

# **RIGHTS TRAMPLED**

**PROTESTS, VIOLENCE AND  
REPRESSION IN WESTERN  
SAHARA**

**AMNESTY  
INTERNATIONAL**



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## INTRODUCTION

Violent confrontations broke out in the early morning of 8 November 2010 in the desert a few kilometres east of the town of Laayoune, in the Moroccan-administered Western Sahara, when Moroccan security forces sought to forcibly remove people from a tented “protest camp.” The Gdim Izik camp had been set up in early October by Sahrawis protesting against their perceived marginalization and demanding jobs and adequate housing.<sup>1</sup>



Building burned by Sahrawi protesters © Amnesty International



Building burned by Moroccan residents © Amnesty International

The protesters were complaining that, though indigenous to Western Sahara, they are discriminated against by the Moroccan authorities and do not receive a fair share of the wealth and other benefits deriving from the region’s natural resources and land, and that the local authorities have failed to address their socio-economic grievances.

According to the Moroccan authorities, the protest camp was set up without authorization and was illegal. They say too that they were obliged to act when they did to dismantle it because they had information that some of the camp protesters were being kept there against their will and in order to prevent planned acts of violence by Sahrawi protesters who had taken weapons, including knives, machetes and Molotov cocktails, into the camp.

An Amnesty International fact-finding team that visited the Laayoune area in the second half of November, however, found no evidence to

support the government's contention that some of those in the camp were being held there against their will. All those interviewed by Amnesty International said that they had been free to move between the camp and the town in the days and weeks preceding its dismantlement and they were unaware of any cases in which people were restricted to or held at the camp against their will.

The dismantling of the camp by the security forces was accompanied by considerable violence. Sahrawi protesters who were at the camp told Amnesty International that members of the Moroccan security forces had beaten them with batons and torn down their tents to force them to leave and vacate the area. However, there was clearly serious resistance by at least some of those present in the camp, with the result that nine members of the security forces were killed by Sahrawi protesters in circumstances that have yet to become fully clear but in at least a number of cases resulted from stab wounds. In a video recording Sahrawi protesters can be seen repeatedly hitting a member of the security forces lying on the ground injured or dead. Amnesty International deplores and condemns such actions.<sup>2</sup>



Sahrawi woman beaten by Moroccan security forces during the forcible evacuation of Gdim Izik camp  
© Amnesty International

Following the forcible dismantlement of the camp, the violence quickly spread to the town of Laayoune, a few kilometres away, where Sahrawi youths and other protesters went on a rampage, attacking and setting fire to public buildings, banks, shops, cars and properties belonging to Moroccan citizens

and to Sahrawis they evidently perceived to be “pro-Moroccan” and in favour of Morocco’s administration of Western Sahara. A further two members of the security forces were killed in this further violence; one was run over by Sahrawis. In a video recording of the violence, one protester can also be seen urinating over the body of a member of the security forces.

Two Sahrawis were also killed in the violence in Laayoune in circumstances which remain to be clarified. One was struck by a police vehicle and fatally injured; the authorities say it was an accident but an eyewitness has alleged that the dead man was the victim of a deliberate act. Another death occurred in even less clear circumstances; the authorities assert that the dead man suffered a fatal asthma attack but Sahrawi sources contend that he was wounded by the security forces.

Laayoune then saw another bout of violence later on 8 November when Moroccan residents, in turn, attacked Sahrawi homes and businesses, damaging, looting or setting fire to property and vehicles, and in some cases beating Sahrawi residents. Victims of these attacks allege that Moroccan security forces were present in some cases and either failed to intervene or actually participated in attacks alongside Moroccan residents.



Firefighters' ambulance being attacked by Sahrawi protesters © Private

During the dismantling of the camp and following the violence in Laayoune, some 200 Sahrawis were detained by the security forces on 8 November and in the succeeding days, and further arrests were being made in December. Tens of those arrested were released without charge but over 130 people are currently facing trial in connection with the events of 8 November. By contrast, however, no Moroccan residents are known to have been arrested in connection with the attacks made against Sahrawis and their homes and property in the latter part of 8 November, and no investigations are known to have been initiated into allegations of beatings, torture and other ill-treatment of Sahrawis by the security forces.

On the one hand, the actions of some Sahrawi protesters on 8 November, notably the killings of members of the security forces in apparently deliberate attacks, lend credence to the concerns expressed by the Moroccan authorities that some elements within the camp were planning violence. At the same time, the actions of some members of the security forces – assaults on Sahrawis who posed no threat to them or others, torture or other ill-treatment of Sahrawi detainees, the failure to halt attacks on Sahrawis and their property and to hold accountable those responsible for such attacks – lend credence to the grievances expressed by Sahrawis that they are treated in a discriminatory manner and targeted on account of their political opinions.

Morocco's Minister of Interior, Taïeb Charkaoui, has publicly declared that "not a single shot had been fired"<sup>3</sup> by the security forces on 8 November; however, this is contradicted by information obtained by Amnesty International. The organization investigated several cases in which Sahrawi men and women were injured by rubber bullets fired by members of the security forces at the protest camp and by live bullets in Laayoune. One acknowledged that he had been throwing stones at security forces within the camp when he was hit by a rubber bullet. Others may have been involved in stone-throwing or other activities which could have been perceived as posing a threat to the physical safety and lives of members of the security forces or others, but others appear to have been uninvolved bystanders. The latter include two women: one was hit in the stomach by an apparently stray rubber bullet while making her way home along a street in which Sahrawi protesters were clashing with the security forces; the other was shot in the stomach and gravely injured by security forces who stormed her house while apparently searching for Sahrawi protesters.

On the basis of its own investigations, Amnesty International has concluded that the Moroccan security forces may not have intended as a matter of policy to resort to excessive use of force to dismantle the protest camp and disperse the protesters. In practice, however, some law enforcement officials did beat and assault Sahrawis who were posing no threat to them or to others, and this may have contributed to further violence, including violent and in some cases lethal attacks by some Sahrawis on members of the security forces within the camp, as well as subsequent bouts of communal violence in Laayoune.

Without question or doubt, the Moroccan authorities have a responsibility to ensure public safety and to stop or prevent acts of violence against people or property, including through the use of force where necessary, though they must always ensure that the degree of force used is no more than that strictly necessary in the particular circumstances and proportionate. Assaults on detainees who are in custody and posing no risk, or on peaceful protesters or demonstrators, however, are always unlawful and must not be tolerated. Where such assaults or torture or other ill-treatment are alleged, investigations must be conducted and those responsible must be held to account, including through criminal proceedings where appropriate, and such justice needs to be dispensed without discrimination and in compliance with internationally recognized standards for fair trial. This is a challenge to which the Moroccan authorities must rise.

The failure of the Moroccan authorities to inform the families of detained Sahrawis of their whereabouts and the tight restrictions they imposed on access to Western Sahara – by denying access to and expelling foreign journalists and members of civil society organizations – after the security forces forcibly dismantled the Gdim Izik camp, made it difficult to promptly obtain and verify information. Erroneous information about a higher death toll among Sahrawi protesters which spread, seemingly in part at least due to the restrictions on access and information, caused much anxiety to the families of detained Sahrawis, who were unable to obtain any information about the fate of their relatives for up to 16 days.

## DEATHS RESULTING FROM VIOLENT CONFRONTATIONS

Two Sahrawis and 11 members of the Moroccan security forces died in the events of 8 November.

Brahim Daoudi, a 42-year-old father of two young children who was at the Gdim Izik camp died in obscure circumstances. His wife was informed on 9 November that he had died in Laayoune's Military Hospital. On 12 November she was informed that the cause of his death was "suffocation" due to asthma and that he would be buried the following day. The Wali (Governor) of Laayoune also informed Amnesty International that he had died as a result of an asthma attack; however, statements given to the media by the Moroccan authorities also said he had died of pneumonia at Laayoune Military Hospital.<sup>4</sup> Why he was in the Military Hospital at the time of his death has not been adequately explained, nor why his body was not returned to his family for burial. The Military Hospital is usually reserved for use by members of the security forces although in some cases detainees have been treated there. Brahim Daoudi's widow told Amnesty International: *"I still don't know how he died. He had no medical condition and never complained of any illness and I have not received any medical certificate or autopsy report. I have not been able to see his body. His body was taken from the Military Hospital straight to the cemetery; they never brought his body home, as required by our traditions."*

Babi Gargar Brahim Ould Mahmud Hamadi, a 26-year-old Sahrawi who also held Spanish nationality, died on 8 November after he was hit by a vehicle in the centre of Laayoune. According to the victim's brother and to an eyewitness, he was struck by a police vehicle which then left the scene without stopping although the young man was lying injured on the ground. The Moroccan authorities, however, maintain that he was hit by a vehicle during the confrontations in Laayoune and do not acknowledge that it was a police vehicle. His family initially refused to bury him but he was eventually buried on 10 December. According to a statement issued by the Wali (Governor) of Laayoune he was buried with the agreement of his wife and after an autopsy was carried out.<sup>5</sup> However, his brothers maintain that they were neither consulted nor informed and that they have not received any autopsy report.

Among the members of the security forces killed by Sahrawi protesters were:

- Yassine Bougataya, a 24-year-old member of the Auxiliary Forces. His father, a member of the Civil Defence in Laayoune, told Amnesty International: *"Yassine's colleague told us that he was hit by stones in the head and face and when he fell down they drove over him twice with a Land Rover at the camp. He was dead when he arrived at the hospital. He had joined the Auxiliary Forces five years earlier, before he even finished high school."*

The dead man's brother, also a member of the Auxiliary Forces, told Amnesty International about the killing of another of his colleagues, Nouredine Ouderham, aged 31 and from Tata: *"I was in one of the two buses which drove the people evacuated from the camp back to town and Nouredine was in the other bus. Some of the people on the bus agreed to leave the camp and others did not and when we reached Laayoune, near the Court of Appeal the bus driver was attacked by some passengers and demonstrators in the street also closed in on the bus. The driver sustained a broken arm and he fled and Nouredine also fled but people caught him and killed him."*

- Ali Zaari, a father of two young girls and a member of the police force. His wife told Amnesty International: *"My husband called me on 8 November at 10:30am and told me that he was seriously injured in hospital. I visited him in the hospital in Goulimine on 11 November. He had multiple fractures in his hips and legs. He told me that he had been driven over by a Land Rover. On 17 November I received a call at 2am telling me that he had died. I left Laayoune with my children and now live with my parents in Rabat."*

- Anas Belhouari, a 23-year-old gendarme from Salé. His parents told Amnesty International: *"It was the first time he went to Laayoune. He was working in Marrakesh but on 7 November and then he called us and said he had been sent to Laayoune on mission and since then we had no more news until we heard from the media about the incidents in Laayoune and we started looking for him. We learned that he died on 10 November at Goulimine hospital. He was stabbed in the neck and was injured on the head by stones."*



# ABOUT THIS REPORT

An Amnesty International delegation visited Morocco and Western Sahara from 22 November to 4 December to investigate allegations of human rights abuses committed on and in connection with the events of 8 November at Gdim Izik and Laayoune. Amnesty International met with officials of the Ministries of Justice, Interior and Foreign Affairs in Rabat and with the Wali (Governor) and the General Crown Prosecutor in Laayoune, and interviewed families of Sahrawis and members of the security forces who were killed or injured, relatives of detainees, former detainees, human rights defenders, lawyers and others. In Rabat, Amnesty International also met the President of the Advisory Council for Human Rights (Conseil Consultatif des Droits de l'Homme, CCDH) and Moroccan human rights defenders and NGOs, including those who had undertaken their own fact-finding visits to Laayoune to investigate the events of 8 November. Amnesty International extends its gratitude and appreciation to all those who contributed information and assisted its inquiries.

In Laayoune, Amnesty International requested access to detainees held at the prison and in the Military Hospital, but this was denied.<sup>6</sup> Amnesty International also requested access to members of the security forces who had been injured in the confrontations or who had taken part in the operation at the protest camp or in the town, but this too was denied by the Moroccan authorities.<sup>7</sup>

The Moroccan authorities in Rabat and Laayoune provided little information beyond what had already been made public in the media. In particular, they provided Amnesty International with no evidence or other information in support of their assertion that some people had been held in the camp against their will, and they provided no list of fatalities or casualties or any medical reports or details of the pattern of injuries suffered by those who died or were injured on either side. The authorities told Amnesty International that the entire operation of dismantling the protest camp took some 50 minutes and was filmed from helicopters, which also recorded at least some of the subsequent confrontations and violence in Laayoune. The video recording of the events on 8 November that has so far been made public by the authorities comprises only some 14 minutes of clearly edited content, showing violence by Sahrawi demonstrators; clearly, the disclosure of the complete unedited film footage is required in order to gain a comprehensive account of the precise sequence of events and of what occurred. Amnesty International requested a copy of the complete unedited recording from the authorities in order to assist its own inquiries and assessment of human rights abuses, but the authorities have so far not responded to this request or made the full film documentation available.

Amnesty International also sought information about the number of people detained; in response, government officials provided only imprecise information.<sup>8</sup> This mostly referred to those who had been charged and remained in custody as of late November 2010 – some 130 people, of whom some 118 were being detained in Laayoune Prison and 12 in Salé Prison. The latter face proceedings before the Military Court, together with several other Sahrawis who were arrested in December 2010.

Information gathered by Amnesty International from lawyers and families of the detainees

tallied with these figures. However, the authorities said seven Sahrawis had been released after the initial period of detention; this appears to refer only to some of those released pending trial. Information from non-official sources indicates that scores of other Sahrawis were arrested on 8 November and released without charge later that day or within the following few days.

In response to the recommendation made by Amnesty International on 11 November that the Moroccan authorities should set up an independent inquiry into the events of 8 November,<sup>9</sup> officials in the Ministries of Foreign Affairs and Interior told delegates that a parliamentary commission of inquiry was in the process of being established and that the government did not intend to establish any other commission of inquiry.<sup>10</sup> Government officials also expressed their opposition to Amnesty International's recommendation that a human rights monitoring component should be included in the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). Amnesty International continues to advocate the inclusion of such a human rights monitoring mechanism as an important contribution to ensuring the human rights of all the people living in Western Sahara and the Tindouf camps in south-western Algeria, administered by the Polisario Front.

## **BACKGROUND ON WESTERN SAHARA**

The Western Sahara is the subject of a territorial dispute between Morocco, which annexed the former Spanish colony in 1975 and claims sovereignty there and the Polisario Front (Frente Popular de Liberación de Saguía el Hamra y Río de Oro), which calls for an independent state in the territory and has set up a self-proclaimed government-in-exile in refugee camps in south-western Algeria.

A UN Settlement Plan was agreed to in 1988 by both the Moroccan authorities and the Polisario Front and was approved by the UN Security Council in 1991. After more than a decade of conflict, both parties agreed that a referendum should be held in which the Sahrawi population would be asked to choose between independence and integration into Morocco. The MINURSO was established in 1991 to monitor the ceasefire agreement between Morocco and the Polisario Front and to organize the referendum. The referendum was originally set for 1992, but has been repeatedly postponed and has yet to be held. The stalemate over the final status of the territory has continued. Morocco insists on an autonomy plan for the territory under Moroccan rule, while the Polisario Front calls for a referendum on self-determination, as agreed in previous UN Security Council resolutions.

The Moroccan authorities continue to show little tolerance for those publicly expressing views in favour of the self-determination of Western Sahara. They continue to target not only Sahrawi activists who advocate self-determination for the people of Western Sahara but also Sahrawi human rights defenders who monitor and report on violations of human rights in the region. The work of defenders is further hampered as they are unable to obtain legal registration for their organizations due to politically-motivated administrative obstacles. Human rights defenders continue to face restrictions on their work including harassment, surveillance, limitations to their freedom of movement, and politically-motivated prosecutions. In recent years, Sahrawi human rights and pro-independence activists have been imprisoned following demonstrations calling for the right to self-determination for the people of Western Sahara and many have reportedly been tortured or otherwise ill-treated during questioning by Moroccan law enforcement officials.<sup>11</sup>

# TORTURE/ILL-TREATMENT

Up to 200 Sahrawis were arrested by Moroccan security forces in connection with the events on 8 November 2010. Most were arrested that day, while others were arrested in the following days and weeks. Some were apprehended at the camp, others in Laayoune. All the Sahrawis who had been stopped or detained by Moroccan security forces who were interviewed by Amnesty International, individually and separately, alleged that they had been beaten and/or otherwise abused when they were stopped and/or at the time of their arrest, and/or when they were in custody. In some cases, those interviewed said they had been so badly beaten that they had suffered fractured limbs, open wounds or had lost consciousness. When interviewed by Amnesty International, most still had visible injuries, wounds or marks on their head, face, back or limbs that were consistent with their allegations.

In some cases investigated by Amnesty International, Sahrawis appear clearly to have been beaten by the security forces in circumstances where they could not reasonably have been perceived to pose a threat to the lives of the security forces or others; in other cases, Sahrawis were subjected to forms of torture and other cruel, inhuman or degrading treatment – including rape in two reported cases, one of which was reported by the detainee to the investigating judge in court and threats of rape – which cannot be justified under any circumstance.<sup>12</sup> In some instances documented by Amnesty International, actions by some Moroccan security officials also appear to have been deliberately intended to punish protesters for their advocacy of their right to self-determination for the people of Western Sahara. For example, some detainees allege that were beaten when they refused demands by members of the security forces that they pledge allegiance to the King of Morocco or to confirm that they were Moroccan nationals.

Among those interviewed by Amnesty International, some were beaten and otherwise ill-treated by security forces during the dismantlement of the camp, even though, they assert, they did not pose a threat to the security forces or offer resistance. They included a number of elderly people, women and individuals with disabilities.

A 60-year-old mother of nine told Amnesty International that she had just completed her dawn prayers when she heard helicopters overhead broadcasting orders for people to leave the camp “in the name of the law” and to “take their demands to Laayoune”, and Moroccan forces came into the camp. Her tent was near the edge of the camp:

*“The forces first threw stones at the tents and then cut the ropes and the tent fell on us. My daughter lifted one side of the tent to get out but stones were coming in from that side so we tried to get out from the other side. As I was crawling out of the tent, three anti-riot police officers hit me with batons. I put up my left arm to protect myself from the beating and I got hit hard on that arm. They also beat me on other parts of my body and grabbed me to take me away but a kind gendarme intervened and saved me. He told me not to worry that he would not leave me alone. As he led me away I realized that I had left behind a small bag with my identity card and papers and he came back with me to the tent to get it and then took me to join a small group of women. There another officer took off his belt to beat us but the gendarme intervened to stop it.”*

She was then made to walk out of the camp with other women before they were taken in a lorry towards Laayoune, then disembarked and walked the rest of the way: *"I went to the hospital the following day. At the door of the hospital my daughter told them that I had diarrhoea because we were too scared to say I had been beaten. Once inside I said that I had fallen to explain my injuries. I had three fractures on my left arm and very bad bruising on my legs and back. In the operating theatre I told them I had been beaten."*

When Amnesty International delegates interviewed her in late November she had her arm in a cast and still had severe bruising on her left leg. Her daughter, a mother of six aged 42, told Amnesty International that she too had been beaten on her head, back, and right arm and side by security forces wielding batons when she had tried to assist her mother to leave their tent on the morning of 8 November. In late November, she also still had evident bruises consistent with her account.

A 31-year-old single woman told Amnesty International that she was at the camp with her mother and other women. She slept in a small tent with a friend who had arrived two days earlier while her mother and other elderly women occupied a larger tent close by. There were no men present – her mother is a widow and she is not married: *"Our tents were at the edge of the camp and a soon as I heard the commotion of the security forces storming the camp I went to get mother to leave but then I realized that I had lost an envelope with my papers and I went back to my tent to look for it. By then the forces had taken most of the stuff out but I found the envelope between the folds of a blanket. As I was retrieving it the policemen cut the rope of the tent and it fell on me. They screamed 'what are you doing here?' They hit me with batons and threatened to rape me. They grabbed my breasts and thighs and made rude comments about my body. They told me to say 'long live the King', and called us 'whores'."*

She still had visible bruising on her legs when interviewed by Amnesty International more than two weeks later. She also showed Amnesty International photographs showing severe bruises on her legs which had been taken shortly after 8 November.

Another woman, aged 36, told Amnesty International that she had been in the camp, where she had helped to collect rubbish and had been part of a cleaning committee, before it was dismantled. She had been present when security forces dismantled the camp and had then made her way, walking with older women, to Laayoune. Next day, she had left her parents' home to look for friends and had helped reunite two children with their parents, from whom they had become separated when the camp was dismantled. At around 10am she was in Smara Street in Laayoune when she was stopped by Royal Gendarmerie officials near to the Court of Appeal who then took her to Dar Talib, an orphanage that the gendarmerie and military were using as a base.

*"I was searched by men and was slapped during the search. They found an essay expressing my views on the dismantlement of the camp and asked me whether it was intended to be sent to foreign newspapers and about my relations with foreigners. At around 4pm, I was transferred to the central police station in Laayoune. I was searched again and ordered to hand over my belongings including my bag and glasses. Then I was blindfolded and handcuffed and was taken to another office where I was questioned about my activities, my recent visit to Algiers in September 2010 to attend an International Conference on the Rights*

*of People to Resist.<sup>13</sup> I was made to sit on the ground. I was hit with sticks on my head and other parts of my body and kicked. They told me to say 'long live the King' and that I am Moroccan. When I said 'I am not Moroccan' I was hit and kicked again. Then I was taken to the corridor. They asked why I was detained and others answered that I was saying that I am Sahrawi and not Moroccan; I was beaten and kicked again. Later, I was moved to a cell, and kept blindfolded but not handcuffed. When I fell asleep, I was continuously hit, kicked and insulted to keep me awake. I heard the screams of women and men in the corridors and cells. The next day, I was taken again to an office, and asked about my trips abroad to Algeria and Spain. Then I was told that a car would take me to court to be tried. At around 6pm, they returned my belongings, took my finger prints and then told me to leave." She was released without charge.*

A 22-year-old disabled man who was arrested at the Gdim Izik protest camp told Amnesty International that he was beaten by security forces. He said: *"When the Moroccan forces stormed the camp my mother was taken away by bus and I escaped from my family's tent. I have difficulties walking [he walks on the outer sides of his feet with difficulty] and I hid behind the low sand wall [previously built by Moroccan forces around the camp] and I was caught there by gendarmes at about 8am and put in the back of a truck where there were already many others, all blindfolded and cuffed behind their back, and many bleeding from the beatings they received. I was beaten a bit as I was being put on the truck but the really bad beating was at the [Royal] Gendarmerie station. I was beaten with batons on my head, arms and legs and was punched and kicked. They also threw dirty water and urine at me and I was kept kneeling, facing the wall, blindfolded and handcuffed with plastic cuffs behind my back and without food until two days later. On the Thursday [11 November] some nurses or maybe doctors came to the place and looked at some of those badly injured. Near me was a black man who used to work in the phosphate mine, who was very badly tortured to make him confess to killing a member of the security forces by slitting his throat. They asked who organized and financed the camp and who were the doctors and nurses in the camp. But most of the time they did not ask me anything and just beat me. Early on Saturday morning [13 November] I was taken to court with a large group of people and there the judge asked me what I did in the camp and I told him I was there with my parents and siblings and also with the association for the disabled. The judge released me and two other disabled and three minors and one man with Spanish nationality."*

Other individuals were subjected to ill-treatment or other abuse by Moroccan security forces several days after the events of 8 November. A 36-year-old Sahrawi who also holds Spanish nationality told Amnesty International about his arrest on two occasions on 9 and 27 November: *"In the evening of 9 November at about 10pm I was driving my car in the centre of Laayoune in the company of four friends. I had just arrived from Spain, where I have been living for the past nine years, on 7 November. We were stopped by the Auxiliary Forces and then a police car arrived and took us to the police station. I was blindfolded and my hands were tied at the back. They beat me with a bar or something, I could not see what they used; I still have marks on my legs now; my friends were also badly beaten; one of them sustained several broken ribs. There were many other detainees, some 60 or 70, in the same room. I was released on 11 November and my friends were also released later that evening, after some tribal leaders intervened on their behalf.*

*I was rearrested on 27 November. I was at a petrol station on Mekka Street in the centre of*

*Laayoune at about 4am with six friends when two cars, one a police car and the other belonging to the Auxiliary Forces, stopped and the officers asked for our identity cards. I gave my Spanish identity card, on which it is written that my place of birth is Western Sahara, and they sneered. They made us lie on the ground face down by the petrol station, in the rain, and they urinated on us and beat us and kicked us and said we were disgusting Sahrawis. They kept us there for about half an hour or an hour, I don't know, and then put us in another police vehicle, which had arrived in the meantime, and took us to the police station at the Wilaya [Governorate]. There they blindfolded me and tied my hands at the back with metal cuffs and beat me some more and showed me two big knives, like swords, and said these belonged to me and my friends and I told them that I don't know anything about these weapons. They gave me a statement to sign and I signed it without being able to read it because I wanted to get out of there. The following morning they took me and my friends to the court and there the judge asked if the big knives belong to us and I told him that they do not and we were released pending trial."*

A 28-year-old man who was arrested on 14 November told Amnesty International: *"I went out to buy food just after 6pm; the little shop was busy and I was standing outside waiting for my turn when a joint police and Auxiliary Forces patrol stopped and asked for my identity card. They checked it and said I could go. But then one of them looked at my mobile phone and found a message from "Sahrawi solidarity" about "continuing revolution to the Moroccan occupation." They put me in the police car and they beat me but not very heavily. They took me to another police patrol in Hay Maatallah district and there they put me in a bigger police van and there I was beaten very badly by a team of four officers who took turns to hit me. One hit me hard from behind with a rifle-butt and I fainted and they threw water on me. As I regained consciousness and was trying to pull myself up a policeman hit me in the left eye with his knee. They took off my shirt and kept beating me on my head, back and other parts of my body with a baton and a rifle-butt and threatened me with the rifle and asked why I had not said I was in the camp. Then another other car came and took me to the main police station (by the Wilaya) and there they took my fingerprints and photos and I asked for a doctor but they refused. They spent hours looking through many photos from a CD on the computer; there were photos of people in the camp, including my own photos but they did not recognize me because by then I was in such a bad state, my face was swollen and bruised and my left eye was completely closed and blue... . This went on until about 10 in the morning. Then they put my shirt back on and took me to the door and gave me back my mobile phone from which they had deleted the messages in my inbox and told me to go and not to take photos of my bruises and not to tell anyone about what they had done to me. I was in pain and could hardly move; I went home and stayed in bed for days".*

When Amnesty International delegates met him two weeks later he still had deep bruising on his face and body; his injuries are also visible in photographs taken immediately after his release.

## **NO INVESTIGATIONS**

Despite the wealth of evidence that has emerged of assaults and beatings of Sahrawis when the Gdim Izik camp was dismantled and in detention subsequently, to date Amnesty

International is unaware of any steps taken by the Moroccan authorities to conduct investigations and ensure that members of the security forces responsible for unlawful assaults and other abuses are held to account, including through criminal prosecutions. Amnesty International specifically requested information about any such investigations in meetings with the General Crown Prosecutor in Laayoune on 25 November and with officials of the Ministries of Justice, Interior and Foreign Affairs in Rabat on 23 and 24 November and 1 December, but without obtaining any response. In Laayoune, the Moroccan authorities rejected Amnesty International's request to visit detainees held at Laayoune Prison in connection with the 8 November events; indeed, Amnesty International was given conflicting information by different authorities regarding who could authorize such access.<sup>14</sup>

Families of some of the detainees who had been permitted to visit them at Laayoune Prison told Amnesty International that they still bore clearly visible bruises and other wounds after two weeks in custody. Furthermore, lawyers who were present in court when two groups of 65 and 36 Sahrawi detainees were brought before an investigating judge on 11 and 12 November respectively told Amnesty International that most of the detainees had complained of beatings and torture, including one who alleged that he had been raped by having a bottle forced into his anus by security officers. Many were said by lawyers to have appeared in bloodstained clothes and to have evident marks of torture or other ill-treatment leading the investigating judge eventually to agree to note their complaints in the official record of the hearing. However, the judge failed to refer the detainees for medical examination to ascertain the cause of their bruises and other injuries, as Article 134 the Moroccan Code of Criminal Procedure (CPP) stipulates should be done.<sup>15</sup>

The detainees should all have appeared before the Crown Prosecution within 48 hours of their arrest, prior to each group's court hearing before the investigating judge, in order to have their detention extended, as stipulated by Article 66 of the CPP. At this point too, the law requires that those bearing signs of torture or other ill-treatment should be referred for medical examination by crown prosecutors as the legal obligations that apply to investigative judges also apply to them though under a different article (Article 74 of the CPP).

The Moroccan authorities also have an obligation to ensure prompt, independent investigations into allegations of torture or other ill-treatment under international human rights treaties to which Morocco is a state party, notably the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Covenant on Civil and Political Rights (ICCPR). The parliamentary commission of inquiry established after the events of 8 November is not a substitute for independent and impartial judicial investigations into the allegations of human rights abuses.<sup>16</sup>

To date, however, no action appears to have been taken by either the General Crown Prosecutor or the investigating judges. When questioned about this on 25 November, the General Crown Prosecutor in Laayoune, Abdelkebir al-Baz, told Amnesty International that he had received no complaints of assaults or ill-treatment of detainees or of people stopped by the security forces, and that prosecutors who carried out weekly visits to police and gendarmerie stations had not reported any such abuses. Under the CAT, however, the Moroccan authorities are obliged to initiate investigations into allegations of torture or other ill-treatment even if no official complaint has been lodged.

Brahim Alansari, a Laayoune-based representative of Human Rights Watch told Amnesty International that he had been assaulted by police on the morning of 8 November in a street in Laayoune and that the office of the General Crown Prosecutor had refused to register his complaint. When Human Rights Watch complained to the Moroccan authorities the latter responded that “...those persons who allege having been subjected to violence, whether or not they are in custody, are completely free to go to court themselves to file suits to establish the validity of their assertions...”.<sup>17</sup> Eventually on 24 November, the Ministry of the Interior informed the organization that it had opened an administrative investigation and that the Ministry of Justice had asked the Crown Prosecutor in Laayoune to conduct an investigation.<sup>18</sup>

Virtually all of the Sahrawis who told Amnesty International that they had been assaulted or ill-treated in detention said they had not submitted formal complaints for fear of possible reprisal by the security authorities or because they did not believe that the authorities in whose custody they were abused would carry out a proper investigation. A few said they had sought to lodge formal complaints but had been unable to do so because guards had blocked their access to the office of the prosecutor or because staff there refused to receive or register their complaint. One plaintiff told Amnesty International that the Deputy Crown Prosecutor had told him that they “do not register complaints related to the incidents of 8 November” and referred him to the Diwan Al Madhalim, an official institution mandated by the King to mediate disputes between Moroccan citizens and the Moroccan administration and public institutions, but which is not mandated to investigate cases of alleged human rights violations.<sup>19</sup>

Law No 43-04, promulgated in February 2006, defines torture as a criminal offence, punishable by prison terms ranging from five years to life imprisonment. Its definition of torture is broadly consistent with Article 1 of the CAT.<sup>20</sup> Since the law took effect, however, in most cases known to Amnesty International where allegations of torture or other ill-treatment have been made, the authorities have failed to open independent investigations and allegations have either been dismissed out of hand or without adequate investigation. To Amnesty International’s knowledge, no members of the security forces responsible for torture or other ill-treatment have been prosecuted, let alone convicted. More than four years on from the promulgation of the law against torture, the longstanding pattern of impunity, which applies not only with regard to Sahrawi victims of torture or other ill-treatment, remains unchanged.<sup>21</sup>

## **FAMILIES NOT NOTIFIED OF DETAINEES’ WHEREABOUTS**

Moroccan law (Article 67 of the Code of Criminal Procedure) stipulates that detaining authorities should immediately notify families of detainees of the decision to place their relatives in detention.



In a meeting on 25 November, when Amnesty International delegates raised concerns with the General Crown Prosecutor that families of Sahrawi detainees had been unable to obtain information of their relatives' whereabouts for two weeks, he stated that "the families of all detainees were all notified but they just want to cause embarrassment."

However, all of the families interviewed by Amnesty International had been unable to obtain any information about their detained relatives for the first two weeks after their arrest in spite of their repeated approaches to the security forces and to the office of the prosecutor. Human rights defenders and lawyers also independently confirmed that families had encountered such difficulties. Families of detainees receiving medical care in Laayoune's Military Hospital faced similar difficulties. The mother of a young man who was seen bleeding from a chest injury in a video recording of the protest camp on 8 November and who had still not been able to find out where he was detained, or obtain any confirmation of his detention by 26 November, told Amnesty International that she was convinced that her son must be dead because in the previous two days all the families she knew whose relatives were "missing" had been able to locate them and to visit them in prison. To her relief, her son was released the following day.

The families of the Sahrawis detained in Laayoune Prison were allowed to visit their relatives by 24 November. The families of four Sahrawis who were held in the Military Hospital until 26 November, when they were released on bail, were never informed of their whereabouts and when they approached the Military Hospital were told, falsely, that their relatives were not present there. Some of the families of 12 Sahrawis who are detained in Salé Prison (in the north of Morocco) awaiting trial before the Military Court were able to visit their relatives for the first time only on 3 December 2010.

## **ATTACKS ON HOMES AND PROPERTY**

### **ATTACKS BY SAHRAWI PROTESTERS**

On the morning of 8 November, following the dismantling of the protest camp, Sahrawi protesters attacked public buildings, banks, businesses, cars and other property in the centre of Laayoune, setting many on fire. They seemingly targeted properties belonging to and frequented by Moroccan residents and Sahrawis deemed to support Morocco's administration of Western Sahara.

The buildings set on fire include the Court of Appeal of Laayoune, which had most of its archives destroyed in the fire, and a series of building on Smara Street, one of the main streets in the centre of town. Other places targeted include a building belonging to a Sahrawi who has held high-level positions in the Moroccan government and who has long been a vocal advocate of the integration of Western Sahara into Morocco. Other targets were the Arena restaurant and coffee shop, frequented by Moroccan officials and wealthy patrons, the Hyundai car showroom, the Koubaa (building material) and Arcol (paint) companies, the Banque Populaire, two pharmacies, a petrol station, and a telephone shop.



Building burned by Sahrawi protesters © Amnesty International

A doctor whose private medical practice and apartment were located above the Arcol paint company had both destroyed by fire; the fire devastated the company on the ground floor and badly damaged the upper floor of the building. The doctor told Amnesty International that he was absent when the building was set on fire and returned to find everything destroyed or damaged beyond repair.

The owners of the burned down Arena restaurant and nearby pharmacy told Amnesty International that they had invested large amounts of funds in their businesses and still owed substantial amounts to creditors, and that they now faced financial difficulties because their property insurance did not cover such attacks.

A school was also targeted. The director and staff of Al-Amine School, a private school for children from kindergarten through to high school, told Amnesty International:

*“On the morning of 8 November several cars full of Sahrawi youths, most of them masked, came near the school and started to throw stones at the school windows. The telephone network was busy, so we could not even call the police. In the meantime many parents were coming back to pick up their children to take them home. Some Sahrawi youth entered the school parking area and smashed and burned the cars there and others tried to get into the main part of the building. Some adult Sahrawis came asking for their children but did not give the name of any children and it then turned out that they did not have any children at the school, so they were trying to take hostage the children of important people. They then gave us one hour to leave the building. By then there were still some 150 children and some 50 staff members in the building. In the end, we managed to call the police and eventually three police cars and a police helicopter came and some 20 police officers got out of their*

*vehicles and escorted the children and staff members out. The police helicopter overhead made the Sahrawi attackers flee. The police fired some rubber bullets but luckily no children, school staff or security forces were injured, but damage was done from the stones thrown by the demonstrators and after part of the school was looted and damaged. We worked hard to repair everything as best as we could during the 'Eid holidays so that the children and staff could get back to normal life as soon as possible.'*

## ATTACKS BY MOROCCAN RESIDENTS

Later on the same day some Moroccan residents of Laayoune went on a rampage and attacked numerous Sahrawi houses and shops. Some attacks seemed random, being directed against entire rows of shops, while others were apparently more targeted, such as individual houses or apartments. Such attacks were carried out in several districts. In most cases investigated by Amnesty International, the families whose homes were attacked and who saw



House attacked and vandalized by Moroccan residents © Amnesty International

the attackers said that they had been accompanied by members of the security forces who had either stood by passively or had directly assisted in carrying out attacks. Amnesty International visited several homes whose front doors and windows had been broken in and in which furniture had been smashed and contents scattered, light fittings ripped from walls and doors forced from their hinges, and whose occupants complained that items had also been stolen.

In one house in the Hay Maatallah district of Laayoune a 76-year-old woman and her two

sons, aged 38 and 31, were targeted in such an attack; one of the sons told Amnesty International: *"It was about 2:30pm and I was in the house with my mother and my brother. My mother and myself are both widows and my brother's wife lives abroad. All of a sudden a group of security forces accompanied by many more Moroccan residents, more than 100, broke down the door and broke into the house. They beat me and my brother, they did not ask us anything but told me to say 'long live the King' and beat me with a baton and with a knife on my head and my face and my right thumb and then threw me out of the house into the street."*

His mother told Amnesty International: *"The Moroccan residents told me to give them my money and I gave them my purse which had about 1000 dirhams (about US\$100) and they said 'only this?' and they slapped me with the purse. They were Moroccans but not from our neighbourhood."*

Her other son was also beaten and stabbed. He lost two teeth and received seven stitches on his head. Before leaving, the attackers stole 11 sheep, which the family kept at the back of the house. When Amnesty International delegates interviewed the family more than two weeks later, they still had deep bruising and scars and the damage to their property had not yet been repaired. One of the sons went a week later to the General Crown Prosecutor's Office to lodge a complaint about the physical assault, destruction and property theft but was reportedly told by the Deputy Crown Prosecutor that the office was not registering complaints relating to the events of 8 November and referred him to the Diwan Al Madhalim (see above).

A neighbour of the above-mentioned family told Amnesty International that Moroccan residents and members of the security forces had also attacked her house: *"My husband was in the desert and I was at home with my three children. As I heard people breaking into my house I ran out from the kitchen to the patio at the back of the house and turned off the light so that they would not realize that we were at home. I took the children and passed them one by one over the wall to my neighbour of the next door house and then I hid on the patio. Luckily they did not come out into the patio and did not see me there."*

In nearby streets entire rows of shops had been broken into and their contents looted and smashed; others had been burned down. A woman who lives above her family's two shops told Amnesty International: *"Moroccan residents came in a large number at around 7pm and with them were some security forces. We stayed upstairs locked in our apartment with the curtain shut. They threw some stones up at our windows but focused on the shops downstairs. In one of the shops, I sold clothes imported from Spain and in the smaller shop next door my son sold food items. Now our family has no more income and we are left with debts."* Virtually no merchandise remained in the shops except for some items which had been ruined and all the furniture had been thoroughly smashed.

A young man whose small music shop nearby had been similarly looted and smashed told Amnesty International: *"It was a small shop but it was a big achievement for me and it cost me a great deal of effort, in the climate of poverty and unemployment here. Now I have nothing left."*

To date the authorities have provided no information about any cases of Moroccans arrested or charged in relation to the attacks carried out against Sahrawis and their homes and

property.

## TRIAL PROCEEDINGS

The Moroccan authorities told Amnesty International that most of the Sahrawis who have been arrested have been charged with committing or participating in a series of criminal offences, including:<sup>22</sup> forming or being part of a criminal gang aiming to commit crimes against persons and property; possession of arms; armed gathering; destruction of public property and arson; using violence against law enforcement officials causing injury and death; and hostage taking. Some, including 19 whose cases have been referred to the Military Court in Rabat, even though they are civilians, are also charged with undermining state security.

Amnesty International unequivocally opposes the trial of civilians in military courts, particularly as they offer fewer safeguards of the right to a fair trial and pose questions as to the independence and impartiality of the tribunal.

Four of those arrested have already been tried and sentenced to three months' imprisonment; several others have been released pending trial. The four already tried and sentenced and those who have been released pending trial have told Amnesty International that they were not given the opportunity to be represented by lawyers of their choice at their court hearings. Amnesty International is concerned that information extracted under torture or duress might be submitted and accepted as evidence in upcoming legal proceedings. Several detainees told Amnesty International delegation that they had been forced by law enforcement officials to sign (or to put their thumbprints to) statements that they were not allowed to read.

## ARRESTS OF SAHRAWI ACTIVISTS

Members of Sahrawi human rights organizations and Sahrawi political activists who have previously been detained or harassed by the authorities were among those arrested by the Moroccan authorities on 8 November and in following days and weeks. Ennaâma Asfari, Co-President of the Committee for the Respect of Freedoms and Human Rights in Western Sahara, based in France, was arrested on 7 November, the day before the dismantling of the protest camp.<sup>23</sup> He is among those activists currently detained in Salé Prison and facing proceedings before the Military Court. Another activist facing trial in front of the Military Court is Ahmed Sbai, a member of the executive board of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) and former prisoner of conscience, who was arrested on 8 December.<sup>24</sup> Mohamed Tahlil, another ASVDH member was arrested on 4 December from a Laayoune coffee shop with two others. Banga al-Cheick, a member of the Collective of Sahrawi Human Rights Defenders (CODESA), was arrested on 8 November during the dismantlement of the camp. The Head of the Sahrawi

Centre for the Preservation of Collective Memory, Brahim Ismaili, was arrested in the days following the dismantlement of the camp.

The Moroccan authorities have a responsibility to bring to justice those responsible for killings and other violence and crimes against people and property. The arrests of well-known human rights defenders and political activists known to be advocates of self-determination for the people of Western Sahara and critics of its administration by the Moroccan government has raised fears that the authorities may be seeking to implicate peaceful critics and opponents in the events which occurred on 8 November because of their political views and activities.

## RECOMMENDATIONS

Amnesty International calls on the Moroccan authorities to:

- Ensure that prompt judicial investigations are carried out into all human rights abuses which are alleged to have occurred in connection with the events of 8 November – either through judicial investigations of each case or through the setting up of an independent and impartial commission of inquiry with authority to compel witnesses, powers of subpoena, and unhindered access to all relevant information, including official documentation and all film and video material compiled on 8 November in unedited form, and to have access to relevant places of detention. Ensure that all those responsible for assaults, torture and other ill-treatment and other attacks against people and property are prosecuted in accordance with international standards for fair trial;
- Take steps to ensure that detainees are fully protected against torture or other ill-treatment; clearly and unequivocally instruct all members of the security forces that assaults, torture and ill-treatment of people detained or apprehended by security forces will not be tolerated and that any members of the security forces found to be responsible for such acts will be prosecuted;
- Instruct crown prosecutors and investigative judges to record and promptly investigate any case in which persons who appear before them allege that they have been subjected to torture or other ill-treatment or whose conditions indicate that they may have been assaulted or tortured or otherwise ill-treated, even if the accused do not lodge a complaint or ask for investigations;
- Ensure that detainees are given the opportunity to be represented by lawyers of their choice when they appear before crown prosecutors and investigative judges and at their trial hearings and that trials are held in conformity with international standards for fair trials, in particular that no information extracted under torture or duress is used as evidence in trial proceedings. Ensure that no civilians are tried in front of the Military Court;
- Make public the names of those detained and the charges against them;

- Ensure that the families of the two Sahrawis who died on 8 November are provided with the autopsy reports, medical certificate and any other evidence or information necessary to clarify the circumstances and causes of their death;
- Immediately make public the instructions on the use of force that are issued to law enforcement personnel and members of the security forces, and ensure that these conform with relevant international standards, notably, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Implement without further delay the recommendation made by the Equity and Reconciliation Commission in its final public report in January 2006 to reform Moroccan security and law enforcement agencies to ensure that their policies and practices conform to relevant international human rights law and standards.
- Amend the Moroccan Code of Criminal Procedure to ensure its full conformity with human rights law and standards, including the amendment of Article 66, by limiting the period of *garde à vue* to a strict minimum and granting detainees immediate access to their lawyers and families; and ensure that in practice families of detainees are immediately informed of their whereabouts and given prompt access to them;
- Uphold the right of all Sahrawis to freedom of expression, association and assembly; and ensure that those who peacefully express views in favour of self-determination do not face any reprisals.

Amnesty International calls on the UN Security Council:

- To amend the mandate of MINURSO, upon its expiration on 30 April 2010, to include a mechanism to monitor and report on the human rights situation in both Western Sahara and the Polisario-administered refugee camps in Tindouf, in south-western Algeria.

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<sup>1</sup> Estimates of the number of Sahrawi protestors who were in the Gdim Izik camp when the Moroccan security forces entered the camp on the morning of 8 November vary from some 2,000 to more than 10,000. It has not been possible for Amnesty International to verify the exact number, or the total number of protestors who were in the camp during its existence, between early October and 8 November 2010, estimated at 20,000 or more, as many of the protestors divided their time between the camp and the town. According to the Wali (Governor) of Laayoune at the time of the dismantlement of the camp, Mohammed Jelmous, some 3,000 law enforcement officials from several agencies including Auxiliary Forces, Forces of Rapid Intervention (riot police), the Royal Gendarmerie and the police participated in the dismantlement of the camp.

<sup>2</sup> The Moroccan authorities made public a video under the title *What really happened in Laayoune, Western Sahara on 8 November 2010* depicting Saharawi protestors behaving violently. The video can be viewed at: <http://www.youtube.com/watch?v=nLjYtgCbZNE>

<sup>3</sup> Agence Maghreb Arabe Press, *Mr. Taeb Cherkaoui confirms that the peaceful intervention of security forces in the Gdim Izik camp was mainly aimed at lifting the blockage of citizens imposed by armed militias*, 16 November 2010.

<sup>4</sup> Agence Arabe Maghreb Press, *Événements de Laâyoune: Deux des quatre décès avancés par le "polisario" sont "fictifs"* (Europa Press), 18 November 2010, available at: [http://www.map.ma/fr/sections/lire\\_aussi/evénements\\_de\\_laayou3577/view](http://www.map.ma/fr/sections/lire_aussi/evénements_de_laayou3577/view)

<sup>5</sup> Agence Arabe Maghreb Press, *Mise au point du wali de Laâyoune au quotidien "El Mundo" au sujet de la publication d'informations dénuées de tout fondement*, 10 December, available at: [http://www.map.ma/fr/sections/lire\\_aussi/mise\\_au\\_point\\_du\\_wal/view](http://www.map.ma/fr/sections/lire_aussi/mise_au_point_du_wal/view)

<sup>6</sup> When Amnesty International delegates visited the Military Hospital in Laayoune on 25 November, with the authorization of the Wali (Governor) of Laayoune-Boujdour-Saguia el-Hamra region, Mohammed Jelמוש, the hospital authorities told them that there were no detainees in the hospital – despite the fact that concurrently to Amnesty International's visit the families of four detainees were visiting them in the hospital. On 29 November, the organization's delegates returned to the hospital and asked to visit four named detainees who were held there and whose families were visiting at that moment. Again the hospital authorities told the delegates that the detainees were not in the hospital. In the meantime Governor Mohammed Jelמוש had been replaced two days earlier and Amnesty International delegates were unable to establish contact with the newly appointed Governor before they left Laayoune.

<sup>7</sup> The authorities in Rabat advised the Amnesty International delegates to address their requests to the local authorities in Laayoune and the latter told the delegates that they should seek authorization from the authorities in Rabat.

<sup>8</sup> Officials in the Ministry of Foreign Affairs said that 77 individuals were detained, seven released and six held on charges before the Military Court. According to officials in the Ministry of Justice 138 were brought to court: 114 cases were under investigation by the investigative judge in Laayoune; one before the juvenile court in Laayoune; four sentenced to three months' imprisonment by the Court of First Instance in Laayoune; and seven released. According to the Commissioner of Prison Administration and Rehabilitation, 117 men and two women were detained. According to the General Crown Prosecutor in Laayoune 115 individuals were detained, seven were released and 12 were charged before the Military Court.

<sup>9</sup> Amnesty International, Press Release, *Morocco urged to investigate deaths in Western Sahara camp*, 11 November 2010, available at: <http://www.amnesty.org/en/news-and-updates/morocco-urged-investigate-deaths-western-sahara-protest-camp-2010-11-11>

<sup>10</sup> Members of the parliamentary commission of inquiry travelled to Laayoune shortly after 10 December to interview witnesses and others and to carry out their investigation. See Agence Maghreb Arabe Press, *Événements de Laâyoune: La commission parlementaire d'enquête poursuit l'audition des différentes parties et la collecte des données*, 15 December, available at: [http://www.map.ma/fr/sections/politique/evénements\\_de\\_laayou3287/view](http://www.map.ma/fr/sections/politique/evénements_de_laayou3287/view). Further background (in Arabic) is available at: <http://www.hespress.com/?browser=view&EgyxpID=25767>

<sup>11</sup> For further information about the human rights situation in Western Sahara, see:

■ Amnesty International, Press Release, *Sahrawi Activists on trial for visiting refugees camps* (Index: PRE01/343/2010), 14 October 2010, available at: <http://www.amnesty.org/en/news-and-updates/sahrawi-activists-trial-visiting-refugee-camps-2010-10-14>



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- Amnesty International, Web Story, *Morocco must end harassment of Sahrawi activists*, 8 April 2010, available at: <http://www.amnesty.org/en/news-and-updates/morocco-must-end-harassment-sahrawi-activists-2010-04-09>
  - Amnesty International, Public Statement, *Morocco/Western Sahara: Expulsion of human rights defender reflects growing intolerance* (Index MDE 29/012/2009), 17 November 2009, available at: <http://amnesty.org/en/library/info/MDE29/012/2009/en>
  - Amnesty International, Public Statement, *Morocco/Western Sahara: Eight new prisoners of conscience in October* (Index MDE 29/011/2009), 6 November 2009, available at: <http://amnesty.org/en/library/info/MDE29/011/2009/en>
  - Amnesty International, Public Statement, *Morocco/Western Sahara: Investigate allegations of torture of Sahrawi human rights defender* (Index: MDE 29/004/2009), 12 May 2009, available at: <http://www.amnesty.org/en/library/info/MDE29/004/2009/en>
  - Amnesty International, Public Statement, *Morocco/Western Sahara: Irregularities in Sahrawi Activist's Trial* (Index: MDE 29/016/2008), 23 December 2008, available at: <http://amnesty.org/en/library/info/MDE29/016/2008/en>
  - Amnesty International, Public Statement, *Morocco/Western Sahara: Sahrawi human rights defenders face yet another prison sentence* (Index: MDE 29/011/2007), 17 October 2007 available at: <http://amnesty.org/en/library/info/MDE29/011/2007/en>
  - Amnesty International, Public Statement, *Morocco/Western Sahara: Sahrawi human rights defender on trial* (Index: MDE 19/007/2006) 1 April 2006, available at: <http://amnesty.org/en/library/info/MDE29/007/2006/en>
  - Amnesty International, Report, *Morocco/Western Sahara: Sahrawi human rights defenders under attack* (Index: MDE 29/008/2005), 24 November 2005, available at: <http://amnesty.org/en/library/info/MDE29/008/2005/en>

<sup>12</sup> The second allegation of rape which has yet to be reported to the authorities was made by a 25-year-old Sahrawi woman. She told Amnesty International delegates that following her arrest on 9 November she was raped inside a police van by several Moroccan law enforcement officers. She was later released without charge.

<sup>13</sup> She was referring to the *International Conference on the Rights of People to resist: case study of Western Sahara (Conférence internationale sur les droits des peuples à la résistance: cas du peuple sahraoui)* which took place in Algeria's capital Algiers. See *El Moudjahid, Conférence internationale sur les droits des peuples à la résistance: cas du peuple sahraoui: 300 participats dont 120 étrangers à Alger*, 21 September 2010, available at: <http://www.elmoudjahid.com/fr/actualites/2876>

<sup>14</sup> The Commissioner responsible for Detention and Rehabilitation told Amnesty International delegates that the law does not contain any provisions allowing NGOs access to detainees and that he would only allow it if ordered to do so by the relevant judicial authority, that is the General Crown Prosecutor of Laayoune for the detainees held in Laayoune Prison. Whereas the General Crown Prosecutor of Laayoune told Amnesty International delegates that they should seek authorization from the authorities in Rabat.

<sup>15</sup> The investigative judges must submit the accused to a medical examination if this request is made or must do it of their own initiative if they notice traces of torture or ill-treatment.

<sup>16</sup> See endnote number 10, above.

<sup>17</sup> Human Rights Watch, *Western Sahara: Beatings, Abuse by Moroccan Security Forces*, 26 November 2010, available at: <http://www.hrw.org/en/news/2010/11/26/western-sahara-beatings-abuse-moroccan-security-forces>

<sup>18</sup> Human Rights Watch, *Western Sahara: Beatings, Abuse by Moroccan Security Forces*, 26 November 2010, available at: <http://www.hrw.org/en/news/2010/11/26/western-sahara-beatings-abuse-moroccan-security-forces>

<sup>19</sup> According to Article 6 of the royal decree establishing the Diwan Al Madhalim, it is not mandated to review cases of human rights violations (they are obliged to forward these cases to the CCDH) and it cannot review cases in which the plaintiff has not exhausted other remedies. It also cannot review cases submitted to courts: [http://www.dam.ma/anglais/index.php?id\\_page=3&id\\_sous\\_page=1](http://www.dam.ma/anglais/index.php?id_page=3&id_sous_page=1)

<sup>20</sup> One remaining concern, however, is that neither the “attempt to commit torture” nor “complicity or participation in torture” is explicitly defined as an offence.

<sup>21</sup> For information on impunity for torture see Amnesty International, Briefing, *Continuing abuses against individuals suspected of terrorism-related activities in Morocco* (Index: MDE 29/013/2010), 12 June 2010, available at: <http://www.amnesty.org/en/library/asset/MDE29/013/2010/en/21eb0965-f0b4-442e-b9cf-69ce9e65f393/mde290132010en.pdf>; and Amnesty International, Report, *Broken Promises: the Equity and Reconciliation Commission and its follow up* (Index: MDE 29/001/2010), 6 January 2010, available at: <http://www.amnesty.org/en/library/asset/MDE29/001/2010/en/63d99172-428d-4717-8c25-866c879c80e9/mde290012010en.pdf>

<sup>22</sup> Including Articles 206, 267, 293, 294, 380, 580 of the Penal Code (Code Penal, CP).

<sup>23</sup> For information on Ennaâma Asfari's previous prosecutions, see Amnesty International, Public Statement, *Morocco / Western Sahara: Human Rights Defender must receive a fair trial* (Index MDE 29/009/2009), 17 August 2009, available at: <http://www.amnesty.org/en/library/asset/MDE29/009/2009/en/37d3259b-957a-4a9e-bd8c-e0707a9a0f87/mde290092009en.pdf>

<sup>24</sup> For details on Ahmed Sbai's previous imprisonment, see Amnesty International, Public Statement, *Morocco/Western Sahara: Sahrawi human rights defenders face yet another prison sentence* (Index: MDE 29/011/2007), 11 October 2007, available at: <http://www.amnesty.org/en/library/asset/MDE29/011/2007/en/a9ee111e-d362-11dd-a329-2f46302a8cc6/mde290112007en.pdf>



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