

## Morocco and Western Sahara

Responding to the pro-democracy Arab Spring movements and to pro-reform demonstrations in Morocco, King Mohammed VI proposed in June constitutional amendments with substantial human rights guarantees but few significant curbs on the monarch's own powers. The electorate voted the amendments into law in July.

The new constitution recognizes Amazigh, the Berber language, as an official language and prohibits torture, inhuman, and degrading treatment; arbitrary detention; and enforced disappearances. It also requires any person who is arrested to be informed "immediately" of the reason for his arrest, and to enjoy the presumption of innocence and the right to a fair trial. However at this writing the amendments had yet to transform Morocco's decidedly mixed human rights performance.

### Freedom of Assembly, Association, and Expression

Inspired by popular protests elsewhere in the region, Moroccans began marching on February 20 to demand sweeping political reforms. The marches—usually spearheaded by the youthful, loosely-organized February 20 Movement for Change and backed by other political and civil society forces, including the powerful Islamist Justice and Spirituality movement—sometimes exceeded 10,000 participants and were staged in several cities simultaneously. The police tolerated some of the protests, but on some occasions attacked and beat protesters severely. Some of the harshest police violence occurred at peaceful protests in Casablanca, Kenitra, and Rabat, the capital, during the weeks prior to the king's much-anticipated speech in June outlining constitutional reforms.

On May 29, security forces in the town of Safi beat Kamal Ammari, a 30-year old protester. He died on June 2. The Office of the Prosecutor announced that forensic doctors concluded that Ammari died from a pre-existing condition that was "aggravated" by "a simple blow to the torso that would normally have been benign." The case remains under investigation.

## **Terrorism and Counterterrorism**

On April 28, a bomb exploded in a Marrakesh cafe frequented by foreign tourists, killing 17 persons and wounding dozens. No group claimed responsibility for what was the deadliest terrorist attack in Morocco since 2003. The special terrorism chamber of the Rabat Court of Appeals on October 28 convicted nine suspected Islamist militants in the attack and sentenced one to death and the others to prison. Moroccan courts continue to impose the death penalty but Morocco has not executed anyone since the early 1990s.

Hundreds of suspected Islamist extremists arrested in the aftermath of the Casablanca bombings of May 2003 remain in prison. Many were convicted in unfair trials after being held in secret detention and subjected to mistreatment and sometimes torture. Since further terrorist attacks in 2007, police have arrested hundreds more suspected militants, many of whom were convicted and imprisoned, not for having committed acts of terrorism, but for belonging to a “terrorist network” or preparing to join “the jihad” in Iraq or elsewhere.

There were fewer reports than in previous years of intelligence agencies interrogating terrorism suspects at unacknowledged detention centers and holding them in pre-charge custody for longer than the 12-day maximum period the law allows for terrorism cases. In May delegations from parliament and the new National Human Rights Council (NHRC), which the king established in March to replace his Advisory Council on Human Rights, visited the reported site of the most notorious of these detention centers, the headquarters of the General Directorate for the Surveillance of the Territory in Témara, near Rabat. They reported finding no evidence during their visit of a detention facility operating there.

## **Police Conduct and the Criminal Justice System**

Courts seldom provide fair trials in cases with political overtones. Judges routinely ignore requests for medical examinations from defendants who claim to have been tortured, refuse to summon exculpatory witnesses, and convict defendants based on apparently coerced confessions.

The minister of justice in August 2010 suspended Judge Jaâfar Hassoun from his post as president of the Marrakesh Administrative Court. Then in December 2010 Hassoun was ousted from his membership in the High Council of the Magistrature (HCM). Authorities accused Hassoun of disclosing confidential deliberations of the HCM to *Essabah* newspaper. Hassoun said he was innocent and the authorities were persecuting him for his judicial independence, such as his 2009 ruling that invalidated a Marrakesh mayoral

election won by a candidate from a pro-palace party. In January the king signed an order expelling Hassoun from the judiciary.

In January an appeals court upheld the conviction and imprisonment of champion boxer Zakaria Moumni for fraud after trials at which the complainants never appeared and a confession allegedly coerced by torture was used as evidence. Moumni, who was being retried at this writing, contends that his prosecution is politically motivated and stems from his persistent and public lobbying of the palace for government benefits to which he says he is entitled.

In March Mohammed VI pardoned and freed retired Maj.-Col. Kaddour Terhzaz. In November 2008 a military court convicted Terhzaz of disclosing “national defense secrets” based on a 2005 letter he wrote to the king criticizing what he saw as Morocco’s bad treatment of its pilots whom the Polisario had imprisoned for a quarter century.

In April the king also pardoned five political figures convicted in the mass “Belliraj” trial on charges of mounting a terrorist plot. In 2010 an appeals court had upheld the guilty verdict against all 35 defendants even though most had repudiated their confessions. The court refused to investigate the defendants’ allegations of torture, detention in secret jails, and the falsification of confessions. Twenty-nine other defendants in the case continued to serve their prison terms, which included a life term for alleged ringleader Abdelkader Belliraj. Another defendant had already been freed in 2010 after serving a two-year term.

A Casablanca court on April 14 provisionally released prominent, non-violent, pro-independence, Sahrawi activists Ali Salem Tamek, Brahim Dahane, and Ahmed Naciri, after 18 months of pre-trial detention. The police had arrested them and four other activists in October 2009 upon their return from a visit to the Polisario-run refugee camps in Algeria. The trial of the seven, on charges of “harming [Morocco’s] internal security,” started in October 2010, but was postponed repeatedly. At this writing it had not resumed.

Twenty-three Sahrawi civilians remained in pre-trial detention before a military court for their alleged role in clashes in and around El-Ayoun in November 2010 between security forces and Sahrawis that caused fatalities on both sides. Another 120 Sahrawis were bailed and faced less serious charges before a civilian court for their role in the clashes. One year after they occurred, no trials had begun.

## **Freedom of Association**

Morocco boasts of thousands of independent associations, but government officials arbitrarily impede the legalization of many, undermining their freedom to operate. Groups affected include some that defend the rights of Sahrawis, Amazighs (Berbers), sub-Saharan immigrants, and unemployed university graduates, as well as charitable, cultural, and educational associations whose leadership includes members of Justice and Spirituality, a well-entrenched, nationwide movement that advocates for an Islamic state and questions the king's spiritual authority. The government, which does not recognize Justice and Spirituality as a legal association, tolerated many of its activities but prevented others.

Local and international human rights organizations operate with few impediments in the major cities, but individual activists sometimes pay a heavy price for whistle-blowing. Chekib el-Khayari, president of the Association for Human Rights in the Rif, served two years of a three-year term for “gravely insulting state institutions” and minor currency violations, before the king pardoned him in April. The authorities jailed el-Khayari after he accused certain Moroccan officials of complicity in narcotics trafficking.

## **Women’s Rights**

The new constitution guarantees equality for women, “while respecting the provisions of the Constitution, and the laws and permanent characteristics of the Kingdom.” Major reforms to the Family Code in 2004 raised the age of marriage and improved women’s rights in divorce and child custody. However, the new code preserved discriminatory provisions with regards to inheritance and the right of husbands to unilaterally repudiate their wives.

On April 8 Morocco withdrew its reservations to articles 9(2) and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, while maintaining other reservations. The withdrawal signaled a commitment to eliminate gender discrimination in marital rights and responsibilities and in the right of spouses to confer Moroccan nationality on their children when the other spouse is non-Moroccan. In its first national study on violence against women the Haut Commissariat au Plan, a government agency tasked with compiling national statistics, found that 55 percent of Moroccan women surveyed between 18 and 64-years-old experienced domestic violence during 2009; 15 percent reported suffering physical violence and 48 percent emotional violence.

## **Domestic Workers**

In July an employer allegedly beat to death an 11-year-old domestic worker in el-Jadida. The case drew attention to the tens of thousands of Moroccan children employed as live-in household workers, and the abusive conditions to which they are often subjected. The case was still in court at this writing. Morocco approved a draft law in October that, if approved by parliament, would toughen sanctions on persons who violate the prohibition on employing children under 15 and would tighten conditions for employing persons aged 15 to 18 in households.

## **Freedom of Media**

Morocco's independent print and online media investigate and criticize government officials and policies, but face prosecution and harassment when they cross certain lines. The press law includes 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 territorial integrity," that is, Morocco's claim on Western Sahara.

Moroccan state television provides some room for investigative reporting but little for direct criticism of the government, or dissent on key issues. Hundreds of journalists who work for state-controlled media, notably the television channels and the state news agency, held protests on March 25 to demand, among other things, more editorial independence.

In April authorities arrested Rachid Nini, a popular columnist and editor of *al-Masa'* daily. In June a Casablanca Court of First Instance convicted him of attempting to influence judicial decisions, showing contempt for judicial decisions, and falsely accusing public officials of crimes. The court gave him a one-year prison term and refused to free him provisionally pending appeal. The evidence against him consisted of articles he wrote that criticized Morocco's intelligence agencies and accused persons close to the royal palace of corruption. An appeals court confirmed the verdict and sentence on October 24.

Morocco revoked or delayed renewal of accreditation of some journalists working for foreign media. Voicing its displeasure with Al Jazeera's coverage of the Western Sahara conflict, the government closed the station's news bureau in Morocco in 2010.

## Key International Actors

In 2008 the European Union gave Morocco “advanced status,” placing it a notch above other members of the EU’s “neighbourhood policy.” Morocco is the biggest Middle Eastern beneficiary of EU aid after the Occupied Palestinian Territories, with €580 million (US\$808 million) earmarked for 2011 to 2013.

France is Morocco’s leading trade partner and source of public development aid and private investment. France increased its Overseas Development Assistance to €600 million (\$810 million) for 2010 to 2012. France rarely publicly criticized Morocco’s human rights practices and openly supported its autonomy plan for Western Sahara. On July 18 the French presidency of the G8 praised the results of the constitutional referendum and pledged the G8 countries’ “concrete support” for “the full and swift implementation of Morocco’s reform agenda.”

The United States provides financial aid to Morocco, a close ally, including a five-year \$697 million grant beginning in 2008 from the Millennium Challenge Corporation to reduce poverty and stimulate economic growth. On human rights, the US continued to publicly praise Morocco's reform efforts and advances made by women. However, US Deputy Assistant of State Tamara Wittes, on a visit to Morocco in June, said that US officials had voiced concerns to the Moroccan government about police violence when handling peaceful demonstrations.

The 2011 United Nations Security Council resolution renewing the mandate of the peacekeeping force for Western Sahara (MINURSO) contained human rights language more explicit than in previous years but did not enlarge the MINURSO mandate to include human rights monitoring, an enlargement that the Polisario supports and Morocco opposes. MINURSO is the only peacekeeping operation created since 1990 that has no human rights monitoring component. Resolution 1979 encouraged “the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights.” It welcomed “the commitment of Morocco to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council.”