



## Western Sahara

### Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 31, 2003

The sovereignty of the Western Sahara remained the subject of dispute between the Government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Since 1973 the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a United Nations peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and Morocco. The Court added that it had not found "legal ties" that might affect the applicable UN General Assembly resolution regarding the decolonization of the territory, and, in particular, the principle of self-determination for its people. Sahrawis (as the persons native to the territory are called) lived in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and to a lesser extent, in Mauritania. A Moroccan-constructed berm or sand wall encloses most of the territory.

In 1988 Morocco and the Polisario accepted the UN plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved and, a referendum has not yet taken place. In March 1997, UN Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine approaches for a peaceful settlement. During the intervening 5 years, Baker has visited the region, consulted with the parties, and offered various proposals to resolve the problem.

The Moroccan Government has undertaken a sizable economic program subsidizing migration and development in the Western Sahara as part of its efforts to strengthen Moroccan claims to the territory, although incomes and standards of living were substantially below Moroccan levels. The population of the territory was an estimated 400,000.

In February since the parties had made no further progress, the Special Envoy asked the UN Security Council to select one of four options: A referendum; a UN pullout; the "third way" of autonomy within Morocco; or partition of the Western Sahara. The Security Council was unable to agree on one of these options, so it extended MINURSO's mandate until January 2003, and authorized the Special Envoy to formulate a new proposal. In November King Mohammed VI publicly rejected plans sponsored by the UN for a referendum to determine the future of the territory, dismissing the plan as "out of date" and "null."

Since 1977 the Saharan provinces of Laayoune, Smara, and Boujdour (and Oued Ed-Dahab since 1983) have participated in elections organized and controlled by the Moroccan Government. Sahrawis whose political views were aligned with the Moroccan Government filled all the seats allotted to the Western Sahara in the Moroccan Parliament.

On September 27, Moroccan parliamentary elections took place that were generally free, fair and transparent, albeit with isolated instances of irregularities. No Sahrawis opposed to Moroccan sovereignty were candidates in the election. The national turnout was 52 percent; however, the Government stated that 70 percent of eligible voters participated in the Western Sahara. There was no progress during the year on local elections to choose members to the proposed new Royal Advisory Council on the Western Sahara that the King had announced in October 1999.

On November 28, Mohamed Boucetta, imprisoned for petty crime, died in custody in Laayoune prison in the Western Sahara. According to Saharan activist groups, he told family members two days before his death that he was being tortured and an autopsy indicated that "blows and wounds" caused his death. A prison warden was reportedly in custody concerning the death, and the prison director was reportedly suspended. Media reports suggested that fellow inmates beat him to death. An investigation was ongoing at year's end.

As in past years, there were no new cases of disappearance in that part of the Western Sahara under Moroccan

administration. The forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades; however, the Government in 1998 pledged to ensure that such activities would not recur, and to disclose as much information as possible on past cases. Those who disappeared were Sahrawis or Moroccans who challenged the Moroccan Government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. Although in 1991 the Moroccan Government released more than 300 such detainees, hundreds of Sahrawi and Moroccan families did not have any information regarding their missing relatives, many of whom disappeared over 20 years ago, at year's end.

International human rights organizations claimed that disappearances of Sahrawis in the Western Sahara could number between 1,000 and 1,500, although conditions in the territory prevented confirmation of this figure.

The Government of Morocco failed to conduct a public inquiry or to explain how and why those released spent up to 16 years of incommunicado detention without charge or trial. The former Sahrawi detainees formed an informal association whose principal objective was to seek redress and compensation from the Government for their detention. A delegation of this association continued to meet with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and Laayoune during the year. They claimed that the Government made little progress during the year in recognizing their grievances. In 2000 through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the Government began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, numerous cases remained pending at year's end. Despite reforms to the CCDH structure, many still viewed the process as biased and flawed administratively.

The UN settlement plan called for the release of all POWs after the voter identification process was completed. MINURSO completed the voter identification process in 1999. In January the Polisario released 115 Moroccan POWs and in June released 101 additional POWs. By year's end, the Polisario held 1,260 POWs, of whom 817 had been prisoners for over 20 years. In June an International Committee of the Red Cross (ICRC) delegation visited the Moroccan POWs, and reported that their physical and psychological health remained extremely poor. There also were credible reports from Moroccan NGOs that the Polisario authority used the POWs for forced labor.

The Polisario claimed that the Moroccan Government continued to hold several hundred Sahrawis as political prisoners and approximately 300 former combatants as POWs. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention. Representatives of the ICRC have stated that Morocco has released all Polisario former combatants.

The Government of Morocco claimed that the Polisario detained 30,000 Sahrawi refugees against their will in camps near Tindouf in southwestern Algeria. The Polisario denied this charge. According to credible reports, the number of persons in the camps in Tindouf far exceeded 30,000, but the assertion that they wished to leave remained unsubstantiated. The Polisario reportedly have not allowed the UNHCR and WFP to conduct a census of the camps in the Tindouf area.

Police arrested and detained Sahrawis who supported Saharan independence. In June police arrested Ahmed Nassiri, Sahrawi activist and a member of the Moroccan human rights NGO, Forum for Truth and Justice (FVJ), who had been sought since the violent conflicts with police in Smara in November 2001. His trial was postponed twice due to the absence of witnesses (who were themselves imprisoned) and had not taken place at year's end. Four foreign observers followed the process. In August police arrested Ali Salem Tamek, an official of the Moroccan Democratic Confederation of Workers and an FVJ member. One week later he was accused of membership in a political group working for a foreign power and convicted of threats to the security of the state. Sentenced to 2 years in prison and a fine of \$1,000 (10,000 dirhams), Tamek began a hunger strike in November to protest against his conditions of detention. Moroccan human rights NGOs considered these cases to be ordinary criminal cases involving assault and property damage.

The Polisario reportedly restricted freedom of expression, peaceful assembly, and association. According to Amnesty International (AI), Moroccan authorities continued to refuse to register the independent newspaper Sawt Al-Janoub. In November 2001 in Smara, according to the NGO Reporters without Borders (RSF), police arrested and physically abused Nouredinne Darif, a correspondent for the weekly Al Amal Addimocrati, when he went to the hospital to inquire about the condition of demonstrators beaten by the police at the demonstration on the same day. While Darif was acquitted in April, a court in Laayoune convicted 14 of the Sahrawi demonstrators of arson and armed violence and other charges related to violence. According to a report of the trial by Spanish observers from the law schools of Barcelona and Badajoz, the defendants claimed that they had been tortured.

Freedom of expression and freedom of peaceful assembly and association remain very restricted in the Western Sahara. Demonstrations were disrupted during the year. In March there was a minor civil disturbance in Laayoune. A number of Sahrawi unemployed college graduates attempted a sit-in to demand jobs. The authorities forcibly disbursed the demonstrators. In September the court of appeal in Layoune confirmed the prison sentences of five of six unemployed Sahrawi university graduates who were arrested in the course of a peaceful demonstration at Smara in April 2000.

In May two other activists claimed that Moroccan authorities had tortured them for going to a mosque in memory of the death in London of Polisario official Fadel Ismail.

A number of other Sahrawis remained imprisoned for peaceful protests supporting Saharan independence. Youths released in previous years reported that the Moroccan police continued to monitor them closely.

Political rights for the residents of Western Sahara were circumscribed. Freedom of expression and freedom of peaceful assembly and association remained very restricted. In June a Sahrawi activist claimed that the Sahwaris were unable to form political associations or politically oriented NGOs.

Freedom of movement within the Western Sahara was limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces at times subjected travelers to arbitrary questioning. The Polisario reportedly restricted freedom of expression, peaceful assembly, association, and movement in its camps near Tindouf. In June members of two NGOs representing Sahrawis who had left the Polisario camps met in Laayoune with foreign diplomats and provided photographs of victims of torture and booklets alleging that abuses took place near Tindouf.

The civilian population living in the Western Sahara under Moroccan administration was subject to Moroccan law. UN observers and foreign human rights groups maintained that Sahrawis had difficulty obtaining Moroccan passports, that the Moroccan Government monitored the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities reacted especially harshly against those suspected of supporting independence and the Polisario. The Moroccan Government limited access to the territory. International human rights organizations and impartial journalists sometimes experienced difficulty in securing admission, although an AI delegation conducted a research mission in June and July, which included the Western Sahara, focussed primarily on the issue of the "disappeared."

Moroccan laws apply in the part of the Western Sahara controlled by Morocco. As in Morocco itself, women were subjected to various forms of legal and cultural discrimination. Female illiteracy was very high, especially in rural areas.

There was little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco were applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions were present in the areas of Western Sahara controlled by Morocco, but were not active. The 15 percent of the territory outside Moroccan control did not have any major population centers or economic activity apart from nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, was not active in the Western Sahara.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan Government or state-owned organizations. They were paid 85 percent more than their counterparts in Morocco as an inducement to Moroccan citizens to relocate to the Western Sahara. Workers in the Western Sahara were exempt from income and value-added taxes and received subsidies on commodities such as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibited forced labor, and it did not appear to occur in the Western Sahara.

Regulations on the minimum age of employment were the same as in Morocco. Child labor appeared to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug-knotting and other traditional handicrafts. A government work program for adults, the Promotion Nationale, provided families with sufficient income so that the hired child maids were not common. Children in the few remaining nomadic groups presumably worked as shepherds with other group members.

The minimum wage and maximum hours of work were identical to those in Morocco. However, in practice workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law during peak periods. Occupational health and safety standards were the same as those enforced in Morocco. They were rudimentary, except for a prohibition on the employment of women in dangerous occupations.