

not disclosed to the prosecution by senior police officials.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Discrimination against LGBTI people, including threats and physical attacks, continued. Perpetrators were rarely identified, and where prosecutions took place, attacks were generally classified as misdemeanors. Legislative provisions introduced in 2013 allowing for the hate motive to be considered in sentencing were not applied. The LGBTIQ social centre in Podgorica was attacked 26 times during 2014, despite being provided with police protection; the authorities failed to conduct effective investigations and bring perpetrators to justice. The Podgorica Pride, held in November, was adequately protected by police; 10 counter-protestors were arrested.

DISCRIMINATION - ROMA

Roma, Ashkali and Egyptians displaced from Kosovo in 1999 remained without adequate housing, including those living in containers at the Konik collective centre. In November, the foundation stone was laid for the construction of adequate housing at Konik. In May, Roma families who had been under threat of eviction in Zverinjak for three years were promised adequate housing in 2015.

REFUGEES' AND MIGRANTS' RIGHTS

In July, eight men were acquitted of the unlawful transportation to Italy of 70 Roma refugees from Kosovo in 1999. Thirty-five of the refugees drowned when the boat *Miss Pat* - registered to carry six passengers - capsized in Montenegrin waters.

Around a third of the 16,000 refugees in Montenegro, including most of the 4,000 Roma, Ashkali and Egyptians displaced from Kosovo, remain at risk of statelessness. While a few had acquired the status of "foreigner with permanent residence", the remainder had not yet applied or faced barriers to obtaining personal documents,

including passports, required to apply for the status before the December 2014 deadline. Montenegro remained a transit country for migrants and asylum-seekers. Asylum procedures were not effective; between January and November only two people were granted asylum.

MOROCCO/ WESTERN SAHARA

Kingdom of Morocco

Head of state: **King Mohamed VI**

Head of government: **Abdelilah Benkirane**

The authorities continued to restrict rights to freedom of expression, association and assembly. They curtailed dissent, prosecuting journalists and imprisoning activists, restricted human rights groups and other associations, and forcibly dispersed peaceful and other protests. Torture and other ill-treatment in detention persisted due to inadequate safeguards and accountability, and courts' acceptance of torture-tainted confessions. A new law closed a loophole that had enabled rapists to evade justice, but women remained inadequately protected against sexual violence. Authorities collaborated in the unlawful expulsion of migrants and asylum-seekers to Morocco from Spain. The death penalty remained in force but the government maintained a longstanding moratorium on executions.

BACKGROUND

Following the introduction of a new Constitution in 2011, the government began implementing legal and judicial reforms. Legislators approved a law to end trials of civilians before military courts and amended the Penal Code to prevent rapists evading

punishment by marrying the victim. Draft Codes of Criminal and Civil Procedure had yet to be debated at the end of 2014.

Political dissent receded compared to previous years but social unrest continued, marked by protests on employment, housing, and a fairer distribution of the wealth generated from the country's natural resources.

FREEDOM OF EXPRESSION

Authorities prosecuted journalists, activists, artists and others who criticized, or were deemed to have insulted, the King or state institutions, or to have advocated "terrorism", according to the broad meaning of this term under Morocco's anti-terrorism legislation.

Journalist Ali Anouzla remained on trial charged with advocating and assisting terrorism for publishing an article on the Lakome online news website about a video released by the armed group al-Qa'ida in the Islamic Maghreb (AQIM). Although he did not republish the video, entitled *Morocco: Kingdom of Corruption and Despotism*, and branded it "propaganda", if convicted Ali Anouzla could face up to 20 years' imprisonment.¹

Authorities brought defamation and public insult charges against journalist Hamid El Mahdaoui, after the national director of police complained about articles he had published on the Badil news website about the death of Karim Lachqar in Al Hoceima following his arrest and detention by police. The police called for the journalist to be banned from his profession for 10 years, and that he pay them heavy damages. His trial was continuing at the end of the year. Rabie Labiak, who witnessed Karim Lachqar's arrest, was prosecuted for "false reporting" about the circumstances of the arrest.

In June and July, two members of the Moroccan Association for Human Rights (AMDH), Oussama Housne and Wafae Charaf, were convicted on charges of "falsely reporting" that unidentified individuals had previously abducted and tortured them. They

were sentenced to prison terms of three and two years respectively and ordered to pay compensation for "slander" of the police although neither of them had accused the police.² Their prosecution and imprisonment could deter victims of police abuses from coming forward.

In October, a court sentenced 17-year-old rapper Othman Atiq, who uses the stage name "Mr Crazy", to three months in prison for "insulting" Morocco's police force, "harming public morality" and "incitement to drugs consumption" in his songs and music videos.

FREEDOM OF ASSOCIATION

Authorities blocked efforts by several human rights groups to obtain official registration that would allow them to operate legally. They included AMDH branches and Freedom Now, a press freedom organization founded by Ali Anouzla and other independent journalists, human rights defenders and intellectuals. During the second half of 2014, authorities banned public events by several human rights groups across the country. Restrictions continued unabated until the end of the year despite a landmark administrative court ruling deeming the ban of an AMDH public event in Rabat in September to be unlawful.³

In September, authorities also prevented Amnesty International from holding its annual youth camp.⁴

FREEDOM OF ASSEMBLY

Police and other security forces dispersed peaceful and other protests by unemployed graduates, workers, students, social justice activists, and supporters of the 20 February Movement, which advocates political reform. Unnecessary or excessive force was often used. Other protests were banned. Some protesters were arrested and detained for months, then sentenced to prison terms after trials that failed to satisfy international standards of fair trial. Courts often relied on shaky evidence to convict protesters

on charges of assaulting security forces or damaging property.

In December, authorities imposed a fine of 1 million dirhams (approximately €90,000) on 52 members of the Al-Adl Wal Ihsane (Justice and Spirituality) organization in the area of Tinghir and Ouarzazate for "holding unauthorized meetings" in private homes in 2008.

In April, police arrested nine men after they participated in a peaceful demonstration by graduates seeking public sector employment in Rabat. Youssef Mahfoud, Ahmed El Nioua, Moufid El Khamis, Rachid Benhamou, Soulimane Benirou, Abdelhak El Har, Aziz El Zitouni, Mohamed El Allali and Mustapha Abouzir subsequently received prison sentences of 28 months, 12 months of which were suspended, after being convicted of charges including "obstructing trains" and "rebellion".

Eleven members of the 20 February Movement were also arrested in April when they attended a peaceful and officially authorized trade union demonstration in Casablanca. Two of them received suspended sentences of two months' imprisonment and were released, but the nine others were held in pre-trial detention until June, when they were convicted on charges of assaulting police officers. They were sentenced to prison terms of six months or a year, as well as fined and ordered to pay compensation to the police. Their sentences were suspended on appeal.

REPRESSION OF DISSENT - SAHRAWI ACTIVISTS

Moroccan authorities continued to clamp down on all advocacy of Sahrawi self-determination in Western Sahara, annexed by Morocco in 1975. Sahrawi political activists, protesters, human rights defenders and media workers faced an array of restrictions affecting their rights to freedom of expression, association and assembly, and were liable to arrest, torture and other ill-treatment and prosecution. The authorities did not

permit protests and forcibly dispersed gatherings when they did occur, often using excessive force.

Abdelmoutaleb Sarir alleged that police officers subjected him to torture, including rape with a bottle, after his arrest in February in connection with a protest in Laayoune, and forced him to sign an interrogation report without permitting him to read it. Judicial authorities are not known to have investigated his allegations or ordered a medical examination to identify torture-related injuries. On 10 September, a court sentenced him to 10 months in prison on charges that included "forming a criminal gang" and "insulting and assaulting security officers", on the basis of the confession contained in the interrogation report that he said he had been forced to sign.⁵

Moroccan officials in Western Sahara frustrated attempts by human rights groups such as the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) to obtain official registration, which they require to operate legally, have official premises, hold public events, and apply for funding.

At least 39 foreign journalists and activists reported that Moroccan authorities barred them from entry or expelled them from Western Sahara in 2014.

In April, the UN Security Council again extended the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) for a year, but without adding a human rights monitoring component.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment, often in the immediate aftermath of arrest, continued to be reported. In a few cases, medical examinations were ordered but generally the authorities failed to conduct investigations. Courts continued to accept as evidence of guilt confessions that defendants alleged had been obtained through torture or other ill-treatment.

The Minister of Justice and Liberties issued letters to prosecutors and judges in May, calling for them to order forensic medical examinations and investigations when faced with allegations of torture or other ill-treatment in detention.

In May, authorities re-opened an investigation into the torture of prisoner Ali Aarrass following a decision by the UN Committee against Torture. Ali Aarrass, detained in Morocco since his forcible return from Spain in 2010, reported being tortured and otherwise ill-treated during his detention in Morocco in 2010 and subsequently. The investigation was ongoing at the end of the year.

In August, a court in Agadir overturned the conviction of a defendant on the ground that his confession was coerced after a forensic medical examination had confirmed his torture. A police officer remained under investigation for alleged torture or other ill-treatment at the end of the year.

Prison inmates, including untried detainees, launched hunger strikes to protest against harsh conditions, including poor hygiene and sanitation, inadequate nutrition and health care, severe overcrowding, and limited visiting rights and access to education.

UNFAIR TRIALS

Courts frequently ignored complaints by defence lawyers about violations of criminal procedure and relied on confessions allegedly obtained through torture or other ill-treatment while defendants were held in pre-trial detention. In some cases, courts refused to allow defence lawyers to cross-examine prosecution witnesses or to call defence witnesses.

Authorities prosecuted protesters and activists on charges such as rebellion, armed gathering, assault, theft and property damage, or on drugs charges.

Mbarek Daoudi, a former Moroccan army soldier and advocate of Sahrawi self-determination, remained in detention awaiting trial before the Permanent Military Court in

Rabat. The victim of an apparently politically motivated prosecution, he faced charges of possessing ammunition without a licence and attempted manufacturing of weapons, based on his possession of an antique rifle that police found when they arrested him in September 2013. His trial, due to open in January 2014, was postponed indefinitely at the prosecution's request.

In March, gendarmes arrested Omar Moujane, Ibrahim Hamdaoui and Abdessamad Madri, activists who were participating in a peaceful protest against the use of natural resources at a silver mine near Imider, in the southern Atlas mountains. The three were ill-treated during interrogation, and then tried and convicted on charges that included obstructing traffic and the right to work, unauthorized protest and criminal damage and rebellion. They were sentenced after an unfair trial to three-year prison terms, fined, and ordered to pay compensation to the mining company. The court relied heavily on interrogation reports that the defendants said they were misled into signing and not allowed to read. At the end of the year, the cases were awaiting review by the Court of Cassation.

LACK OF ACCOUNTABILITY

Despite progress on judicial reforms, the authorities made no progress on other key recommendations of the Equity and Reconciliation Commission concerning security sector reform and a national strategy to combat impunity. Victims of the serious human rights violations perpetrated between 1956 and 1999 continued to be denied justice, and several cases of enforced disappearance remained unresolved.

WOMEN'S AND GIRLS' RIGHTS

In January, parliament agreed an amendment to Article 475 of the Penal Code that removed a provision that had formerly allowed men who raped girls under 18 to escape justice by marrying the victims. However, a draft law on violence against women and

children, intended to remedy the lack of a comprehensive legal and policy framework to address such abuses, remained under consideration by the expert committee to which it was referred in December 2013.

Women were inadequately protected against sexual violence, and consensual sex outside marriage remained a crime.

RIGHT TO PRIVACY

In May, September and December, courts in Fqih Ben Salah, Marrakech and Al Hoceima convicted eight men on charges that included engaging in homosexual acts and imposed prison terms of up to three years. Consensual same-sex acts remained a crime.

REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

Authorities continued to collaborate with Spanish officials in unlawfully expelling migrants, mostly from sub-Saharan Africa, who entered Spain irregularly by crossing the border fence between Morocco and the Spanish enclaves of Melilla and Ceuta. Moroccan authorities co-operated in the readmission to Morocco of some of these migrants, including possible asylum-seekers, amid reports that both Spanish and Moroccan border police used unnecessary and excessive force. The authorities failed to investigate these deaths and injuries, and other incidents of racial violence against sub-Saharan migrants in August and September in Tangiers and Nador.

DEATH PENALTY

Courts imposed at least nine death sentences; there were no executions. The government maintained a de facto moratorium on executions in place since 1993. No death row prisoners had their sentences commuted to prison terms.

In December, Morocco abstained on a UN General Assembly resolution calling for a worldwide moratorium on executions.

POLISARIO CAMPS

The Tindouf camps in Algeria's Mhiriz region that accommodate Sahrawis who fled Western Sahara at the time of its annexation by Morocco continued to lack regular independent human rights monitoring. The Polisario Front took no measures to end impunity for those accused of committing human rights abuses in the camps during the 1970s and 1980s.

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1. Morocco: Stop using 'terrorism' as a pretext to imprison journalists (Press release)
www.amnesty.org/en/for-media/press-releases/morocco-stop-using-terrorism-pretext-imprison-journalists-2014-05-20
 2. Morocco: Activists jailed for reporting torture must be released immediately (Press release)
www.amnesty.org/en/for-media/press-releases/morocco-activists-jailed-reporting-torture-must-be-released-immediately-2014-06-20
 3. Morocco/Western Sahara: Lift restrictions on associations (Public statement)
 4. Amnesty International deplors the Moroccan authorities' decision to ban youth camp (MDE 29/006/2014)
www.amnesty.org/en/library/info/MDE29/006/2014/en
 5. Morocco: Sahrawis on hunger strike against torture (MDE 29/007/2014)
www.amnesty.org/en/library/info/MDE29/007/2014/en

MOZAMBIQUE

Republic of Mozambique

Head of state and government: **Filipe Jacinto Nyussi** (replaced Armando Guebuza in October)

Police used unlawful force and firearms resulting in some deaths. Criticism of President Guebuza on Facebook led to criminal charges against one person. Draft laws impacting on the rights of women and girls were approved by Parliament, but still had to be passed into law.