Morocco / Western Sahara

Human rights conditions deteriorated overall in 2009 in Morocco, although the country continued to have a lively civil society and independent press. The government, aided by complaisant courts, used repressive legislation to punish and imprison peaceful opponents, especially those who violate taboos against criticizing the king or the monarchy, questioning the "Moroccanness" of Western Sahara, or "denigrating" Islam.

Restrictions on rights are particularly tight in the restive Western Sahara region, which Morocco claims sovereignty over and 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) demands a referendum on self-determination for the Sahrawi people. The Polisario rejected an April 2007 Moroccan proposal for enhanced autonomy for the region, mainly because it nowhere mentions a referendum in which independence would be an option. Numerous Sahrawis were charged or imprisoned because of their peaceful advocacy of self-determination for the contested Western Sahara. Politically motivated restrictions on the right to travel increased.

Terrorism and Counterterrorism

Hundreds of suspected Islamist extremists arrested in the aftermath of the Casablanca bombings of May 2003 continue to serve prison terms. Many were convicted in unfair trials after being held that year in secret detention for days or weeks, and subjected to mistreatment and sometimes torture while under interrogation. Some 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 have arrested hundreds more suspected Islamist militants, many of whom were convicted and imprisoned for belonging to “a criminal gang” or preparing to join “the jihad” in Iraq.

Intelligence agencies continued to interrogate terrorism suspects at an unacknowledged detention center at Temara, near Rabat, according to numerous reports from detainees. Many suspects alleged 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, several of the defendants in the so-called Belliraj mass trial (see below)

contended that the police abducted them and held them incommunicado for between two and four weeks before presenting them to a judge. Some of these contended at trial that police at Temara tortured them in order to extract false confessions.

Confronting Past Abuses

Following the pioneering work completed in 2005 by Morocco's Equity and Reconciliation Commission (ERC), the state acknowledged responsibility for "disappearances" and other grave abuses in the past, and compensated some 16,000 victims or their survivors. However, no Moroccan officials or security force members are known to have been prosecuted for violations committed during the period from 1956 to 1999 that the ERC investigated, and the government has yet to implement most of the institutional reforms recommended by the ERC to safeguard against future abuses. In addition, as of October, the families of the "disappeared" persons whose cases were handled by the ERC and, afterwards by the Advisory Council on Human Rights, had not received a full account of the ERC's findings concerning the "disappearance" of their relatives.

Police Conduct and the Criminal Justice System

Police are rarely held accountable for violating human rights. In cases with political overtones, courts seldom provide fair trials; judges routinely ignore requests for medical examinations lodged by defendants who claim to have been tortured, refuse to summon exculpatory witnesses, and convict defendants on the basis of apparently coerced confessions. On July 28 the Rabat Court of Appeals convicted all 35 defendants in the "Belliraj" case of forming a terrorist network, sentencing them to terms of up to life in prison. The defendants included the heads of two parties and four other well-known political figures. The court based the guilty verdicts almost entirely on the statements attributed to the defendants by the police, even though most defendants had repudiated those statements before the investigating judge and all repudiated the statements at trial. The court refused to investigate allegations of torture, falsified statements, and statements written in Arabic for defendants unable to read that language. The appeals hearing was due to begin in December 2009.

Police arrested seven non-violent Sahrawi activists on October 8 upon their return from openly visiting the Polisario-run refugee camps near Tindouf, Algeria. A Casablanca judge referred their case to a military court on the grounds that the alleged offenses included harming "external state security," by "causing harm to Morocco's territorial integrity." The referral of civilians to a military court, where the procedural rights of defendants are abridged, was a rare and ominous development.

Freedom of Association, Assembly, and Movement

Morocco boasts thousands of independent associations. However, government officials arbitrarily impede the legalization of some organizations, undermining their freedom to operate. Groups affected include those defending the rights of Sahrawis, Amazighs (Berbers), sub-Saharan immigrants, and unemployed university graduates, as well as charitable, and cultural and education associations whose leadership includes members of Justice and Spirituality, one of the country's largest Islamist movements.

The government generally tolerates the work of the many human rights organizations active in Rabat and Casablanca. In northern Morocco, authorities on February 17, 2009 arrested Chekib el-Khayari, president of the Association for Human Rights in the Rif, after he accused certain Moroccan officials of complicity in narcotics trafficking. On June 24 a Casablanca court convicted el-Khayari of "gravely insulting state institutions" and minor currency violations, and sentenced him to three years in prison and a heavy fine. He was still in jail awaiting his appeal as of November.

Authorities generally do not hamper foreign human rights groups visiting Morocco, although the security forces sometimes question Moroccans who have had contact with them. Beginning in October the police enforced new restrictions on groups visiting the homes of Sahrawi activists, breaking up at least seven such visits on the grounds that visitors would henceforth require clearance for such meetings. Most types of outdoor gatherings 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 run their course undisturbed, baton-wielding police have brutally broken up others.

The government prevented Sahrawi activists from traveling abroad more often than in recent years. On August 5, authorities prevented six Sahrawi students from departing from Agadir airport to travel to the United Kingdom to participate in a program of cross-cultural dialogue. On October 6, Moroccan authorities detained and turned back five well-known Sahrawi activists who were on their way to Mauritania via the land border crossing. They confiscated the men's passports and had not returned them as of early November. Authorities declined to issue a passport to Brahim Sabbar, secretary-general of a Sahrawi human rights organization.

Media Freedom

Press freedom declined in 2009.The press law 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." After the Arabic daily *Akhbar al-Youm* published on September 26 a cartoon about a cousin of King Mohammed VI, authorities froze its bank account and sent police to shut down its editorial offices – actions that have no basis in Moroccan law. A court on October 30 ordered the closure of *Akhbar al-Youm*'s offices and sentenced the cartoonist and director of publication to fines and suspended prison terms. Driss Chahtane, editor of *al-Mish'al* weekly, went to prison on October 15, the day a court of first instance sentenced him to a one-year term for maliciously publishing "false news" about the king's health. On August 1 the minister of the interior ordered the seizure of the new issues of *TelQuel* and *Nichan* because the two weeklies had published the result of a public opinion poll on King Mohammed VI, even though the results were favorable. Disregarding the applicable law, the authorities then destroyed copies of the issues before the publisher could appeal the seizure in court.

Key International Actors

Morocco is the biggest beneficiary of the European Neighbourhood and Partnership Instrument, with €654 million in aid earmarked for 2007-2010, including grants to many independent Moroccan human rights organizations. In 2008 the European Union voted to give the kingdom "advanced status," placing it a notch above other members of the EU's "neighbourhood policy."

A European parliamentary delegation conducted a fact-finding mission to Morocco and Western Sahara in January 2009 that Morocco had blocked for three years. The delegation said it was able to conduct its visit without obstacles. Among its recommendations was that Morocco "ensure that the clauses relating to territorial integrity do not apply to the mere expression of opinions, including those in support of independence, provided that they respect the principle of non-violence."

While supporting autonomy for Western Sahara under Moroccan sovereignty, US diplomats traveled to Western Sahara, where they met with Sahrawi human rights activists.
In the first visit to North Africa by a senior official of the Obama administration, Secretary of State Hillary Clinton met in Morocco with King Mohammed VI on November 2. In her public rermarks the next day, Clinton saluted the reforms that have enabled Moroccan women to "bring their considerable talents to strengthening democratic institutions, accelerating economic growth and broadening the work of civil society."

France is Morocco's leading trade partner and the leading source of public development aid and private investment. France gave Morocco €460 million in Overseas Development Assistance in 2007-2009, making it the leading recipient of such assistance. France rarely criticized publicly Morocco’s human rights practices.

The United Nations Security Council in April 2009 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 ratified the International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities on April 9. King Mohammed VI announced on December 10, 2008 that Morocco would lift its reservations to the Convention for the Elimination of All Forms of Discrimination against Women but that had yet to happen as of November 2009. Morocco hosted a visit in June by the Working Group on Enforced and Involuntary Disappearances, the first by the group in an Arab or African country. The group praised the ERC but expressed concern that its mandate, which excluded the prosecution of perpetrators, could promote impunity.