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Western Sahara

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Morocco claims the Western Sahara territory, with a population of approximately 267 thousand, and administers Moroccan law and regulation in the approximately 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 UN peacekeeping contingent, known by its French initials, MINURSO.

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 Sahara 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 native to 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. However, disagreements over voter eligibility were not resolved 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.

On August 1, the UN Secretary General appointed Peter Van Walsum to oversee the political process as his personal envoy replacing Baker, who resigned in June 2004.

On October 28, the Security Council adopted Resolution 1634, extending MINURSO and its 227 military staff until April 30, 2006, and calling 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.

A substantial Moroccan subsidy aided migration and development, designed to strengthen the Moroccan hold on the 80 percent of the territory it controls. The Moroccan government also subsidized incomes, fuel, power, water, and basic food commodities for its citizens living in the Western Sahara. In October 2004 the Moroccan government unveiled a five-year approximately \$800 million (7.2 billion dirham) development program for all of what it called its "southern provinces," most of which are the territory.

Moroccan law 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 monitored the political views of Sahrawis closely, particularly those suspected of supporting independence and the Polisario.

Since 1977 the Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in Moroccan elections organized and controlled by the Moroccan government. 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 turnout was 54 percent, including 68 percent in the territory.

From May 21 through May 25 and sporadically thereafter, 300 to 13 hundred 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 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. On May 30, further demonstrations occurred in Dakhla. The press reported the number of participants to be as high as 15 hundred.

Demonstrations broke out again in Laayoune in late October, 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 October 30 of wounds from the previous day's demonstration. Two policemen were arrested in connection with Lembarki's death, and the Moroccan government began an investigation, which remained pending at year's end.

The Moroccan Association of Human Rights (AMDH) reported that the trials of the demonstrators in the May 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.

On December 9, 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 young detainees. While the 14 had been arrested following the May through June demonstrations, on October 30, 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."

On December 14, 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 verbal 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 in detention. Those sentenced were Ali Salem Tamek, Mohamed El Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Aminatou Haidar, and H'mad Hammad. Seven others also were sentenced in the same trial.

After being held for 48 hours following his arrest on October 30, police reportedly charged Brahim Dahane with belonging to an unauthorized organization, the Sahrawi Association for the Victims of Human Rights Abuses, of which he is the president. Dahane has not yet been brought to trial. AI considered Dahane and the other seven defendants to be prisoners of conscience.

Some prisoners arrested after the May demonstrations launched sporadic hunger strikes; the Polisario claimed the figure was 37. While initially the Moroccan government said that only seven prisoners were on a hunger strike, it later stated that all of the prisoners participated. The hunger strike ceased in September, but it resumed sporadically in ensuing months.

AMDH wanted the government to negotiate with those who had launched the hunger strike.

Following the May 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 embarked on negotiations with the Spain to try to agree on guidelines for visits to the territory.

Spanish journalists based in Morocco had regular access to the territory, although they complained of surveillance and harassment by the Moroccan authorities.

In April Moroccan authorities detained three Norwegian journalists in Laayoune. The authorities interrogated and deported two of the journalists, who were covering a demonstration. Prior to the trial of 16 teenagers who participated in the May 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.

In recent years, there were no reports of politically motivated disappearances in the territory under Moroccan administration. Forced disappearance of individuals who opposed the Moroccan government and its policies occurred over several decades. 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 cases of disappearance. However, human rights groups and families claimed hundreds more cases, many from the territory. International human rights organizations estimated that there were between one thousand and fifteen hundred disappearances of Sahrawis in the territory, although conditions in the territory prevented confirmation of this figure.

The disappeared were both Sahrawis and Moroccans who challenged the government's claim to the territory or other government policies. Many reportedly were held in secret detention camps. At year's end Moroccan families did not have any information regarding their missing relatives, many of whom disappeared over 20 years ago.

In 2000 through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the government began distributing preliminary compensation payments to Sahrawis or the family members of those Sahrawis who had disappeared or been detained. The compensation was for urgent medical or financial needs. The government also announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants.

In January 2004 the Equity and Reconciliation Commission (IER) continued the work started by the CCDH to settle serious violations of human rights. The IER's mandate was to provide reparations to families of disappeared persons and other victims, to restore the dignity of victims, to provide for their rehabilitation and medical care, and to give a thorough accounting of the events that led to human rights abuses and of the circumstances of the crimes themselves. The appointed members of the IER included human rights activists, and the government

designated Driss Benzekri, a former political prisoner, as commission president. On November 30, at the conclusion of its work, the IER had received 22 thousand applications, a number of them having to do with the territory. Investigative teams from the IER visited the territory on several occasions.

Under agreement with the IER, participants in the hearings in Morocco did not disclose the names of persons they considered responsible for violations. The IER heard from 16,861 victims, families of victims, and witnesses of human rights violations. The IER held public commission hearings in Morocco and planned for hearings in the territory, but the IER did not hold the latter hearings due to internal IER time constraints compounded by demonstrations in the territory. The IER identified over 693 graves through the testimony and the documentation phase of its work. The Moroccan government identified approximately 63 of the graves as Sahrawis; however, AMDH said that many more Sahrawis died during detention.

On December 1, the IER submitted to the king the final report, which assessed whether victims should be given compensation, calculated how much compensation they should receive, and outlined recommendations on how to prevent similar abuses in the future. The report delineated the reasons for the violence, as well as institutional responsibilities for the violations committed between 1956 and 1999. The king decreed that the entire report would be made public.

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 nomadic tribal area, continued to experience migration and emigration following 1975. Tribal members who left the region are eligible to vote, but their direct heirs are not. The Moroccan government disagreed with this determination.

On August 18, the Polisario released 404 Moroccan POWs, which accounted for the remaining Moroccan POWs. The Polisario had released two POWs in poor health on January 22; one subsequently died. On February 2, two POWs escaped, while on July 14, another four POWs escaped.

There were credible reports from international organizations, Moroccan nongovernmental organizations (NGOs), and from the released POWs themselves, that Moroccan POWs suffered serious physical and psychological health problems due to their prolonged detention, abuse, and forced labor.

According to the Polisario, the 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 the refugee camps. The Moroccan government continued to claim that the Polisario detained 45 to 50 thousand 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 UN High Commissioner for Refugees (UNHCR) and the World Food Program appealed regularly to donors for food aid, and distributed it to a population of approximately 155 thousand in the refugee camps, although the UN reduced the planning figure to 90 thousand, partially in response to concerns about inflated refugee numbers.

In August 2004 the UNHCR completed a six-month program of confidence building measures, highlighted by family visits that brought 12 hundred persons to meet for five days with long-separated relatives. Most participants were Sahrawi refugees from the refugee camps in Algeria visiting relatives in the Moroccan-controlled territory. Approximately 19 thousand 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 for lack of funding but resumed briefly in November and December.

The Moroccan government generally restricted freedoms of expression, assembly, and association. In late November the government blocked several Sahrawi-based Internet websites. Sahrawi activists claimed that they were unable to form political associations or politically oriented NGOs. The Moroccan authorities claimed that they did not intervene in the demonstrations in Laayoune and Dakhla until the demonstrators became violent and destroyed personal property.

In 2003 according to France-Liberté, a French human rights organization, the Polisario restricted freedoms of expression, assembly, association, and movement in its camps near Tindouf.

Due to continuing Moroccan control of the territory, the laws and restrictions regarding religious organizations and religious freedom were the same as those in Morocco.

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

Sahrawis continued to have difficulty obtaining Moroccan passports. The government issued activist Ali Salem Tamek a passport and allowed him to travel abroad, but he was later arrested for his role in the demonstrations. The government prevented Sahrawi nationalists who had been released from prison in Morocco from living in the disputed territory.

The law imposes stiff fines and prison terms on those, including government officials, involved in or failing to prevent trafficking in persons.

The territory was a transit region for traffickers of persons.

There was little organized labor activity. The same labor laws that apply in Morocco apply in the Moroccan-controlled areas of the territory. Moroccan unions were present in the areas controlled by Morocco, but they were not active. The Polisario-sponsored labor union, Sario Federation of Labor, also was not active because the Polisario-controlled territory did not contain major population centers or economic activity, apart from nomadic herding.

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. They 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.

Moroccan law 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. However, in practice, during peak periods, workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, which was well beyond the 10-hour day, 44-hour week maximum stipulated in the Moroccan code of labor. 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.

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