



2008 Human Rights Report: Western Sahara

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Morocco claims the Western Sahara territory, with a population of approximately 383,000, according to recent UN estimates, and administers Moroccan law and regulations in the estimated 85 percent of the territory it controls. However, Morocco and the Polisario (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization that has sought independence for the formerly Spanish territory since 1973, dispute its sovereignty.

The Moroccan government sent troops and settlers into the northern two provinces of the territory after Spain withdrew in 1975 and extended its administration over the third 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, the UN Mission for a Referendum in Western Sahara (MINURSO).

Sahrawis, literally "people of the desert" in Arabic, live in the south of internationally recognized Morocco, in the area of the territory controlled by Morocco and, to a lesser extent in Mauritania. Some also live as refugees in Algeria near the border with Morocco. An approximately 2,000 kilometer stone and sand defensive wall constructed by Morocco in the late 1980s, known as the "berm," is the effective limit of Moroccan administrative control.

In 1988 Morocco and the Polisario agreed to settle the dispute by referendum. However, disagreements over voter eligibility and which options for self-determination (integration, independence or something in between) should be on the ballot were not resolved, and a referendum never took place. Over the years, there have been several attempts to broker a solution.

In 2007 the first face to face negotiations between representatives of the Moroccan government and the Polisario began under UN auspices, after Morocco offered a political solution based on autonomy for the territory within the Kingdom of Morocco, while the Polisario continued to insist on a potential referendum in which full independence would be an option. By year's end four rounds of talks had taken place in Manhasset, New York. On April 30, the UN Security Council adopted Resolution 1813, extending MINURSO until April 2009. The resolution also called on member states to consider voluntary contributions to the Confidence Building Measures (CBMs) carried out under the UN High Commissioner for Refugees (UNHCR) that allow increased contact between family members separated by the dispute. There were no further talks by year's end.

Morocco considers the part of the territory that it administers to be an integral part of the kingdom and the exercise of civil liberties and political rights are conditioned by the same laws and structures which apply in the kingdom. Accordingly, ultimate authority rests with King Mohammed VI, and human rights conditions in the territory tended to converge with those in the kingdom.

Unlike in previous years, there were no reports that the government or its agents committed arbitrary or unlawful killings.

In June 2007 after an investigation carried out by the Moroccan government, two police officers responsible for the

death of Hamdi Lembarki, a Sahrawi, were sentenced to 10 years in prison. Lembarki died in police custody from wounds received at a 2005 demonstration in Laayoune in support of the independence of Western Sahara. In March, an appellate tribunal in Laayoune released the officers, after reducing their sentences to two years, amounting to time served shortly after a police officer was killed during a pro-Sahara independence demonstration in Tan-Tan, in southern Morocco.

There were no reports of migrant killings during the year. In July 2007 two illegal migrants were killed and two were seriously injured while trying to break through a security system in Laayoune. Authorities stated that 37 sub-Saharan persons attempted to break through the surveillance system on the berm despite warning shots fired by security forces, and 26 were arrested. In July 2007 the Moroccan government launched an investigation, but no results were made public by year's end.

On January 4, construction workers uncovered a mass grave containing what press reported were approximately 15 skeletons in Smara. The facility was the site of a former military barracks built during the 1970s, the period during which many Sahrawis disappeared or were murdered by authorities. Local and international human rights organizations called for an exhumation and full investigation. The government began a formal investigation, which was still underway at year's end.

In November 2007 construction workers discovered another mass grave at the Laayoune Prison. The Moroccan government stated that the bodies could be identified from the early 20th century; however, pro-independence organizations, such as the unrecognized Sahrawi Collective of Human Rights Defenders (CODESA), claimed that they dated from the 1970s and 1980s. In November the government admitted in statements to the press that during this period activists and dissidents were secretly detained and sometimes killed, but stated that the five skeletons were not of that era.

In 2007 the Consultative Council on Human Rights (CCDH), a Moroccan government organization, opened a Laayoune field office. Since 2000 the CCDH has paid reparations, including providing medical insurance or assisting with urgent medical or financial needs, to Sahrawis or the family members of those Sahrawis who had disappeared or detained. The Laayoune office continued to process and pay claims during the year. In October the CCDH sponsored its first town hall meeting on human rights in Laayoune, at which an estimated 400 human rights and political activists participated, including several speakers with separatist views. The CCDH committed to a follow-up mechanism that was to include local human rights activists, but no further action took place by year's end.

During the year Sahrawi human rights activists claimed that beating and torture continued and that threats and the use of psychological and "mental stress" interrogations persisted. According to a local, unregistered nongovernmental organization (NGO), the Sahrawi Collective of Human Rights Defenders (CODESA), however, specific reports of mistreatment and human rights violations within the territory decreased,

Police reportedly sometimes beat detainees in transport vehicles rather than in stations or prisons in order to deny abusing persons in government facilities. Hamoud Iguilid, a member of the Laayoune branch of the unrecognized Moroccan Association for Human Rights (AMDH) claimed that police detained him on May 10, placed him in a police vehicle while handcuffed and blindfolded, questioned him about his human rights activities and insulted him. The officers held him for over an hour, confiscated money, documents related to his human rights activism, and a computer flash drive that contained sensitive information. They then drove him outside the city limits and released him. He filed a complaint with judicial authorities but was not contacted as part of an investigation.

According to a May Human Rights Watch (HRW) report, during the year and in recent years there was impunity for police abuses. Numerous victims of human rights abuses repeatedly named specific police or security officials as arbitrarily arresting, either supervising or employing excessive force and/or beating demonstrators, including

children, and forcing them to sign statements against their will that they were prevented from reading. During the year multiple complaints were filed with both police and judicial authorities against specific officers who had received complaints against them in previous years. According to HRW, authorities dismiss the overwhelming majority of complaints without collecting evidence beyond the police's own version of events. No officer was charged with any crimes during the year.

Despite a reduction, the government and many NGOs reported multiple cases of human rights abuses. For example, two activists, Dahha Rahmouni and Brahim al-Ansari reported filing formal complaints of police mistreatment on January 4, which authorities denied receiving. In 2007 Zahra Bassiri, a 14-year-old girl, was arrested after a peaceful demonstration by approximately 50 persons in support of Western Saharan independence, according to the Associated Press. Bassiri stated that police officers began beating her as soon as they put her into a transport van. No investigation was conducted. Of 12 complaints of abuse that local authorities acknowledged receiving since 2005, all were found baseless by the government or closed without contacting the original complainant.

A new prison was under construction at year's end. The Moroccan Observatory of Prisons (OMP), a local human rights NGO subsidized by the Moroccan government, and other activists have limited ability to enter prisons in the territory and interview inmates and record complaints. The OMP regional office in Laayoune stated that a new prison director decreased overcrowding, improved security by installing metal detectors and cameras to prevent violence, improved diet and access to health care, and created new cells for family visits. Eligible inmates were able to continue to pursue their education. However, allegations of abuse and substandard conditions persisted.

Some human rights activists and NGOs charged that the government had reduced overcrowding by transferring politically active prisoners to facilities in Morocco proper, far from their families and support networks as a punishment for activism. The government stated that the transfers were administrative and were undertaken only to improve conditions. Some antigovernment activists continued to serve their sentences in Laayoune. Human rights activists and NGOs claimed that the court system in Laayoune dispensed justice unfairly. Many activists claimed that although they were arrested for political activities, they were officially charged with drug or other criminal offences and that courts often refused to bring in experts to testify about torture. Human rights and pro-independence activists claimed that authorities' repressive measures were also focused on them or other activists in areas of southern Morocco inhabited by Sahrawis. Activists and their attorneys also alleged multiple cases of forced or falsified confessions.

During the year activists and NGOs alleged that police violated Moroccan law by holding minors for up to 72 hours without informing parents. Activists also claimed that minors were often seized and arrested for short periods of time, during which they were allegedly beaten before being released.

Youths supporting independence were reportedly detained and mistreated. Activists claimed that they were regularly taken into custody, beaten, and released, generally within 24 hours, without being formally arrested or charged.

Police reportedly used excessive force or violence to disperse some pro-independence demonstrations, which continued intermittently throughout the year. On April 12, police broke up a demonstration in Laayoune's central square. Several individuals were injured and arrested. Authorities claimed that they did not intervene in any demonstrations until demonstrators became violent and destroyed personal property.

Moroccan media and satellite television are available in Western Sahara. However, it is illegal to publish or express views publicly calling for independence or a referendum which would include that option. Most other abuses are related to persons attempting to exercise these rights. The government denied access to Web sites considered controversial, such as those advocating independence, and offenders were quickly detained.

According to Amnesty International (AI), on June 17, Brahim Sabbar, Secretary General of the unrecognized Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) was released following two years' imprisonment after unfair trials in 2006 and 2007. Sabbar had been convicted of having led demonstrations in 2005 and 2006 against the Moroccan administration of Western Sahara and for belonging to the ASVDH, an unauthorized organization.

On June 17, Moroccan authorities forcibly prevented parties and other gatherings from celebrating the release of Brahim Sabbar. Security officers assaulted Mohamed Dadach, a prominent human rights activist, recipient of the 2002 Rafto Human Rights Award from Norway and the President of the Support Committee for the Sahrawi People's Self-Determination, after he left the home of another activist in Laayoune. The activists were preparing to celebrate the release of Brahim Sabbar. Dadach claimed that approximately 15 police officers beat him on the face and body.

On September 22, pro-independence activists attacked a police vehicle in Smara and burned it with Molotov cocktails after Polisario President Abdelaziz called on Sahrawis living in Moroccan-controlled territory to launch an uprising. Police subsequently broke up demonstrations, sometimes with excessive force.

In May Naf'i as-Sah and Abdallah al-Boussati were released from prison after serving 10 months sentences for damaging a police car and injuring its three occupants with a Molotov cocktail in June 2007. Both men signed confessions but claimed that they were extracted under torture; there were also evidentiary irregularities.

Protests by Sahrawi activists, including some from the territory, intensified in Morocco. The Moroccan government response included arrests, and there were allegations of abuse. (See Morocco report.)

Some security personnel in the territory also received new training, which included a human rights component. The retention of other personnel in key roles who allegedly have perpetrated past abuses, however, highlighted continuing problems of impunity. According to the Polisario, Morocco continued to withhold information on approximately 150 missing Polisario combatants and supporters whom the Polisario listed by name. Morocco formally denied that any Sahrawi former combatants remained in detention. During the year the International Committee of the Red Cross (ICRC) continued to investigate such Polisario claims, as well as Moroccan claims that the Polisario had not fully divulged information on the whereabouts of 213 Moroccan citizens. The total number of unresolved cases of missing Algerian and Polisario soldiers in which Morocco was implicated decreased from 249 in 1994 to 58 at year's end.

In October 2007 the pro-independence CODESA applied to the Moroccan government for recognition as a NGO. CODESA claimed that authorities successfully impeded the organization's Constitutive Conference planned for October 2007. At year's end CODESA's application, sent by registered mail to the local authorities, had not been acknowledged.

Since 2005, the government has refused to approve ASVDH's application to register as a legal NGO despite two administrative court decisions in its favor. The government filed an appeal against the decision to order registration, which it maintained was the rationale for nonimplementation of the court order.

Both CODESA and ASVDH continued to operate informally, but the lack of legal status hindered normal activities, including securing space for public meetings and domestic fundraising and prevented international funding for the volunteer-based organizations.

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. Unlike in previous years, external observers and international human rights activists

increasingly gained access to the territory, and activists from the territory traveled abroad and returned unharmed. On December 15, Sahrawi former "disappeared" human rights defender Aminatou Haidar travelled abroad to accept a prestigious human rights award from a private foundation. She was accompanied by more than half a dozen activists, and all returned to the territory without incident.

Unlike in previous years, antigovernment activists were able to obtain passports. Both the Moroccan government and the Polisario restricted movement in militarily sensitive areas.

Since 1977 the inhabitants of the Western Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in Moroccan national and regional elections. In 2007 parliamentary elections, Sahrawis with pro-Morocco political views filled all the parliamentary seats allotted to the territory. No Sahrawis opposed to Moroccan sovereignty were candidates in the elections. According to government statistics, 37 percent of registered voters turned out for the election nationally, but 62 percent of registered voters in the territory voted. While the international mission that observed the September elections did not monitor voting in Western Sahara, domestic observers leveled accusations of corruption, principally vote buying, in some races.

In 2006 King Mohammed VI appointed a new Royal Consultative Council for Saharan Affairs (CORCAS). In its three meetings during the year, the council focused principally on technical issues. There was no activity by its formerly active human rights committee except for attendance at the CCDH conference in Laayoune and participation in the general CORCAS conference in December held in Rabat.

In the largely traditional Sahrawi society, there was discrimination in practice against women.

The penal code imposes stiff fines and prison terms on individuals involved in or failing to prevent trafficking in persons. However, the territory remained 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.

There were no known 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 government exempted workers from income and value added taxes.

The Moroccan labor code prohibited forced or bonded labor, including labor by children, and there were no reports that such practices occurred. Sahrawis and Moroccans protested against the reported holding of slaves among the Sahrawi refugees in Tindouf, Algeria.

Human Rights Watch investigated allegations of slavery in the Tindouf camps in Algeria, but could find no conclusive proof of the allegations.

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 Moroccan labor code. Occupational health and safety standards were the same as those in Morocco and enforcement was rudimentary, except for a prohibition on the employment of women in dangerous occupations.

On February 20, security forces arrested Sahrawi trade unionist Edeya Ahmed, his wife, and a delegation of European trade unionists at his home and then subsequently released them without charge. The delegation visited Western Sahara to meet with the workers and retirees from the phosphate mine at Boucrâa, who claim violations of their labor rights have occurred on a regular basis since 1977 when Spain ceded its majority holding in the company to Morocco. The workers claim that Morocco immediately broke agreements and contracts with 721 Sahrawi workers, while 300 Spaniards were allowed to work under the terms of their original agreement. Sahrawi workers alleged they were consistently paid below market wages. Since 1999 representatives of the 600 workers and retirees have met with company representatives to air their grievances, but maintain that they have not had a fair hearing.

Both activists and other individuals reported a range of informal restrictions, including threats, by authorities to their ability to obtain employment, including with the MINURSO in Laayoune. They alleged that they were discriminated against in favor of persons who moved to the territory from Morocco.