

Morocco/Western Sahara

Morocco continues to present a mixed picture on human rights. It has made great strides in addressing past abuses and allowed considerable space for public dissent and protest in recent years. But authorities, aided by complaisant courts, continue to use repressive legislation to occasionally punish peaceful opponents and the police use excessive force to break up demonstrations, especially in outlying areas.

Controls were particularly tight in the restive and disputed Western Sahara region, which Morocco administers as if it were part of its national territory. A pro-independence movement known as the Polisario Front (Popular Front for the Liberation of the Saguia el-Hamra and Rio de Oro) contests Moroccan sovereignty and demands implementation of a stalled UN plan for a referendum on self-determination for the Sahrawi people.

Several hundred suspected Islamist extremists arrested in the weeks after the Casablanca bombings of May 2003 continue to serve prison terms, despite a series of royal pardons that freed a few hundred Islamist prisoners. The remaining prisoners held hunger strikes during the year to demand their freedom or a review of their convictions, and improvements in prison conditions. Many of those rounded up in 2003 had been held in secret detention for days or weeks and subjected to mistreatment, and sometimes torture, while under interrogation, and then convicted in unfair trials.

Reforms to the family law, enacted in 2004, raised the minimum age of marriage for women from fifteen to eighteen, made the family the joint responsibility of both spouses, rescinded the wife's duty of obedience to her husband, and placed the practice of polygamy under strict judicial control. Concerns remain that these reforms are being implemented at a slow pace.

Child labor is widespread, despite the Labor Code's ban on children under 15 working. Young girls working as live-in servants in private homes are especially vulnerable to abuse, including sexual abuse, and frequently work one hundred hours

a week without access to education or adequate food and medical care. Authorities rarely punish employers who abuse child domestics, and labor inspectors are not authorized to enter private homes. The government introduced draft legislation in 2006 to regulate employment conditions for domestic workers but, as of early November, the draft did not provide an adequate enforcement mechanism accessible to children.

The Justice System and Legal Reforms

Police are rarely held accountable for human rights violations. However, authorities told a visiting UN delegation in May 2006 that two policemen were awaiting trial for having caused the death of Hamdi Lembarki, a Sahrawi who died from blows to the head on October 30, 2005, during a turbulent period in el-Ayoun. A new law on torture entered into force in February, providing prison terms for state agents guilty of torturing or ill-treating persons in custody.

In cases with a political color, courts routinely denied defendants a fair trial, ignoring requests for medical examinations lodged by defendants who claim to have been tortured, refusing to summon exculpatory witnesses, and convicting defendants solely on the basis of apparently coerced confessions.

For example, in December 2005, a court in El-Ayoun convicted seven Sahrawi human rights activists in connection with the sometimes-violent protests that had broken out sporadically in the region since the previous May. The evidence linking the seven to acts of violence was dubious and in some cases appeared fabricated. Authorities appear to have targeted these Sahrawis because of their human rights activism and outspoken pro-independence views. The seven got prison terms of up to two years but by April all had been released.

In another instance of justice denied—one that seems to involve personal score-settling rather than political repression—Casablanca businessman Mourad Belmâachi entered his third year in pretrial detention on charges of stealing documents and altering them illegally in an effort to evade creditors. After emerging from police interrogation in June 2004, Belmâachi immediately demanded a medical examination, claiming his confession had been obtained under torture, but judicial

authorities did not act on this request. Since then, judges have refused to release him pending trial, without justifying this refusal.

Freedom of Association and Assembly and Movement

Authorities generally tolerate the work of the many human rights organizations active in Rabat and Casablanca. They also generally do not hamper foreign human rights organizations visiting Morocco, and often respond to their letters of concern. However, in the Western Sahara, surveillance is tighter, and harassment of domestic and foreign rights workers more common.

Most types of public assemblies require authorization from the Interior Ministry, which can refuse permission if it deems them liable to “disturb the public order.” This discretion is exercised more often when the demonstrators’ agenda is critical of government policies. Although many of the frequent public protests in Rabat run their course undisturbed, baton-wielding police have broken up others with brutality. For example, they used force to disperse a small sit-in on July 6, 2006, in front of parliament in Rabat called to protest recent violations of the right of assembly.

Police repression of public protests was fiercer in the Western Sahara than elsewhere, and involved a pattern of excessive force against demonstrators, some of whom threw rocks and Molotov cocktails.

Authorities continued to restrict foreign travel for some Sahrawi activists, although such measures have decreased overall in recent years. As of early November, authorities had yet to return the passports they confiscated from nine activists whom they had blocked from traveling to Geneva in 2003 to participate in UN human rights activities.

Press Freedom

Media criticism of the authorities is often quite blunt, but is nevertheless circumscribed by a press law that provides prison terms for libel and for expression critical of “Islam, the institution of the monarchy, or the territorial integrity.” A 2004 law liberalized broadcast media but requires foreign media seeking licenses for stations inside Morocco to “scrupulously respect the values of the monarchy and its heritage in terms of

Islam and territorial integrity.” Authorities blocked access to certain pro-Polisario websites, explaining to a visiting UN delegation that they controlled online material to prevent attacks on “territorial integrity.”

Since mid-2005, a series of prosecutions of independent weeklies, the most outspoken and critical sector of the Moroccan news media, showed the continuing limits on press freedom. Courts convicted at least four weeklies, or their journalists, on criminal charges of libel, publishing “false news,” or “insulting” a foreign head of state, and were trying a fifth for “undermining” the institution of the monarchy. An appeals court on April 18 confirmed a record 3.1 million dirham (US \$356,500) libel judgment against *Le Journal Hebdomadaire* (“The Weekly Journal”). A Brussels-based research institute said *Le Journal* had defamed it by saying that its report on the Western Sahara was so one-sided that it gave the impression of having been commissioned by the Moroccan government. The weekly said it would have to close if forced to pay the fine.

Counterterrorism Measures

There were persistent but unconfirmed media reports throughout the year that Morocco had agreed to receive detainees secretly transferred by Western countries, for harsh interrogations by Moroccan intelligence agents. Moroccan authorities denied these reports categorically.

On September 14, 2006, Francesca Longhi, lawyer for Italian citizen Abou el-Kassim Britel, testified before a temporary committee of the European Parliament that her client had been arrested in Pakistan in 2002 and then secretly flown in a private plane “under CIA aegis” to his native Morocco, where police tortured him under interrogation. Britel was freed after nine months in detention without charge but then rearrested in 2003 and sentenced to a long prison term on terrorism charges. Binyam Mohammed, an Ethiopian-born detainee at the US-run Guantanamo facility, claimed through his lawyer that American agents transferred him in 2002 from Pakistan to Morocco, where interrogators tortured him, before he was transported to US custody in Afghanistan and then Guantanamo.

Acknowledging Past Abuses

On November 30, 2005, Morocco's Equity and Reconciliation Commission (ERC), launched in 2004 by King Mohamed VI, issued its report into grave human rights violations committed between 1956 and 1999, stimulating taboo-breaking discussions of past repression. The ERC provided an official acknowledgement of past repression, gave a long-overdue voice to victims, and elucidated many individual cases. However, non-cooperation by public officials prevented it from resolving other cases. And despite ERC recommendations on ending impunity, authorities took no steps to bring to trial those implicated in past abuse, including some who continue to hold high government posts. During 2006, in accordance with its mandate, the ERC worked on determining the level of compensation that the state would pay to past victims.

Key International Actors

Morocco is an important ally of the United States because of its cooperation in fighting terrorism, the 2004 signing of a bilateral free-trade agreement, and its generally pro-West policies. In June 2004, the United States designated Morocco "a major non-NATO ally," thus easing restrictions on arms sales. In public comments, US officials emphasized these facets of the bilateral alliance and spoke rarely about human rights problems, even though the State Department reports on human rights accurately reflected the range of rights violations in Morocco and the Western Sahara.

An association agreement has been in effect between Morocco and the European Union since 2000. Morocco is the leading beneficiary of MEDA funds, the EU's main aid program for its Mediterranean partner countries. Morocco received 1.25 billion euros in grants over the past decade; the program for 2005-2006 was budgeted at 275 million euros. EU public comments on Morocco's human rights situation are rare. A bilateral subcommittee on human rights, governance, and democratization, was due to convene for the first time in November.

France is Morocco's leading trade partner and the leading provider of investments and public development aid. French officials made almost no public comments on human rights in Morocco during 2006.

The UN High Commissioner for Human Rights dispatched a delegation in May to examine human rights conditions in the Moroccan-administered Western Sahara and the Polisario-administered Sahrawi refugee camps in Tindouf, Algeria. After negotiating the easing of a tight Moroccan security presence, the delegation was able, in its own words, “to meet with whomever they deemed useful.” It concluded, “The Sahrawi people are not only denied their right to self-determination but equally are severely restricted from exercising a series of other rights, and especially rights of particular importance to the right of self-determination, such as the right to express their views about the issue, to create associations defending their right to self-determination and to hold assemblies to make their views known.” The delegation said it was unable to collect sufficient information about human rights conditions in the Tindouf camps, but called closer monitoring of rights conditions there and in the Moroccan-controlled areas “indispensable.”