

Benita Ferrero-Waldner
Commissioner for External Relations and European Neighbourhood Policy
European Commission

Brussels, 17 December 2007
Our ref. B730

Dear Ms. Ferrero-Waldner,

Subject: Human rights issues in Morocco

Ahead of the EU Troika meeting with Morocco on 20 December 2007, Amnesty International would like to draw to your attention the grave human rights abuses being committed by the authorities in Morocco, particularly in Western Sahara. We call on the EU Troika to urge the Moroccan authorities to address freedom of expression, association and assembly, torture and ill-treatment and the rights of refugees, migrants and asylum seekers.

Freedom of expression, association and assembly

Amnesty International is concerned about continuing reports of restrictions on the rights to freedom of expression, association and assembly, particularly on issues related to the monarchy and the Western Sahara dispute.

Sahrawi human rights defenders have been the subject of a concerted campaign of repression by the Moroccan authorities over the past few years. Human rights defenders are targeted because of their work to document past and present abuses and their advocacy of the right to self-determination for the people of Western Sahara.

The Moroccan authorities have also adopted a very restrictive approach on issues relating to the monarchy. Several people, including civil society activists, journalists and political activists, have been prosecuted and in some cases sentenced to prison terms in recent years, after peacefully expressing views on the monarchy. Following demonstrations on 1 May 2007, seven members of the Moroccan Association for Human Rights (*Association Marocaine des Droits Humains, AMDH*) were tried and found guilty of "undermining the monarchy" and sentenced to two to three years' imprisonment and heavy fines.

Refugees, migrants and asylum seekers

Amnesty International has serious concerns about the Spanish and Moroccan authorities' treatment of people attempting to cross the Spanish/Moroccan border clandestinely at Ceuta and Melilla. In the past two years, the organization has investigated human rights violations committed against migrants and asylum-seekers in Ceuta and Melilla as well as in Andalucía and the Canary Islands. These investigations have revealed abuses including unlawful expulsions, lack of due process, breach of the principle of non-refoulement and excessive use of force.

In March 2007 Morocco's national human rights institution, the Human Rights Advisory Board, published a report on the deaths of migrants which occurred between August and October 2005. Regrettably, however, the report does not make any recommendations regarding investigations into the deaths of the migrants. In addition, arrests, detentions and expulsions of migrants apparently attempting to reach the seashore through the Western Sahara territory have been reported in 2007.

Torture and ill-treatment

Since 2005 there has been a high number of allegations of torture or ill-treatment of people arrested in Western Sahara in the context of demonstrations against Moroccan rule. Torture appears to be inflicted during the period of *garde à vue*, before the detainee is brought to the judicial authorities. Amnesty International is also seriously concerned over the sharp rise in reported cases of torture or ill-treatment in the context of "counter-terrorism" measures in Morocco/Western Sahara since 2002. Among the hundreds of Islamists or presumed Islamists arrested and detained on suspicion of belonging to "criminal gangs" or of involvement in planning or carrying out violent acts, scores of people are alleged to have been tortured or otherwise ill-treated.

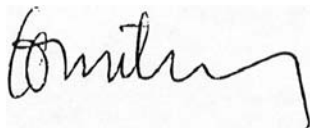
Furthermore, hundreds of Islamist detainees continue to demand a judicial review of their trials, which were tainted by unexamined claims of torture or ill-treatment during questioning by the security forces, particularly the Directorate for the Surveillance of the Territory (*Direction de la surveillance du territoire*, DST). Hundreds of them have staged hunger strikes in 2007 to protest at prison conditions, lack of access to adequate medical care, and ill-treatment by prison guards and other security forces. Eight Moroccan human rights organizations visited the Salé prison where many presumed Islamists are detained and their findings, issued in November 2007, confirmed the prisoners' allegations of ill-treatment.

In light of these human rights concerns, Amnesty International calls on the EU Troika to urge the authorities of Morocco to:

- release immediately and unconditionally all prisoners of conscience, and to bring articles in the Penal Code and the Press Code which criminalise the peaceful exercise of the fundamental rights to freedom of expression, association and assembly, into line with their international human rights obligations;
- allow Sahrawi human rights defenders to collect and disseminate information and views on human rights issues without fear of prosecution, harassment or intimidation;
- immediately halt the refoulement of refugees and asylum-seekers; and the arbitrary and collective or mass expulsion of migrants to neighbouring countries; the authorities should increase efforts to respect Morocco's obligations under the 1951 Convention relating to the Status of Refugees and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as stated by the Moroccan Human Rights Advisory Board;
- give clear and public instructions to the DST that its officers and agents must obey the law and stop carrying out arrests and detaining people and ensure effective investigations or re-trial into all allegations of torture or ill-treatment and bring those responsible to justice in accordance with international standards for fair trial.

I look forward to hearing from you on the outcome of your deliberations with the Moroccan authorities.

Yours sincerely,



Dick Oosting
Director,
Amnesty International EU Office