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Morocco/ Western Sahara: Sahrawi human rights defenders face yet another prison sentence

Amnesty International is concerned that two Sahrawi human rights defenders, Brahim Sabbar and Ahmed Sbai, may be sentenced to further prison terms after they appeared in court on 8 October 2007 charged with “offending magistrates.” Both men are already serving prison terms imposed after they were convicted at a previous trial of “belonging to an unauthorized organisation” and “inciting violent protests.” Amnesty International considers them possible prisoners of conscience, held on account of their peaceful activities as human rights defenders and advocates of the right of the Sahrawi people to self-determination.

Brahim Sabbar and Ahmed Sbai were present only very briefly when they appeared before a court in Laayoune on 8 October, accused of “offending magistrates” because they chanted slogans advocating Sahrawi self-determination at a previous trial hearing. They appeared together with three other Sahrawis - Ahmed Salem Ahmeidat, Mohamed Lehib Gasmî and El-Hafed Toubali – who are also currently serving prison sentences and who now face the same charges. A sixth accused, Abdessalam Loumadi, was not in court; he was recently released from prison after completing a previous sentence.

All five defendants were expelled from the court by order of the presiding judge soon after the trial opened because they continued to demand self-determination for the Sahrawi people and to express support for the Polisario Front, which opposes Morocco’s annexation of Western Sahara. The defendants’ lawyers asked that they be brought back to the court, but this request was rejected, and the defence lawyers said they were unable, therefore, to present the defence case. The prosecution asked the judge to apply the law as it stands and the judge then concluded the hearing and stated that the court would give its verdict on 22 October. If convicted, the defendants could receive prison sentences of up to one year imprisonment and be fined up to 5,000 dirhams (about 625 USD).

According to reports, the five defendants were insulted and spat at by police officers in a police van after their expulsion from the court.

Relatives of the defendants were reportedly directed to the wrong court room when they arrived to attend the hearing, apparently deliberately, while uniformed and plain clothes security officials filled the court in which the defendants appeared. Four international observers, however, were present.

Background

Brahim Sabbar and Ahmed Sbai are both members of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State, 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 from 1981 until his release in 1991. The Association has been unable to register officially due to politically-motivated administrative obstacles.

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 on arrest.

Brahim Sabbar received a further one year prison term on 6 March 2007, when he was sentenced together with Ahmed Sbai 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 same court also sentenced Ahmed Salem Ahmeidat, Mohamed Lehib Gasmî and El-Hafed Toubali, who it convicted of forming a criminal gang and setting fire to a building during demonstrations against Moroccan rule in Western Sahara, apparently without investigating their allegations that they

had been beaten in police custody and forced to sign “confessions.”

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 protest 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.”

For further information on this case, please see Amnesty International’s public statements:

Morocco/Western Sahara: Stop the judicial harassment of Sahrawi human rights defenders (MDE 29/003/2007, 5 February 2007)

Morocco/Western Sahara: Sahrawi human rights defenders sentenced to year in prison (MDE 29,004/2007, 8 March 2007)