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Morocco / Western Sahara

Sahrawi human rights defenders under attack

Since May 2005, the territory of Western Sahara, particularly the town of Laayoune, has been rocked by a series of demonstrations. In many of them, Sahrawi (Western Saharan) demonstrators have expressed their support for the Polisario Front or called for independence from Morocco.¹ These views are anathema to the Moroccan authorities, which have not only responded in a heavy-handed manner to the protests, thereby exacerbating tensions, but also widened the scope of the repression by arresting and detaining long-standing human rights activists who were monitoring and disseminating information on the crackdown.

Eight of the activists are currently in detention and awaiting trial. Amnesty International believes that they may be prisoners of conscience. Two of them allege that they were tortured during questioning. This report focuses on the details of their cases, but also briefly documents the targeting of a wider range of human rights defenders who have been subjected to intimidation by the security forces. The report highlights, in addition, a wider set of allegations of human rights violations against demonstrators, including the death in suspicious circumstances of a Sahrawi protester in October 2005.

Amnesty International has welcomed on numerous occasions the positive steps which the Moroccan authorities have taken in the field of human rights in recent years.² However, their uncompromising stance in stamping out any form of dissent on the issue of Western Sahara remains a serious stain on their record. Events this year have set this into stark relief.

Systemic changes to legislation and government practice are required if all Sahrawis are to benefit from the right to freedom of expression on an issue of fundamental importance to them. These issues are outside the scope of this report, however. As far as the current crisis is concerned, Amnesty International calls on the Moroccan authorities to:

- release immediately and unconditionally any persons being held solely on account of the peaceful exercise of their right to freedom of expression;
- uphold the right of all defendants to a fair trial, particularly by ensuring that:

¹ Western Sahara is the subject of a territorial dispute between Morocco, which controversially annexed the territory in 1975 and claims sovereignty there, and the Polisario Front, which calls for an independent state in the territory and has set up a self-proclaimed government-in-exile in refugee camps in south-western Algeria. A UN Settlement Plan was agreed to in 1988 by both the Moroccan authorities and the Polisario Front and was approved by the UN Security Council in 1991. After more than a decade of conflict, both parties agreed that a referendum should be held in which the Sahrawi population would be asked to choose between independence and integration into Morocco. The referendum was to be organized and conducted by the UN Mission for the Referendum in Western Sahara (MINURSO). It was originally set for 1992, but has been repeatedly postponed and has yet to be held.

² See, for example, *Morocco/Western Sahara: Increasing openness on human rights* (AI Index: MDE 29/001/2005), 25 January 2005.

- all allegations of torture made by defendants are thoroughly and independently investigated and that any statement made as a result of torture or ill-treatment is rejected;
 - defendants' rights to call witnesses to testify in their defence are fully respected.
- put an immediate end to the arrest, harassment and intimidation of human rights defenders, including by ensuring prompt, independent investigation of all allegations of torture and assaults and other excessive force by security forces and by bringing to justice any officials responsible for such abuses.

Human rights defenders in the dock

Eight Sahrawi human rights defenders are currently detained in Laayoune Civil Prison awaiting trial. Seven of them who were arrested between June and August 2005 – Aminatou Haidar, Ali-Salem Tamek, Mohamed El-Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud and H'mad Hammad – are due to appear before the Court of Appeal in Laayoune on 30 November 2005, together with seven other accused who are being prosecuted for participating in demonstrations calling for self-determination for the people of Western Sahara. The eighth activist, Brahim Dahane, who was arrested on 30 October 2005, is also facing charges related to his human rights activities but his case remains under judicial investigation and he is expected to be brought to trial separately.

All eight human rights defenders have actively campaigned against human rights abuses in Western Sahara for several years. Most recently, they have been instrumental in collecting and disseminating information about human rights violations committed by Moroccan forces against Sahrawi protesters in the context of demonstrations in Laayoune and other towns and cities in Morocco and Western Sahara since May 2005. They have been charged on various counts related to participating in and inciting violent protest activities, but deny the accusations.

Each of them has also been charged with belonging to an unauthorized association. In the case of Mohamed El-Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud and H'mad Hammad, Amnesty International believes that the charge is related to their past membership of the human rights organization Forum for Truth and Justice – Sahara Branch. This organization was dissolved by court order in June 2003 on the grounds that the organization had undertaken illegal activities likely to disturb public order and undermine the territorial integrity of Morocco. The activities described as illegal appeared to relate solely to members of the organization exercising their right to express their opinions on self-determination for the people of Western Sahara, and disseminating views on human rights issues to outside bodies such as international human rights organizations, including Amnesty International. Although the organization was dissolved, they, as well as Aminatou Haidar and Ali-Salem Tamek, have continued individually to document human rights violations in Western Sahara, thus putting themselves at risk of arrest and detention.

In the case of Brahim Dahane, whose trial date is not yet known to have been set, the charge is believed to relate to the Sahrawi Association of Victims of Grave Human Rights

Violations Committed by the Moroccan State, a non-governmental organization of which he is president. He and a number of fellow activists have been seeking to register the organization in recent months, but have yet to complete the process due to a series of what appear to be politically-motivated administrative obstacles.

Two of the human rights defenders, Houssein Lidri and Brahim Noumria, allege that they were tortured during questioning by the Moroccan security forces. The Moroccan authorities say they have opened an investigation into these allegations which has not yet been completed.

Despite the charges being brought against them, Amnesty International is concerned that the eight activists appear to have been targeted because of their leading roles as human rights defenders and their exposure of abuses by Moroccan security forces, as well as their public advocacy of self-determination for the people of Western Sahara. Consequently, Amnesty International believes they may be prisoners of conscience, in which case they should be released immediately and unconditionally. Their cases are detailed below.

Aminatou HAIDAR

Case details

Woman human rights defender Aminatou Haidar was allegedly assaulted by members of the security forces while making her way to a peaceful demonstration in the centre of Laayoune on 17 June 2005 along with Fatma Ayach and Houssein Lidri. The members of the security forces allegedly stopped them in the street at around 7pm, confiscated their mobile phones and beat them around the head with batons. They were treated for their injuries at Hassan Belmehdi Hospital, where Fatma Ayach and Houssein Lidri were each given four stitches to the head and Aminatou Haidar was given 12 stitches. When two fellow human rights activists, Houssein Moutik and H'mad Hammad, went to visit them in hospital, policemen stationed at the gate allegedly beat them and prevented them from entering. The Moroccan Justice Ministry has told Amnesty International that an investigation is ongoing into the allegations of violence against Aminatou Haidar.

Aminatou Haidar was discharged from hospital on the evening of 17 June 2005 and transferred to a police station in Laayoune, where she was detained and questioned for three days. On 20 June 2005 she was charged by the Crown Public Prosecutor of Laayoune on various counts related to participating in and inciting violent protest activities and belonging to an unauthorized association. She was then remanded in custody to await trial. Aminatou Haidar, along with other detained Sahrawi human rights activists and demonstrators, reportedly engaged in a hunger strike during the period from 8 August to 29 September 2005 to demand, among other things, improved conditions of detention, investigations into the allegations of torture against Houssein Lidri and Brahim Noumria and her own release. She remains in detention in Laayoune Civil Prison.

Background

Aminatou Haidar has played a leading role in a number of campaigns organized for the release of Sahrawi prisoners of conscience and political prisoners. She was born on 24 June 1966. She was arrested in 1987 and was held without charge or trial in secret detention centres until being released in 1991. The Moroccan authorities have never provided a formal reason for her arrest and “disappearance”, but it is believed that she was targeted for peacefully demanding the right of the people of Western Sahara to self-determination. A civil servant living in Laayoune, Aminatou Haidar is divorced with two children.

Ali-Salem TAMEK

Case details

Ali-Salem Tamek was arrested on 18 July 2005 upon arrival at Laayoune airport after an extended stay in Europe, where he had spoken publicly of recent events in Western Sahara and advocated independence for the territory. He was abroad during the first wave of demonstrations.

He was charged on 22 July 2005 by the Crown Public Prosecutor of Laayoune on various counts related to inciting violent protest activities and belonging to an unauthorized association. He was then remanded in custody in Laayoune Civil Prison to await trial. He was transferred and held for a period of time at Ait Melloul Prison near Agadir. Ali-Salem Tamek, along with other detained Sahrawi human rights activists and demonstrators, reportedly engaged in a hunger strike during the period from 8 August to 29 September 2005 to demand, among other things, improved conditions of detention, investigations into the allegations of torture against Houssein Lidri and Brahim Noumria, his own return to Laayoune Civil Prison and his own release. He was subsequently transferred back to Laayoune Civil Prison, where he remains in detention. He was reportedly on hunger strike a second time from 20 October to 3 November 2005 to protest at poor prison conditions.

Background

Ali-Salem Tamek is a prominent campaigner for human rights in Western Sahara. He was sentenced to two years' imprisonment in 2002 for his alleged links with the Polisario Front. He was adopted by Amnesty International as a prisoner of conscience and served part of his sentence before being released following a royal pardon in January 2004. He was born on 24 December 1973. A civil servant living in Assa, he is married with one daughter.

Mohamed EL-MOUTAOUAKIL

Case details

Mohamed El-Moutaouakil was arrested by Moroccan security forces at his home in Casablanca on 20 July 2005, along with fellow human rights activist Mohamed-Fadel Gaoudi. Mohamed El-Moutaouakil and Mohamed-Fadel Gaoudi were firstly taken to a police station in

Casablanca, where they were reportedly questioned in connection with the recent unrest and their views on the Western Sahara dispute. On the following day, they were transferred to a police station in Laayoune where they were reportedly questioned on similar matters.

On 23 July 2005, Mohamed El-Moutaouakil was charged on various counts related to participating in and inciting violent protest activities and belonging to an unauthorized association by the Crown Public Prosecutor of Laayoune. He was then remanded in custody in Laayoune Civil Prison to await trial. Mohamed El-Moutaouakil was transferred and held for around two months at Okacha Prison in Casablanca. Along with other detained Sahrawi human rights activists and demonstrators, he reportedly engaged in a hunger strike during the period from 8 August to 29 September 2005 to demand, among other things, improved conditions of detention, investigations into the allegations of torture against Houssein Lidri and Brahim Noumria, his own return to Laayoune Civil Prison and his own release. He was subsequently transferred back to Laayoune Civil Prison, where he remains in detention. He was reportedly on hunger strike a second time from 20 October to 3 November 2005 to protest at poor prison conditions.

Background

Mohamed El-Moutaouakil was a member of the Forum for Truth and Justice – Sahara Branch until its dissolution. He is currently a member of the Casablanca-based Forum for Truth and Justice, which works to promote the rights of victims of human rights violations and their families in Morocco and Western Sahara and remains a legally registered association. He was sentenced to a year's imprisonment in 1992 for participating in a peaceful political demonstration to demand self-determination for the people of Western Sahara. He was born on 10 October 1966. A civil servant living in Casablanca, he is married with three children.

Houssein LIDRI

Case details

Houssein Lidri was arrested on 20 July 2005 at the home of Fatma Ayach in Laayoune by Moroccan security forces, along with fellow activists Brahim Noumria and Larbi Messaoud. He was transferred to a police station in Laayoune where he was reportedly questioned in connection with the recent unrest and his views on the Western Sahara dispute. On the day preceding his arrest, Houssein Lidri had given an interview to the Arabic satellite television channel, Al-Jazeera, about the arrest of fellow activist Ali-Salem Tamek.

On 20 July 2005, following the questioning, Houssein Lidri, along with Brahim Noumria, was reportedly transferred to a secret detention centre in Laayoune, where he was allegedly tortured and questioned further by security officers. He states that he was suspended in contorted positions with his hands tied and eyes blindfolded, that he was beaten on sensitive parts of the body, that hairs were pulled from his face and head, that a chemical substance was poured on him and that he was spat on. He says that he was taken back to the police station in Laayoune on 22 July 2005 and then brought before the judicial authorities in Laayoune on the same day, where he stated that he had been subjected to torture. Houssein

Lidri was reportedly transferred back to the secret detention centre on 22 July 2005, detained there for several hours and tortured again. According to a friend who visited him on 26 July 2005, traces of violence were still apparent then on the back of his head, his shoulders and his hands.

According to a statement by the Crown Public Prosecutor of Laayoune, dated 3 August 2005, Houssein Lidri was submitted for a medical examination after he alleged that he had been tortured. The statement said the examination revealed that he bore no traces of violence; however, on the basis of his allegations, an investigation – which remains ongoing – was opened.

Houssein Lidri was charged on various counts related to participating in and inciting violent protest activities and belonging to an unauthorized association by the Crown Public Prosecutor of Laayoune on 23 July 2005. He was then remanded in custody in Laayoune Civil Prison to await trial. He was transferred and held for around two months at Okacha Prison in Casablanca. Houssein Lidri, along with other detained Sahrawi human rights activists and demonstrators, reportedly engaged in a hunger strike during the period from 8 August to 29 September 2005 to demand, among other things, improved conditions of detention, investigations into the allegations of torture against himself and Brahim Noumria, his own return to Laayoune Civil Prison and his own release. He was subsequently transferred back to Laayoune Civil Prison, where he remains in detention. He was reportedly on hunger strike a second time from 20 October to 3 November 2005 to protest at poor prison conditions.

Background

Houssein Lidri was a member of the Forum for Truth and Justice – Sahara Branch until its dissolution. Born on 27 October 1970, he is a philosophy teacher living in Laayoune.

Brahim NOUMRIA

Case details

Brahim Noumria was arrested on 20 July 2005 at the home of Fatma Ayach in Laayoune by Moroccan security forces, along with fellow activists Houssein Lidri and Larbi Messaoud. He was transferred to a police station in Laayoune where he was reportedly questioned in connection with the recent unrest and his views on the Western Sahara dispute.

On the same day, following the questioning, Brahim Noumria, along with Houssein Lidri, was reportedly transferred to a secret detention centre in Laayoune, where he was allegedly tortured and questioned further by security officers. He alleges that he was suspended in contorted positions with his hands tied and eyes blindfolded, that he was beaten on the hands and face, that a chemical substance was sprayed on him, that he was burnt with open flames and that he was spat on. He says that his hands were bound in cloth when they were beaten to reduce the traces of the violence. Brahim Noumria says that he had previously been held and tortured at the same secret detention centre, during the time that he was “disappeared” in the 1980s. He says that he was taken back to the police station in Laayoune

on 22 July 2005 and was then brought before the judicial authorities in Laayoune on the same day, where he stated that he had been subjected to torture.

According to a statement by the Crown Public Prosecutor of Laayoune, dated 3 August 2005, Brahim Noumria was submitted for a medical examination after he alleged that he had been tortured. The statement said the examination revealed that he bore no traces of violence; however, on the basis of his allegations, an investigation – which remains ongoing – was opened.

Brahim Noumria was charged on various counts related to participating in and inciting violent protest activities and belonging to an unauthorized association by the Crown Public Prosecutor of Laayoune on 23 July 2005. He was then remanded in custody in Laayoune Civil Prison to await trial. He was transferred and held for around two months at Okacha Prison in Casablanca. Brahim Noumria, along with other detained Sahrawi human rights activists and demonstrators, reportedly engaged in a hunger strike during the period from 8 August to 29 September 2005 to demand, among other things, improved conditions of detention, investigations into the allegations of torture against himself and Houssein Lidri, his own return to Laayoune Civil Prison and his own release. He was subsequently transferred to Laayoune Civil Prison, where he remains in detention. He was reportedly on hunger strike a second time from 20 October to 3 November 2005 to protest at poor prison conditions.

Background

Brahim Noumria was a member of the Forum for Truth and Justice – Sahara Branch until its dissolution. He was arrested in 1987 and held without charge or trial in secret detention centres until being released in 1991. The Moroccan authorities have never provided a formal reason for his arrest and “disappearance”, but it is believed that he was targeted for peacefully demanding the right of the people of Western Sahara to self-determination. Born in 1965, Brahim Noumria lives in Laayoune.

Larbi MESSAOUD

Case details

Larbi Messaoud was arrested on 20 July 2005 at the home of Fatma Ayach in Laayoune by Moroccan security forces, along with fellow activists Houssein Lidri and Brahim Noumria. He was transferred to a police station in Laayoune where he was reportedly questioned in connection with the recent unrest and his views on the Western Sahara dispute.

Larbi Messaoud was charged on various counts related to participating in and inciting violent protest activities and belonging to an unauthorized association by the Crown Public Prosecutor of Laayoune on 23 July 2005. He was then remanded in custody in Laayoune Civil Prison to await trial. He was transferred and held for around two months at Okacha Prison in Casablanca. Larbi Messaoud, along with other detained Sahrawi human rights activists and demonstrators, reportedly engaged in a hunger strike during the period from 8 August to 29 September 2005 to demand, among other things, improved conditions of detention,

investigations into the allegations of torture against himself and Houssein Lidri, his own return to Laayoune Civil Prison and his own release. He was subsequently transferred back to Laayoune Civil Prison, where he remains in detention. He was reportedly on hunger strike a second time from 20 October to 3 November 2005 to protest at poor prison conditions.

Background

Larbi Messaoud was a member of the Forum for Truth and Justice – Sahara Branch until its dissolution. He was sentenced to four years' imprisonment in 2000 for his alleged links with the Polisario Front, which advocates independence for Western Sahara. He was adopted by Amnesty International as a prisoner of conscience and served part of his sentence before being released following a royal pardon in November 2001. Born on 24 April 1966, Larbi Messaoud lives in Tan Tan.

H'mad HAMMAD

Case details

H'mad Hammad was arrested on 11 July 2005 in offices which currently belong to a Spanish government body charged with looking after Spanish state property in its former colony of Western Sahara. He was using these offices as a base while carrying out activities to demand the release of protestors arrested during and following demonstrations in Laayoune and other cities in May 2005; to denounce alleged police brutality against demonstrators; and to call for an international investigation into alleged human rights violations in Western Sahara.

He was taken to a police station in Laayoune and questioned for two days. On 13 July 2005, he was brought before the Crown Public Prosecutor of Laayoune, who charged him with belonging to an unauthorized association and participating in and inciting violent protest activities and provisionally released him, pending the results of a judicial investigation. H'mad Hammad was arrested again at his home in Laayoune on 9 August 2005 and taken to a police station in Laayoune for questioning.

He appeared once more before the Crown Public Prosecutor of Laayoune on 10 August 2005, who reportedly charged him on new counts of participating in and inciting violent protest activities and belonging to an unauthorized association, and remanded him in custody in Laayoune Civil Prison to await trial. On arriving in prison, H'mad Hammad reportedly joined the hunger strike already begun by other detained Sahrawi human rights activists and demonstrators. He suspended the strike on 16 August 2005. He was reportedly on hunger strike a second time from 20 October to 3 November 2005 to protest at poor prison conditions. He remains in detention in Laayoune Civil Prison.

Background

H'mad Hammad was a member of the Forum for Truth and Justice – Sahara Branch until its dissolution. He was arrested, held in secret detention for 11 days and reportedly tortured in 1997, in connection with peacefully demanding the right of the people of Western Sahara to self-determination. Born in 1961, H'mad Hammad is married and lives in Laayoune.

Brahim DAHANE

Case details

Brahim Dahane was arrested in a street near his home in Laayoune on 30 October 2005 and taken to a police station in the same city, where he was detained for two days and questioned on, among other things, his views on the Western Sahara dispute and his relations with international human rights organizations and foreign diplomats. He said that, during these two days, he received no food. On 1 November 2005 he appeared before the Crown Public Prosecutor of Laayoune and was charged on various counts related to participating in and inciting violent protest activities and belonging to an unauthorized association. He was then remanded in custody and remains in detention in Laayoune Civil Prison awaiting trial.

Brahim Dahane had previously told Amnesty International that he feared for his safety after an act of apparent intimidation. On the evening of 18 June 2005 he was visited by policemen at his home in Laayoune. After searching the flat, the policemen confiscated documents relating to the Sahrawi Association for Victims of Gross Human Rights Violations Committed by the Moroccan State, as well as photographs of Sahrawi prisoners and “disappeared” people in his possession. They threatened him with legal action if he persisted in his campaigning work.

Background

Brahim Dahane is the President of the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State. He and a number of activists have been seeking to register the organization in recent months, but have yet to complete the process due to a series of what appear to be politically motivated administrative obstacles. Brahim Dahane was previously a victim of “disappearance” in the 1980s. He was arrested in 1987 and was held without charge or trial in secret detention centres until being released in 1991. The Moroccan authorities have never provided a formal reason for his arrest and “disappearance”, but it is believed that he was targeted for peacefully demanding the right of the people of Western Sahara to self-determination. Born in 1965, Brahim Dahane runs an Internet café in Laayoune.

Other human rights defenders targeted

In recent months, apart from the eight human rights defenders currently in detention awaiting trial, other human rights defenders have been arrested, held for several hours or days for questioning and released. In some cases this was apparently a response to public criticism they had made of the conduct of the authorities. The arrests have mainly taken place in Laayoune.

- **Hamoud Igulid**, President of the Laayoune Section of the Moroccan Association for Human Rights, and his colleague **Mourad Aatik**, were reportedly arrested at around 4am on 27 May 2005 and held in custody until their release without charge on the evening of the same day. The arrest appeared to be connected to an interview they

had given the day before to a Moroccan newspaper in which they had given an assessment of alleged human rights violations by the police during demonstrations in the city in previous days. In a letter dated 25 July 2005, the Ministry of Justice told Amnesty International that the two men had been arrested for being drunk in public and then released. According to human rights lawyers in Laayoune, the accusation of being drunk in public is often used to disguise politically motivated arrests and detentions.

- **Salek Bazid**, a member of the Forum for Truth and Justice – Sahara Branch until its dissolution, was arrested on 13 June 2005, questioned about his role in recent demonstrations and allegedly beaten.
- **Brahim Sabbar**, one of the founder members of the Sahrawi Association for Victims of Gross Human Rights Violations Committed by the Moroccan State, was arrested on 14 July 2005 as he was walking along a road in the centre of Laayoune. He was detained for several hours, questioned about his human rights activities and released without charge.
- **Mohamed-Fadel Gaoudi**, a member of the Forum for Truth and Justice – Sahara Branch until its dissolution, was arrested on 20 July 2005 with Mohamed El-Moutaouakil at the latter's house in Casablanca, where he was staying. The two men were firstly taken to a police station in Casablanca, where they were reportedly questioned in connection with the recent unrest and their pro-independence views. On the following day, Mohamed-Fadel Gaoudi was transferred to a police station in Laayoune where he was reportedly questioned on similar matters and detained there for two days. Mohamed-Fadel Gaoudi appeared before the Crown Public Prosecutor of Laayoune on 23 July 2005 and was then released without charge.
- **Fatma Ayach**, who has played a role in a number of campaigns organized for the release of Sahrawi prisoners of conscience and political prisoners, was summoned for questioning at a police station in Laayoune on 5 October 2005. There she was reportedly asked about her communication with detainees in Laayoune Civil Prison and their families, before being released without charge.
- **Daha Rahmouni**, founder member with Brahim Dahane of the Sahrawi Association for Victims of Gross Human Rights Violations Committed by the Moroccan State, was arrested at his home in Laayoune on 13 October 2005 and taken to a police station in the same city, where he was questioned about his activities as a human rights activist before being released without charge early the following morning.

In addition, in recent months Amnesty International has received many reports of harassment and intimidation of human rights activists by local security forces in various towns in Western Sahara, including Laayoune, Dakhla and Smara. Several human rights activists in these towns have told Amnesty International that they were threatened by security force officers with arrest and detention if they continued investigating and publicizing alleged human rights violations in the territory.

Human rights activists in Western Sahara have repeatedly been targeted for their human rights work in recent years. Some have been prevented from travelling abroad to report on human rights violations, while others have been arbitrarily imprisoned.³

Demonstrations and their aftermath

Since May 2005, the territory of Western Sahara has been rocked by a series of protests. Demonstrations in Laayoune were reportedly triggered on 21 May 2005 when Sahrawi prisoner Ahmed Haddi was transferred from Laayoune Civil Prison to Ait Melloul Prison near Agadir, some 550km to the north, in Morocco. His family, who live in Laayoune, considered the transfer a punishment for his views in favour of the independence of Western Sahara. The Justice Ministry told Amnesty International in a letter dated 25 July 2005 that the transfer was due to Ahmed Haddi's record of "inciting other prisoners to undertake acts of unrest and rebellion, to openly declare allegiance to the enemies of territorial integrity and to insult the monarchy".

The violent dispersal of this initial demonstration by Moroccan security forces reportedly led to a series of protests in the ensuing days and weeks in Western Sahara and some towns in Morocco with significant Sahrawi populations, including Agadir, Assa, Boujdour, Casablanca, Dakhla, Fes, Guelmim, Marrakech, Mohammadia, Rabat, Smara and Tan Tan. Most were reportedly peaceful. In others, however, protesters threw stones or petrol bombs at the security forces, causing, according to official reports, light injuries to security force officers. After the first wave of protests in late May and early June 2005, Amnesty International wrote to the Moroccan authorities on 21 June 2005 to urge them to investigate allegations that the security forces were using excessive force when dispersing protesters, including peaceful demonstrators, and when carrying out arrests. Dozens had reported being struck around the head and back and cut so severely that they required stitches for their wounds. Amnesty International received a response dated 25 July 2005 from the Justice Ministry, in which it defended the actions taken by the security forces to intervene in violent demonstrations to protect the public and property.

Since July, dozens more demonstrations have taken place, mainly in Laayoune, but also in Assa, Boujdour, Dakhla, Guelmim and Smara. Some have been organized as an act of solidarity with those detained and tried following the demonstrations or to protest against the actions of the Moroccan authorities; others appear to have erupted as expressions of the demand for self-determination for the Sahrawi people. Whether the demonstrations have been peaceful or marked by acts of violence, there have been consistent reports of the security forces continuing to use excessive force when dispersing protesters and when carrying out arrests. In some cases, security force officers have allegedly beaten demonstrators on the spot to "punish" them for their political beliefs. There are allegations that the death of a young demonstrator in October 2005 was the result of such an incident.

³ For further information, please refer to entries on Morocco / Western Sahara in Amnesty International's recent annual reports, as well as to the November 2003 report *Morocco/Western Sahara: Briefing to the Committee against Torture* (AI Index: MDE 29/011/2003).

Hamdi Lembarki, born in 1974, died in Hassan Belmehdi Hospital in Laayoune at around 3pm on 30 October 2005. An initial autopsy indicated that his death was the result of an injury to the head. According to eye-witnesses, several Moroccan police officers had arrested him during a demonstration in Laayoune, taken him to a nearby wall, surrounded him and repeatedly beat him with batons on the head and other parts of his body. Several local people reportedly found him unconscious on the ground and drove him to hospital, where he arrived at around 3am on 30 October 2005. According to official statements, however, the injury to his head had probably been caused by a stone thrown by a fellow demonstrator. Demonstrators were reportedly throwing stones at the security forces at the time. The Crown Public Prosecutor of Laayoune ordered a second autopsy to be carried out and an investigation to be opened into the death. According to official reports, an internal police enquiry has incriminated two police officers and the results have been submitted to the prosecutor's office.

The incident reportedly began when a flag of the Polisario Front was raised as an act of protest in a building in Laayoune. Several dozen people are said to have gathered around the building and shouted slogans in favour of the independence of Western Sahara. Shortly afterwards the Moroccan security forces arrived to take down the flag and disperse the demonstrators, some of whom they arrested.

Since 21 May 2005 over 350 arrests have been made during or after these demonstrations. Dozens of those held in custody allege 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 their pro-independence stance. Most have told families and lawyers that they were beaten with batons, kicked and insulted as "traitors" to Morocco. Others report being suspended in contorted positions, having dirty rags placed over their mouth and nose, being urinated upon and being threatened with the insertion of objects into the anus. In its letter of 25 July 2005, the Justice Ministry told Amnesty International that all complaints it received were treated seriously and that, on the basis of three complaints, investigations had been opened into allegations of torture and ill-treatment submitted by protestors or their relations. These investigations were said to be ongoing.

Most of those arrested were reportedly held by the security forces for between several hours and several days, and released without charge after questioning. Over 40 people, mostly arrested during or after demonstrations in Laayoune, were charged on counts such as criminal conspiracy, disturbing the public order, damage to public property, participation in an armed gathering and violence against security force officers. Over 20 of them were later convicted on such charges during trials which took place mainly in June, July and August 2005. Others were acquitted. At first instance, sentences ranged between suspended prison terms to 20 years' imprisonment. On appeal, sentences were generally reduced. In Laayoune Civil Prison, there are now two demonstrators serving one-year prison sentences, one serving two years, two serving three years, six serving four years, one serving five years and one serving six years.

Amnesty International is concerned about reports of violations of the right to a fair trial. Defence lawyers have said that they told the court that the judicial authorities in

Laayoune refused to grant medical examinations in some cases despite the defendants alleging torture or ill-treatment during questioning, but that these complaints were summarily dismissed and that contested statements they had made at the time were used to help convict the accused. Defence lawyers have also reported that requests to call defence witnesses to challenge information contained in police statements were systematically rejected.

Others who were charged are currently detained awaiting trial. Seven of them – **Mohamed Balla, Mahjoub Chtioui, Lakhelifa Janhaoui, Mohamed Lahouidi, Sidi-Ahmed Moussaoui, Amidane Ouali** and **Mohamed Tahlil** – are due to appear in court on 30 November 2005 along with seven of the detained human rights defenders. At least three of them have told their families that they were beaten when questioned by the police.