

Bernard Kouchner  
French Minister of Foreign Affairs  
French Presidency of the European Union

Brussels, 08 October 2008

Ref. : B814 / SF E 08 120 EUR

Dear Mr. Kouchner,

**Subject: EU-Morocco Association Council**

In view of the upcoming EU-Morocco Association Council on 13 October 2008, Amnesty International would like to bring to your attention the following key human rights concerns in Morocco, which we hope you will take the opportunity to raise with your counterparts.

Amnesty International is aware of the positive developments that have taken place in Morocco in the field of human rights, in particular regarding the promotion of women's rights; the fight against impunity through the "Equity and Reconciliation Commission's" work and recommendations as well as the adoption of the anti-torture legislation in February 2006; and the withdrawal of some reservations from the UN Convention Against Torture (CAT), the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

However, we consider that much more still needs to be done in the following areas:

**Freedom of expression, association and assembly**

Politically motivated administrative constraints continue to impede the work of Sahrawi Human Rights Defenders who are denied registration or authorisation to hold public meetings. They continue to face harassment, intimidation and prosecution for their work to document and disseminate information on past and present violations committed by the Moroccan authorities, as well as for their advocacy for the right of Sahrawi people to self-determination. Civil society activists, journalists and political activists are facing prosecutions for criticizing or undermining the monarchy. Amnesty International is concerned that excessive use of force remains authorised to break-up anti-government demonstrations, while a lack of fully independent and impartial investigations into violations committed by law enforcement officers persists.

**Torture and ill-treatment**

Amnesty International continues to receive reports on allegations of torture, particularly in the context of "counter-terrorism" and in relation to the Western Sahara dispute, although allegations of torture of Islamists/suspected Islamists were dropped since 2005. The DST (Direction de la surveillance du territoire), which is responsible for operating the Temara detention centre, continues to arrest Islamists. Amnesty International remains concerned that the law 03-03 on Combating Terrorism, which amended the Criminal Procedures Code by allowing for the "garde à vue" to be extended to 12 days while denying contact between detainees and lawyers for up to six days, would increase the risk of torture and ill-treatment. Besides, there has been no investigation into allegations of torture, nor a judicial review for Islamist detainees that were arrested in relation to 2003 Casa bombings.

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### **Refugees, asylum seekers and migrants**

Thousands of people suspected of being illegal migrants, mostly from Sub-Saharan Africa, have been arrested and expelled. Some of those expelled were refugees or asylum-seekers with UNHCR documentation. In violation of the International Convention on the Protection of the Rights of All Migrant Workers and national Moroccan legislation, they were abandoned at the Algerian border with no food or water. According to reports, there was a violation of the non-refoulement principle, a lack of due process, an excessive use of force, particularly beatings and allegations of sexual abuse. In addition, investigations into death of some migrants, which were launched in 2005 and 2007, have not yet concluded.

### **Past abuses and impunity**

While the Equity and Reconciliation Commission (Instance Equité et Reconciliation IER) was working in 2004-2005 to research grave human rights violations, in particular enforced disappearances and arbitrary detention, it still does not have a mandate to identify individual perpetrators. Despite the fact that the Human Rights Advisory Board (Conseil Consultatif des Droits de l'Homme CCDH) was mandated to follow up the work of the Commission by informing the victims and their families of the results of research said to be resolved by the Commission, no progress has been made on providing victims with effective access, nor on bringing alleged perpetrators to justice. Long term institutional and legal reforms recommended by the Commission have yet to be implemented.

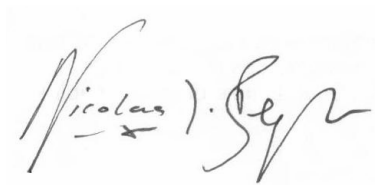
Amnesty International calls on the Presidency to use the opportunity of the Association Council meeting to urge the Moroccan authorities to:

- amend the Penal Code and the Press Code in order to bring them in line with international human rights obligations, and ensure that the peaceful exercise of the rights to freedom of expression, association and assembly are not violated;
- take the necessary measures to ensure that all Sahrawi's rights to freedom of expression, association and assembly are respected, and protect the right of Sahrawi human rights defenders to collect and disseminate information and views on human rights issues without fear of reprisals in the form of harassment, intimidation and prosecution;
- immediately release Human Rights Defenders who are jailed for peacefully expressing their views and opinions on human rights issues;
- conduct impartial investigations into allegations of torture, and bring those responsible to justice;
- ensure the retrials of all those convicted in trials marred by allegations of torture, and guarantee that the retrials meet international standards of fair trial;
- halt the refoulement of refugees and asylum-seekers; and the arbitrary and collective or mass expulsion of migrants to neighbouring countries;
- reaffirm and fully respect the principle of non-refoulement, and ensure that all asylum-seekers have access to fair and satisfactory procedures for determining whether they are in need of international protection, including but not limited to the right to appeal to an independent specialized body, legal assistance and interpretation in accordance with international law;
- conduct prompt, thorough, independent investigations into any allegation of death, injury or sexual assault of migrants and asylum-seekers caused by the use of force or firearms by law enforcement officials and that the results are made public;
- ensure that full investigations into all cases of enforced disappearances brought to their attention are conducted, and bring perpetrators to justice;
- implement all the final recommendations of the IER (Instance Equité et Reconciliation), particularly those aimed at combating impunity and introducing institutional and legal reforms within the areas of security, justice, law and penal policy.

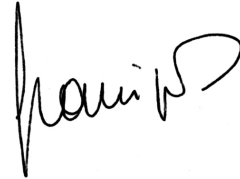
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We look forward to hearing from you as to the outcome of these discussions, and remain at your disposal to discuss these issues further.

Yours sincerely,

A handwritten signature in black ink that reads "Nicolas J. Beger". The signature is written in a cursive style with a small star-like mark under the "B" in "Beger".

Dr. Nicolas Beger  
*Director*  
*Amnesty International EU Office*

A handwritten signature in black ink that reads "Geneviève Garrigos". The signature is written in a cursive style with a large, sweeping flourish at the end.

*Geneviève Garrigos*  
*Chair*  
*Amnesty International France*