



# CONGRES MONDIAL AMAZIGH

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International Pacte on Civil and Political Rights

UN Committee for Human Rights

118th Session, 17 October-4 November 2016, Geneva

## **Amazighs of Morocco: an indigenous people despoiled**

## **Foreword...**

The Congrès Mondial Amazigh (CMA) is an International Non Governmental Organization bringing together Amazigh associations (Berber) in social, cultural, development and environmental protection, from countries of Tamazgha (North Africa and the Sahara) and the diaspora. The CMA is the brainchild of Amazigh citizens and organizations to adopt a coordinating structure and representation internationally, independent of states and political organizations.

In order to prepare alternative report to the Moroccan government report concerning the implementation of the International Pacte on Civil and Political Rights, the CMA relied mainly on reports of its members as well as complaints and information it is transmitted directly by people (victims of human rights abuses or witnesses) and organizations of civil society. This information and individual complaints are verified by members of CMA in the country.

### **I- Introduction**

Morocco is officially presented as "a constitutional monarchy, democratic, parliamentary and social. The constitutional system of the kingdom is based on the separation, balance and collaboration of powers as well as the civic and participatory democracy "(Article 1 of the Constitution).

In reality it is a regime of personal power of the King Hassan II had cultivated trends "feudal" to consolidate his dictatorship. With Mohammed VI, has evolved into a less authoritarian system, but not democratic. Two systems coexist in the Moroccan State, is the first pluralist parliamentary appearance, which serves democratic facade, and the second is the one who holds and exercises all the powers. It is represented by the king and his counselors, who rely on a shadow system called "Makhzen". It is this traditional-invisible-authoritarian regime that runs the country and imposes its decisions to the people. The existence of this occult system that exceeds all institutions, is a major obstacle to democratic practice and still prevents the process of what is called in Morocco the "democratic transition."

During the reign of Mohamed VI, on paper, Morocco can claim to have made progress in respecting human rights. For example, the criminalization of torture, arbitrary detention and enforced disappearances. It also notes the establishment of institutions responsible for ensuring the respect of human rights and their promotion, progress on freedoms, especially freedom of expression, women's status and recognition Amazigh language. But what about in practice?

### **II- The araboislamique ideology against the indigenous Amazigh identity**

Although numerical majority and that their identity is the fundamental social and cultural substratum of the country, the Amazigh people have so far been victims of massive and systematic discrimination policies, conducted by a nation-state based on the dogma of 'Arab-Islamism. The denial of the Amazigh people, its history, its knowledge and know-how, its language and its civilizational values spanned several millennia is still a reality. The diversity of Morocco remains negated and the Moroccan Amazigh citizen receives no civil and political rights, which contradicts all the basic texts of the United Nations and in particular the International Pacte on Civil and Political Rights.

The claim of cultural and linguistic diversity of Morocco carried by Amazigh organizations, still faces a racist institutional approach remained rejecting this reality included in the Moroccan landscape from north to south and east to west. Therefore, each day the Amazigh people are victims of various aspects of exclusion, segregation and institutionalized violence.

The recognition by the Constitution in 2011, the Amazigh language as an official language, has absolutely nothing brought positive because the constitutional provision has linked the implementation of the official language of the Amazigh, the adoption of an organic law . But it has never emerged. And no explanation was given by the Islamist government that continues to despise the Constitution and the Amazigh people of Morocco. The arabonationaliste lobby which dominates the state administrations, behind this absence of legislation to block any initiative for the Amazigh.

So, five years after the entrenchment of the Amazigh language as an official language (Constitution of 2011) shows that the ideological repository of the state remains unchanged and anti-Amazigh discrimination remain the rule at all institutional levels. The country remains subject exclusively to one language, one religion, one culture and finally a single Arab-Islamic identity. This leaves in a situation of exclusion and permanent conflict, the Amazigh component of Morocco. Indeed, the Amazigh (history, language, culture, traditions, values ...) is outside the law, confined in the private area and presented to both false and racist folk, as an obstacle to development .

It is also important to note that the Moroccan government has voted in favor of the UN Declaration on the Rights of Indigenous Peoples but refuses to recognize indigenous status to the Amazigh people of Morocco.

### **III- violated fundamental rights of the Amazighs**

- The marginalization of policy language and Amazigh Culture

The Tamazight is the language of the indigenous people of Morocco and the rest of North Africa. Although the victim of exclusion from education, administration and public communication, this language has remained alive and widely practiced in Morocco.

The Moroccan government set for 2010 the widespread teaching of Tamazight (Amazigh language). In his report to the Human Rights Committee, the Moroccan government acknowledges that only 15% of primary school students benefit from the teaching of the Amazigh language for 2009-2010. The report on Economic, Social and Cultural Rights presented in 2015, announced the figure of 12% of students who benefit from the teaching of the Amazigh language for 2011-2012. Notes that in 2010, there is a gulf between the results of the objective and in 2012, an enlargement of the gulf. Is this not proof of the bad government's political will? Moreover, this teaching is confined at the primary level and does not apply to students of the College, nor those of the High School. In addition, directors of schools have the freedom to refuse this course and when the Amazigh language is taught, it has an optional status. Recently, the application for a Master of Amazigh language and civilization at the University of Marrakech, was denied without credible reason.

The speeches of government officials and administration convey anti-Amazigh Tamazight prejudice claiming that "no use" or worse, it is an obstacle to academic and social success,

acquisition of modern knowledge and to 'occupational integration. Regularly in mosques, Imams hold about amaziphobes openly without being brought to justice.

In fact, the Moroccan authorities are doing everything to limit the use of the Amazigh language in the family sphere or a local community, in remote rural areas. It is excluded from the socio-professional world, government, justice, etc. Correspondingly, the Amazigh (mostly from the mountains and rural areas) are left at the margins of society, in everyday struggle for survival in conditions of great uncertainty. Thus, insidiously, the proponents of the Arabist ideology in power, seek to stick to the Amazigh image of poverty and backwardness.

In the audiovisual field, the TV8 television channel called "Tamazight" 8th channel of Moroccan public television, was launched in 2010. It broadcasts 12 hours a day, while the other channels broadcast 24/24 and its programs leave many Place the folklore of Amazigh culture and the Islamic religion.

- The policy of impoverishment of the Amazigh

This policy is based on the spoliation of land and natural resources of the Amazigh dating from the French colonial period (Laws of 1916 and 1919). The lands of the Amazigh tribes are simply annexed by the State through its government copied the French model:

- Management of State Property;
- The National Agency of Cadastre Land conservation and Cartography;
- The Office of Water and Forests;
- The Development and Investment Moroccan Agency;
- The Ministry of the Interior.

The country's new regionalization policy known going in the same direction by changing without consulting tribal boundaries Amazigh territories, which had the effect of sowing much discord among populations such as between tribes Ait Sidi Hamza and Ait Youssi (Boulmane) Sguougou between Ait and Ait Ifrane (Ifrane) between Khenifra and Mrirt (Khenifra); Ait between Khabach and Ouchan (Tinghir), etc.

Decreeing tribal lands "Forest Domain Zones", the Moroccan state acts as if these lands were without owners, and monopolizes free millions of hectares that will allow it to operate directly or through a PPP, rich subsoil minerals without paying anything to indigenous peoples and without worrying about the catastrophic ecological benefits for local residents. So, these are billions of Dirhams which are private local people the benefit of the Makhzen and large industrial Moroccan and foreign. This is the case for example for Imider silver mine near Tinghir mine Aouam (M'irt) and shale gas Timhdite (Middle Atlas).

The Green Morocco Plan (PMV) is a major agricultural project to make available to Moroccan and foreign investors nearly a million hectares of farmland mainly from collective land of Amazigh tribes. In addition, due agriculture by 80% PMV is a capitalist export oriented agriculture at the expense of peasant and family agriculture.

Land grabbing Amazigh through the administration or by means of the Green Morocco Plan will undoubtedly increased poverty even more economically already small population, geographically isolated and politically and socially marginalized. Without land, the Amazigh become stateless in their own country and have the choice between forced migration that takes them to the slums on the outskirts of large cities, emigration attempts in Europe, or stay put but

accepting yet more insecurity, away from the access to education, care and any form of development.

- The case of Irehalen (see Annex 1)

"Irehalen" Amazigh are shepherds and nomadic transhumance in Morocco. They practice this activity for centuries, especially in the mountain areas of the Atlas. There is little information on their number and they hardly receive any aid program. Because of their mobility, they are ignored by public institutions and declared undesirable by the local authorities. They do not benefit from social security coverage, no access to healthcare or schooling for their children, nor to local public services, just as off-the-law. They live in tents or caves.

The activity and the lifestyle of Irehalen are very old and grazing their courses are recognized by the tribes. Today, these ancient routes, are crossed by the administrative divisions of modern local authorities (Municipalities, Provinces, Regions) or protected areas of the state administration (Commission for Water and Forests, for example). Therefore, when Irehalen through "the territories" of Commons or the Commissioner of Water and Forests, they are often accused of being undocumented and traditional access to pasture and water, they are now banned. For example, wells were filled to chase the shepherds and their flocks and Boudnib in the region, they were relocated by force in May 2016, while they were on their traditional route but became unbeknownst to them, a game reserve granted to the Qataris. Similar cases are numerous and threaten the lifestyle of nomadic herders in Morocco living in anxiety and greater economic and social deprivation. It is urgent that the Moroccan State recognizes, respects and protects the rights of nomadic herders and their lifestyle and sees them as full citizens.

- The plundering of natural resources

The Moroccan State has retained the texts dating from the time of the French protectorate to continue to plunder the lands and natural resources of the Amazigh: water, wood, minerals.

The mineral springs that belong to local communities in mountain areas, are granted to private companies, rivers and lakes are used to irrigate golf courses and other large farms at the expense of small farmers, the Millennium cédraie Middle Atlas is massacred by traffickers wood, the basement is excavated to extract minerals that will enrich the rich who live in cities or abroad, leaving no benefit to indigenous peoples, other pollution that poisons earth, water, air, animals, plants ....

- The case of Imider: mine or life?

The Metallurgical Society Imider (SMI) is emblematic of the abusive occupation of land of the Amazigh community in Morocco. This company unduly occupies the territory of the community of Imider (Province of Tinghir) illegally operates a silver mine and diverts water villagers for nearly 50 years, depriving them of a vital and scarce resource in this region semi -desert. The diversion of water by the SMI, dries the water table and threat just the life of this community and rejects toxic in nature. For over 5 years the local people protested peacefully against these abuses but meets only police violence and unjust sentences of the courts arbitrarily send residents Imider in prison (see Annexe 2).

## - Repression

When the Amazigh dare to peacefully protest against the exclusion of their language and culture, against the abuse of power and dispossession of their lands and their resources, they are immediately confronted with the police and gendarmerie forces that affect them, stop and present them to the judge. In court, the Amazigh attending the violation of their most basic rights because their language is excluded from courtrooms. They must therefore speak Arabic or find a translator. Moreover, the Moroccan justice has shown that it is not independent of government authority and therefore the Amazigh are systematically condemned and expeditiously, that is to say, without any respect for the rights of the defense.

This is what happened to the student activists of the Amazigh Cultural Movement Hamid Ouattouch and Mestafa Oussaya who were unjustly condemned in 2007 to 10 years in prison, and Jamel Ouassou Houcine Ait-Baha, teachers and advocates for peasants, sentenced in 2012 to 3 years in prison, a youth of twenty of the village of Imider given sentences ranging from 2 to 4 years in prison for exposing the water to pillage the village by the Metallurgical Society Imider (SMI).

It is also important to note that the criminal racism killed in January 2016 Izem Omar, an Amazigh student at the University of Marrakech. To date, the perpetrators of this murder have not yet been sentenced.

## Conclusion

Between flattering image that Morocco wants to give him on the international scene and reality, the gap is very big. The Constitution adopted there are more than 5 years has not yet received an application early and laws dating from the French colonial era are still used to strip the Amazigh of their material and cultural goods. And the blind repression awaits anyone who wants to establish the rule of law.

## Recommendations

- Recognition for Morocco's Amazigh the status of indigenous people,
- Respect the rights of the Amazigh in Morocco and priority rights to their land, their natural resources and their territories, as mentioned in the UN Declaration on the Rights of Indigenous Peoples,
- Restore the Amazigh land they were dispossessed illegally or compensate them fairly,
- Ending the criminalization and repression of human rights activists of the Amazigh,
- Adopt without delay legislation which would be mentioned in the following: Arabic and Amazigh are the two official languages of Morocco, the Amazigh language must be integrated into the entire educational system, in public administration, including justice, within a maximum period of five years, all the signs and the identity documents must be written also in the Amazigh language.

CMA, September 2016

*Annexe 1 : Irehalen*

Camp near Tinghir bringing some families of nomadic shepherds lives under flimsy tents whose floor is covered with threadbare old beds and scattered backpacks. Plastic cans are used as water reserve. Children do not go to school and help their parents herding.



Irehalen (nomades) near Tinghir



Shepherd children for whom school is an unaffordable luxury

Our contacts tell us how local authorities refuse to recognize their ancestral rights, each local authority chasing "his territory" which is the territory of indigenous nomads for centuries. Some municipalities went up to bury the wells and close the existing water points in order to deprive water nomads, forcing

them to go elsewhere. In Todra gorges, we visited families with children who live in mountainside caves, the more precarious, with a very difficult and dangerous access.



The caves used as housing for nomads in Todgha



Inside a cave where families live

A member of the "Irehalen" association that seeks to protect the rights of nomadic shepherds, told us that these sub-human living conditions are those of thousands of people and that alerted authorities repeatedly respond to them by a contemptuous silence . Nomadic herders in Morocco are in fact treated as sub-citizens, unwelcome one wants to get rid of.

## *Annexe 2 : Imider*

Imider is a small town nestling at the foot of the High Atlas, some 300 km southeast of Marrakech, between Tinghir and Boumaln-N-Dades, on the N10, the road linking Warzazat Errachidia. This is a desert area dotted with small communities whose existence is intimately linked to the presence of water. About 5,000 people live in seven villages of this county (Ait-Mhend, Ait Ali, Ait Brahim, Anu N Izem, Izoumken, Taboulkhirt and Ikis) mainly on subsistence farming (market gardening and small livestock). The people of this region are Amazigh.



The village of Imider, general view

Originally: theft of collective lands and natural resources of indigenous peoples

Since 1969, the Metallurgical Society Imider (SMI) operates a money deposit to collective lands of the inhabitants of Imider, draws groundwater water needed to process the ore, rejects the pollutants and no advantage for the local population, not even the employment of young unemployed. In recent years, Imider of farmers found the back of very disturbing water levels of almost 60%, to render unusable some productive plots far. Fields of fruit trees have been lost for want of water. According to the findings, the depletion of water resources is due to excessive pumping action of the SMI. Several pipes depart from a plurality of wells and converge towards the mine that consumes large quantities of water. The mine would use 1555 m<sup>3</sup> of water per day, more than 12 times the daily consumption of all inhabitants of Imider. If the situation persists, it would directly threaten life in this locality.



Installations of the silver mine operated by the SMI, 3 km from Imider



The mine, aerial view



pipes bringing water to the mine

## Pollution

Moreover, farmers have found many effects of pollution generated by the exploitation of the silver deposit. Waste water discharged from the mine are highly responsible for several highly toxic components such as cyanide and mercury, and stored in the open. These waters are poisoning the birds and animals and seep into groundwater and contaminate, which caused the loss of several head of livestock and skin diseases observed among residents of Imider. In the near future, serious diseases are to fear and the animal, plant and human life is seriously threatened.



Rejection of polluted water by the mine

### List of detainees of IMIDER (2011-2016)

Noms	âge	Profession	Date d'arrestation	Jugements	Libération prévue	Lieu de détention
MUSTAFA OUCHTTOUBAN	30	Mécanicien	5-10-2011	1-12-2011 : 4 ans de prison ferme pour vol avec circonstances aggravantes.	11-10-2015	Imider
OUBADAOU D AHMED	43	Peintre en Bâtiments	26-10-2011	13-02-2012 : 4 ans de prison ferme pour formation d'une bande criminelle et vol du métal	2014	Imider

				d'Argent depuis la mine d'Imider.		
<b>OUBADAOU D MOHAMED</b>	41	Maçon	26-10-2011	13-02-2012 : 4 ans de prison ferme pour formation d'une bande criminelle et vol du métal d'Argent depuis la mine d'Imider.	2014	Imider
<b>LAHCEN HADDACH</b>	41	Électricien	26-10-2011	13-02-2012 : 4 ans de prison ferme pour formation d'une bande criminelle et vol du métal d'Argent depuis la mine d'Imider.	2014	Imider
<b>OUI BRAHIM</b>	34	Chauffeur	05-1-2012	09-04-2012 : 3 ans de prison ferme pour formation d'une bande criminelle et vol qualifié du métal d'Argent.	8-04-2015	Imider
<b>LAHCEN AIT ICHOU</b>	24	Etudiant	7-3-2013	3 ans de prison ferme pour formation d'une bande criminelle et coups et blessures avec arme blanche, vol avec effraction.	7-11-2015	Imider
<b>LAHCEN OUMNNI</b>	43	Chômeur	5-2-2013	3 ans de prison fermée pour formation d'une bande criminelle, vole avec effraction dans la nuit, violence, pluralisme et menaces.	12-11-2015	Tinghir
<b>HAMID OUBRKA</b>	24	Chômeur	28-12-2013	4 ans de prison ferme pour formation d'une bande criminelle, l'assaut à la mine par la nuit, vol du métal et sa commercialisation, rassemblements non autorisés, incitation à la grève des élèves, obstruction de projets de développement.	27-12-2017	Imider
<b>ICHOU HAMDAN</b>	-	Chômeur	28-12-2013	4 ans, pour assaut à la mine, vol d'Argent et sa commercialisation, rassemblement non autorisés.	27-12-2017	Boumaln
<b>MOHAMED LJHAD</b>	36	Chômeur	12-7-2012	2 ans de prison avec sursis après 88 jours d'emprisonnement pour coups et blessures avec menaces de mort, interruption de la liberté de travail.	8-10-2012	Imider
<b>MHAND OUBNNASR</b>	67	Président association	12-07-2012	2 ans de prison avec sursis après 88 jours d'emprisonnement pour coups et blessures avec menaces de mort, interruption de la liberté de travail.	8-10-2012	Imider
<b>LAHCEN</b>	36	Acteur	12-7-2012	2 ans de prison avec sursis après	8-10-	Imider

KARIM		associatif		88 jours d'emprisonnement pour coups et blessures avec menaces de mort, interruption de la liberté de travail.	2012	
YASIN MADRI	31	Chômeur	14-8-2013	Un mois (après 3 mois d'emprisonnement) pour coups et blessure avec armes blanche dans la nuit, incitation aux rassemblements non autorisés...	14-11-2013	Imider
ABD ERRAHMANN MADRI	35	Mécanicien	14-8-2013	Un mois de prison ferme pour coups et blessure avec armes blanche dans la nuit.	13-9-2013	Imider
YIDIR OUKHAYDIR	39	Chauffeur	14-2-2013	Un an de prison ferme pour interruption de l'activité de la SMI et consommation de la drogue.	13-2-2014	Boumalen
ABD SSAMAD MADRI	23	élève	1-3-2014	2.5 ans de prison ferme pour formation d'une bande criminelle, assaut à la mine d'Argent par la nuit, vol de métal et sa commercialisation, rassemblement sans autorisation, coupure de la route publique, interruption des projets de développement, incitation à l'abandon scolaire, désobéissance, coups et blessures volontaires, non respect aux ordre des gendarmes.	31-8-2016	Imider
OMAR MOUJANE	25	Etudiant	1-3-2014	2.5 ans de prison ferme pour formation d'une bande criminelle, assaut à la mine d'Argent par la nuit, vol de métal et sa commercialisation, rassemblement sans autorisation, coupure de la route publique, interruption des projets de développement, incitation à l'abandon scolaire, désobéissance, coups et blessures volontaires, non respect aux ordre des gendarmes	31-8-2016	Imider
BRAHIM LHMDAOUI	25	Etudiant	1-3-2014	2.5 ans de prison ferme pour formation d'une bande criminelle, assaut à la mine d'Argent par la nuit, vol de métal et sa commercialisation, rassemblement sans autorisation, coupure de la route publique, interruption des projets de développement, incitation à l'abandon scolaire, désobéissance, coups et blessures volontaires, non respect aux ordre des gendarmes.	31-8-2016	Imider

<b>OMAR HOURANE</b>	23	Chômeur	28-12-2014	3 ans de prison ferme pour formation d'une bande criminelle et pluralité de vol avec effraction sous menaces et violence dans la nuit et par plus d'une personne, coups et blessures avec des ares blanches, interruption de la route publique .	28-12-2017	Tinghr
<b>MUSTAPHA FASKA</b>	26	Chômeur	28-12-2014	3 ans de prison ferme pour formation d'une bande criminelle et pluralité de vol avec effraction sous menaces et violence dans la nuit et par plus d'une personne, coups et blessures avec des ares blanches, interruption de la route publique .	28-12-2017	Tinghir

Source : Amussu xf webrid n 96 - Imider

20 residents of Imider were imprisoned from 2011. 15 September 2016, there is still 4 prisoners, human rights defenders of Ait-Imider:

- 1- Hamid OUBRKA (prison of Errachidia), release planned for December 2017
- 2- Hamdan ICHOU (prison of Warzazat), release planned for December 2016
- 3- Mustafa FASKA (prison of Zagora), release planned for December 2017
- 4- Omar HOURANE (prison of Khenifra), release planned for December 2017.

*CMA, septembre 2016*