



Western Sahara

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Morocco claims the Western Sahara territory, with a population of approximately 267,000, and administers Moroccan law and regulation in the estimated 85 percent of the territory it controls; however, Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region, dispute its sovereignty. Since 1973 the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. The Moroccan government sent troops and settlers into the northern two-thirds of the territory after Spain withdrew in 1975 and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a United Nations (UN) peacekeeping contingent, known by its French initials, MINURSO (the United Nations Mission for a Referendum in Western Sahara).

In 1975 the International Court of Justice advised that during the period of Spanish colonization, legal ties of allegiance existed between Morocco and some of the Western Saharan tribes, but the court also found that there were no ties indicating "territorial sovereignty" by Morocco. The court added that it had not found "legal ties" that might affect UN General Assembly Resolution 1514 regarding the decolonization of the territory and in particular the principle of self-determination for its persons. Sahrawis, as the persons from the territory are called, live in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and, to a lesser extent, in Mauritania. A Moroccan-constructed sand wall, known as the "berm," separates most Moroccan-controlled territory from Polisario-controlled sections.

In 1988 Morocco and the Polisario accepted the joint Organization of African Unity/UN settlement proposals for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. Disagreements over voter eligibility were not resolved, however, and a referendum has not taken place.

In 1997 UN Secretary General Kofi Annan appointed James Baker as his personal envoy to explore options for a peaceful settlement. Baker visited the territory, consulted with the parties, offered proposals to resolve the problem, and in 2001 presented a "framework agreement," which Morocco accepted but the Polisario and Algeria rejected. In 2003 Baker proposed a peace plan, which the UN Security Council endorsed. The plan proposed that a referendum consider integration with Morocco or independence, and addressed other questions agreed to by the parties, such as self-government or autonomy. Morocco ultimately rejected the plan, while the Polisario accepted it.

In August 2005 the UN Secretary General appointed Peter Van Walsum to oversee the political process as the personal envoy replacing Baker, who resigned in June 2004.

On October 31, the Security Council adopted Resolution 1720, extending MINURSO and its 227-member military staff until April 30, 2007. The resolution called on member states to consider making contributions to fund confidence-building measures to allow for increased contact between family members separated by the dispute, which UN Secretary General Kofi Annan called "deadlocked" in a report to the Security Council. Confidence-building measures stalled in June because of the inability of the parties to agree on locations and schedules of meetings. The measures resumed November 3. The United Nations High Commission for Refugees (UNHCR) maintains a separate office in Laayoune to coordinate these measures.

On October 9, an internal report by the Office of the High Commissioner for Human Rights' (OHCHR) criticizing the Moroccan government for denying the right of self-determination to the Sahrawi people was unexpectedly made public. The report accused Morocco of abusing the rights of pro-independence activists in the disputed territory and using excessive force against protestors. The Moroccan government claimed that the report did not cover violations of human rights attributable to the Polisario, as OHCHR was denied access to areas controlled by the Polisario. Sahrawi NGOs, including the Association des Portes Disparus au Polisario (the Association for those who Disappeared Because of the Polisario, APDP), also criticized the report in an October 19 letter to the United Nations. The APDP claimed there are 800 missing persons; however, it can verify only 294. The Moroccan press claimed the report was biased toward Algeria.

A substantial Moroccan government subsidy aided migration to and development in the portions of the territory under its control. The Moroccan government subsidized incomes, fuel, power, water, housing, and basic food commodities for its citizens living in the Western Sahara and Sahrawis. In 2004 the Moroccan government initiated a five-year approximately \$800 million (7.2 billion dirhams) development program for all of what it called its "southern provinces," most of which are the territory.

The Moroccan constitution and laws applied to the civilian population living in the territory under Moroccan administration. Political rights for the residents remained circumscribed, and citizens did not have the right to change their government. UN observers and foreign human rights groups maintained that the Moroccan government subjected Sahrawis suspected of supporting independence and the Polisario to various forms of surveillance.

Since 1977 the Western Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in Moroccan national elections. In the 2002 Moroccan parliamentary elections, Sahrawis with political views aligned with the Moroccan government filled all the seats allotted to the territory. In 2003 the Moroccan government conducted municipal elections in Morocco and the Western Sahara. No Sahrawis opposed to Moroccan sovereignty were candidates in the elections. According to Moroccan government statistics, the national election turnout was 54 percent, including 68 percent in the territory.

On March 25, King Mohammed VI appointed a new Royal Consultative Council for Saharan Affairs (CORCAS). The council, which met throughout the year, was charged with developing an autonomy plan for the territory within the context of the Moroccan state.

On April 11, a delegation of Spanish regional parliamentarians from Murcia, who supported independence for the Western Sahara, were denied entry by the local authorities.

Demonstrations limited in size continued intermittently throughout the year. On March 19, Hammoud Igulid, president of the Laayoune branch of the Moroccan Association for Human Rights (AMDH), was arrested and, according to AMDH, tortured.

On April 4, Brahim Dahane, a Sahrawi prisoner, who is president of the Sahrawi Association for the Victims of Human Rights Abuses (SAVHRA), accused the judicial police of beating him severely when he was transported from the Laayoune prison to the courthouse. Spanish press reported that Dahane showed no evidence of abuse prior to being placed in the transport vehicle. According to the Ministry of Justice, Dahane never claimed officially that he had been beaten.

On March 27, the king pardoned 219 Sahrawi prisoners held in Morocco and the territory. Among them was Aminatou Haidar. Upon release, she was free to travel unimpeded both inside and outside the territory. Sahrawi activists claimed that 30 of those released were political prisoners and that there were 37 other political prisoners still detained. The Moroccan authorities do not identify any prisoners as "political prisoners." On April 23, the king pardoned 26 of the remaining 37 prisoners. Among them were Dahane and Ali Salem Tamek.

On May 10, the anniversary of the foundation of the Polisario Front, the Polisario Web site reported that demonstrations were held in Laayoune, Smara, Dakhla and Boujdour. Reportedly 26 students were expelled from various colleges for wearing traditional Sahrawi dress.

On August 17, according to SAVHRA, 18 prisoners in the Laayoune prison began a hunger strike. Moroccan government sources stated that no hunger strike occurred. Throughout the year, local NGOs reported intermittent hunger strikes by prisoners.

During the year the Polisario claimed that the Moroccan government violently repressed demonstrations on a regular basis throughout the territory.

On September 19, authorities sentenced Tamek Mohamed and Najiaa Bachir to four years in prison and Kajot Brahim and Driss Mansouri to three years. The cases against Waissi Elkharchi, Bougaraa Sheikh and Banga Sheikh were dismissed. All of these prisoners were charged with participating in illegal demonstrations in Laayoune but were charged in Agadir (Morocco).

The SAVHRA reported that Mohammed Tahlil, president of the Boujdor branch of the NGO, was arrested and allegedly drugged by security forces. On October 20, he was transported to the Laayoune prison. Pro-independence NGOs reported that this incident was one of several in Western Saharan cities during the month. The incidents allegedly included arrests, torture, intimidation, and provocation.

On December 10, on International Human Rights Day, a demonstration occurred in Laayoune in support of the independence of the Western Sahara. Six demonstrators were beaten, others were briefly detained, but no one was arrested.

In May 2005 and sporadically thereafter, 300 to 1300 individuals demonstrated in Laayoune, ostensibly protesting the transfer of a Sahrawi prisoner to Agadir. The Moroccan government arrested 37 demonstrators during and after the May 2005 demonstrations. Of those arrested, 12 received jail terms up to five years for damaging public property and using weapons against officials. Amnesty International (AI) claimed that demonstrators received prison terms up to 20 years. In May 2005 further demonstrations occurred in Dakhla. The Spanish press reported the number of participants to be as high as 1,500.

Demonstrations broke out again in Laayoune in October 2005 initially in support of the independence of the Western Sahara, and later to draw attention to the thirtieth anniversary of the Green March. One Sahrawi, Hamdi Lembarki, died of wounds from the previous day's demonstration. Authorities arrested two policemen in connection with Lembarki's death. At year's end the disposition of the cases was unknown.

The AMDH reported that the trials of the demonstrators in the May 2005 disturbances were unfair because charges were never clearly articulated, lawyers were denied access to their clients, and allegations of torture by Moroccan authorities were not investigated.

In December 2005 Human Rights Watch (HRW) sent an open letter to Moroccan King Mohammed VI concerning the detention of seven human rights activists. The activists were Ali Salem Tamek, Mohamed El Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Aminatou Haidar, and H'mad Hammad. The letter also raised concerns about seven other teenaged detainees. While the 14 had been arrested following the May through June 2005 demonstrations, in October 2005, during a subsequent demonstration, police arrested Brahim Dahane, the fifteenth person mentioned in the HRW letter. HRW visited Laayoune, examined case files of the defendants, and concluded that "little if any of the evidence implicating them in inciting, directing or participating in the violence [that is, the earlier demonstrations] appears to be credible."

In December 2005 the Laayoune Court of Appeal sentenced the seven human rights activists to jail terms ranging from seven months to two years. AI reported that the proceedings lasted only a few hours and that the defendants were not given the opportunity to challenge alleged oral confessions that police provided to the court. The defendants said that any alleged confessions were extracted only after torture or ill-treatment while they were held in detention. Those sentenced included Ali Salem Tamek, Mohamed El Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Aminatou Haidar, and H'mad Hammad. Seven other individuals were also sentenced in the same trial.

After holding Dahane for 48 hours following his arrest in October 2005, police reportedly charged him with belonging to an unauthorized organization, the SAVHRA, of which he is the president. AI considered Dahane and the other seven defendants to be prisoners of conscience.

Some prisoners arrested after the May 2005 demonstrations launched sporadic hunger strikes; the Polisario claimed the figure was 37. While initially the Moroccan government said that only seven prisoners were on hunger strikes, it later stated that all 37 of the prisoners participated. The hunger strikes ceased in September 2005, but resumed sporadically until the end of 2005 and into 2006. AMDH wanted the government to negotiate with those who had launched the hunger strike. The government did not negotiate but provided medical attention to those on the hunger strike. Prisoners continued to participate in hunger strikes during 2006, although these were not the same prisoners as those in 2005.

Following the May 2005 demonstrations, Spanish delegations composed of journalists and regional politicians attempted to visit the Western Sahara. Moroccan authorities, who charged that the visits were politically motivated, prevented several delegations from disembarking from their aircraft. Morocco negotiated with Spain to agree to guidelines for visits to the territory. In 2005 Spanish journalists based in Morocco had regular access to the territory, although they complained of surveillance and harassment by the Moroccan authorities.

In April 2005 Moroccan authorities detained three Norwegian journalists in Laayoune who were covering a demonstration. The authorities interrogated two of the journalists and deported all three. Prior to the trial of 16 teenagers who participated in the May 2005 demonstrations in Laayoune, five Norwegians traveled overland to Laayoune from Morocco to show support for the teenagers, but Moroccan authorities stopped them and escorted them back to Morocco.

During the year, there were no confirmed reports of politically motivated disappearances in the territory under Moroccan administration. The SAVHRA, however, maintained a list of persons who allegedly disappeared or had been tortured since 1999. SAVHRA's total is over 500 persons; however, this number cannot be verified. In 1997 the government pledged that such activities would not recur and agreed to disclose as much information as possible on past cases. Authorities stated that they had released information on all 112 confirmed disappearance cases. Human rights groups and families, however, claimed hundreds of cases remained outstanding, many from the territory. International human rights organizations estimated that between 1,000 and 1,500 Sahrawis disappeared in the territory. The disappeared persons were both Sahrawis and Moroccans who challenged the government's claim to the territory or other government policies. Many individuals reportedly were held in secret detention camps.

In 2000 the Consultative Council on Human Rights (CCDH), a government organization, began paying reparations to Sahrawis or the family members of those Sahrawis who had disappeared or been detained. Urgent medical or financial needs were also paid. The government announced that reparations would continue to be paid following the review of Sahrawi petitions.

In January 2004 the Equity and Reconciliation Commission (IER), established by the king, began to investigate egregious human rights violations that occurred between 1956 and 1999 throughout the country. The appointed members of the IER included human rights activists, members of civil society, and university professors. The IER's mandate was to assess the claims of individuals and/or their families, recommend reparations to victims and/or their families, restore dignity to the victims, provide for medical care and rehabilitation, and give a thorough accounting of the events that led to the human rights abuses and of the circumstances surrounding the abuses. By the conclusion of its mandate in November 2005, the IER had received 22,000 applications, many of which had to do with the territory. Investigative teams from the IER visited the territory on several occasions.

From January 2004 to November 2005, the IER assessed 16,861 cases. It held public hearings in Morocco and planned for hearings in the territory. Due to internal IER time constraints compounded by demonstrations, hearings in the territory did not take place. The IER mandate did not include the disclosure of names of individuals responsible for the violations nor did it include a mechanism for bringing violators to trial. AMDH criticized the IER and its findings. During the documentation phase of its work, the Moroccan government identified approximately 63 of these as Sahrawi graves; however, AMDH claimed that many more Sahrawis died during detention.

In December 2005 the IER submitted the final report to the king. The report calculated how much compensation victims would receive and outlined recommendations on how to prevent similar abuses in the future. It also delineated the reasons for the abuses and the institutional responsibilities for the violations. In December 2005 the king ordered the publication and public release of the report. On January 15, the report was made available.

Both the 1991 settlement plan and the 1997 Houston Accords called for the Polisario to release all remaining Moroccan prisoners of war (POWs) after the parties completed the voter identification process. In 1999 MINURSO completed the provisional list of eligible voters. The Moroccan government continued to contest the identification process. The Western Sahara, a traditionally tribal area populated by nomadic peoples, continued to experience migration and emigration following 1975. Tribal members who left the region were eligible to vote, but their direct heirs are not. The Moroccan government disagreed with this determination.

In August 2005 the Polisario released 404 Moroccan POWs, which accounted for all remaining Moroccan POWs, according to the UN.

There were credible reports from international organizations, Moroccan NGOs, and the released POWs that Moroccan POWs suffered

serious physical and psychological health problems due to prolonged detention, abuse, and forced labor.

According to the Polisario, the Moroccan government continued to withhold information on approximately 150 Polisario missing combatants and supporters whom the Polisario listed by name. Morocco formally denied that any Sahrawi former combatants remained in detention. The International Committee of the Red Cross (ICRC) continued to investigate such Polisario claims in addition to Moroccan claims that the Polisario had not fully divulged information on the whereabouts of 213 Moroccan citizens. In a few cases, the ICRC found that individuals on the Polisario list were living peacefully in Moroccan territory or in Mauritania.

Morocco and the Polisario disputed the number of persons in refugee camps. The Moroccan government continued to claim that the Polisario detained 45,000 to 50,000 Sahrawi refugees against their will in camps near Tindouf, Algeria. The Polisario claimed that refugee numbers at Tindouf were much higher, but it denied that any refugees were held against their will. The UNHCR and the World Food Program appealed regularly to donors for food aid, and distributed it to a population of approximately 155,000 in the refugee camps. The UN, however, reduced the planning figure to 90,000, partially in response to concerns about inflated refugee numbers. During February floods humanitarian aid to the camps increased; in August the amount of aid reverted to prior levels. Local advocacy groups in the Western Sahara protested against the treatment of the Sahrawi refugees in the Tindouf camps throughout the year.

In 2004 the UNHCR completed a six-month program of confidence-building measures, highlighted by family visits that brought 1200 persons to meet for five days with long-separated relatives. Most participants were Sahrawi refugees from the camps in Algeria visiting relatives in the Moroccan-controlled territory. In 2005 approximately 19,000 Sahrawis registered to participate in the program, and the UNHCR transported 1,476 persons for visits. The confidence-building measures also included telephone exchanges between relatives in the territory and refugee camps in Algeria. The program was interrupted in August 2005 due to a lack of funding but resumed briefly in November and December 2005. On November 3, the UN resumed family reunion flights after a five month suspension with the intent to continue through the end of 2007, provided funding is available.

The Moroccan government restricted freedoms of expression, assembly, and association. In late November 2005 the government blocked several Sahrawi-based Internet Web sites; the sites remained blocked until the king's visit to the Western Sahara on March 25. Sahrawi activists claimed that they were unable to form political associations or politically oriented NGOs. Moroccan authorities claimed that they did not intervene in any demonstrations until the demonstrators became violent and destroyed personal property.

The laws and restrictions regarding religious organizations and religious freedom in the territory are the same as those in Morocco. The constitution provides that Islam is the state religion and that the state provides the freedom to practice one's religion.

The Moroccan government and the Polisario restricted movement in areas regarded as militarily sensitive.

Some Sahrawis continued to have difficulty obtaining Moroccan passports. According to NGOs, eleven Sahrawis whose passports were confiscated more than three years ago were unable to regain them.

The Moroccan penal code imposes stiff fines and prison terms on individuals involved in or failing to prevent trafficking in persons. The territory was a transit region for traffickers of persons.

The Moroccan labor code applied in the Moroccan-controlled areas of the territory. Moroccan unions were present in those areas but were not active. The Polisario-sponsored labor union, Sario Federation of Labor, was not active because the Polisario-controlled territory did not contain major population centers or economic activity.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. These individuals were paid 85 percent more than their counterparts in Morocco as an inducement to relocate to the territory. The Moroccan government exempted workers from income and value-added taxes.

The Moroccan labor code prohibited forced or bonded labor, including by children, and there were no reports that such practices occurred.

Regulations on the minimum age of employment were the same as in Morocco. Child labor did not appear to be a problem.

The minimum wage and maximum hours of work were identical to those in Morocco. In practice, however, during peak periods, workers in some fish processing plants worked as many as 12 hours per day, six days per week, which was well beyond the 10-hour day, 44-hour week maximum stipulated in the 2004 Moroccan labor code. Occupational health and safety standards were the same as those enforced in Morocco and were rudimentary, except for a prohibition on the employment of women in dangerous occupations.