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Morocco/ Western Sahara: Sahrawi Defender released, while obstacles for human rights groups remain unabated

Amnesty International welcomes that after two years spent in prison, Brahim Sabbar, a prominent Sahrawi human rights defender, has recovered his freedom and remains determined to continue his human rights work. However, the organisation deplores a heavy security presence surrounding the areas where Brahim Sabbar is and blocking friends and activists from visiting him.

Witnesses reported to Amnesty International that a police van is blocking the entrance of the place where Brahim Sabbar is resting and that policemen have even slapped at least two persons asking to visit Brahim Sabbar, saying that they have received orders not to let anyone in.

Brahim Sabbar, Secretary General of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (*Association Sahraouie des Victimes des Violations Graves commises par l'Etat Marocain*, ASVDH), was released after completing two prison terms imposed after unfair trials, in what Amnesty International considers to be politically motivated cases. The organization believes that he was probably imprisoned for peacefully exercising his rights to freedom of expression and association and campaigned on his behalf.

Brahim Sabbar's imprisonment epitomizes the obstacles that members of Sahrawi human rights groups continue to face because of their work to document past and present human rights abuses and their advocacy of the right to self-determination for the people of Western Sahara. Brahim Sabbar was convicted, among other charges, of "belonging to an unauthorized organisation", namely the ASVDH, which monitors and documents current allegations of human rights violations by the Moroccan authorities and demands justice for the Sahrawis who were victims of enforced disappearance in previous decades. Brahim Sabbar was himself subjected to enforced disappearance between 1981 and 1991.

Sahrawi human rights groups are severely hampered in their work as they are unable to obtain legal registration due to politically-motivated administrative obstacles. The local authorities in Laayoune have repeatedly refused to acknowledge receipt of the ASVDH registration file. On 21 September 2006, an administrative court ruled that the refusal to issue the Association with a receipt was an abuse of power.

Another human rights network, the Collective of Sahrawi Human Rights Defenders (CODESA), was unable to hold its founding congress on 7 October 2007 because the local authorities refused to acknowledge their request for authorisation of a public meeting. When Amnesty International raised this issue, the authorities in Laayoune contended that the statute of CODESA made clear that it was a "separatist" organisation, in reference to the views on the right to self-determination of its members.

Amnesty International is concerned that Sahrawi human rights defenders continue to be the subject of a concerted campaign of repression by the Moroccan authorities. Since 2005, over a dozen members of Sahrawi human rights groups have been charged with violent conduct

after being arrested in the context of demonstrations demanding self-determination for the people of Western Sahara. The organization is further concerned that they appear to have been targeted because of their human rights activities and for peacefully exercising their right to freedom of expression, including the right to peacefully advocate for self-determination. The Moroccan authorities have stated that such persons are imprisoned for their involvement in criminal acts, not for their views. However, Amnesty International is concerned that their trials have often failed to meet international fair trial standards. For example, evidence has been tainted with unexamined claims by defendants of torture or other ill-treatment, and they have often not been permitted to call defence witnesses or to examine prosecution witnesses.

Amnesty International calls on the Moroccan authorities to take concrete measures to ensure that the rights of all Sahrawis to freedom of expression, association and assembly are fully respected and that Sahrawi human rights defenders, in particular, can collect and disseminate information and views on human rights issues without fear of prosecution, harassment or intimidation. Such rights are enshrined in international law, notably the International Covenant on Civil and Political Rights, to which Morocco is a state party, and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 9 December 1998.

Background

Brahim Sabbar and his colleague Ahmed Sbai, another member of the ASVDH, 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. Brahim Sabbar was sentenced to two years in prison on 27 June 2006 for allegedly assaulting and disobeying a police officer, charges which he denied. An appeal court confirmed the sentence on 20 July 2006. Amnesty International is concerned that the conviction appears to have been based exclusively on the record of a police interview with Brahim Sabbar, which he says he was never allowed to read and check its accuracy, in breach of Moroccan law. He denies the accusation and maintains that the police officers kicked and slapped him during arrest.

Brahim Sabbar received a further one year prison term on 6 March 2007, when he was sentenced together with Ahmed Sbai, another member of the ASVDH, after they were convicted on charges of inciting violent protests and belonging to an unauthorized organisation. The trial took less than an hour. The defendants refused to answer questions in protest at the charges. Their defence lawyers had previously withdrawn from the case in protest at the authorities' failure to investigate alleged ill-treatment of the defendants as they were taken to and from court and during a prison protest. The court appointed a substitute defence lawyer.

The one year prison terms imposed on Brahim Sabbar and Ahmed Sbai in March 2007 were increased to 18 months by a court of appeal on 22 May 2007. At the appeal hearing, in which there was also a heavy security force presence in the court, Brahim Sabbar broke his silence to answer a question put by the court, stating: "I am a human rights activist. I incited the Sahrawi people to defend their rights peacefully."

Ahmed Sbai was released upon the termination of his sentence on 17 December 2007. Brahim Sabbar served his two prison sentences concurrently.