



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## 1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor  
U.S. Department of State, February 25, 2000

---

### WESTERN SAHARA

The sovereignty of the Western Sahara remains the subject of a dispute between the Government of Morocco and the Polisario Front, an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975 and extended its administration over the southern province of Oued Ed Dahab after Mauritania renounced its claim in 1979. The Moroccan Government has undertaken a sizable economic development program in the Western Sahara as part of its long-term efforts to strengthen Moroccan claims to the territory.

Since 1973 the Polisario Front has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and the Kingdom of Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the decolonization of the territory, and, in particular, the principle of self-determination for its people. Most Sahrawis (as most persons living in the territory are called) live in the area controlled by Morocco, but there is a sizable refugee population near the border with Morocco, in Algeria, and, to a lesser extent, in Mauritania. The bulk of the Sahrawi population lives within the area delineated by a Moroccan-constructed berm, which encloses most of the territory.

Efforts by the Organization of African Unity (OAU) to resolve the sovereignty question collapsed in 1984 when the OAU recognized the Saharan Arab Democratic Republic, the civilian arm of the Polisario Front. Morocco withdrew from the OAU in protest.

In 1988 Morocco and the Polisario Front accepted the U.N. plan for a referendum that would allow the Sahrawis to decide between integration with Morocco or independence for the territory. The referendum was scheduled for January 1992, but was postponed because the parties were unable to agree on a common list of eligible voters--despite the previous acceptance by both parties of an updated version of the Spanish census of 1974 as the base for voter eligibility. A complicated formula for determining voter eligibility ultimately was devised, and in August 1994, MINURSO personnel began to hold identification sessions for voter applicants.

The initial U.N. voter identification effort ended in December 1995 and, after several fruitless efforts to persuade the two parties to cooperate, the U.N. Security Council formally suspended the identification process in 1996. The United Nations and friendly governments continued to urge the two parties to seek a political solution to the conflict. In March 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine possible approaches for a peaceful settlement. Baker visited the region, and negotiations between the Moroccan Government and the Polisario began in May 1997. In September 1997, representatives of Morocco and the Polisario met in Houston in the United States and consented to a series of compromise agreements on the 1991 U.N. settlement plan to hold a referendum under U.N. auspices. According to the Houston Accords, the identification of potential voters, the referendum campaign, and the vote were to take place by December 1998; however, operational considerations have now delayed the scheduled referendum until July 2000.

In August 1998, MINURSO completed identification of voters in all uncontested tribal groupings. In November 1998, the U.N. Secretary General visited the region to examine ways of achieving compromise on several contested elements of the settlement plan in order to move the referendum process forward. After his consultations, the Secretary General proposed a series of measures in December 1998 to both parties. The measures proposed were aimed at establishing procedures among the parties to allow MINURSO to begin the identification process of three "contested tribes." After agreement between the parties was reached on the contested tribes, MINURSO began the identification process of an additional 65,000 potential voters. The identification process of the three contested tribes was completed in December. Only 4 percent of the applicants in this phase of the identification process were deemed eligible to vote in the referendum. Roughly 80,000 appeals also have been registered by those who were deemed ineligible to vote after the first round of the identification process. MINURSO had not yet begun to adjudicate these appeals by year's end. Further appeals are expected following the completion of the identification process for the contested tribes.

Since 1977 the Saharan provinces of Layounne, Smara, and Boujdour have participated in local elections that are organized and controlled by the Moroccan Government. The southern province of Oued Ed Dahab has participated in Moroccan-controlled elections since 1983. Sahrawis whose political views are aligned with the Moroccan Government fill all the seats allotted to the Western Sahara in the Moroccan Parliament.

The civilian population living in the Western Sahara under Moroccan administration is subject to Moroccan law. U.N. observers and foreign human rights groups maintain that Sahrawis have difficulty obtaining Moroccan passports, that the Government monitors the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities react especially harshly against those suspected of

supporting independence and the Polisario Front. The Moroccan Government limits access to the territory, and international human rights organizations and impartial journalists sometimes have experienced difficulty in securing admission.

After years of denying that Sahrawis were imprisoned in Morocco for Polisario-related military or political activity, the Government of Morocco released 300 such prisoners in 1991. Entire families and Sahrawis who had disappeared in the mid-1970's were among those released. The Government of Morocco has failed to conduct a public inquiry or to explain how and why those released spent up to 16 years in incommunicado detention without charge or trial.

The former Sahrawi detainees have formed an informal association whose principal objective is to seek redress and compensation from the Government of Morocco for their detention. A delegation of this association met with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and in Layoune during the year. They report that some progress has been made in gaining government recognition of their grievances.

In Laayoune in late September, and, to a lesser extent, in late October, there was a series of peaceful public protests, sit-ins and demonstrations by groups of miners, students, unemployed graduates, and former Sahrawi prisoners who were seeking government redress regarding a variety of social issues ranging from subsidized transportation for the students to miners' demands for enforcement of a contract dispute with the government-owned phosphate company. The police used excessive violence to break up these protests. The police also encouraged gangs of local thugs to break into and vandalize the homes and places of business of some of the city's Sahrawi residents. The police detained roughly 150 persons in connection with the demonstrations. Most were released within 2 weeks. However, 54 persons eventually were charged with various criminal offenses, and 46 eventually were sentenced to prison terms ranging from 2 months to 15 years. The Moroccan Organization for Human Rights (OMDH) released a report criticizing the violent police action and the judicial process, which resulted in prison terms for the 46 persons. Attorneys representing the 46 convicted persons on appeal state that in no case did the prosecutors produce eyewitness testimony against any of the persons charged. The only evidence presented by the prosecutors was the police report of the arresting officers. The attorneys also state that in no case did the police make an arrest on the basis of a legitimate warrant. Searches also were conducted, sometimes in the middle of the night, without warrants. Some persons whose homes were searched were also beaten by police who came to arrest other members of the household. No official investigation was made into the police's conduct, and no police authorities were charged with any criminal or civil wrongdoing by year's end.

After the first round of protests in late September, Morocco's new King, Mohammed VI, announced that he would revitalize the Royal Council on Saharan Affairs and ordered the Prime Minister to organize an election to select local representatives to the Council. The King also relieved of their duties the powerful governor of the territory and the chief of police. Following the second round of protests in late October and other events in Morocco itself, the King dismissed the country's powerful Interior Minister, Driss Basri, whom many Moroccan observers held responsible for the policy of overly strict governance in the territory that helped create the tensions and grievances that eventually led to the demonstrations in Layoune. The Government began to respond to the King's

initiatives, and several ministerial delegations were sent to Layounne in October and November to assess the measures required to restore calm and build confidence between the authorities and the local population.

A number of other Sahrawis remain imprisoned for peaceful protests supporting Saharan independence. There are credible reports that 10 Sahrawis were arrested, beaten, and kept in seclusion by Moroccan authorities in May 1996 following demonstrations in several cities of the Western Sahara in support of Sahrawi independence. These 10 demonstrators reportedly were sentenced to terms of imprisonment ranging from 18 months to 7 years.

Kelthoum El-Ouanat and five other Sahrawis were released in May 1996. El-Ouanat had been sentenced to a 20-year term after being arrested in October 1992 following a demonstration in Smara. Prior to her trial, she had been held in secret detention for up to 10 months, during which time she reportedly was beaten, tortured, and sexually abused. In June 1995, eight Sahrawi youths, arrested for demonstrating for Sahrawi independence the previous month, were given 20-year sentences. Then-King Hassan II later commuted these sentences to 1 year, and the eight were released in July 1996, 14 months after having been taken into custody. The youths report that the Moroccan police continue to monitor them closely.

The Polisario Front claims that the Moroccan Government continues to hold several hundred Sahrawis as political prisoners and approximately 300 prisoners of war (POW's). The Government of Morocco formally denies that any Sahrawi noncombatants remain in detention. A committee that represents former Sahrawi prisoners believes that the Government of Morocco no longer holds any of those Sahrawis who were detained illegally during the 1970's and 1980's. The committee based this determination on interviews with family members of individuals who had been detained during that period. In October 1996, Morocco released 66 Sahrawi combatants who were flown to the Tindouf area of Algeria under International Committee of the Red Cross (ICRC) auspices. They were accompanied by foreign diplomats. The Government of Morocco claims that 30,000 Sahrawi refugees are detained against their will by the Polisario in camps around Tindouf. The Polisario denies this charge. According to credible reports, the number of refugees in Tindouf far exceeds 30,000, but the allegation that they wish to leave remains unsubstantiated.

The ICRC reports that the Polisario now holds approximately 1,900 Moroccan POW's. A group of 185 POW's was repatriated to Morocco in a humanitarian airlift conducted under ICRC auspices in November 1995. In April 1997, Polisario leaders offered to release 85 Moroccan POW's as a good will gesture during U.N. envoy Baker's first meetings in Tindouf, but Morocco and the Polisario could not agree on the conditions of their release. The Polisario offered to release 191 POW's in November. Credible sources indicate that the Government of Morocco is prepared to accept the return of these prisoners, many of whom have been in detention for more than 20 years. The U.N. settlement plan calls for the release of all POW's after the voter identification process is complete.

There were no new cases of disappearance for the third consecutive year. While the forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades, the Government in 1998 pledged to ensure that such policies do not recur, and to disclose as much information as possible on past cases. Many of those who disappeared were Sahrawis or Moroccans who challenged the Government's

claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. While the Government released about 300 such detainees in June 1991, and in October 1998 issued an announcement on those who had disappeared, to this day hundreds of Sahrawi and Moroccan families do not have any information about their missing relatives, many of whom disappeared over 20 years ago (see Section 2.b. of the Morocco report).

Freedom of movement within the Western Sahara is limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces sometimes subject travelers to arbitrary questioning. There were no reports of detention for prolonged periods during the year.

There is little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco are applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions are present in the Moroccan-controlled Western Sahara but are not active. The 15 percent of the territory outside Moroccan control does not have any major population centers or economic activity beyond nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, is not active in the Western Sahara.

A group of phosphate miners participated in the demonstrations in Layounne in late September and again in late October. They claim that the government-owned phosphate company has failed to respect a contract that had been negotiated between the Government of Morocco and former Spanish authorities in the territory when Spain withdrew from the territory and relinquished control of the mines to Morocco. The miners state that they had a series of meetings with officials of the government-owned phosphate company since the demonstrations in Layounne in late September but that no agreement was reached about enforcement of what they believe to be their contractually protected rights.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members are employees of the Moroccan Government or state-owned organizations. They are paid 85 percent more than their counterparts outside the Western Sahara as an inducement to Moroccan citizens to live there. Workers in the Western Sahara are exempt from income and value-added taxes and receive subsidies on such commodities as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibits forced labor, which does not appear to exist in the Western Sahara.

Regulations on the minimum age of employment are the same as in Morocco. Child labor appears to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug knotting and garment making. A government work program for adults, the Promotion Nationale, provides families with enough income that children need not be hired out as domestic servants. Children in the few remaining nomadic groups presumably work as shepherds along with other group members.

The minimum wage and maximum hours of work are the same as in Morocco. However, in practice workers in some fish processing plants may work as many as 12 hours per day,

6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law. Occupational health and safety standards are the same as those enforced in Morocco. They are rudimentary, except for a prohibition on the employment of women in dangerous occupations.

[end of document]

---

[1999 Report Near East and North Africa Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)