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Briefing

Human Rights in Western Sahara

The Western Sahara Campaign is extremely concerned at the deteriorating human rights situation in the occupied territory of Western Sahara. This has reached a critical level with beatings, torture, false imprisonment, rape, disappearances and unfair trials all being reported regularly by Saharawi citizens.

The campaign fears that the situation, if not addressed, may have severe implications for peace and stability in the Maghreb. A report by The Office of the United Nations High Commissioner for Human Rights (OHCHR) on the state of human rights in the region has never been formally released.

We are calling on the UK Government, as a permanent member of the UN Security Council, to request the formal release of the report and the immediate implementation of its recommendations.

"I was kidnapped and detained in prison for 4 years. I was blindfolded continuously throughout this time, and spent 9 months in solitary confinement...sometimes we would be forced to face the wall with our hands tied and spend the whole night standing on one foot. If we fell, we were tortured...the threat of rape meant we were afraid to sleep...my family, including my young children had no idea of my whereabouts."

Aminatou Haidar speaking about her experiences.
Sandblast Festival, October 2007, London.

Background

Western Sahara has been occupied by Morocco since its invasion in 1975 and the territory classed as 'non-autonomous' by the United Nations. In its Advisory Opinion of 16 October 1975, the International Court of Justice (ICJ) concluded that there was no tie 'of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity.'ⁱ Despite this the territory remains under Moroccan occupation, whilst 165,000 refugees from the conflict have spent the last 32 years in refugee camps in Southwest Algeria surviving on international aid.

Many remain behind, in dangerous conditions under occupation, facing the constant threat of violence and abuse from the Moroccan security forces.

In 1991 the UN brokered a ceasefire on condition that a referendum on Saharawi self-determination be held. Disputes over the details of the process and the shameful lack of action by the international community mean that the promised referendum has never taken place.

Human Rights

For many years, the Western Sahara Campaign, alongside other human rights organisations, has voiced grave concerns over the appalling human rights abuses perpetrated against Saharawi citizens. Recently the situation has escalated, and in their 2007 report, Amnesty International found that Saharawi human rights activists continued to be the subject of intimidation by the security forces.ⁱⁱ

Currently, human rights abuses against the Saharawi by the Moroccan Security forces, in particular the Auxiliary Forces, the Gendarmerie, the DST (Direction de Sécurité Territoriale) and the GUS (Le Groupe Urbain de Sécurité) are reported almost daily in occupied Western Sahara. Abuses include arbitrary arrest, disappearance, false imprisonment, unfair trials and torture – including burning, blindfolding for extended periods, suspension in contorted positions and rape.ⁱⁱⁱ

Moroccan secret police are also placed in schools, in an attempt to crush any student activism. A recent report by the Saharawi human rights organisation CODESA, found that in April and May 2007 over 60 children aged 9 – 17 years were arrested or maltreated, and it is alleged that many were threatened with serious repercussions should they report their treatment.ⁱⁱⁱ

"One of them took me by one hand, the other by the other hand. They were big, strong guys, very well known torturers...he was beating me repeatedly. More torturers came and took turns beating me. One of them grabbed me by the hair and he was slamming my head against the wall, the window, the door, against everything until my eyes were swollen and in bad shape."

Nguia Hawassi, aged 16.
Documentary, Children of the
Clouds, Carlos Gonzales, May 2006

OHCHR Report

Following concern about the human rights situation, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a delegation to the region in May 2006. The mission visited Rabat, Laayoune, and Tindouf between 15 and 23 May 2006 and Algiers on 19 June 2006. The resulting report^{iv} confirmed many of these violations of human rights, finding the situation of 'serious concern' and called for urgent action.

Despite pressure from both representatives of the Saharawi people, and human rights organisations, the report has never been formally released. Although the report is available it needs to be officially published and adopted by the UN Security Council and the recommendations implemented. The recommendations include: closer monitoring of the human rights situation;

urgent measures to protect human rights; and implementation of the right to self-determination.

The OHCHR report found evidence of human rights abuses including:

- **Violence against pro-independence Saharawis**

Excessive violence is regularly used against those peacefully protesting against the Moroccan occupation. Saharawis participating in demonstrations, report experiencing violent beatings, imprisonment and torture. Numerous cases are documented alongside photographic and video evidence of the violence. On the 30 October 2005 a young Saharawi Hamdi Lembarki died after being savagely beaten by security forces. The report found:

"Moroccan law enforcement officials seem to have used force in an indiscriminate and disproportionate manner when exercising their responsibilities in the course of exercising their duty to maintain public order and security."

Furthermore:

"Based on the number of allegations regarding excessive use of force by law enforcement officials received from individuals who had been present during the demonstrations, the delegation notes the categorical rejection by the authorities of any responsibility for the violence which occurred since May 2005."

- **Restrictions on freedom of expression**

The Moroccan authorities claim that their actions are in response to 'illegal' demonstrations. However, Morocco refuses to legalise pro-independence associations^v and press legislation provides prison terms for those who challenge Morocco's "territorial integrity".^{vi} In addition, since November 2005, Moroccan authorities have banned access to pro-independence websites and websites documenting human rights abuses.^{vii} This was confirmed by the report, which found serious restrictions to Saharawi freedom of expression that:

"...cannot be interpreted as falling with the permissible restrictions under article 19 of the ICCPR, such as national security, public order or public health or morals."

In addition: *"...administrative hurdles imposed by authorities may compromise the ability of the people of Western Sahara to fully exercise their right to freedom of expression and assembly."*

- **Unfair Trials**

It is clear that many Saharawis have been imprisoned following unfair trials. Evidence of this includes defendants denied the right to call witnesses; trials being postponed when independent observers were in attendance; harassment of defendants and their families; and tainted evidence such as 'confessions' extracted under torture and written statements by police, which are denied by defendants. In several trials Amnesty International found that evidence of this kind was accepted without examination of the veracity of the defendants' claims.^{viii}

"After I was arrested they took me to the secret detention centre called PCCMI where many Saharawi have been taken since 1975 and abductions are still taking place today...I was subjected to all types of torture, threats of rape amongst other things. I was there for 3 days as they fabricated accusations against me."

El Ouali Ameidan, aged 20, Political Prisoner
Documentary, Children of the Clouds, Carlos Gonzales, May 2006

These concerns are all echoed in the OHCHR report which concludes, with regard to trials:

"...the delegation remains concerned that there are serious deficiencies with regard to ensuring the right to a fair trial...it has been presented with a series of reports about Morocco's failure to guarantee the right to a fair trial to the defendants, and was not provided with satisfactory replies by the authorities."

Human rights and self-determination.

"In as much as it calls for a political solution, the question of self-determination is a fundamental human right."

The report is clear in its assertion that the human rights crisis is a direct result of the lack of a right to self-determination which the Saharawi, despite numerous promises, have consistently been denied for 32 years.

"Almost all violations of human rights noted above stem from the non-realization of this right, including civil and political rights as well as economic, social and cultural rights of the people of Western Sahara in all locations where they currently reside."

"Currently, the Saharawi people are not only denied their right to self-determination, but equally are severely restricted from exercising a series of other rights, and specially rights of particular importance to the very right of self-determination, such as the right to express their views about the issue, to create associations defending their right to self-determination and to hold assemblies to make their views known."

Continuing Human Rights' Abuses

Before the OHCHR conducted its visit to the region, the former UN Secretary-General, Kofi Annan, brought the question of human rights to the attention of the Security Council in his reports of April 2006 and of October 2007. However, influential friends of Morocco in the Security Council objected to addressing the issue. The current UN Secretary-General, Ban Ki-Moon, has continued to raise the issue of human rights in all his reports on Western Sahara. Amnesty International and Human Rights Watch have expressed their deep concern about the deterioration of the human rights situation in the occupied territories of Western Sahara.

In the ongoing UN-supervised negotiations between POLISARIO and Morocco, the UN Special Envoy has repeatedly requested that the question of human rights be included as a part of the confidence-building measures to be discussed, but Morocco has been unwilling to accept this.

Morocco continues to violate the fundamental human rights of the Saharawi people in the occupied Western Sahara despite international efforts to protect these rights. Urgent action is needed to prevent this situation deteriorating to the point where human lives are at risk.

Recommendations

The campaign fears that the situation in the occupied territories is such that if it is not addressed, it will have severe implications for peace and stability in the region.

The UN needs to release this report formally and acknowledge the human rights abuses resulting from the consistent denial by Morocco of the Saharawi right to self-determination. The report's recommendations need to be implemented as a matter of urgency, in particular:

"...the right to self-determination for the people of Western Sahara must be ensured and implemented without any further delay."

"Closer monitoring of the human rights situation both in Western Sahara and in the refugee camps in Tindouf is indispensable."

We are calling on the UK Government as a permanent member of the Security Council to request the formal publication of the report and the immediate implementation of its recommendations.

For further information please contact:

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ⁱ International Court of Justice, Advisory Opinion of 16 October 1975, Western Sahara

ⁱⁱ Amnesty International Report 2007, Morocco/Western Sahara

ⁱⁱⁱ Collectif des Defenseurs Saharaouis des droits de l'homme (CODESA) report, 08.08.07. A detailed report on the violations of human rights perpetuated by the Moroccan state in the Western Sahara and against Saharawi citizens in Morocco since the passing of the UN 1754 resolution in April 2008

^{iv} Report of the OHCHR Mission to Western Sahara and the Refugee Camps in Tindouf 15/23 May and 19 June 2006, Office of the United Nations High Commissioner for Human Rights (OHCHR) Geneva, 8 September 2006

^v Human Rights Watch, Press release. 08.01.08

^{vi} Human Rights watch Morocco/Western Sahara report of 2007 <http://asvdh.net/english/?p=299>

^{vii} HRW Letter to King Mohammed VI December 9, 2005
<http://hrw.org/english/docs/2005/12/09/morocc12181.htm>

^{viii} AI Public Statement, 15 December 2005
<http://www.amnestyusa.org/document.php?lang=e&id=ENGMDE290102005>