty International Report 2009 - Morocco/Western Sahara*)

A report by *Human Rights Watch* under the heading ‘World Report 2009 - Morocco/Western Sahara’ subheading ‘Terrorism and Counterterrorism’ states:

“Hundreds of suspected Islamist extremists arrested in the aftermath of the Casablanca bombings of May 2003 continue to serve prison terms, despite a series of royal pardons that freed a few hundred of them. Many of those rounded up in 2003 were held that year in secret detention for days or weeks, subjected to mistreatment and sometimes torture while under interrogation, then convicted in unfair trials. Some of those convicted were sentenced to death, a punishment that Morocco has not abolished even though it has not carried it out since 1993. Since August 2006 police arrested hundreds more suspected Islamist militants, bringing the total to more than a thousand (by some estimates) as of September 2008.

Intelligence agencies continued to interrogate terrorism suspects at an unacknowledged detention center at Temara, near Rabat, according to numerous reports from detainees. Suspects allege that police tortured them under interrogation, while holding them in pre-charge custody for longer than the

12-day maximum the law provides for terrorism cases. "(Human Rights Watch (14th January 2009) *World Report 2009 - Morocco/Western Sahara*)

It also states under the heading 'The Justice System and Law Enforcement'

"Police are rarely held accountable for violating human rights. In cases with political overtones, courts rarely provide fair trials, ignoring requests for medical examinations lodged by defendants who claim to have been tortured, refusing to summon exculpatory witnesses, and convicting defendants on the basis of apparently coerced confessions" (ibid)

A report by *Freedom House* under the heading 'Freedom in the World - Morocco (2009)' states:

"In May 2003, local Islamist militants with links to al-Qaeda rocked Casablanca with a series of suicide bombings that targeted symbols of Morocco's Jewish community. The victims were mostly civilians, and the government's response was immediate and harsh. An antiterrorism law was passed, but it has since been used to prosecute nonviolent opponents of the king. Local and international human rights groups charged that the authorities were using the opportunity of the attacks to pursue vocal government critics." (Freedom House (2009) *Freedom in the World - Morocco 2009*)

It also states under the heading 'Political Rights and Civil Liberties'

"Given the concentration of power in the monarchy, opposition parties and even the cabinet are generally unable to assert themselves. The most vocal opposition party that remains respectful of the monarchy is the Justice and Development Party (PJD.) The most popular non-legal opposition movement is the Justice and Charity Movement headed by Nadia Yassine, the daughter of the founder of the movement, Abdesslam Yassine. Other, more overtly nonviolent Islamist groups that criticize the monarchical system are harassed by authorities and not permitted to participate in the political process." (ibid)

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.

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