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Morocco/Western Sahara: Human rights defenders jailed after questionable trial

The jailing of seven Sahrawi human rights defenders yesterday after a trial lasting no more than a few hours represents a serious setback for human rights in Western Sahara, which Morocco has ruled since 1975.

Amnesty International believes that the trial, which also resulted in the conviction of seven others accused of involvement in anti-Moroccan protests, may have been unfair. The organization is consequently strengthened in its belief that the seven human rights defenders may be prisoners of conscience.

The seven are all well known to Amnesty International as long-term human rights activists. They did much to document abuses by Moroccan forces during and after demonstrations earlier this year calling for Western Sahara to be granted independence or autonomy from Morocco.

All 14 defendants were convicted and jailed by the Laayoune Court of Appeal on 14 December after a trial at which none of them was permitted to call witnesses in their own defence. They were convicted on various charges mainly related to participating in and inciting violent protest activities. The seven human rights defenders were jailed for periods ranging from seven months to two years and their seven co-accused received sentences ranging from six months to three years in prison.

Of the human rights defenders, Aminatou Haidar was sentenced to seven months in prison, Ali-Salem Tamek to eight months, Mohamed El-Moutaouakil, Houssein Lidri, Brahim Noumria and Larbi Messaoud to 10 months each, and H'mad Hammad to two years.

Amnesty International has serious concerns about the fairness of the trial.

• Tainted evidence

The convictions were reportedly based almost exclusively on written statements by police officers in which they said that defendants had confessed their guilt. But defendants said that they either never made such admissions or made them only as a result of torture or ill-treatment to which they were subjected in detention. The court accepted the police statements as evidence without taking steps to examine the defendants' claims. According to defence lawyers, all of the accused had refused to sign confession statements while in pre-trial detention and in court denied the charges against them.

• No defence witnesses

Defence lawyers asked to call witnesses, including ones who could have challenged the content of the written police statements, but these requests were in all cases dismissed by the court, apparently without

justification. The right of the accused to call and question witnesses is a cornerstone of the right of defence in a fair trial.

Amnesty International sent Tunisian human rights lawyer Samir Ben Amor to observe the first main session of the trial when it was due to open on 30 November 2005. However, the case was almost immediately adjourned when, in a surprising and unexplained break with normal practice, the authorities did not produce the defendants in court until after the completion of the day's proceedings, leading the defence lawyers to withdraw in protest.

All 14 accused remain detained in Laayoune Civil Prison. They have 10 days to decide whether to appeal the court's decision. An eighth human rights defender, Brahim Dahane, also remains in detention and is expected to be brought to trial separately. Amnesty International believes he too may be a prisoner of conscience.

Amnesty International fears that yesterday's sentences will have a chilling effect on human rights work in Western Sahara, where human rights defenders have been repeatedly targeted in recent years for documenting and campaigning on abuses by Moroccan authorities in the territory.

Background

For more details on Amnesty International's concerns on the cases, please see:

- *Morocco/Western Sahara: Sahrawi human rights defenders under attack* (AI Index: MDE 29/008/2005), a 13-page report released on 24 November 2005;
- *Morocco/Western Sahara: Human rights defenders on trial* (AI Index: MDE 29/009/2005), a public statement issued on 28 November 2005.

The two documents can be consulted on Amnesty International's website at the following addresses:

<http://web.amnesty.org/library/Index/ENGMDE290082005>

<http://web.amnesty.org/library/Index/ENGMDE290092005>