

## WESTERN SAHARA

### EXECUTIVE SUMMARY

Morocco claims the Western Sahara territory and administers Moroccan law through Moroccan institutions in the estimated 85 percent of the territory it controls. However, the Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (Polisario), an organization that has sought independence for the former Spanish territory since 1973, disputes Morocco's claim to sovereignty over the territory.

There has been no census since the Spanish left the territory, but the population was estimated to be more than 500,000, many of whom were attributable to Moroccan in-migration. The indigenous population is Sahrawi, (literally "people of the desert" in Arabic) who also live in southern Morocco, in Algeria, and in Mauritania.

The Moroccan government sent troops and settlers into the northern two provinces after Spain withdrew in 1975 and extended its administration to the third province after Mauritania renounced its claim in 1979. Moroccan and Polisario forces fought intermittently from 1975 until a 1991 ceasefire and the deployment of a UN peacekeeping contingent, the UN Mission for a Referendum in Western Sahara, whose mandate does not include human rights monitoring. In the late 1980s, Morocco constructed a 1,250-mile stone and sand wall known as the "berm" that effectively marks the limit of its administrative control.

In 1988 Morocco and the Polisario agreed to settle the sovereignty dispute by referendum. The parties did not resolve disagreements over voter eligibility and which options for self-determination (integration, independence, or something in between) should be on the ballot; consequently, a referendum never took place.

There have been several attempts to broker a solution since 2007 in face-to-face negotiations between representatives of the two sides under UN auspices. Morocco has proposed autonomy for the territory within the kingdom; the Polisario has proposed a referendum in which full independence would be an option. Meetings in January, March, June, and July under the auspices of Personal Envoy of the UN Secretary General for Western Sahara Christopher Ross did not yield significant progress toward a permanent solution.

Morocco considers the part of the territory that it administers to be an integral part of the kingdom with the same laws and structures conditioning the exercise of civil liberties and political and economic rights. Under the constitution, ultimate authority rests with King Mohammed VI who presides over the Council of Ministers and approves members of the government recommended to him by the prime minister. On July 1, Moroccans adopted a new constitution and on November 25, Morocco held legislative elections, which included Western Saharan provinces. (For additional information on political developments in Morocco, see the 2011 Morocco Human Rights Report.)

Apart from government action to restrict pro-independence views and associations, overall human rights conditions in the territory tended to converge with those in the kingdom. Several long-standing human rights issues that continue to be of concern were related to pro-independence activity, including limitations on the freedom of speech and assembly, the use of arbitrary detention to quell dissent, and physical and verbal abuse of detainees during arrests and imprisonment.

Widespread impunity existed, although the government prosecuted at least one official who committed abuses. Corruption continued among security forces and the judiciary. In addition, Sahrawis faced discrimination in the application of the laws on prison visitation rights and NGO registration.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There was one report that a government security official committed an unlawful killing.

In December 2010 an off-duty policeman shot and killed Said Dambar, a Sahrawi resident of Laayoune. Initially denied access to the victim's body for several hours, Dambar's family later was told that he had been drinking with the policeman when the latter's firearm accidentally discharged, shooting Dambar in the head. The family refused throughout the year to bury his body until an independent autopsy had been carried out to determine the circumstances of Dambar's death and clear him of having consumed alcohol. On October 12, a court sentenced the policeman involved in the killing to 15 years in prison, a sentence upheld on appeal. Authorities, however, never authorized the independent autopsy, and Moroccan administrative and law enforcement authorities regularly harassed members of the Dambar family and demanded they

bury Dambar's body. Dambar's brother lost his eligibility for a position with the Ministry of Finance on October 3 and was told by Ministry of Interior representatives he would obtain the position once he buried his brother.

Many international and local NGOs reported that violent confrontations between Sahrawi protesters and Moroccan security forces, which took place at Agdem Izik in Laayoune in October and November 2010 and resulted in 13 deaths and numerous injuries, exacerbated tensions between the Sahrawi population and Moroccan authorities. The tensions provoked incidents of violence throughout the year.

### **b. Disappearance**

There were no confirmed reports of politically motivated disappearances, but NGOs reported several cases of arbitrary arrest and detention for periods up to 20 days that they claimed amounted to disappearances.

In the October 2010 case of Mohamad Abdellah Dayhani, plainclothes police in Laayoune allegedly abducted Dayhani, whose family reported to the NGO Sahrawi Collective of Human Rights Defenders (CODESA) that they had received no information from authorities after inquiring about his whereabouts at a police station. The government confirmed that Dayhani had been arrested on terrorism charges but claimed it had followed due procedure in the conduct of the arrest. According to authorities, on October 27, Dayhani was sentenced to 10 years in prison for planning to commit acts of terrorism.

Regarding the still-unresolved cases of disappearance dating to the 1970s and 1980s, the governmental National Council for Human Rights (CNDH) continued to investigate claims of enforced and involuntary disappearances. The CNDH acknowledged that due to a lack of evidence, it likely will be unable to resolve 10 difficult cases. Sahrawi human rights groups and families, on the other hand, claimed that at least 114 cases remained unresolved and that many more were unacknowledged.

As its predecessor, the Consultative Council for Human Rights (CCDH), has done since 2000, the CNDH provided reparations during the year to victims of human rights abuses, including monetary assistance, vocational training, and medical insurance to Sahrawis or family members of those who had disappeared or been detained during the 1970s and 1980s. The CNDH continued to receive and investigate reparation claims throughout the year, although NGOs claimed the 114

unresolved cases had not been accepted by the CNDH for review. The CNDH stated it had shifted focus from individual reparations to community projects, although all the examples of such projects indicated by the CNDH were located outside Western Sahara in internationally recognized Morocco.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

There were credible reports that security forces engaged in torture, beatings and other mistreatment of detainees. Both international and local NGOs continued to report abuses, especially of Sahrawi independence advocates.

#### **Prison and Detention Center Conditions**

Allegations of abuse and substandard prison conditions persisted.

The Moroccan Observatory of Prisons (OMP), a local NGO consisting of lawyers and activists promoting better conditions for prisoners, stated that it regularly received complaints of physical abuse and occasional reports of torture from the family members of inmates in Laayoune Prison, the sole prison in Western Sahara. However, independent verification of these claims was impossible as access to the prison had been prohibited since 2008 for human rights NGOs. The most common complaints alleged physical abuse, a lack of access to health care, and the transfer of prisoners to locations far from their families within Western Sahara and to internationally recognized Morocco.

Human rights and pro-independence activists claimed authorities falsely charged them with criminal offenses. Laws require authorities to investigate abuse allegations for any individual facing prosecution who requests an investigation, but local and international human rights advocates claimed that courts often refused to order medical examinations, or to consider medical examination results in cases of alleged torture.

The 23 Sahrawis arrested during the November 2010 dismantling of the Agdem Izik camp and subsequent violence in Laayoune remained in custody during the year at Sale Prison near Rabat. Families of the detainees complained that prison conditions were unusually harsh, with limited family visitation rights and little access to health care, proper food, and clean clothes. A December 9 CNDH prison visit led to improved conditions for the detainees and the provisional release of two of the detainees on health grounds. Throughout the year there were continuing

credible reports from many who were detained and subsequently released-- as well as many of the families of those still in custody--that security officials beat and otherwise abused them. Domestic NGOs alleged that in numerous instances security officials threatened detainees with rape.

NGOs that provide social or religious services to prisoners were permitted to enter detention facilities, but not human rights NGOs. Generally such visits were restricted to common areas within the detention center with no access to prisoners in their cells. The government reported 84 visits to detention centers in Western Sahara during the year: judicial officials conducted 50, regional monitoring commissions 11, and national NGOs 23. The OMP relayed complaints of substandard prison conditions to authorities but was not allowed to conduct its own investigations of these complaints. The CNDH also received complaints but did not visit Laayoune Prison during the year.

In October the government reported that the public prosecutor and magistrates had requested expert medical examinations for 19 individuals in both Morocco and Western Sahara, compared with 31 requests in 2010. An 11-member coalition of Moroccan NGOs reported that 52 Sahrawis arrested by security forces in connection with the November 2010 camp dismantlement and ensuing protests alleged police torture in late 2010 and early 2011 and submitted requests for medical examinations. The government's response to their requests remained unknown at year's end.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention but security forces routinely ignored this in practice.

At year's end, the 23 Sahrawis arrested during the dismantling of the Agdem Izik camp and subsequent violence in Laayoune remained in custody at Salé Prison near Rabat. The government issued no clear charges other than police allegations that they were connected to the deaths of 11 security service personnel during the riots. On November 10, the prisoners were referred to a military court, but no trial date was set.

#### **Role of the Police and Security Apparatus**

Police impunity remained a problem. According to several international, domestic, and Sahrawi NGOs, the number of complaints filed against police by alleged

victims of human rights abuses increased. The government disputed the alleged increase and provided statistics indicating that through October, residents of Western Sahara filed 45 complaints against authorities based throughout the territory. The judicial police and the prosecutor investigated all 45 complaints but the prosecutor dismissed 32 due to lack of evidence. Thirteen cases remained under investigation at year's end. International and domestic human rights organizations claimed that authorities dismissed nearly all complaints relying only on the police version of events.

The government stated that it increased security personnel training in human rights and regularly coordinated with the CNDH to draw on the expertise of its members. Human rights components are included in basic training as well as in various educational milestones throughout the careers of most security personnel. According to the government, some prosecutions involved officers who allegedly committed crimes in the territory; however, the number was unavailable because data was not disaggregated by region. Past practice often left alleged abusers in leadership positions or transferred them to other positions.

There were several cases of societal violence between Sahrawis and residents who originate from internationally recognized Morocco. The government reported that security forces responded adequately to minimize violence, although Sahrawi activists alleged that the security forces responded slowly and sometimes tacitly encouraged violence.

On February 25, during an international music concert in Dakhla, groups of Moroccan youth entered the Sahrawi neighborhood of Oum Tounsi and violent confrontations ensued. According to eyewitnesses, police did nothing to stop the confrontations. The following day, a Sahrawi demonstration protesting police inaction turned violent and began targeting police and official-looking vehicles. Military forces were ordered from outside Dakhla and finally brought the situation under control. Fifteen persons were injured.

On September 25, a similar event occurred in Dakhla following a soccer match between a local team and one from Morocco. Following the match, fighting broke out that quickly pitted Moroccans against Sahrawis. According to Sahrawi activists, when Sahrawi protesters began chanting pro-independence slogans, security forces encouraged Moroccan civilians to be more aggressive with the "enemy." Fighting continued on September 26, as Moroccan youth entered Sahrawi neighborhoods until outside security forces restored calm. The two days of violence resulted in eight deaths--including two members of the armed forces--

and dozens injured. Immediately following the violence, several dozen Moroccans and Sahrawis were arrested of whom 14 were convicted and 17 remained in custody at year's end. Others were detained briefly and released.

### **Arrest Procedures and Treatment While in Detention**

Police may arrest an individual after a general prosecutor issues an oral or written warrant; in practice, warrants occasionally were issued after the arrest. Authorities denied defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or 48 hours of detention for other charges, during which police interrogated detainees and alleged abuse or torture was most likely to occur. In many cases, including those not related to terrorism, detainees were held incommunicado for several days and granted limited or no access to legal representation. Under the antiterrorism law, after the first 96 hours, two additional 96-hour extensions are allowed with the written approval of the prosecutor. Under the law a person may be detained without trial for as long as one year while an investigating magistrate completes work.

Arbitrary Arrest: NGOs claimed several cases of arbitrary arrest and detention occurred for periods up to 20 days. Security services commonly rounded up groups of individuals and detained them for several hours or days without charges before releasing them. In many cases the families of the detainees were not informed until after their release.

The 23 Sahrawis arrested during the November 2010 dismantling of the Agdem Izik camp and subsequent violence in Laayoune remained in custody during the year at Sale Prison near Rabat (see above).

Pretrial Detention: Pretrial detention was a problem. Several NGOs alleged that across Morocco and Western Sahara, at least 50 percent of all detainees were awaiting trial. By the end of the year, 23 Sahrawis had been in pretrial detention in Sale Prison for more than a year after their arrest during the violence in Laayoune in November 2010. Another 17 had been in custody for approximately three months after their arrest during the September violence in Dakhla.

### **Political Prisoners and Detainees**

The government denied that there were political prisoners or detainees and claimed all those incarcerated had been convicted of or charged with crimes. However, human rights and pro-independence groups alleged that there were up to 85

Western Saharan individuals held across Western Sahara and internationally recognized Morocco whom they considered political prisoners.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Moroccan law prohibits citizens from criticizing Islam or the institution of the monarchy. It is also illegal to voice opposition to the government's official position regarding territorial integrity and Western Sahara. Most media outlets and bloggers practiced self-censorship on these issues, and there were no reports of government action against them for what they had written. However, at least one blogger claimed that police had detained and physically abused him for several hours while they demanded to know the nature of his foreign travel and his contact with several diplomatic missions in Morocco.

The government enforced strict procedures governing the ability of NGOs and activists to meet with journalists. Foreign journalists needed prior official approval from the Ministry of Communication before meeting with pro-independence NGOs. There were no reports of authorities barring journalists from traveling to Laayoune and no reports of journalists being prevented from meeting pro-independence activists.

### **Internet Freedom**

Moroccan and international media, including Polisario-controlled television and radio from the Sahrawi refugee camps in Algeria-- as well as satellite television, were available in the territory. There was no indication that Internet access in the territory differed from that in internationally recognized Morocco, which was generally open. However, pro-independence bloggers assumed they were monitored closely by authorities and felt the need to hide their identity.

### **b. Freedom of Peaceful Assembly and Association**

The Ministry of the Interior required those wishing to hold public gatherings, including demonstrations, to obtain permission for public assemblies. Despite this requirement, sit-ins, demonstrations, and unauthorized peaceful protests occurred. Authorities tolerated the majority of these events, even those that were not authorized.



The government generally used administrative delays and other methods to suppress or discourage demonstrations with political overtones and prohibited or failed to accept requests from groups that were associated with human rights activism or harbored pro-independence opinions regarding the Western Sahara.

Several organizations with social and economic demands claimed security forces prevented them from protesting during the period surrounding the one year anniversary of the Agdem Izik camp dismantlement from early October to mid-November. Authorities allowed an unlicensed protest organized by human rights abuse victims of the 1970s-1990s, who had occupied the Laayoune CNDH office, to demand compensation for the abuses they suffered during that time.

Pro-independence organizations and some human rights NGOs stated that in recent years they have applied less frequently for legal permits to engage in sit-ins and demonstrations because police rarely granted the permits. The government reported that by the end of the year, over 1,120 demonstrations or protests had been held in Western Sahara. The majority of these related to socioeconomic issues such as unemployment and housing concerns, but a few also had political overtones, such as sit-ins by relatives of disappeared persons and alleged political prisoners.

There were several instances of security forces using excessive force against pro-independence demonstrators. Authorities violently dispersed several protests throughout the year, resulting in dozens of serious injuries to heads and limbs that required medical attention. Victims of such abuse claimed that government authorities were slow to respond to the formal complaints they filed.

### **Freedom of Association**

As in previous years, the government did not allow the Sahrawi CODESA or the Association of Sahrawi Victims of Grave Human Rights Violations (ASVDH) to register as official NGOs, limiting their ability to raise funds domestically and internationally and to secure space for public meetings. The CNDH invited the ASVDH to join its executive council, which consists in part of members of civil society. The latter refused on grounds that it would continue to seek formal recognition as a registered NGO before it would consider joining the council.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

#### **d. Freedom of Movement**

Unlike in the previous year, there were no reports that the government restricted freedom to travel abroad. There were no reports of the government revoking citizenship.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

Moroccan citizens in the Western Sahara participated in Moroccan parliamentary elections on November 25. National turnout exceeded 70 percent of registered voters, and local authorities in Western Sahara regularly claimed that turnout in their region exceeded the national average. There was no indication that the government prevented pro-independence candidates from running; however, domestic observers leveled accusations of government complicity in corruption, principally vote buying, in some locations.

### **Section 4. Official Corruption and Government Transparency**

Corruption among security forces and judicial officials was a problem.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A small number of international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to requests for meetings. The domestic NGOs investigating human rights cases are usually those not recognized by the government. Nevertheless, government officials occasionally investigated cases raised by these NGOs.

In part as a response to international calls for better human rights monitoring in Western Sahara, Morocco expanded the presence of the governmental CNDH in the territory. On March 1, the CNDH opened an office in Dakhla in October, complementing an existing one in Laayoune.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

## Women

Relatively little information was available on discrimination against women in the territory. Women participated actively in political and economic activities. Most Sahrawis in the territory lived in urban or semi-urban environments, and their circumstances paralleled the situation in internationally recognized Morocco. In the November 25 communal elections, no women won seats on local tickets in Western Sahara, although across both Morocco and Western Sahara 60 women were elected on the national ticket.

## Section 7. Worker Rights

The Moroccan labor code applies in the Moroccan-controlled areas of the territory. The constitution and the labor code permit the right to strike.

Moroccan unions covering all sectors were present in those areas but were not active. The largest trade confederations maintain a nominal presence in Laayoune and Dakhla. These include the Moroccan Union of Labor, the Democratic Confederation of Labor, and the National Union of Moroccan Workers.

There were no known labor strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. Unions were also active in the phosphate and fishing industries. Wage-sector workers in the territory earned up to 85 percent more than their counterparts in Morocco as an inducement for Moroccans to relocate to the territory. The government exempted workers from income and value-added taxes.

The labor code prohibited forced or bonded labor, and there were no reports that such practices occurred. Penalties for those who perpetrate forced labor range up to four years' imprisonment, and penalties for forced child labor are between one and three years in prison. Labor inspectors assigned to labor delegation offices enforce Moroccan labor laws. There are two delegations in Western Sahara, one in Laayoune and one in Oued Eddahab.

Regulations on the minimum age of employment were the same as in Morocco. There were no reports regarding child labor in the formal wage sector. There were reports of children working in family-owned businesses and in the agricultural sector.

The minimum wage and maximum hours of work in the territory were identical to those in Morocco. Occupational health and safety standards were the same as in Morocco and enforcement was rudimentary, except for a prohibition on the employment of women in dangerous occupations.

In practice during peak periods, workers in fish processing plants worked as many as 12 hours per day, six days per week.