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Morocco/Western Sahara: Justice must begin with torture inquiries

With trials of Sahrawi demonstrators beginning this week in Laayoune, Amnesty International today called on the Moroccan government to ensure that all reports of torture and ill-treatment of detainees held in connection with recent disturbances in Western Sahara are fully and impartially investigated and that all those charged are guaranteed fair trials.

Amnesty International said it was greatly disturbed by reports of torture and excessive use of force by Moroccan security personnel when dispersing Sahrawi protestors during demonstrations in Laayoune and several other cities in Morocco and Western Sahara in late May and early June. The protests began peacefully, according to independent observers, but became violent in Laayoune on 24 May and in the next two days when demonstrators reportedly burned Moroccan flags and threw stones and petrol bombs as security forces used strong arm tactics to disperse them. On the one side, unofficial sources allege that Moroccan security forces used excessive force, wading into still peaceful demonstrators and beating them with batons, injuring more than a hundred. Several dozen required hospital treatment but were then reportedly refused medical certificates after treatment at the local state hospital. The authorities, on the other hand, accuse the demonstrators of sparking the violence and say 10 members of the security forces were hurt during the Laayoune protests and still others at a demonstration mounted by Sahrawi students on 27 May 2005 in Rabat.

This latest wave of unrest in Western Sahara, which Morocco controversially annexed in 1975, appears to have been set off by the transfer of a Sahrawi prisoner, Ahmed Haddi, on 21 May 2005 from Laayoune to Agadir, 550km to the north in Morocco, and allegations that he was ill-treated. He had been jailed in 2003 on charges including drug trafficking and insulting the monarchy, apparently on the basis of a pre-trial confession that he alleges was extracted under torture – a claim that, according to Amnesty International's information, has not been investigated. When members of Haddi's family and local activists protested against the move, they were reportedly dispersed violently by security forces, sparking new demonstrations which lasted several days.

Between 24 and 26 May, hundreds of protesters took to the streets in Laayoune to denounce perceived heavy-handed policing and to call for the independence of Western Sahara. Some brandished flags of the Sahrawi Arab Democratic Republic, the state proclaimed by the Polisario Front. Protests then spread at the end of May and in early June to other towns in Western Sahara, such as Smara and Dakhla, and were accompanied by demonstrations by Sahrawi students living in Moroccan cities such as Agadir, Casablanca, Fes, Marrakech and Rabat.

Over a hundred were detained during or as a result of the demonstrations. Around 90 were

released without charge after being held for between several hours and several days but around 25, some of whose trials begin this week, were charged with criminal conspiracy, disturbing public order, damaging public property and other offences. Many of those detained allege that they were tortured or ill-treated, either to force them to sign confessions, to intimidate them from protesting further or to punish them for advocating Western Sahara's independence from Morocco. Alleged methods used include being beaten with batons, kicked and denounced as "traitors" to Morocco, suspended in contorted positions, having dirty rags placed over the mouth and nose to induce partial suffocation, being urinated upon and being threatened with the insertion of objects into the anus.

Amnesty International said it was vital that these allegations are urgently and rigorously investigated by the Moroccan authorities and that any officials found to have ordered, used or condoned torture are identified and promptly brought to justice.

In the wake of the unrest, Moroccan authorities prevented Spanish parliamentarians and others seeking to investigate what occurred from visiting Western Sahara. Amnesty International said it was concerned too by reports that local human rights defenders and journalists had been assaulted, harassed or intimidated by officials, and in some cases briefly detained. It is urging the Moroccan authorities to look into these allegations and to respect the rights of local human rights defenders to report on what occurred.

Background

Amnesty International has researched reports of human rights violations during and subsequent to other politically charged demonstrations which have taken place in recent years in Laayoune and Smara. It has raised similar allegations of excessive use of force against protesters and of torture or ill-treatment against those charged with conducting or inciting violence. While the Moroccan authorities have taken the positive step of responding in detail to Amnesty International's concerns, they have usually explained the lack of investigations opened by the absence of formal complaints, despite repeated reports and complaints made by the alleged victims, their families and lawyers, and local and international human rights organizations.

Under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Morocco is required to ensure that all allegations of torture are investigated promptly, impartially, independently and thoroughly, and that the perpetrators are brought to justice. The state's obligation to investigate allegations applies wherever there is reasonable ground to believe that torture or ill-treatment has been inflicted, even if there has been no formal complaint by the alleged victim.

According to the UN Committee against Torture, such an investigation must be made "whatever the origin of the suspicion", including on the basis of information supplied by non-governmental organizations. The Committee against Torture has clarified the obligation of the state in this respect by stating: "It is sufficient for torture only to have been alleged by the victim for the state to be under an obligation promptly and impartially to examine the allegation".