

MOROCCO

Continuing arrests, "disappearances" and restrictions on freedom of expression and movement in Western Sahara

Amnesty International is concerned by continuing human rights violations in Western Sahara and the failure of the present authorities to ensure that people are not detained for peacefully exercising their rights to freedom of speech and movement.

Amnesty International calls on Morocco to ensure that all Sahrawis "disappeared" or otherwise detained for the free expression of their opinions are released immediately and that rights to freedom of expression or movement laid down in the Universal Declaration of Human Rights are fully respected. Amnesty International also urges that the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) be widened to enable MINURSO personnel to address human rights concerns.

The United Nations (UN), in cooperation with the Organization of African Unity (OAU), reached agreement with the Kingdom of Morocco and the *Frente Popular para la liberación de Saguia el-Hamra y Río de Oro*, Popular Front for the Liberation of Saguia el Hamra and Río de Oro (Polisario Front), on a settlement concerning Western Sahara and an Implementation Plan to put the settlement into effect. Under the plan a referendum would be held under UN and OAU auspices to determine the future of Western Sahara. The implementation of the Western Sahara settlement has been at a standstill since a cease-fire was declared, under the terms of the plan, on 6 September 1991.

Amnesty International takes no position either on the conflicting claims to the territory of Western Sahara or on the question of who should be eligible to vote in the proposed referendum. The organization is, however, seriously concerned that human rights guarantees in the settlement and the Implementation Plan have not been respected.

According to the settlement proposal accepted by all parties, the responsibility of the UN during this period includes: "The establishment of the conditions and modalities of a referendum campaign in which freedom of speech, movement and the press are guaranteed". The UN Special Representative is also to take steps to ensure, with the assistance of an independent jurist, the release of all Sahrawi political prisoners. MINURSO was set up to assist the UN Special Representative in this task and the OAU is providing observers for all stages of this plan.

Despite these provisions laid down in the United Nations settlement and the Implementation Plan and despite the presence of United Nations personnel on the ground, Amnesty International is concerned at reports that hundreds of people of Western Saharan origin have been arrested or otherwise harassed on suspicion of supporting Western Saharan independence or for participating in peaceful protests. Hundreds more Sahrawis who were arrested by members of the Moroccan security forces between 1975 and 1988 remain "disappeared", reportedly held incommunicado in secret centres. Over 260 former "disappeared" released from up to 16 years' secret detention in 1991 continue to suffer restrictions on movement and freedom of speech; some have been rearrested.

Amnesty International also has concerns about abuses by the Polisario Front, including detention of prisoners of conscience, long term incommunicado detention, torture and deaths in custody of suspected opponents in the Polisario camps in Tindouf in Algeria. Those who may still be detained or "disappeared" include Sidi Ould Tajdert, detained since 1983; and Caza Ould Salek Hadj Mokhtar, detained since 1975. In a reply to Amnesty International's concerns about allegations of torture, incommunicado detention and deaths in custody, the President of the Polisario Front, Mohamed Abdelaziz, denied the reports. Nevertheless, Amnesty International continues to believe that reports of torture, ill-treatment, death in custody, and detention of possible prisoners of conscience received in relation to the period between 1976 and 1991 are well-founded and calls on the Polisario Front to halt such abuses.

Hundreds of Sahrawis have been arrested by the Moroccan authorities in Western Sahara and southern Morocco between September 1991 and January 1993. They include Bella Ma' el-Ainain, arrested on 11 September 1991 at Agadir, apparently for sending a fax on behalf of a Swiss journalist, and detained incommunicado for three months; over 60 people, mostly school or university students, arrested in Western Sahara or southern Morocco in December 1991 and January 1992 and about 100 people arrested after demonstrations in Assa, Smara and Laayoune in September and October 1992. Those arrested in Western Sahara have usually been held incommunicado for some days or months and then released; many allege that they were tortured. Only 24 people, arrested in Assa in southern Morocco after protest demonstrations in September, were brought to trial and sentenced in January 1993 to up to one year in prison for disturbing public order. The trial, which was held *in camera*, did not investigate allegations that some defendants had been tortured in incommunicado detention and may have been unfair. No trials of any Sahrawis arrested in Western Sahara for political offences are known to have taken place.

Amnesty International is concerned that hundreds of other Saharans remain "disappeared" and may still be held in secret detention centres. They include Limam ould Brahim ould Tayeb, a driver, born in 1954, who "disappeared" in 1976 in Smara (his mother and brother, who were taken with him, were both later freed, but he remains "disappeared"); Muelimnin ment Bouba ould Breika, the mother of two children, who "disappeared" in the

same year; and Mohamed ould Ahmed El-Rabani, born in 1953, who worked as a technician for Radio Laayoune and was arrested in 1977.

Amnesty International is also concerned that over 260 Sahrawis "disappeared" for between three and 15 years after arrest by the Moroccan security services and released in June 1991 continue to be restricted in their movements and their ability to communicate with the outside world. The "disappearance" of these Sahrawis had been raised by Amnesty International with the Moroccan authorities for over 15 years, but the Moroccan Government had always denied holding them. They were released from the two secret detention centres, Qal'at M'gouna and Laayoune, named in a 1990 Amnesty International report, *Morocco: "Disappearances" of People of Western Saharan Origin* (AI Index: MDE 29/17/90).

No inquiry has ever been made into how the "disappeared" were held for up to 16 years in secret detention without charge or trial and they are denied the relief, rehabilitation and compensation which is their due. Most are without work and they are under strict surveillance by the Moroccan authorities. Those who talk too widely about their experiences have been arrested, internally deported to towns outside the territory of Western Sahara, or allegedly threatened with death. At least eight of those formerly held in the notorious secret jail of Qal'at M'gouna have been rearrested. They include Ballah Khatri El Bouhali who was arrested on 11 January 1992 and detained without trial, reportedly in the *Corps mobile d'intervention* (CMI), Mobile Intervention Corps, centre in Laayoune, for over nine months and Sebaha Ahmed ould Lehibib who was arrested at Laayoune on 11 November 1992, 16 months after his release from eight years' secret detention without trial. At least two women former inmates of Qal'at M'gouna are among those reportedly detained, including Soukeina ment Hmeida Bourajaa, who had previously spent over 11 years in secret detention.

Dozens of the former "disappeared" have been moved from Western Sahara to Morocco; they include the Leili family, eleven of whom "disappeared" after being arrested by Moroccan security services between 1975 and 1978, who were internally deported from Laayoune to Tantan and Ahmed ould Abderrahman Moutalli, who was moved to Tiznit.

Amnesty International has many times over the last two years urged the Moroccan Government to release those who remain "disappeared" and to ensure that those released are compensated and their right to freedom of expression fully respected; the organization has also raised concerns about arbitrary arrests and prolonged incommunicado detention of people of Western Saharan origin. The Moroccan Government has not responded to any of these communications.

In January 1993 The UN Secretary-General made a progress report to the Security Council on the situation in Western Sahara and the role and activities of MINURSO (S/25170). Amnesty International believes that, in order to fulfil its responsibilities under

the settlement and the Implementation Plan, the United Nations mission must address human rights concerns more vigorously and comprehensively. Its personnel and mandate should be expanded to include specific monitoring and investigation of reports of human rights violations as well as measures to take these up with the authorities and ensure that appropriate action is taken. The civilian police monitors, who were to be part of a Security Unit under the Implementation Plan and whose deployment has been delayed awaiting agreement on the holding of the referendum, should also now be deployed and incorporated into a broader human rights protection role for MINURSO.

RECOMMENDATIONS

Amnesty International calls on the Moroccan Government

- to ensure that all Sahrawis enjoy full rights of freedom of expression and movement in accordance with the Universal Declaration of Human Rights and, in particular, to ensure that no-one is arrested for the non-violent expression of their opinion;
- to inform MINURSO of all places where members of the Sahrawi population are detained; to allow MINURSO to visit all detention centres and alleged detention centres, examine lists of detainees and visit all inmates; and to cooperate with MINURSO in releasing all those illegally detained or detained on charges contrary to the free expression of opinion or association.
- to compensate all previous victims of "disappearance" for the years of anguish and suffering they have endured; to compensate the families of those who died and ensure that the survivors have access to free medical treatment, education and jobs; to ensure for them and all Sahrawis unhindered access to MINURSO and local and international humanitarian organizations;
- to ensure that it is clearly recognized that the Sahrawi population may have access to any member of MINURSO and that individuals should not be prevented from contacting MINURSO nor arrested or otherwise harassed or punished after contacting MINURSO.

Amnesty International calls on the Polisario Front

- to ensure that all prisoners of conscience held by the Polisario Front are released; and to allow MINURSO to visit all detention centres and alleged detention centres under their control.

Amnesty International urges the United Nations

- to amend the mandate of MINURSO to include the monitoring and investigation of any alleged violations of human rights and to enable MINURSO to take appropriate action to address such violations; to build into the expanded mandate of MINURSO a role for the UN civilian police monitors envisaged in the Implementation Plan (CIVPOL); and to ensure that MINURSO has unrestricted access to all parts of Western Sahara and to all individuals;
- to ensure that MINURSO and international humanitarian organizations have unrestricted access to all places where Sahrawis are detained or alleged to be detained, in Morocco, Western Sahara and the Tindouf camps;
- to include full details of the human rights situation and any measures taken to address this in all further UN progress reports on Western Sahara and on MINURSO's operations.