



JANUARY 2009

COUNTRY SUMMARY

## Morocco/Western Sahara

Morocco continues to present a mixed picture on human rights. It has made great strides in addressing past abuses, allowed considerable space for public dissent and protest, and reduced gender inequality in the family code. But authorities, aided by complaisant courts, continue to use repressive legislation to punish peaceful opponents, especially those who violate the taboos against criticizing the king or the monarchy, questioning the “Moroccanness” of Western Sahara, or “denigrating” Islam. The police continue to use excessive force to break up demonstrations.

There was sporadic unrest in 2008 over socioeconomic grievances, notably in the city of Sidi Ifni where security forces intervened on June 7 to lift a protesters’ blockade of the port. The security forces used excessive force and committed other abuses in Sidi Ifni, according to numerous reports.

Controls are 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 Saguía al-Hamra and Río de Oro) contests Moroccan sovereignty and demands a referendum on self-determination for the Sahrawi people. The Polisario rejected a Moroccan proposal, presented in April 2007, for enhanced autonomy for the region, mainly because that proposal nowhere mentions a referendum in which independence would be an option. (For human rights in Polisario-run refugee camps, see Algeria chapter.)

### Terrorism and Counterterrorism

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. For example, schoolteacher Abdelkrim Hakkou went missing from near his home in Ain Taouijdat on May 16, 2008. His family did not learn his whereabouts until July, when he was brought before a judge and charged with attempting to recruit jihadists to fight in Iraq. Hakkou told his family that police had held him during most of the six-week period in secret detention in Temara, where they tortured him. At this writing, Hakkou remained in pretrial detention. The authorities claim Hakkou was arrested only on July 1 and presented to the prosecutor July 11.

Over the past decade, those like Hakkou who “disappeared” turned up after some weeks in police custody, unlike hundreds of persons who had “disappeared” during the reign of the late King Hassan II and were never found again alive. The state acknowledged responsibility for this practice following the work of Morocco’s Equity and Reconciliation Commission and its 2005 report. Beginning in 2007, the state paid the equivalent of around US\$85 million in compensation to some 16,000 victims or to their survivors, and began providing other forms of assistance to individuals and to communities that suffered repression in past years.

## **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. Police in Marrakesh arrested Sahrawi human rights

activist Naâma Asfari on April 17, 2008, and charged him with drunk driving and assaulting a woman motorist. According to Asfari, the police beat him severely during an interrogation that focused mainly on his political activism, and then forced him to sign a confession. The court sentenced him to two months in prison.

After raucous anti-gay demonstrations in the city streets, a court in Ksar el-Kbir, under penal code article 487, sentenced six men to between four and 10 months in prison on December 10, 2007, for committing homosexual acts, even though the prosecution introduced no evidence that acts violating the article had occurred. An appeals court upheld the verdicts on January 15, 2008.

In another closely watched case, authorities in February announced the dismantling of a terrorist plot and arrested five political figures and a journalist whom they accused of complicity. The figures included members of three legally recognized parties, one of which, al-Badil al-Hadari (the Civilized Alternative), they promptly dissolved. The men remained in custody while awaiting the scheduled opening of their trial November 14.

Morocco is home to an estimated 10,000 sub-Saharan illegal immigrants, many of whom hope to gain entry to Europe. On April 29 a Moroccan naval ship intercepted an inflatable dinghy filled with would-be migrants in the Mediterranean Sea. According to interviews a Moroccan NGO conducted with survivors, when the dinghy's crew defied orders to return to shore, a crewman of the naval ship punctured the dinghy, causing a reported 29 passengers to drown. Morocco denied its agents played any role in the drowning but conducted no inquiry that was made public.

### **Freedom of Association and Assembly**

Authorities generally tolerate the work of the many human rights organizations active in Rabat and Casablanca. They generally do not hamper foreign human rights organizations visiting Morocco, and often respond to their letters of concern. However, in Western Sahara surveillance is tighter and harassment of rights defenders more common. Authorities have refused to grant legal recognition to any Sahrawi organization dedicated to exposing Moroccan abuses. Authorities expelled

on April 25 a delegation from France that had come to observe the trial of Naâma Asfari and that included members of pro-Sahrawi organizations.

Most types of public assembly require authorization from the Interior Ministry, which can refuse permission if it deems them liable to “disturb the public order.” Although many of the frequent public protests in Rabat run their course undisturbed, baton-wielding police have brutally broken up others. For example, during a peaceful sit-in on July 1 in front of the Parliament in Rabat in solidarity with political prisoners, law enforcement officers used excessive force to disperse participants, injuring members of the Moroccan Human Rights Association.

Police systematically prevented or dispersed peaceful sit-ins or gatherings by groups that favor independence for Western Sahara. They often used excessive force in responding to incidents when Sahrawi demonstrators laid stones across streets or threw rocks or, very occasionally, threw Molotov cocktails. Sahrawi protester violence fatally injured a policeman for the first time, on February 26 in Tantan.

### **Freedom of Expression and the Media**

Media criticism of the authorities is often quite blunt. It is nevertheless circumscribed by a press law that provides prison terms for “maliciously” spreading “false information” likely to disturb the public order or for speech that is defamatory, offensive to members of the royal family, or that undermines “Islam, the institution of the monarchy, or [Morocco’s] territorial integrity.”

On July 11, 2008, a Rabat court fined Hassan Rachidi, Al Jazeera television’s Morocco bureau chief, for maliciously spreading “false news.” The charge stemmed from an Al Jazeera report, citing human rights sources, that people had died when security forces clashed with protestors in Sidi Ifni. The court convicted Rachidi even though Al Jazeera had broadcast government denials of the fatalities. Authorities also suspended Rachidi’s press accreditation. The same day, a Rabat court convicted on the same grounds the person who had provided Al Jazeera this information, Brahim Sab’alil of the Moroccan Center for Human Rights. The day before, a court sentenced Sab’alil to six months in prison and a fine for “insulting authorities by alleging fictional crimes” when he accused security forces at a June 26 press conference of

“crimes against humanity” in connection with alleged deaths, rapes, and “disappearances” in Sidi Ifni. An appeals court upheld Sab’alil’s six-month sentence.

A Casablanca court sentenced Fouad Mourtada on February 22 to a three-year prison term on a charge of “usurping an identity” for having created an unauthorized and spurious, but non-defamatory, Facebook profile of King Mohamed VI’s brother. An Agadir court on September 8, handed a two-year prison term to Mohamed Erraji for “disrespecting the king” in an article he published at [www.hespress.com](http://www.hespress.com) criticizing the way that the monarch dispensed privileges and favors. After international outcry over the convictions, the king pardoned Mourtada on March 18, and an appeals court overturned Erraji’s conviction on September 18.

In April a royal pardon freed seven members of the Moroccan Human Rights Association imprisoned nearly one year earlier for “attacking sacred values” by allegedly chanting slogans against the king during 2007 marches. But in February, wheel-chair-bound, 95-year-old Ahmed Nasser died in prison, five months into the three-year sentence he received for “attacking sacred values” for allegedly insulting the king during a street altercation.

In May 2008 authorities revoked Al Jazeera’s license to broadcast its Maghreb news show from Rabat. They cited technical and legal reasons, but observers suspected the real reason to be dissatisfaction with the station’s coverage of Morocco.

### **Family Law and Women’s and Children’s Rights**

Reforms to the family law enacted in 2004 have raised the minimum age of marriage for women from 15 to 18, made the family the joint responsibility of both spouses, rescinded the wife’s duty of obedience to her husband, expanded access to divorce for women, and placed the practice of polygamy under strict judicial control. In January 2007 Morocco reformed its nationality code to give women the right to pass their nationality to their children. Reaffirming the minimum legal age for marriage, authorities in September 2008 closed schools and a website run by a cleric who advocated marriage for girls as young as nine.

Morocco lacks a functioning child protection system, and government efforts to create a system of child protection units showed little progress in 2008. Unaccompanied children are at special risk of abuse while attempting to cross to Spain (see European Union chapter) and upon return to Morocco, including police beatings and detention with adult criminal suspects.

### **Key International Actors**

Morocco has sought privileged relations with the European Union, which is in turn eager for Morocco's cooperation in combating terrorism and illegal migration. The kingdom is the biggest beneficiary of the European Neighbourhood and Partnership Instrument, with €654 million in aid earmarked for 2007-2010. On October 13, the EU voted to give Morocco "advanced status," placing it a notch above other members of the EU's "neighbourhood policy." While noting progress in many areas of human rights, the EU also "renew[ed] its appeal ... that Morocco ensure respect for freedom of expression and ... reform again the Press Code and the Penal Code by decriminalizing offenses of opinion." The EU also invited Morocco "to safeguard freedom of association and assembly, notably in the territory of Western Sahara," and called upon "the forces of authority [sic] to show restraint in the recourse to force."

Presenting its request that the United States grant Morocco a total of US\$29 million in aid in 2009, the State Department called Morocco "one of the United States' oldest and closest allies in the region.... [A] moderate, stable, democratizing Arab Muslim nation, an important actor in the war on terrorism and a constructive force in the pursuit of Middle East peace." In 2007 the US government-backed Millennium Challenge Corporation approved a five-year US\$697.5 million economic aid package to Morocco to fight poverty and promote economic growth.

The US State Department has stated that it supports autonomy for Western Sahara under Moroccan sovereignty. While supporting this basic Moroccan position, US officials held meetings with Sahrawi human rights activists, and publicly criticized Moroccan abuses in Western Sahara. In addition, a law took effect in December 2007 conditioning US\$1 million in US military aid to Morocco on human rights progress, particularly in the realm of freedom of expression on the Western Sahara issue.

France is Morocco's leading trade partner and the leading source of public development aid and private investment. It also endorses Morocco's autonomy plan for Western Sahara.

The UN Security Council in April 2008 renewed for one year the MINURSO peacekeeping force in Western Sahara but once again declined to extend its mandate to include human rights observation and protection. Morocco opposes giving MINURSO such a mandate, whereas the Polisario says it supports it.

Morocco was examined under the UN Human Rights Council's Universal Periodic Review in April 2008. The review did not cover the situation in Western Sahara.