

**COUNTRY REPORTS ON HUMAN RIGHTS  
PRACTICES FOR 1992**

**R E P O R T**

SUBMITTED TO THE

**COMMITTEE ON FOREIGN RELATIONS  
U.S. SENATE**

AND THE

**COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

BY THE

**DEPARTMENT OF STATE**

**IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE  
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED**



**FEBRUARY 1993**

Printed for the use of the Committees on Foreign Relations and Foreign  
Affairs of the U.S. Senate and House of Representatives respectively

# MOROCCO

The Constitution of Morocco provides for a pluralistic political system and a parliamentary form of government with an independent judiciary. However, while amendments to the Constitution approved in a September referendum gave somewhat more power to the Prime Minister and Parliament, ultimate authority remains with the King, who appoints and dismisses the Prime Minister and who may dissolve the Parliament and rule by decree. Past elections to Parliament and municipal councils were not free of government manipulation. Official results of the September constitutional referendum showed a 97.27-percent voter turnout with 99.96 percent voting in favor of the amendments, a result widely challenged by opposition and other observers.

The security apparatus is composed of several overlapping police and paramilitary organizations operating within a framework of written legal provisions designed to maintain public order. The Direction de la Surveillance du Territoire (DST), Surete Nationale, auxiliary forces, and judicial police are under the supervision of the Minister of the Interior, while the Gendarmerie Royale, though technically a branch of the armed forces, reports directly to the palace. Security forces continued to commit human rights abuses, including torture. According to the U.S. Arms Control and Disarmament Agency, total military expenditures for 1989 were \$1,203,000,000. There is no indication that efforts will be made to reduce these expenditures in the near future.

In Morocco's free enterprise economy, about 40 percent of the work force is engaged in agriculture, which provides on average about 16 percent of the gross domestic product. Since the early 1980's, Morocco has actively pursued a program of economic reform and liberalization which has recently helped spur growth and investment, particularly in light industry. Total employment has been increasing, but not enough to offset the rapid growth of the available work force.

The human rights situation in Morocco regressed somewhat in 1992. The Royal Consultative Council on Human Rights (CCDH), created by King Hassan in 1990 to make reform recommendations, made no new recommendations in 1992. Rather, the CCDH appeared increasingly to be manipulated by the Government for propaganda purposes. There was increasingly strong government pressure on the rights of free speech and press in cases perceived to affect the security of the State, most notably in the politically motivated trial and sentencing of labor leader Noubir Amaoui. A few political prisoners were released in 1992, including the last three members of the leftist group, Ilal Amam, jailed since the 1970's, although significantly fewer political prisoners were released than in 1991. Also released were the last two inmates of the infamous secret detention facility at Tazmamart who were transferred to Kenitra prison in 1991. Widespread abuses and important restrictions on basic human rights continued. Credible reports persisted of torture and police brutality, with no new reports of government efforts to punish perpetrators. Other principal problems included inability of citizens to change the government, arbitrary arrest and detention, lack of fair trial in political and security cases, lack of an independent judiciary, and restrictions on the freedoms of travel, assembly and association, and religion. Constraints on women's rights also continued. King Hassan undertook a campaign in August to reform Moroccan law to better insure observance of equal rights for women, but no specific improvements had been implemented by year's end.

## RESPECT FOR HUMAN RIGHTS

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

*a. Political and Other Extrajudicial Killing.*—There were several credible reports of death in police custody in 1992, the most publicized of which was the death in January of a member of a group of striking workers conducting a sit-in at the Royal Office of Complaints. The striker reportedly died as a result of injuries inflicted by the police as they broke up the sit-in. The Government officially denied the allega-

tion, claiming the man died of a heart attack. In December a 62-year-old street vendor taken in a sweep in Marrakech died after 1 hour in police custody. A separate, well-publicized case involving a death in custody in October 1991 remained unsettled, with the trial of police officials implicated in the death apparently postponed with no date set.

b. *Disappearance.*—There were no reported permanent disappearances in 1992. Temporary "disappearances" continued to result from the practice of holding persons in pretrial incommunicado detention, without notifying families or attorneys, for longer than the legal limit of 48 hours. In some cases, these disappearances took the form of apparent kidnappings in which the victims were abducted by security force elements in unmarked cars. The victims were released days or sometimes weeks later, either by the police or by their unidentified "kidnapers."

In March the family of Houcine el-Manouzi, a union activist who disappeared in 1972, issued a communique claiming el-Manouzi was still alive and being held in a secret detention facility at the military fortress of Ahermoumou. In August a committee of support for el-Manouzi demanded information on his whereabouts but received no official response. Relatives publicly sought information about three other men who disappeared in 1964 and 1973 and claimed that the men were being detained at Ahermoumou. An organization in Europe called the Committees for the Fight Against Repression in Morocco claimed in May that the Government maintained four other clandestine detention centers. The existence of the detention centers and the detention of the four men were not independently confirmed. Moroccan human rights groups continued to assert that an indeterminate number of permanent "disappeared persons" remain to be accounted for by the Government.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution contains no specific guarantee against torture or abuse at the hands of government officials. Credible reports of torture and degrading treatment persisted at the reduced level seen in 1991. Torture and mistreatment occurred most often during the initial period of incommunicado detention following arrest and were used to extract confessions. Methods of torture included beatings (particularly on the soles of the feet), sleep deprivation, partial suffocation, electric shocks, keeping prisoners blindfolded and handcuffed for weeks on end, or keeping them naked and alone in dark punishment cells or latrines. Following conviction, prisoners are often subjected to random violence by guards and deliberately deprived of family visits, sleep, baths, blankets, medical care, and wholesome food. Political prisoners also complained of beatings by criminal offenders incited by prison guards.

Local newspapers continued to publish complaints of prisoners concerning harsh treatment and degrading prison conditions, often in the form of communiqués from the prisoners or their families. In several instances prisoners went on hunger strike to protest their treatment and prison conditions. In December the nonpartisan Moroccan Human Rights Organization (OMDH), citing the apparent suicide deaths of four prisoners in September, criticized the "growing deterioration" of Moroccan prison conditions.

The detention facility in the military fortress at Tazmamart, notorious for its harsh treatment of prisoners and the fact that its existence was never acknowledged by Moroccan authorities, was reportedly destroyed in 1992 after being closed in 1991. Rumors of its renewed use, however, continued to be heard. Three former Tazmamart prisoners, freed in late December 1991, left Morocco in early January for France, where they publicly complained of their treatment in Morocco and their resulting poor health. In mid-January former Tazmamart prisoner Mbarek Touil, who was released in September 1991, was issued a passport by the Government and allowed to leave Morocco to rejoin his family in the United States. The last two former Tazmamart prisoners, Mohamed Raiss and Ghani Achour, were released in September and November. The Government refused to comment on other prisoners who died in detention at Tazmamart.

d. *Arbitrary Arrest, Detention, or Exile.*—The Government often ignores legal guarantees of procedural due process. Moroccan law requires that a detainee be brought before a judge within 48 hours of detention (extendable to 96 hours upon approval of the prosecutor) and informed of the charges against him. Incommunicado (*garde a vue*) detention was shortened to 48 hours, plus a one-time 24-hour extension if requested by the prosecutor, under the CCDH reforms adopted by Parliament in April 1991 and promulgated into law by King Hassan on December 30, 1991. Other CCDH recommendations, many still not adopted by the Government, provide for expanded court and prosecutorial oversight, speeding up initial hearings, the right of access to an attorney during detention, and autopsy in cases of prisoner death. According to Moroccan human rights groups, observance of the new requirements was spotty and particularly poor in rural areas. Human rights groups and

members of the security forces reported that resistance to the new constraints among some members of the security forces was considerable.

Arrests usually take place in public view, but police sometimes refuse to identify themselves, and warrants are not always used. Moroccan law requires that a lawyer be present after the detainee's first appearance in court. Morocco does not have an extensive system of bail, although defendants are sometimes released on their own recognizance. The bail system was expanded by Parliament in December 1991 to give judges greater latitude in granting bail or provisional liberty, but the expansion did not apparently result in substantially increased use of bail. Moroccan law does not provide for habeas corpus or its equivalent. Under a separate Code of Military Justice, military personnel may be detained without warrants or public trial, but no such instances were reported in 1992.

Abdessalam Yassine, leader of the banned Islamist organization Justice and Charity, remained under house arrest at his home in Sale after 2 years' detention without trial for any crime, even though members of his organization, tried and convicted of membership in a banned organization and distributing leaflets, were released on expiration of their prison terms in December 1991 and January 1992. His supporters say that the authorities frequently forbid his contact with members of his family and friends.

In February there were several credible reports of widespread arbitrary arrests of Sahrawi (i.e., native Saharan) youths in the Western Sahara. The Government officially denied the reports, asserting that all Sahrawi prisoners were freed following a 1991 pardon by King Hassan. The reports persisted, however, with one suggesting that some prisoners were transferred to detention centers within Morocco. Moroccan human rights groups also accused the Government of maintaining secret detention facilities where detainees were held without judicial process. Two such facilities identified by the groups were the Ain Atik and El Ank centers in Casablanca. The Government did not respond to public requests for information on the alleged centers.

There are no known instances of Moroccans being sentenced to exile. There continue to be, nonetheless, a number of political activists who remain abroad, mostly in France, Belgium, and Switzerland, rather than risk arrest on their return to Morocco.

*e. Denial of Fair Public Trial.*—Morocco has a dual legal system: A secular system based in part on French legal tradition and a parallel Islamic system which adjudicates family matters and inheritance law for Moroccan Muslims. The secular system includes courts of original jurisdiction, appellate courts, and a Supreme Court. Those accused of political and security offenses are tried in the secular courts.

In general, cases are brought before an initial review court—the court of first instance—which may call for a hearing quickly to bring cases to trial. The detainee is informed of charges and questioned by a judge who determines if charges have merit. If the infraction is minor, the judge may release the detainee or impose a light sentence. If a more extensive investigation is required, the judge may release detainees on their own recognizance. In cases of alleged political crimes, detainees are often held for long periods before trial. There are credible reports of detainees being convicted on the basis of confessions extracted under duress. The criminal court system is heavily dependent on confessions, and authorities are apparently motivated to apply sufficient pressure on the detainee to extract a statement adequate to assure his conviction.

The Moroccan judicial system is generally considered susceptible to political intervention and control when a case involves challenges to royal authority or state policy, and those accused of such crimes often do not enjoy the procedural safeguards needed to ensure a fair trial. Human rights groups often provide legal counsel for defendants in such cases. In criminal cases defendants often receive only cursory hearings, and judges depend on police reports to decide cases. Although the State provides an attorney at public expense for serious crimes (when the alleged offense carries a sentence of over 5 years), appointed attorneys often provide inadequate representation. For lesser crimes, needy defendants usually are not represented by counsel.

One case that received unusual attention was the trial of the labor leader, Noubir Azaoui, who was charged with defamation based on statements he had made to a Spanish journalist about the corruption of government ministers (see also Section 2 a.). He was found guilty and sentenced in April to 2 years in prison. The trial, widely seen as politically motivated, was conducted in Rabat under unusually strict security conditions. Public access was tightly restricted, as was the entry of defense attorneys and journalists, some of whom were roughed up and injured by the security forces. The OMDH accused the Government of packing the courtroom with police in civilian clothes and of blocking court access to the press and public. The Gov-

ernment also invoked press controls (see Section 2.a.) in an effort to limit coverage of the trial. Moroccan legal experts criticized court procedures, the length of the sentence, and the failure of the prosecutor to send the case to the Court of Appeal in a timely manner as contravening Moroccan law. Amaoui's case was finally set for appeal in January 1993. Numerous protests in support of Amaoui were held throughout the year. In November a demonstration in front of the Sale prison (where Amaoui was held) was broken up by police with such violence that the OMDH described the security forces' behavior as "having the character of a punitive action."

The OMDH issued a list of prisoners in June that contained the names of 102 prisoners "of opinion", 80 prisoners accused of armed conspiracy or attack for political reasons, and 350 prisoners convicted following demonstrations or strikes. In August the coordinating committee of the Moroccan Human Rights Association (AMDH) and the Moroccan League for the Defense of Human Rights (MLDHR) announced it had a list of 567 "syndical or political prisoners" and 60 "disappeared persons." On August 7, the opposition Istiqlal party daily *al Alam* published part of that list, including 137 names of "political prisoners" and 27 "disappeared persons." The general secretariat of the CCDH, without convening the Council itself, issued a statement refuting the *al Alam* list and asserting, like the Government, that there are no political prisoners in Morocco. Because the Government defines several categories of speech as criminal (see Section 2.a.), it regards most who describe themselves as political prisoners to be common criminals.

The figures given by Moroccan human rights groups for the number of political prisoners do not include Sahrawis held in Morocco or the Western Sahara. The best estimate for the number of Moroccan political prisoners at the end of 1992 was between 160 and 180. A few political prisoners were released from confinement during the year. In January King Hassan pardoned and released the last three members of the *Ilal Amam* Organization jailed in the 1970's.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant issued in compliance with the law. Current law stipulates that a search warrant must be obtained from a prosecutor on valid grounds. This stipulation is not always observed, however, and there were continued reports of illegal searches of the homes and offices of suspected political activists.

Selective government surveillance of certain persons and organizations, both foreign and Moroccan, includes monitoring telephones and opening mail. The university campuses continued to be under close surveillance. An extensive informant system exists, especially on the campuses and in the cities.

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

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of expression, but by Moroccan law and tradition there are three forbidden topics: the monarchy, Morocco's claim to the Western Sahara, and the sanctity of Islam. In an interview with French journalists in September, the King reiterated that to state that the Western Sahara is not Moroccan is a crime against state security. Many Moroccans are careful about criticizing government policies for fear of government reprisal. In November Moroccan authorities arrested Ahmed Belaichi of the AMDH for "affronting the military," based on remarks he made about the military on a local television show concerning illegal emigration to Europe. At his December trial, Belaichi was sentenced to 3 years' imprisonment and fined. The April trial of labor leader Noubir Amaoui on defamation charges was widely regarded as a politically expedient method for jailing Amaoui after he gave an interview in March to a small opposition weekly in which he suggested political change would come "from the street" and questioned the utility of the monarchy. In May a provincial labor leader was sentenced to 5 years in prison without parole for "insulting the person of the King" during a public discussion between members of different unions. Press sensitivity about the case was such that newspapers refrained from reporting details of the actual offense and reported only the section number of the law under which he was convicted. The severity of the sentence was generally attributed to political motivations on the part of the Government.

Press freedom is significantly restricted, though the limits are not clearly defined. Under a 1958 decree the Government controls the licensing of newspapers and journals through a registration procedure. In practice the requirement of registration is used, both by central and regional authorities, to prevent the issuance of publications by organizations or persons considered to be "suspect," for example, those who advocate the overthrow of the monarchy. Publications that are issued by persons or organizations that have not complied with the registration procedure or that are

deemed to be a threat to state security may be seized and destroyed. During 1992 the Government forbade the distribution of editions of a number of Moroccan publications. In May publication of the opposition journal *Houriyat al-Mouaten*, successor to the banned *al-Mouaten*, was suspended. In July the related journal *al-Mouatana* was also banned, apparently for its coverage of the Amaoui case. Also in July an edition of the Islamist journal *Araysa* was seized by the Government. The opposition daily *al-Ittihad al-Ishtiraki* complained in September that the Government blocked the sale of the journal at Moroccan airports in an effort to prevent its distribution abroad.

The Government also has the power, under Article 55 of the Press Code, to censor newspapers directly by ordering them not to report on specific items or events. In April the Government invoked Article 55, ordering opposition journals to limit their coverage of the Amaoui trial to official Maghreb Arab Press releases. In an unusual move, several journals openly defied the order, citing a public duty to publish their own reporting of the trial. The Government retaliated by bringing charges against the directors of *al-Anoual* and *al-Ittihad al-Ishtiraki*. Their trials began in May, after the Amaoui verdict was announced, and the prosecution quickly requested and was granted indefinite postponements. An unrelated appeal of Mohamed el Brini and Abdalkader Haimar, respectively editor and reporter of *Al-Ittihad al-Ishtiraki*, who were sentenced in 1990 to 3 months in prison for a "defamatory" article on judicial corruption, was also heard in May. The case was postponed indefinitely, leaving the prosecutor the option to raise the case at a later date. The three postponements occurred in three different courts on three successive days, all at the prosecution's request, prompting widespread speculation about the Government's manipulation of the courts.

The Government does tolerate satirical and often stinging editorials in the opposition parties' dailies. In addition, press coverage continued to contain reports of torture and abuse of authority and prisoners' complaints of harsh treatment and degrading prison conditions.

None of the news media is entirely independent of government control, which is exercised through directives from the Ministry of Interior and Information. Media self-censorship is assisted by the Interior and Information Ministry's practice of offering "guidance" on certain topics. The Government owns the official press agency, Maghreb Arab Press, and the Arabic Daily *al-Anbasa*.

The Moroccan public has access to a variety of foreign newspapers and magazines, particularly from Europe and the United States, that reflect a broad spectrum of opinion. Many contain regular and often critical coverage of events in Morocco. The Government continued in 1992, with reduced frequency compared to previous years, to ban editions of foreign publications that contained articles about Morocco the authorities considered particularly offensive. For example, distribution of the February 13 edition of *Le Monde* was blocked, apparently because it contained an interview with three former Tazmamart prisoners. The Government also seized the November and December issues of *Le Monde Diplomatique* to prevent their distribution in Morocco; the November issue contained an interview with Moroccan exile Abraham Serfaty, while the December edition included an expose on illegal emigration from northern Morocco to Spain. Opposition dailies also reported that distribution of various August and September editions of the French journals *Le Monde*, *Liberation*, *Figaro*, and *Quotidien* was banned by the Government because of their coverage of the Moroccan constitutional referendum. An issue of the London-based, Arabic-language weekly *Al-Wasat* was reportedly seized by authorities in December because it contained an article on Islamic fundamentalism in Morocco.

The Government owns the only television station broadcasting nationwide (the sole private station, 2-m, can be seen in most urban areas) and one radio station. Satellite dish antennas, though expensive, are available, permitting free access to a wide variety of foreign broadcasts. Residents of northern Morocco can also receive Spanish television with normal antennas. The Government does not impede reception of foreign broadcasts.

Academic freedom is somewhat limited. There are strictures against scholarly investigation of the monarchy and Islam, although there continues to be limited research and publishing on Islam and Islamic fundamentalism.

b. *Freedom of Peaceful Assembly and Association.*—This right is significantly restricted. Although there are constitutional guarantees of assembly and association, they are limited by three decrees, dating from 1935, 1939, and 1958, which permit the Government to suppress even peaceful demonstrations and mass gatherings. In December 1991 and January 1992, local authorities in Casablanca broke up regular meetings of the OMDH, claiming that the group had not followed established procedure for obtaining permission to hold a public meeting. In February the authorities finally permitted a meeting after the OMDH publicly threatened legal action. The

Government also banned a number of Labor Day demonstrations and meetings on May 1.

The Government broke up a variety of other peaceful demonstrations, often arresting and giving prison terms to the participants. In March the authorities arrested high school students striking to protest examination procedures in Safi, Fes, and Ifrane. A peaceful gathering of 35 Islamist University students in Fes in March resulted in convictions and sentences of up to 1 year in prison. Police arrested 110 members of the banned Islamist group Justice and Charity who staged a sit-in in el Kelaa des Sraghna in May. Sympathizers of the group claimed 12 of the protesters were "kidnaped" and tortured. Twelve of the protesters were sentenced to prison terms. In May three unemployed university graduates were sentenced to 6 months in prison and fined for participation in an unapproved march in Rabat.

The right to form organizations is limited. Under a 1958 decree, persons wishing to create an organization must apply to the Ministry of Interior and wait for approval before holding meetings. In practice, the Government uses the requirement to prevent persons considered "suspect" or who advocate replacement of the monarchy from forming legal organizations. Islamist and leftist groups experienced considerable difficulty in obtaining official sanction. An Islamist association in Sofrou called Dar al Quran complained in April that it was arbitrarily prevented by local authorities from meeting. Interference with the right of association also occurs at the individual level. In March a member of Justice and Charity was arrested and tried solely on the basis of his alleged membership in the organization.

Political parties must be approved by the Ministry of Interior, which uses this power to control participation in the political process. The Islamist group Reform and Renewal reportedly was denied status as a political party and chose instead to seek an electoral alliance with a small, legal political party.

*c. Freedom of Religion.*—Islam is the official religion of Morocco, 99 percent of Moroccans are Sunni Muslims, and the King bears the title "Commander of the Faithful." The Moroccan Jewish community of approximately 7,000 is permitted to practice its faith, as are Christians. Although the Constitution provides for freedom of worship, only the practice of Islam, Christianity, and Judaism is tolerated in keeping with Islamic law and tradition. The King has stated that all religions other than Islam, Christianity, and Judaism are heresies. The Baha'i community (150-200 people) has been forbidden to meet or hold communal activities since 1983. Attempting to convert a Moroccan to any faith other than Islam is punishable by imprisonment. According to Islamic law and tradition, conversion of any kind from Islam is strictly prohibited. Moroccan Jews may convert to Islam, but they are not actively encouraged to do so.

The Government monitors Friday mosque sermons and the curriculum of Koranic schools to ensure that approved doctrines are taught. Fundamentalist Islamic activities are sometimes subjected to official repression but are largely tolerated so long as they remain restricted to the propagation of Islam and educational and charitable activities. Islamist groups that question the King's status as Commander of the Faithful are suppressed.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Although freedom of movement within Morocco is guaranteed by the Constitution, in practice the security forces set up roadblocks throughout Morocco and stop traffic at will. Roadblocks, maintained in some regions in the same spot for years, create what some characterize as internal frontiers. In the Western Sahara, which is administered by Morocco, movement is restricted in areas regarded as militarily sensitive.

Freedom to travel outside Morocco is controlled by the Ministry of Interior through passport issuance and immigration control processes. Though delays are not uncommon, most Moroccans receive passports within 1 month of application. There are frequent allegations of corruption in the passport offices; applicants are reportedly forced to pay gratuities to obtain application forms and to make sure that the application is not lost in the bureaucratic labyrinth.

The Government has refused to issue passports to a number of Moroccans, including political activists, former political prisoners, and Moroccan Baha'is. In February the OMDH published a list of 29 former political prisoners, human rights monitors, lawyers, and others who were denied passports. In December the OMDH said it had received an additional 29 complaints and that of the total 58, only 9 had received passports during the year. The OMDH said inquiries it made with the Ministry of Interior about those and other cases received no response. The organization described instances in which the border police seized passports or otherwise blocked the exit of Moroccans trying to leave the country, usually without explanation. One applicant stated that officials of the Ministry of Interior told him that, as a precondition of passport issuance, he would have to sign a statement promising to re-

port to the Ministry any political or other information he might gather while abroad. The man refused and was not issued a passport. In July Casablanca lawyer Abderrahim Berrada, who had been seeking renewal of his passport since 1977, received a new passport apparently after a French magazine reporter asked the Interior Minister about his case.

Women must have permission from either their fathers or husbands to obtain a passport. A divorced woman must have her father's permission to obtain a passport and, if she has custody of children, she must obtain permission from the children's father before passports can be issued to the children. In a speech in September, King Hassan announced he would seek to reform the laws governing passports and travel for women, characterizing the male consent requirement as contrary to Islam and the Moroccan Constitution.

There were no reports that the Government deported a Moroccan citizen in 1992. Moroccan law considers any person who acquires Moroccan nationality to be a citizen for life. Moroccans may not renounce their citizenship, though the King may revoke it—which he does very rarely. Tens of thousands of Moroccans hold dual nationality and travel on passports from two countries; while in Morocco they are regarded as Moroccan citizens. The Government has sometimes refused to recognize the right of foreign embassies to act on behalf of dual nationals or even to receive information concerning their arrest and imprisonment. Dual nationals also complain of harassment by Moroccan immigration inspectors. The law encourages voluntary repatriation for Moroccan Jews who have emigrated; Moroccan Jewish emigres, including those with Israeli citizenship, freely visit Morocco. The law also encourages the return of Saharans who have opposed Morocco in the Western Sahara conflict. Returning former members of the Polisario, a group seeking independence for the Western Sahara, who are deemed to pose no threat to security are integrated into Moroccan life.

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

Moroccan citizens do not have the right to change their government peacefully. The King, as Head of State, appoints the Prime Minister, who is Head of Government. The Parliament has the theoretical authority to effect change in the system of government, but has never exercised it. Moreover, the Constitution may not be amended without the King's approval. In 1991 the King expressed his view that democratization should come slowly to the region. Two-thirds of the members of Parliament are elected directly by universal adult suffrage, while one-third are elected indirectly by municipal councils and by business, labor, and agricultural "chambers." The Ministry of Interior appoints provincial governors, though municipal councils are elected.

In May the King announced an electoral process designed to culminate in the election of new municipal councils and a new parliament. The electoral laws were reformed to create electoral commissions with power to oversee the process and to hear complaints of irregularities. The administration of the elections remained, in spite of opposition party objections, in the hands of the Ministry of Interior. The creation of new voter rolls—the first step in the process—took place in July and August amid numerous charges of irregularities, some of which were reviewed and corrected by the electoral commissions. However, many irregularities, such as government officials going door to door to require individuals to register, went uncorrected.

The first vote under the new electoral process occurred in September in a referendum on the King's proposal for a revised Constitution. The new Constitution increases slightly the powers of the Prime Minister and Parliament but leaves no question that the King will continue to rule. It also creates a Constitutional Council to review the constitutionality of laws, as well as an Economic and Social Council, and devolves certain powers to regional political units. Despite the call of four opposition parties for nonparticipation in the referendum, official results showed a 97.27 percent participation rate, with 99.96 percent voting for approval. The results are widely regarded as having been manipulated by the Government.

The balloting process itself was susceptible to abuse in that the voter was required to cast one colored ballot (yes or no) and retain the other. The retained ballot thus provided evidence of a yes or no vote, and opposition parties claimed that government officials, especially in rural areas, demanded to see retained ballots in order to assure "yes" votes. The Parliament, elected in 1984 in a vote challenged by opposition parties as having been rigged by the Government and extended in a 1990 referendum for 2 years, was dissolved at the end of its term in July. Following the constitutional referendum in September, municipal and professional organization elections were held in October and direct parliamentary elections are scheduled



for April 1993. In the absence of a parliament, King Hassan is, in accordance with the Constitution, ruling by decree.

The old parliament included representatives of nine political parties, including opposition parties. The beginning of the new electoral season brought the formation of a number of new political parties. By the end of the year, 16 parties were officially recognized by the Government, and another 5 existed unofficially.

Women enjoy the right to vote and to run for office. Some women have been elected to municipal councils, but there were no women in the Parliament that left office in July, and there are no women on the CCDH. In the October 16 local elections, despite the King's calls for increased political participation by women, women candidates did not fare well and played a marginal role.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are three officially recognized human rights groups in Morocco: two are affiliated with opposition political parties, while the third is nonpartisan. The Moroccan League for the Defense of Human Rights (MLDHR) (Istiqlal party) and the Moroccan Human Rights Association (Party of the Socialist Avant Garde) have formed a coordinating committee and generally issue joint communiques. The MLDHR chose, however, to participate in the CCDH, while the association did not. The nonpartisan OMDH also chose to participate in the CCDH.

In general, the Government neither hinders nor cooperates with investigations conducted by Moroccan human rights groups. An investigation into the 1990 Fes and Tangier riots by the OMDH collapsed because of a lack of cooperation from local officials. A parliamentary commission investigating the riots reportedly fared better but complained that officials interviewed were concerned mostly with shifting blame elsewhere. The commission presented its report to the King at the end of December 1991, and at least part of it was formally disclosed to Parliament in April. The report described the incidents, set the number of dead at 43 (the official toll was 5) and injured at 350, and made a series of recommendations for reform. By the end of the year, no significant steps had been taken to act on those recommendations.

The Government does not cooperate with international investigation of violations of human rights in Morocco. It generally does not respond to inquiries about specific political prisoners transmitted by diplomatic missions. Requests by nongovernmental organizations (NGO's) to send investigative teams to Morocco are usually refused. If allowed in the country, human rights monitors are generally refused access by the Government to people or things they want to see. For example, a group of Spanish union leaders visited Morocco in July to meet with the jailed labor leader Noubir Amaoui but was denied access to him.

In 1990, in response to criticism of Morocco's human rights performance, the King created the CCDH which represents Morocco at certain international human rights forums such as the United Nations Human Rights Commission (UNHRC) and with foreign NGO's. The Moroccan Government has regularly participated in international human rights forums and serves as interim president of the Preparatory Commission for the 1993 World Conference on Human Rights in Geneva.

In February 1991, the CCDH issued a series of recommendations to the King concerning, inter alia, government contact with international human rights organizations. Parliament enacted the recommendations into law in April (see also Section 1.d.), and the King promulgated the new laws by decree at the end of 1991. Since the issuance of its recommendations, the CCDH has ceased to meet regularly. In 1992 it focused on sending delegations to the United States and Europe to present government positions on human rights and on publicizing alleged human rights abuses at the Polisario-controlled refugee camps at Tindouf. In August the CCDH General Secretariat, acting without convening the Council itself, issued a statement denouncing the Al Alam list of political prisoners (see Section 1.e.) and asserting that Morocco has no political prisoners. The statement was sharply attacked by human rights groups and opposition parties and was viewed as an indication of government control of the CCDH. The OMDH threatened to withdraw its representative on the Council if the CCDH continued to appear to be manipulated by the Government.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status*

The Constitution affirms the legal equality of all Moroccans, and the Government does not discriminate based on ethnicity.

Although there is no official discrimination, Moroccan blacks generally occupy the lower social strata, though a few hold high government or palace positions. Some Moroccan descendants of sub-Saharan African slaves suffer various forms of social

discrimination arising out of prejudices on the part of some Arabs and Berbers, the two major ethnic groups in Morocco.

Under the Criminal Code Moroccan women are accorded the same treatment as men but not under Moroccan family and estate law, which is based on the Malikite School of Islamic law. In marriage, for example, a husband may repudiate his wife, but the wife may not repudiate her husband. The situations under which a woman may sue for divorce are more limited than for men. Women inherit only half as much as their male siblings. Well-educated Moroccan women often succeed professionally, particularly in the areas of law, medicine, education, and government services. There are, however, few women in the top echelons of their professions, and there are no women ministers or members of Parliament. Women compose approximately 24 percent of the work force, with the majority of them in the industrial, service, and teaching sectors.

Women suffer most from inequality in the rural areas. Rural women perform most hard physical labor; the rate of literacy is noticeably lower for women than for men; and girls are much less likely to be sent to school than boys. Women who earn their secondary school diploma, however, have equal access to university training.

The law and social practices governing violence against women reflect Morocco's Islamic culture and the importance placed on the honor of the family. The Criminal Code includes severe punishment for men who are convicted of raping a woman or girl, and the defendant bears the burden of proving his innocence. Human rights monitors estimate, however, that many sexual assaults go unreported because of the stigma attached to being a victim. In situations in which the victim is a virgin, families still occasionally opt for the victim to marry the assailant in order to preserve honor. Otherwise, in those cases where rape is reported (perhaps as few as 1 in 10) the assailant is prosecuted and imprisoned.

Although a woman who is the victim of wife beating has the right to complain to the police, as a practical matter she would not generally do so unless she were prepared to file for divorce and leave her husband's home. The law excuses the murder or injury of a wife who is caught in the act of committing adultery. A woman would not be excused of committing violence against her husband under the same circumstances.

The civil law status of Moroccan women is governed by the Moudouwana, or code of personal status, which is based in part on the Koran. Women's and other political organizations have called for reform of the Moudouwana. Some Islamists attacked the move for reform as heretical, and one theologian issued a fatwa, or religious opinion, in May saying advocacy of Moudouwana reforms should be punished by death. In a series of speeches in August and September, King Hassan announced he would consult with women's groups and with senior religious authorities to determine what parts of the Moudouwana could be reformed without contravening its Islamic underpinnings. Noting that reform would take time, he pledged to change the family law in a manner consistent with Koranic law to provide women the equal treatment guaranteed them in the Constitution.

Some Berber spokesmen believe that the Berber identity is not adequately maintained because Berber languages are not taught in schools and there are no Berber publications (a situation compounded by the lack of a written Berber script). Berbers are well represented in the Government and the officer corps of the military.

#### *Section 6. Worker Rights.*

*a. The Right of Association.*—The Constitution guarantees "the right of association and the right to join any trade union and political organization." Workers are free to form and join unions throughout the country. The right is exercised widely but not universally. According to the trade union federations, well over a million of Morocco's 9 million workers are unionized; 5 percent of the work force is a more accurate estimate. Substantial numbers of workers in the public sector are unionized.

Three of the 17 existing trade union federations dominate the labor scene; all are organizationally independent of the Government. They are the Union Marocain de Travail (UMT), the Confederation Democratique de Travail (CDT), and the Union Generale des Travailleurs Marocains (UGTM). The UMT has no political affiliation, the CDT is linked to the Socialist Union of Popular Forces (USFP), and the UGTM to the Istiqlal party. Both the USFP and Istiqlal are currently opposition parties.

Unions are not entirely free of government influence. The internal intelligence services of the Ministry of the Interior keep the Government fully apprised of trade union activity, and the selection of union officers and the carrying out of their duties is sometimes subject to government pressure.

Workers have the right to strike and do so. Most work stoppages are intended to advertise grievances and last 24 hours or less. However, strikes can be prolonged and arise not only from economic demands or working conditions but also from

union rivalries; all three of these elements were present in a long and inconclusive strike at Casablanca's bus transport authority early in the year. The first months of 1992 also saw a series of 24-hour "sector strikes"—by health workers, teachers, and transport workers—led by the trade union federations associated with the opposition political parties. In the second half of 1992, strike activity was limited.

Labor activism was dampened by the intimidating effect of the separate arrests, trials, and sentencing of Noubir Amaoui and UGTM activist Driss Lagnimi.

Unions belong to regional labor organizations and maintain ties with international trade secretariats.

b. *The Right to Organize and Bargain Collectively.*—The Constitution acknowledges the right to strike (Article 14), and includes labor organizations among the entities that serve to "organize and represent the citizens" (Article 3). An implied right to organize and bargain collectively is exercised. The multiplicity of trade union federations creates competition to organize workers. Any group of eight workers may organize, and it is easy for a worker to change trade union affiliation. Thus a single factory may contain several independent locals or locals affiliated with more than one labor federation.

In both the process of organizing and during collective bargaining, labor laws are observed most often in the corporate and parastatal sectors of the economy, where ad hoc government mediation and arbitration procedures to promote worker-employer negotiations are more easily applied. These mediation procedures do not in practice limit unions' freedom to bargain collectively. The unions' most common complaint against employers is that they refuse to negotiate seriously.

In the informal and underground economies and in the textile and artisanal (handicrafts) fields, labor laws and regulations are routinely ignored. Small employers, especially in the agricultural sector, are often ignorant of labor laws and regulations. While the protection of the right to organize and bargain collectively exists in the Constitution and Labor Law, the Government does not always enforce the protections fully. As a practical matter, in Morocco the unions have no judicial recourse to oblige the Government to act when it has not met its obligations under the law. Moreover, political considerations often lead the Government to hinder the full exercise of worker rights in an effort to control the unions.

Laws protecting collective bargaining are not highly developed. In some parts of the industrial and parastatal sectors there is a long-established tradition of collective bargaining, but this practice is not spreading to emerging sectors of the economy. The wages of unionized workers are established through practices that include discussions between employer and worker representatives. However, wages for the vast majority of workers are set unilaterally by the employer.

In the industrial sector collective bargaining agreements are often invoked in legal disputes when a worker claims to have been reprimanded or dismissed for trade union activity. Employers usually cite work-related reasons for the dismissals. An employer intending to fire workers without replacing them must apply in advance to the provincial governor through the labor inspector's office. In cases where employers plan to replace fired workers, the labor inspector provides replacements and mediates the cases of workers who protest their dismissal. Any worker fired for a serious infraction, such as sabotage, is entitled by law to a court hearing.

Notwithstanding legal safeguards, employers regularly fire workers for trade union activity that they see as threatening to employer interests. Reinstatement is sometimes ordered by courts, but legal proceedings can be expensive and time-consuming. Labor complainants are often vindicated in court proceedings, but court decisions awarding damages and back pay can be difficult to enforce. Ministry of Labor inspectors serve as investigators and conciliators in labor disputes; the inspectors are not very effective, however, because they are few in number, carry heavy workloads, and do not have the resources to investigate all cases. In addition to pursuing their complaints through the Ministry of Labor's inspectors, unions increasingly are going directly to court with their complaints.

Moroccan labor law applies equally to the small Tangier export zone. The proportion of unionized workers there is about the same as in Morocco as a whole.

c. *Prohibition of Forced or Compulsory Labor.*—Morocco has ratified both International Labor Organization (ILO) Conventions against forced labor. The ILO's Committee of Experts in its report for 1990 noted, however, that there is no Moroccan legal or constitutional prohibition against forced or compulsory labor. As far as is known, forced or compulsory labor is not practiced in Morocco.

d. *Minimum Age for Employment of Children.*—Children may not be legally employed or apprenticed before age 12. Special regulations govern the employment of children between the ages of 12 and 16. In practice, children are often apprenticed before age 12, particularly in artisanal work. The argument is made that they need to acquire skills, such as weaving or rug-making, before they reach the age of 12.

Safety and health conditions as well as salaries in enterprises employing children are often substandard. The use of minors is common in the rug-making and tanning industries. Children are also employed informally as domestics and usually receive little or no wages. Poverty and a pervasive cultural acceptance of child labor keep abuse of the child labor laws prevalent nationwide. The Ministry of Labor, through its corps of labor inspectors, is responsible for enforcing child labor regulations. Child labor laws are generally well observed in the industrialized, unionized sector of the economy. The inspection mandate of labor inspectors does not, however, include domestic employees.

*c. Acceptable Conditions of Work.*—The King in May set a new minimum industrial wage and granted a wage increase to agricultural workers. Despite food, diesel fuel, and public transport subsidies, a family cannot maintain a decent standard of living on the minimum wage of a single worker. In many cases several members, some of them working in the informal economy, combine their income to support the family. The minimum wage is not enforced effectively in the informal and artisanal sectors of the economy. It is enforced fairly effectively throughout the industrialized, unionized sector of the economy, though unionists complain that employers often, by means of deductions and other techniques, pay their workers less than the law requires.

Most workers in the industrial sector of the economy, except for those employed in garment assembly, earn more than minimum wage. Moreover, workers are customarily paid between 13 and 16 months' salary for every 12-month year. The informal sector provides a safety net for those who would otherwise be unemployed or underemployed. The extensive parallel economy employs directly or indirectly an estimated 50 to 75 percent of the working population, often in part-time jobs. The law provides a 48-hour maximum workweek, with not more than 10 hours for any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including the prohibition of night work for women and minors. As with other regulations and laws, these are observed unevenly, if at all, in the informal sector. Labor inspectors endeavor to monitor working conditions, accidents, and labor disputes, but lack sufficient resources and authority to investigate many complaints and mandate full compliance with the law.

## WESTERN SAHARA

The sovereignty of the Western Sahara remains the subject of diplomatic and military disputes. Morocco assumed administration of the northern three provinces of the Western Sahara after the withdrawal of Spanish forces in 1975 and of the southernmost province of Oued ed Dahab in 1979 when Mauritania renounced its claim to the area. After unifying the territory, Morocco undertook a massive infrastructural and economic development program that resulted in substantial growth in the region's cities.

Since 1973 the Polisario Front, with support from Algeria, has sought independence for the Western Sahara by challenging first Spain's and later Morocco's claim to the territory. Moroccan and Polisario forces have continued to fight intermittently since 1975. Several military actions occurred in the weeks leading up to the U.N.-monitored cease-fire that began on September 6, 1991, but no fighting has occurred since then.

At the request of the United Nations General Assembly (UNGA), the International Court of Justice issued an advisory opinion in 1975. The Court held that the ties of Morocco and Mauritania to the Western Sahara did not establish a relationship of sovereignty, nor did they affect the decolonization process set out in the UNGA resolutions, including application of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory. The Organization of African Unity (OAU) attempted without success to mediate a solution. In 1981 Morocco agreed to hold a referendum to determine the population's wishes regarding independence or integration with Morocco. Attempts to resolve the question of sovereignty through mediation or referendum collapsed in 1984 when the Saharan Arab Democratic Republic (SADR), the civilian arm of the Polisario, was seated at the OAU summit and Morocco withdrew from the OAU in protest. In 1986 Morocco agreed to revive efforts to reach a solution and asked the United Nations to administer a referendum; the same year U.N. Secretary General Perez de Cuellar began efforts to arrange it. In November and December 1987, a U.N. technical team visited the territory to explore the practical arrangements for a referendum. On August 30, 1988, Morocco and the SADR accepted in principle the Sec-

Secretary General's proposal for a referendum under U.N. and OAU auspices, and the Secretary General named a special representative to work out the details.

In April 1991 the Secretary General presented a plan for a referendum in the Western Sahara in which the Sahrawis (Western Sahara natives) would decide between integration with Morocco and independence. The plan, approved by the Security Council in May 1991, called for a cease-fire established under the supervision of a U.N. Monitoring Force (MINURSO), to be followed within 20 weeks by a referendum vote. This was to be accompanied by the voluntary repatriation to Western Sahara of the Sahrawi refugees in Algeria under the auspices of the United Nations High Commissioner for Refugees (UNHCR). The 1974 Spanish census of the region was to serve as the basis for the voting list. Morocco challenged the accuracy and completeness of the list and presented to the U.N. a supplemental list containing in excess of 120,000 names.

On September 6, 1991, the cease-fire went into effect and the initial MINURSO forces were deployed. Similarly, the UNHCR mobilized an international team to implement the repatriation of Sahrawi refugees. Although the referendum was originally scheduled to take place in late January 1992, the Secretary General announced in December 1991 that the resolution of the contentious voter identification issue would delay the referendum for at least several months. Before he left office in late December, the Secretary General presented to the U.N. Security Council a report containing proposed criteria for resolving the voter identification issue. On December 31, 1991, the Security Council passed a resolution "welcoming" the report, but the Polisario rejected the Secretary General's proposed criteria for eligibility of voters.

On March 3 U.N. Secretary General Boutros-Ghali issued a report to the Security Council outlining unresolved problems in the dispute. On March 24 Boutros-Ghali named a new special representative for the Western Sahara, Sahabzada Yaqub-Khan, who undertook to resolve remaining disagreements between the two sides. The Secretary General issued further status reports to the Security Council in May, August, and September.

The Polisario accused Morocco of undermining the U.N. peace process by (a) dispatching over 100,000 people from Morocco to the Western Sahara; (b) including the Western Sahara in a constitutional referendum and in local and legislative elections; and (c) violating the cease-fire. The Secretary General's report of August 22 noted that it would have been preferable for Morocco to postpone its plans for elections and a plebiscite. At his request, Morocco gave formal assurances to the United Nations that the voting would not prejudice the final status of the Western Sahara. The Secretary General's reports noted a substantial decline in cease-fire violations, but attributed almost all of the violations to Morocco.

Since 1977 the northern provinces of Laayoune, Smara, and Boujdour have participated in Moroccan elections. The southernmost province of Oued ed Dahab also participated in the 1983 and 1984 Moroccan elections. In the Moroccan Parliament that left office in July, Sahrawis filled all 10 of the seats allotted to the Western Sahara. Three of the four governors of the region, who are appointed by the King of Morocco, are Sahrawis.

When it became apparent in May that a referendum would not be held before September, King Hassan chose to proceed with national elections, including in the Western Sahara. The region participated in the September referendum to amend the Moroccan Constitution, and the Moroccan Government reported that 99.99 percent of registered voters in the provinces turned out for the referendum, with over 99 percent approving the changes. The region also participated in October 18 municipal elections.

The civilian population in the approximately 85 percent of the Western Sahara under Moroccan control is subject to Moroccan law. U.N. observers and foreign human rights groups have reported that Sahrawis often have more difficulty obtaining passports, that their political views are more closely monitored than those of residents of Morocco proper, and that police and paramilitary authorities react harshly against those suspected of supporting the Polisario. There were credible reports in February of widescale arrests of Sahrawi youths, especially in Laayoune. Several hundred youths were said to have been held incommunicado for varying lengths of time. The Moroccan Government formally denied those charges, countering with reports of Polisario human rights abuses. The Polisario also accused Moroccan authorities of mistreating some participants in demonstrations in Laayoune and elsewhere in the Western Sahara in October and November 1992, but the Moroccans denied these accusations. A number of Sahrawis who returned to Morocco from Polisario camps near Tindouf stated that the Polisario tortured and mistreated Sahrawis of Western Saharan origin residing in the camps. For its part, the Polisario claims that the Moroccans tortured suspected Polisario supporters. Given

the difficulty of access, neither the Moroccan nor the Polisario allegations can be confirmed or refuted.

In June 1991 King Hassan II of Morocco granted a general amnesty to an unspecified number of Sahrawi prisoners arrested during military operations or because of their alleged cooperation with the Polisario. Many of those released included Sahrawis who "disappeared" in the 1970's and 1980's and whom the Moroccan Government had previously denied holding. Despite this release of about 300 prisoners, the Polisario and foreign human rights groups continued to claim that Morocco was holding in excess of 800 Sahrawis as political prisoners. The Government responded informally to the charge by claiming that the 800 names consisted of people who were dead, released former prisoners, and persons who were never detained and who reside in Moroccan-controlled territory. The Royal Consultative Council on Human Rights (CCDH) asked the Moroccan Government to verify the release of all Sahrawi prisoners. The Government provided the CCDH with a list of the released prisoners' names but did not tell the CCDH which government agency was responsible for making the list. The Government formally denied that any more Sahrawis were in Moroccan detention. Given the reports of arbitrary arrests during the year and the Government's history of denying such charges even when true, the accuracy of the Government's statements was questionable.

The UNHCR, using figures provided by the Government of Algeria, estimates that approximately 165,000 refugees reside in camps near Tindouf, Algeria. Recently returned Sahrawis in Morocco and members of MINURSO estimate, however, that no more than 80,000 refugees inhabit the camps. They believe that 40,000 to 50,000 of those are Sahrawis, with the remainder coming from other countries in the region. The Government of Morocco alleges that the Sahrawis are held in the Tindouf camps against their will, but the Polisario denies these allegations.

Freedom of movement within the Western Sahara is limited in militarily sensitive areas. While technically unrestricted elsewhere, travelers inside and outside the cities are reportedly subjected to arbitrary questioning, detention, and even abuse by the Moroccan security forces.

The same labor laws that apply in Morocco apply in the Moroccan-controlled areas of the Western Sahara, and enforcement is equivalent to that in Morocco proper. Within the Western Sahara there is little organized labor activity. Since salaries in both the private and public sectors are significantly higher than those in Morocco, wage demands are not an issue.

Outside the territory controlled by Morocco, the Polisario established a labor wing called the Sario Federation of Labor (UGTSARIO), which in the past reportedly enjoyed close relations with a few Arab and African national labor centers. The UGTSARIO does not engage in customary trade union activities in the Polisario-controlled areas.