

Mr Javier Solana
High Representative for the Common Foreign and Security Policy,
Secretary-General of the Council of the European Union

2 March 2006
Ref: b_533

Dear Mr Solana,

Subject: EU-Morocco: Migrants, Refugees, Human rights defenders, Truth commission

In light of your upcoming meeting with Moroccan Prime Minister Driss Jettou on 9 March, Amnesty International would like to draw your attention to four key human rights issues in Morocco and Western Sahara and request that you use the opportunity provided by the meeting to raise them with the Moroccan authorities.

1. Migrants: investigation of killings

Scores of migrants were injured and at least 13 were killed in 2005 after being confronted by Moroccan and Spanish law enforcement officials as they tried to cross from Morocco into the enclaves of Ceuta and Melilla. The Moroccan authorities have said that judicial investigations were opened into the deaths that occurred on their side of the border, but Amnesty International is concerned that no results have yet been announced.

We call upon your good offices to request the Moroccan authorities to ensure that the results of the judicial investigations into the killings are made public and that any person reasonably suspected of being responsible for such violations is brought to justice, in conformity with international standards.

2. Refugees and asylum-seekers: cooperation with UNHCR and readmission agreement

Amnesty International continues to be concerned about serious shortcomings in the protection of refugees and asylum-seekers in Morocco and Western Sahara. On the one hand, Morocco has no national refugee status determination procedures and is reportedly reluctant to establish them. On the other, UNHCR has reported difficulties in carrying out its work. UNHCR representatives have been denied access to detained asylum-seekers for periods lasting several weeks. In addition, dozens of individuals bearing UNHCR documents attesting to their status as asylum-seekers have reportedly had these documents confiscated or destroyed by the Moroccan authorities in recent months and then been detained or deported.

In such a context, Amnesty International believes that the EU should be particularly vigilant about including adequate legal guarantees in the EU-Morocco readmission agreement, which will be a key framework document for regulating readmission practices between the EU member states and Morocco. Amnesty International understands that the current draft of the agreement does not include reference to international human rights standards. Such an omission would be a significant departure from EU practice as readmission agreements recently signed with other countries do include provisions stipulating that the enforcement of readmission obligations shall be without prejudice to the obligations of the EU and the states parties under international human rights law, and in particular the 1951 Geneva Convention and the European Convention on Human Rights.

We call upon your good offices to urge the Moroccan government to allow UNHCR to carry out its mandate fully and to have unrestricted access to places where asylum-seekers or refugees are detained. We also ask you to insist on adequate human rights provisions being inserted in the readmission agreement between the EU and Morocco.

3. Jailed Sahrawi human rights defenders: release or retrial

Amnesty International is concerned at the sentencing in December 2005 and January 2006 of seven Sahrawi human rights defenders to terms between seven months and two years in prison. They were convicted on various charges mainly related to inciting and participating in violent protest activities last year, after a trial at which none of them was permitted to call witnesses in their own defence and during which evidence tainted with torture allegations was used. Six of them remain in prison. An eighth Sahrawi human rights defender is detained awaiting trial on similar charges. All eight are well known to Amnesty International as long-term human rights activists. They did much to document abuses by Moroccan forces during and after demonstrations in 2005 calling for Western Sahara to be granted independence or autonomy from Morocco. Amnesty International believes that they are probably prisoners of conscience¹.

We call upon your good offices to raise concerns with the Moroccan government about the fairness of the trials of the Sahrawi human rights defenders and to request that they are released immediately unless they are retried promptly in full conformity with international fair trial standards.

4. Truth commission: state cooperation to resolve "disappearance" cases

Amnesty International welcomed the publication of the final report of the Equity and Reconciliation Commission, Morocco's groundbreaking truth commission, in December 2005. The Commission took significant steps towards establishing the truth about past human rights violations and providing reparations to thousands of victims and their families, as well as making detailed recommendations for institutional and judicial reform. A follow-up committee has been charged with carrying out additional research into the dozens of "disappearance" cases which remain unresolved, but will need the active cooperation of state officials to obtain all the relevant details. Amnesty International is concerned that the cooperation received from the authorities so far has not been satisfactory. The Commission, which did not have the power to compel state officials to testify, highlighted in its report that many refused to give evidence.

We call upon your good offices to request that the Moroccan government ensures that all state officials cooperate fully with the follow-up committee charged with resolving outstanding "disappearance" cases.

I hope that you will have a fruitful exchange of views with your Moroccan counterparts on these matters and look forward to hearing the outcome of your deliberations.

With best regards,



Dick Oosting
Director
Amnesty International EU Office

Cc.

Mr Michael Matthiessen, EU HR Javier Solana's Personal Representative for Human Rights

¹ For more details, please see the attached documents *Morocco/Western Sahara: Sahrawi human rights defenders under attack* (AI Index: MDE 29/008/2005), *Morocco/Western Sahara: Human rights defenders on trial* (AI Index: MDE 29/009/2005) and *Morocco/Western Sahara: Human rights defenders jailed after questionable trial* (AI Index: MDE 29/010/2005).