



Covering events from January - December 2000

MOROCCO/ WESTERN SAHARA

Kingdom of Morocco

Head of state: King Mohammed VI

Head of government: Abderrahmane
Youssoufi

Capital: Rabat

Population: 28.3 million

Official language: Arabic

Death penalty: retentionist

2000 treaty ratifications/signatures:

Optional Protocol to the UN Children's
Convention on the

involvement of children in armed conflict;
Rome Statute of the International Criminal
Court



The arbitration commission, established in 1999 to decide on compensation for the victims of "disappearance" and arbitrary detention and their families, announced that it had examined 148 claims. However, the authorities failed to clarify the cases of several hundred "disappeared", most of them Sahrawis, or to acknowledge the deaths of some 70 Sahrawi who "disappeared" in secret detention between the 1970s and early 1990s. One long-term prisoner of conscience was released from house arrest in May. Four prisoners of conscience were tried and sentenced to prison terms. Hundreds of political arrests were made and more than 60 political prisoners sentenced after unfair trials in previous years continued to be detained. There were continued reports of torture of detainees and demonstrations were often repressed with excessive force. The failure to bring those responsible for human rights violations to justice remained a major concern.

Background

There was no tangible progress in negotiations between Morocco and the *Frente Popular para la Liberación de Saguia el-Hamra y Rio de Oro*, Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (known as the Polisario Front), on a proposed referendum on independence for Western Sahara. The UN Mission for the Referendum in Western Sahara (MINURSO) did not begin hearing the around 140,000 appeals concerning the register of people eligible to vote in the referendum and no new date was scheduled for the ballot.

Three national newspapers were banned in December following the publication of an article implicating the political left in a bid to kill the late King Hassan II in 1972. Earlier in the year, seven foreign and national newspapers had been subject to circulation bans, apparently in response to articles published in favour of independence for Western Sahara and criticizing the monarchy. Moroccan journalists were sentenced to suspended prison terms, fined and temporarily banned from journalism after being convicted of libel against a government minister. One foreign journalist was expelled from the country with no explanation.

Morocco's first centre for the rehabilitation of torture victims, a non-governmental initiative, was opened in Casablanca in May.

Redress for past human rights violations

In July the arbitration commission established by King Mohammed VI to decide on compensation for material and psychological damage suffered by the victims of "disappearance" and arbitrary detention and their families announced that it had examined 148 of the 5,819 compensation claims passed to it by the *Conseil consultatif des droits de l'homme* (CCDH), Human Rights Advisory Board, set up by King Hassan II in 1990. The commission awarded compensation totalling 140 million dirhams (US\$13 million) relating to 68 cases which had been examined and given priority. Survivors of the secret detention centre of Tazmamert, who were released in 1991 after 18 years' "disappearance", and the families of those who died there made up the majority of the beneficiaries.

However, families of those who died in Tazmamert who submitted compensation claims but refused to sign a declaration that they would abide by the decision made by the commission on their case were not awarded compensation. The commission's internal regulations state clearly that its decisions are final and admit no recourse to appeal. By the end of 2000, the families of "disappeared" people whose deaths had been officially acknowledged by the authorities had not been provided with information concerning the date, place and cause of their relatives' deaths and had not received their relatives' remains for burial or been told where they were.

The mandate of the arbitration commission is limited to the issue of compensation for the victims of "disappearance" and arbitrary detention and their families. In no case was an investigation known to have been carried out to establish responsibility for grave and systematic human rights violations which occurred in the past; the perpetrators, including those responsible for gross violations over long periods of time, were not brought to justice.

By the end of 2000, the cases of several hundred people, the majority of them Sahrawis, who "disappeared" between the mid-1960s and early 1990s, had not been officially clarified. The deaths between 1976 and 1991 of some 70 Sahrawi who "disappeared" in the secret detention centres of Agdz, Qal'at M'gouna and Laayoune had not been acknowledged by the authorities, and their families had not received the remains for burial or been told where they were.

Prisoners of conscience

One long-term prisoner of conscience was released, but four prisoners of conscience were sentenced to prison terms in 2000.

- 'Abdessalam Yassine, spiritual leader of the banned Islamist association *al-'Adl wa'l-Ihsan* (Justice and Charity) who had been held under

administratively imposed house arrest since December 1989, was released on 15 May 2000.

- In June, three Sahrawis were sentenced to terms of imprisonment by the Court of First Instance in Agadir for "threatening state security". Brahim Laghzal and Cheikh Khaya were sentenced to four years' imprisonment and Laarbi Massoudi to three years' imprisonment. In addition, they were fined 10,000 dirhams (US\$930) each. The Court of Appeal turned down an appeal against the verdict and increased Laarbi Massoudi's sentence to four years' imprisonment. The three men had been arrested in December 1999 in separate incidents in Tan Tan, Laayoune and Agadir. Two days later they were transported to military barracks where they alleged that they were tortured; these allegations were never investigated. They were interrogated about material they had been carrying linking them to the Polisario Front, including a video cassette of the Polisario's 10th Congress and the Constitution of the Sahrawi Arab Democratic Republic.
- On 17 February, Mustapha Adib, a Moroccan Air Force captain, was sentenced to five years' imprisonment by the Military Tribunal of Rabat and dismissed from the armed forces for indiscipline and dishonouring the army. His trial followed the publication of an article in the French newspaper *Le Monde* which quoted him as denouncing corruption in the Moroccan armed forces. The trial violated international standards for fair trial and was held behind closed doors. Following an appeal, the Supreme Court quashed the ruling in June on the grounds that there had been irregularities in the case and ordered a retrial. In October Mustapha Adib was sentenced by the Military Tribunal of Rabat to two and a half years' imprisonment and dismissed from the armed forces.

Torture/ill-treatment

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The number of reported cases of torture has significantly decreased in recent years, but information continued to be received that detainees held incommunicado and prison inmates were tortured or ill-treated in order to extract confessions and information, or to punish and intimidate them. Demonstrations continued to be dispersed with excessive force by the security forces.

- In May and June, the authorities used excessive force against several peaceful demonstrations by associations of unemployed graduates. Dozens of unemployed graduates and union leaders, including Amine 'Abdelhamid, Vice-President of the Moroccan Human Rights Association and leader of the Moroccan Union of Workers, were beaten with clubs and dozens more were arrested and held overnight.

Polisario camps

Freedom of expression, association and movement continued to be restricted in the camps controlled by the Polisario Front near Tindouf in southwestern Algeria. 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 authorities failed to bring to justice the perpetrators of abuses in the Polisario camps present on its territory.

Communications with the government



In response to a memorandum sent to the Moroccan authorities in April, AI received a set of documents from the Human Rights Ministry later in the year. The Ministry provided a list of 102 detainees under sentence of death, a list of 53 prisoners of war held by Morocco and detailed information on cases of prisoners of conscience, deaths in custody, torture and ill-treatment, and on the issue of "disappearances". The response indicated that judicial proceedings had been initiated against members of the security forces alleged to have been responsible for torture and ill-treatment, but did not provide any details of individual cases.
