

# AMNESTY INTERNATIONAL

## Public Statement

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### **Morocco/Western Sahara: Stop the judicial harassment of Sahrawi human rights defenders**

On the eve of the trial in Laayoune of Sahrawi human rights defenders Brahim Sabbar and Ahmed Sbai, Amnesty International fears that the two men are being subjected to judicial harassment on account of their work as human rights defenders and their advocacy of the right to self-determination for the people of Western Sahara.

Amnesty International calls on the Moroccan authorities to ensure that tomorrow's proceedings meet international standards for fair trial. However, it believes the two men, who have been in detention for over half a year, may be prisoners of conscience, in which case they should be released immediately and unconditionally. The organization's concerns are made more acute by the fact that Brahim Sabbar has already been sentenced in an earlier trial to two years' imprisonment on the basis of charges which Amnesty International believes were probably trumped up.

Brahim Sabbar, Secretary General of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State and well known to Amnesty International as a long-standing human rights activist, along with his colleague Ahmed Sbai, face charges which include belonging to an unauthorized association and inciting violent protest activities against the Moroccan administration of Western Sahara.

Brahim Sabbar and Ahmed Sbai appear to have been targeted for their role in collecting and disseminating information about human rights violations in Western Sahara, as well as their public advocacy of the right of the people of the territory to self-determination. They were arrested on 17 June 2006 at a police checkpoint at the entrance to Laayoune in Western Sahara, when returning by car from the nearby town of Boujdour, where they say they had been supervising the creation of a branch of their association. Shortly beforehand, in May 2006, their association had published a 121-page report detailing dozens of allegations of arbitrary arrest and torture or ill-treatment committed by Moroccan security forces in previous months.

Brahim Sabbar's previous trial took place shortly after his arrest. He was charged with assaulting and disobeying a police officer during his arrest, but denied the accusation, maintaining that police officers in fact kicked, slapped and insulted him. Other Sahrawi human rights defenders have reported similar or more severe ill-treatment during arrest or questioning. He was sentenced to two years in prison on 27 June 2006. In the same trial, two brothers, Ahmed and Saleh Haddi, who had been travelling with Brahim Sabbar and Ahmed Sbai at the time of their arrest were convicted on similar charges and handed down a three-year prison sentence and a one-year suspended prison sentence respectively. The decisions were confirmed on appeal on 20 July 2006.

Amnesty International had a number of concerns about the fairness of the trial. In particular, it was concerned about the court's dismissal of defence lawyers' requests to call and question witnesses, despite this being a cornerstone of the right of defence. Furthermore, Brahim Sabbar said that he was never allowed to read and check the accuracy of the record of the police interview with him, in breach of Moroccan law.

Finally, Amnesty International appeals to the Moroccan authorities' to stop criminalizing the peaceful work of Sahrawi human rights defenders and to protect the right of all Sahrawis to peacefully express their views, including on the issue of Western Sahara, without fear of reprisal.

## **BACKGROUND**

### **• Brahim Sabbar and Ahmed Sbai**

Brahim Sabbar has been subjected to persecution by the Moroccan authorities on a number of occasions over the last quarter of a century. He was arrested in 1981 at the age of 22 and held without charge or trial in secret detention centres until his release in 1991. The Moroccan authorities have never provided a formal reason for his arrest and enforced disappearance, but it is believed that he was targeted for peacefully demanding the right of the people of Western Sahara to self-determination.

In 2001 Brahim Sabbar was among 36 Moroccan and Sahrawi human rights defenders sentenced to three months in prison for "participating in the organization of an unauthorized demonstration" in Rabat, the Moroccan capital, on 9 December 2000. The rally had been called to demand an end to impunity for perpetrators of human rights abuses in the country. He and the others were acquitted on appeal. For more information, please see the report *Morocco / Western Sahara: Freedom of assembly on trial* (AI Index: MDE 29/011/2001): <http://web.amnesty.org/library/Index/ENGMDE290112001?open&of=ENG-MAR>

In the year preceding his arrest in June 2006 he was arrested, detained for questioning and released shortly afterwards on three separate occasions in relation to his human rights work or his involvement in demonstrations against the Moroccan administration of Western Sahara. He has been denied a passport since 2000.

Ahmed Sbai was sentenced to 10 years in jail in 2003 for offences including destruction of public property. The conviction was based largely on a "confession" which he said that he was forced to sign during an interrogation session in which he was tortured by being whipped with a leather belt. He was released following a royal pardon in 2004.

Brahim Sabbar and Ahmed Sbai, along with other Sahrawi detainees in the Civil Prison of Laayoune, have reportedly been on hunger strike since 30 January 2007 to protest against abuses to which they say they were subjected on 19 January 2007. According to relatives and friends, dozens of riot police were called in by the prison administration as a punitive measure and proceeded to attack them with batons and confiscate some of their personal belongings, including books and blankets. Brahim Sabbar's family say, in addition, that the prison administration has ordered him to be denied family visits for a month.

### **• Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State**

The Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State monitors and documents current allegations of human rights violations by the Moroccan authorities, as well as demanding justice for Sahrawis who were subjected to enforced disappearance in previous decades, like Brahim Sabbar, and for the families of those who remain disappeared. However, Brahim Sabbar, Ahmed Sbai and their colleagues have been unable to register their association due to politically motivated administrative obstacles.

This concern was highlighted recently by a mission of the Office of the UN High Commissioner for Human Rights, which visited Western Sahara in May 2006. Its leaked confidential report concluded that the

Association had been “effectively prevented from registering [itself] with the authorities”, noting that “[a]ccording to members of the Association, the relevant authorities have repeatedly refused to accept their file and to issue a receipt, thus paralyzing the administrative process.”

The Association has been challenging the refusal for some two years. In the latest development, on 21 September 2006 an administrative court overturned the decision of the local authorities in Laayoune to refuse to issue the Association with a receipt. However, officials of the Moroccan Interior Ministry told the UN mission that it would refuse to authorize any association “if it aims to question the territorial integrity of Morocco”, an apparent reference to the views of members of such Sahrawi associations in favour of the independence of Western Sahara.

#### ● **Other Sahrawi human rights defenders**

Sahrawi human rights defenders have been the subject of a concerted campaign of repression at the hands of the Moroccan authorities over the last year and a half.

At least eight Sahrawi human rights defenders, including Brahim Sabbar’s colleague, Brahim Dahane, President of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State, were imprisoned in 2005 for involvement in protests against the Moroccan administration of Western Sahara, although they were later released following royal pardons in March and April 2006.

Like Brahim Sabbar and Ahmed Sbai, they appeared to have been targeted because of their work as human rights defenders and their advocacy of the right to self-determination for the people of Western Sahara. The Moroccan authorities have denied this and stated that they were all imprisoned for their involvement in criminal acts, not for their views. Amnesty International had serious concerns about the fairness of their trials, such as the fact that some of the evidence was tainted with unexamined claims of torture or other ill-treatment and that the defendants were not permitted to call defence witnesses. For more information, please see the public statement *Morocco / Western Sahara: Sahrawi human rights defender on trial* (AI Index: MDE 29/007/2006):

<http://web.amnesty.org/library/Index/ENGMDE290072006?open&of=ENG-MAR>

Most recently, Ennaâma Asfari, Co-President of the Committee for the Respect of Freedoms and Human Rights in Western Sahara, based in France, was sentenced to a two-month suspended prison term on 15 January 2007 for “insulting behaviour towards a public official” and “destruction of state property”. He has lodged an appeal and is currently at liberty awaiting its examination by the court. Amnesty International is concerned that the charges against him may have been trumped up.

Ennaâma Asfari was arrested on 5 January 2007 and detained until 12 January, after security force personnel at a checkpoint outside Smara, Western Sahara, stopped the vehicle in which he was travelling with his family and refused him entry to the town. He says that he accompanied the personnel to their roadside post and demanded to know the reasons for the refusal, but was given no justification and, when he insisted, was accused of damaging a table and chair at the post. He had been subject to harassment during other recent visits to Western Sahara.

The human rights situation in Western Sahara in general remains of serious concern. The UN delegation which visited there in May 2006 underlined, in particular, that Sahrawi people were severely restricted from exercising their rights to express their views, create associations and hold assemblies, as well as being denied their right to self-determination.

