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Morocco/Western Sahara: Sahrawi human rights defenders sentenced to year in prison

Amnesty International is seriously concerned about the sentencing on 6 March of two Sahrawi human rights defenders, Brahim Sabbar and Ahmed Sbai, to one year in prison by a court in Laayoune. The organization believes that they have been imprisoned for peacefully exercising their rights to freedom of expression, association and assembly and may therefore be prisoners of conscience. If this is the case, they should be released immediately and unconditionally.

The two men were convicted on the basis of charges which included inciting violent protest activities, specifically demonstrations in 2005 and 2006 against the Moroccan administration of Western Sahara, and belonging to an unauthorized association, namely the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State. The Association, of which Brahim Sabbar is Secretary General and Ahmed Sbai a member, has been unable to register itself with the Moroccan authorities due to politically motivated administrative obstacles. The two men were, however, acquitted of the most serious charges against them, including that of forming a criminal gang.

The two men, who have been in detention for nearly nine months, appear to have been targeted for their role in collecting and disseminating information about human rights violations in Western Sahara, as well as their public advocacy of the right of the people of the territory to self-determination. They acknowledge having peacefully participated in demonstrations against human rights violations by the Moroccan authorities in Western Sahara, but have denied any involvement in acts of violence. Brahim Sabbar is also serving a two-year prison sentence, handed down in June 2006, on the basis of charges which Amnesty International believes were probably trumped up.

The trial, which reportedly lasted under an hour, took place in less than dignified circumstances. According to eye-witnesses, there was a heavy presence of security force officers in and around the court and only a few of the two men's relatives and friends were able to gain access to the courtroom. The rest were refused entry, apparently without explanation.

In addition, the trial was marked by the two defendants' refusal to answer any questions or make any other utterance in court, continuing a protest gesture they had begun in a trial hearing on 6 February 2007. Their defence team of nine lawyers had withdrawn from the case in solidarity on the same day and issued a declaration explaining that the action was in protest at the Moroccan authorities' apparent failure to open an investigation into ill-treatment to which the defendants say they were subjected in prison on 19 January 2007 and during previous transfers to and from the court. The court appointed a substitute defence lawyer at a hearing on 20 February.

Three other Sahrawis, Ahmed Salem Ahmeidat, Mohamed Lehbib Gasmi and El-Hafed Toubali, were sentenced to three years' imprisonment by the same court on 6 March, after being convicted of forming a criminal gang and setting fire to a building in the context of demonstrations against the Moroccan administration of Western Sahara. The conviction was based on written statements by police officers in which they said that the defendants had confessed their guilt. When the three men later appeared before an examining magistrate, they denied the charges and said they had been forced to sign the statements after being subjected to beatings by security force personnel.

Dozens of Sahrawis have been charged with violent conduct and detained after being arrested during or after demonstrations in Western Sahara in 2005 and 2006. Many have alleged that they were tortured or ill-treated, either to force them to sign confessions, to intimidate them from protesting further or to punish them for demanding the right to self-determination for the people of Western Sahara or for brandishing visible signs of their support for the Polisario Front, which calls for an independent state in the territory and operates a self-proclaimed government-in-exile in refugee camps in south-western Algeria. Some of those detained were released following royal pardons in March and April 2006. Others remain in detention serving prison sentences or awaiting trial. Trials of Sahrawi protestors have been marred by concerns related to their fairness. In particular, evidence used to convict them has often been tainted with unexamined claims of torture or ill-treatment and defendants have generally not been permitted to call defence witnesses.

Amnesty International calls on the Moroccan authorities to take concrete measures to ensure that the rights of all Sahrawis to freedom of expression, association and assembly are fully respected and that Sahrawi human rights defenders, in particular, can collect and disseminate information and views on human rights issues without fear of prosecution, harassment or intimidation. Such rights are enshrined in international law, notably the International Covenant on Civil and Political Rights, to which Morocco is a state party, and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 9 December 1998.

Background

For further information on the case of Brahim Sabbar and Ahmed Sbai and the ongoing concerted campaign of repression against Sahrawi human rights defenders, please see

Amnesty International's public statement Morocco/Western Sahara: Stop the judicial harassment of Sahrawi human rights defenders, issued on 5 February 2007:
<http://web.amnesty.org/library/Index/ENGMDE290032007?open&of=ENG-MAR>