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Morocco/Western Sahara: Rights trampled amidst protests, violence and repression

In a new report issued today, Amnesty International called on the Moroccan authorities to fully, impartially and independently investigate all the human rights abuses alleged to have occurred in connection with the events of 8 November 2010 in Laayoune, in the Moroccan-administered Western Sahara, and to bring to justice those who perpetrated abuses.

Violent confrontations broke out early on 8 November when Moroccan security forces forcibly dismantled the Gdim Izik tent camp, which had been set up in the desert a few kilometres from Laayoune in early October by Sahrawis protesting against their perceived marginalization and a lack of jobs and adequate housing.

The new report, *Rights Trampled: Protests, Violence and Repression in Western Sahara*, describes a series of human rights abuses that were committed on 8 November both at the camp and in Laayoune. Violent confrontations broke out when the security forces dismantled the camp but then spread to Laayoune where both Sahrawi protestors and Moroccan residents carried out attacks – burning homes, shops and businesses and some public buildings. Scores of Sahrawis were arrested and beaten or subjected to torture or other ill-treatment.

Thirteen people, 11 members of the security forces and two Sahrawis, died as a result of the violence that erupted in the camp and in Laayoune. The highest death toll occurred during the dismantling of the camp by Moroccan security forces, nine of whose men were killed by Sahrawis resisting the destruction of the camp in the confrontations and in deliberate attacks. The full circumstances remain unclear but Amnesty International researchers who visited the area in late November interviewed many witnesses who described the security forces in the camp even beating elderly women with batons as they sought to drive them out and tear down their tents. Some still had visible injuries more than two weeks later.

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 camp and disperse the protesters, but in some cases the force used was clearly excessive, against protesters posing no threat and offering no resistance.

News that the security forces were dismantling the camp quickly reached Laayoune where, fuelled apparently by exaggerated reports of deaths of Sahrawis and of brutality by the security forces, it sparked violent protests by Sahrawis, who rampaged through the city attacking public buildings, banks, cars and other property belonging to Moroccan citizens and to Sahrawis perceived to support Morocco's administration of Western Sahara. Once this had subsided, there was a new bout of communal violence, this time by Moroccan residents who attacked Sahrawi homes, shops and other businesses and property and beat some Sahrawi residents. The security forces were present during some of these attacks targeting Sahrawis and their homes and businesses and failed to intervene, or actively assisted those carrying out the attacks.

Moroccan security forces arrested up to 200 Sahrawis on 8 November and in the following days and weeks. However, to date no arrests or prosecutions are known to have taken place in

relation to the attacks carried out by Moroccan residents against Sahrawis and their homes and property.

All of the Sahrawis interviewed by Amnesty International described how they had been beaten, tortured or otherwise ill-treated at the time of their arrest or in the custody of the Moroccan authorities, and most bore visible scars and wounds consistent with their testimonies. Despite this, the Moroccan authorities have failed to take any steps to investigate allegations of torture or other ill-treatment as required by the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, both treaties to which Morocco is a state party.

The Moroccan authorities have a responsibility to protect public safety and to punish crime but they must do so without discrimination and while taking full account of human rights. When policing protests, the security forces must not use excessive force but only that which is strictly necessary and proportionate. Assaults on detainees who are in custody and posing no risk are always unlawful and must not be tolerated.

Amnesty International's report also highlights the failure of the Moroccan authorities to inform detainees' families of their whereabouts, in some cases for two weeks, in breach of Moroccan law. This failure accompanied by the restrictions imposed by the Moroccan authorities on access and information, including through denying access to journalists seeking to report on the events in Laayoune, created undue anxiety among families, some of whom feared that their relatives had been killed.

More than 130 Sahrawis are now facing trial in connection with the events of 8 November. They include 19 people who have been referred for trial before the Military Court, although they are civilians; some are well-known Sahrawi political activists who advocate self-determination for the people of Western Sahara. Their arrests have stoked 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.

Some of those accused were taken before investigating judges without legal representation and some are said to have had visible signs of torture or other ill-treatment and to have complained about such abuse. However, they were not referred for medical examination and no investigations into their complaints are known to have been initiated. Some detainees say that interrogators made them sign or thumb-print statements that they were not allowed to read, prompting concern that statements made under torture or other duress might be used as evidence against them when they come to trial, in breach of international law.

Amnesty International's report includes the following recommendations to the Moroccan authorities:

- 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; and
- 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.

Background

The findings of the report are based on an Amnesty International fact-finding visit to Morocco and Western Sahara, between 22 November and 4 December 2010. In the framework of the visit, Amnesty International met with government officials in Rabat and 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.

The status of Western Sahara, which Morocco controversially annexed in 1975, remains a sensitive question in the eyes of the Moroccan authorities, who continue to show little tolerance for those publicly expressing views in favour of the independence of Western Sahara. The Moroccan authorities continue to target not only Sahrawi activists who advocate the right to 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, who continue to face intimidation, harassment and even prosecution.