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MOROCCO/WESTERN SAHARA

HUMAN RIGHTS VIOLATIONS IN WESTERN SAHARA

INTRODUCTION

Serious human rights violations continue to be committed by Moroccan security forces in Western Sahara. Prisoners of conscience are detained for the peaceful expression of their beliefs, and some have been imprisoned after unfair trials by the Military Court. Prolonged secret detention is routine and widespread allegations of torture and ill-treatment are never investigated. In 1991, more than 300 Sahrawis who had “disappeared” for up to 16 years were released by the Moroccan authorities. However, hundreds of others who “disappeared” after arrest since 1975 remain unaccounted for, and there have been no investigations into the “disappearance” of those released from secret detention centres in 1991 or into the deaths of scores of “disappeared”. Neither the former “disappeared” nor the families of those who died in secret detention have been compensated and, in addition, some of the former “disappeared” have been rearrested and detained for up to several months.

In the past five years there have been significant improvements in the human rights situation in Morocco, including the release of hundreds of “disappeared” and prisoners of conscience, and the commutation of death sentences. Amnesty International has welcomed these positive developments and has called on the Moroccan authorities to build on these improvements by taking further steps to improve the human rights situation in Morocco and Western Sahara.

Amnesty International has continued to document its concerns about human rights violations in Western Sahara¹ over the past two decades. The organization has made numerous recommendations to the Moroccan Government calling for measures to be taken to address outstanding concerns about past and continuing human rights violations, in compliance with its obligations to international human rights treaties it has ratified.²

¹ Reports include: *Report of an Amnesty International Mission to the Kingdom of Morocco*; May 1982. *Morocco: “Disappearance” of people of Western Saharan origin*; November 1990; AI Index: MDE 29/17/90; *Morocco: Continuing “disappearances” and restrictions on freedom of expression and movement in Western Sahara*; February 1993; AI Index: MDE 29/03/93; *Morocco: Breaking the wall of silence: the “Disappeared” in Morocco*; April 1993; AI Index: MDE 29/01/93.

²Including the International Covenant on Civil and Political Rights (ICCPR), and the UN Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

These violations began after Morocco annexed Western Sahara in 1975,³ and have continued in spite of the presence since 1991 of the United Nations Mission for the Referendum in Western Sahara, (MINURSO).⁴ Amnesty International is concerned that the mandate of MINURSO does not include comprehensive provisions for monitoring the human rights situation and investigating and reporting allegations of human rights violations, and that even the limited human rights safeguards contained in MINURSO's mandate are not respected. Amnesty International has been raising its concerns with the Moroccan authorities since the 1970s. Since 1992, it has also called on the UN to ensure that the human rights safeguards contained in MINURSO's mandate be respected, and to widen the mandate of MINURSO to include further provisions for the protection of human rights. To date no such measures have been taken by the UN, and unless urgent measures are taken to address the issue of human rights in Western Sahara MINURSO will remain a silent witness to human rights violations.

Amnesty International takes no position on the territorial dispute between Morocco, which claims sovereignty in Western Sahara, and the Polisario Front, which calls for an independent state in Western Sahara, or on the issues concerning the referendum on the future of Western Sahara. Its concerns relate solely to human rights violations which fall within its mandate. Similarly, the organization's concerns about the role of MINURSO relate exclusively to its failure to protect human rights in Western Sahara.

This report details cases and patterns of human rights violations in Western Sahara, including references to the human rights situation in Morocco for the purpose of illustrating the pattern of violations and the development in the human rights situation. It also includes Amnesty International's concerns about past human rights abuses in the refugee camps administered by Polisario authorities in Tindouf, in southern Algeria. The information contained in this report has been obtained by Amnesty International over a number of years from victims and relatives of victims, eyewitnesses, lawyers, medical doctors, United Nations personnel, the Moroccan authorities, the Polisario authorities, and other sources, and has been cross-checked and verified according to the organizations's methods of work. Given the continuing human rights violations in Western Sahara, the identity of some of the victims and sources is not revealed in order to protect the safety of individuals concerned.

Recommendations addressed to the Moroccan authorities, to the United Nations and to the Polisario authorities are included in this report.

³ Western Sahara was under Spanish rule between 1884 and 1975.

⁴ In 1988 the UN, in Cooperation with the Organization of African Unity (OAU), reached an agreement with the Kingdom of Morocco and the *Frente Popular para la Liberacion de Saguia el-Hamra y Rio de Oro*, Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (Polisario Front) for a settlement concerning Western Sahara and an Implementation Plan to put the settlement into effect. The Security Council approved the Implementation Plan on 29 April 1991 calling for a referendum to be organized to determine the future of Western Sahara to be conducted by MINURSO.

“DISAPPEARANCES”: AN ATMOSPHERE OF FEAR, SILENCE AND DENIAL

*“No state shall practise, permit or tolerate enforced disappearances”.*⁵

The pattern of “disappearance” of known or suspected political opponents by the Moroccan authorities dates back to the 1960s. One of the oldest outstanding cases of “disappearance” in Morocco is that of Abdelhaq Rouissi, a trade unionist who “disappeared” from his home on 4 October 1964. He was seen in secret detention centres in 1979, 1983 and 1989, but to date no information has been provided by the authorities on his whereabouts and he remains “disappeared”. Scores of other Moroccans “disappeared” after being arrested by the security forces, most of them in the 1970s.

“Disappearances” of Sahrawis began to occur at the end of 1975 and continued until the late 1980s. The last large wave of “disappearances” known to have taken place was in November 1987, at the time of a UN technical mission’s visit to Western Sahara.

The men and women, and even children, who “disappeared” in Western Sahara since 1975 came from all walks of life. Many were detained because of their alleged pro-independence activities, support for the Polisario Front, and opposition to Morocco’s control of the Western Sahara. Some were arrested as they were trying to flee from Western Sahara to the Polisario refugee camps in neighbouring Algeria. Others, including elderly people and children “disappeared” because of their family links with known or suspected opponents to the Moroccan Government policy in Western Sahara.

After being arrested by the Moroccan army and other security forces the detainees were taken to secret detention centres in Morocco and Western Sahara, where torture and ill-treatment was routine, especially during interrogation. With few exceptions, those detained were never charged with any offence, brought to trial, or put through any legal process. Some were released after weeks or months in secret detention, and hundreds of others simply “disappeared”.

In spite of the secrecy and fear surrounding the issue of “disappearances”, over the years some information began to reach the outside world about “disappeared” who had been seen in various secret detention centres. However, detailed information remains difficult to obtain as even the few families who received some information about their “disappeared”

⁵ UN Declaration on the Protection of All Persons from Enforced Disappearances, Art. 2.

relatives have been reluctant to talk openly for fear of putting their “disappeared” relatives at further risk, or out of fear for their own safety. In some cases those who tried to obtain information about their detained relatives were themselves arrested or “disappeared”. The practice of arrest and detention outside any parameters of legality, and the denial to both detainees and their families of any recourse through the judicial process, discourages families from raising complaints or seeking information about their “disappeared” relatives.

For example, El-Khader Ayad Daoud and his brother Ahmed-Salek were arrested in March 1976, a month after the arrest of their father Mohamed Ayad Daoud. Another brother was arrested in 1977. El-Khader’s father was arrested from his home, in front of his family on 27 February 1976. El-Khader, who was 24 years old, was arrested from the *Centre Pédagogique Régional* (Teacher Training College) in Agadir, south of Morocco, where he was studying to become a secondary school teacher. His 18-year-old brother, Ahmed-Salek, was arrested soon after in front of his classmates from his classroom in the secondary school in Inezgane, near Agadir. They were first held in Agadir Central Police station, and from there their route to “disappearance” was similar to that of hundreds of others. After four months in the Derb Moulay Cherif detention centre in Casablanca, where torture was routinely practised, El-Khader and his brother Ahmed-Salek were taken to a secret detention centre in Agdz, a small town in the Draa valley in the southeast of Morocco. There they found their father, and soon after all three were moved to another secret detention centre in Qal’at M’Gouna, situated to the north of Agdz on the road from Rachidia to Ouarzazate, in the picturesque valley known as the “valley of the roses”. There they were held with hundreds of other “disappeared”, most of them Sahrawis and a few of them Moroccan; none of them knew why they were there or how long they would remain there. On 31 December 1984 five Moroccans who had been “disappeared” since early 1976 were released from Qal’at M’Gouna. Just as they had never been told why they were being detained, they were not told why they were being released; to date their secret detention has still not been recognized by the Moroccan authorities. In 1985, at the time of the visit by King Hassan II to Qal’at M’Gouna, El-Khader, his brother and father and the other “disappeared” were moved to another secret detention centre in Skoura, near Ouarzazate, for about 10 days and were then taken back to Qal’at M’Gouna, where they remained until their release in June 1991. More than 40 “disappeared” died in Agdz and Qal’at M’Gouna, and every time one of them died fear increased among the other “disappeared” that they too would die without their families or anyone else ever knowing how, when, and where they had died.

Those who continued to believe that El-Khader, his brother and father, and hundreds of other “disappeared” were alive, and who continued to campaign for their release faced a difficult task. For 16 years the Moroccan authorities denied any knowledge of El-Khader, his brother and father, and hundreds of others who were detained in secret detention centres.

Given the paucity of details available about the “disappeared”, the circumstances of their arrest and “disappearance”, and the continuous refusal by the Moroccan authorities to

acknowledge their detention, many doubted that these “disappearances” had ever occurred and were therefore unwilling to raise their cases with the Moroccan authorities.

In March 1986 Amnesty International submitted 88 cases of Sahrawi “disappeared” to the UN Working Group on Enforced or Involuntary Disappearances (WGEID), including the cases of El-Khader Ayad Daoud, his brother Ahmed-Salek and his father Mohamed. The organization had obtained testimonies from eyewitnesses who confirmed their arrest. The cases of these “disappeared” had been raised with the Moroccan authorities by Amnesty International in a mission to Morocco in February 1981, and were listed in an Amnesty International report in 1982. The UN WGEID rejected 86 out of the 88 cases submitted by Amnesty International on the grounds that there was not sufficient information about these individuals to warrant investigation into their “disappearance”.

In June 1988, Amnesty International raised with the UN the cases of 24 Sahrawis reported to have “disappeared” after being arrested with hundreds of others at the time of a UN technical survey mission to Western Sahara in November 1987. Among the cases raised was Ghalia ment Abdallahi ould Mohamed, a woman agricultural engineer who had “disappeared” after her arrest on 20 November 1987 in Laayoune. The then Under-Secretary-General for Political Affairs replied to Amnesty International in July 1988 that he had no knowledge of the persons named as “disappeared”.

THE RELEASE OF SOME OF THE “DISAPPEARED”

“These prisons are not on any list held in the prison administration division at the Ministry of the Interior” (Response by the Moroccan delegation to a question by the UN Human Rights Committee in November 1990 about the whereabouts of the secret detention centres of Qal’at M’Gouna and Tazmamert).

In June 1991 more than 300 Sahrawi “disappeared” were released from the secret detention centres of Qal’at M’Gouna and Laayoune. The Moroccan Government issued a list⁶ of 268 names of those released, including El-Khader Ayad Daoud, his brother Ahmed-Salek, his father Mohamed and many other “disappeared” whose cases had been raised for many years by Amnesty International with the Moroccan authorities, and which had been rejected by the UN WGEID in 1986. Many of those who had been arrested and “disappeared” after the United Nations technical survey mission to Western Sahara in November 1987 were also released in June 1991, including Ghalia ment Abdallahi ould Mohamed.

⁶ The list bore the title: “List of the persons originating from the Sahara reprieved by His Majesty King Hassan II following the request of the members of the Advisory Council for the Saharan Affairs”.

Later in 1991, the Moroccan authorities also released some 30 Moroccans from the secret detention centre of Tazmamert, where they had spent 18 years during which more than 30 others had died. Most of them were army officers and other military personnel who had been arrested after attempted coups d'etat in 1971 and 1972, and included three civilian brothers with French and Moroccan nationality. Their cases had also been raised with the Moroccan authorities for years to no avail.

Having released some whose detention they had denied for up to 18 years, the Moroccan authorities continue to deny all knowledge of hundreds of other "disappeared" who remain unaccounted for. Among those who deny the existence of the Sahrawi "disappeared" are former leading figures of the Polisario Front who have left Polisario and are now working with the Moroccan Government. They maintain that the Sahrawi "disappeared" mentioned by Amnesty International and other organizations do not exist, and that these lists of "disappeared" Sahrawis were made up by the Polisario authorities for propaganda purposes. More than 300 of the "disappeared" whose existence they denied were released in 1991; today they continue to deny the existence of other "disappeared".

To date hundreds of families remain unable to obtain any information on the whereabouts of their "disappeared" relatives who have been missing for up to 20 years. Among those who remain "disappeared" are Mokhtarould M'Barekould Mohamedould El-Alem Breira, a farmer from Hagounia who was arrested from his home in front of his family on 7 February 1976; and Tebkerment Sidi-Mohamedould Khattari, a mother of five who was arrested in March 1985 as she was travelling from Dakhla to Laayoune with another woman who also "disappeared", but was eventually released in June 1991. To date their relatives' attempts to clarify their fate have been in vain.

There are allegations that some of these "disappeared" were extrajudicially executed soon after arrest, and that others died in secret detention. Whatever fate they have met after they were arrested, this must now be clarified. Their families have the right to know. Similarly, the families of scores of "disappeared" who are known to have died in the secret detention centres in Agdz, Qal'at M'Gouna and Laayoune between 1975 and 1990 have the right to be notified of their deaths and to be compensated. The deaths of these "disappeared" have never been officially acknowledged by the Moroccan authorities and no investigation has been carried out in order to bring to justice those responsible both for their "disappearance" and for their deaths. The families of the victims have received no compensation and to date have not been able to find out where their relatives are buried.

THE FORMER "DISAPPEARED": IMPUNITY FOR THE PERPETRATORS

“The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation.”⁷

At no point after the release of the former “disappeared” in 1991 did the Moroccan authorities express any intention to investigate these “disappearances” and bring to justice those responsible. When the first Moroccan Human Rights Minister was appointed in November 1993, he stated that efforts would be made to compensate the former “disappeared” and to shed light on the fate of the remaining “disappeared”. In the following year the former military personnel who had been released from the secret centre in Tazmamert after 18 years of secret detention were granted a monthly allowance, in the form of “humanitarian assistance” or “pension”, but have not received any compensation. The families of those who died in Tazmamert received death certificates (which however do not provide any details about the place, causes and circumstances of their death). Six Moroccan civilians who were released from Qal’at M’Gouna on 31 December 1984 after having “disappeared” since 1976, and whose detention has not been recognized by the authorities to date, have continued to raise their cases with the Moroccan authorities and to demand redress and compensation for the suffering they endured during years in secret detention. Their cases, and the cases of other Moroccan “disappeared”, have also been raised repeatedly by the Moroccan non-governmental human rights organizations and by some of the Moroccan political parties but without result to date. Most of the former Moroccan “disappeared” are prevented from leaving Morocco, and at least two were again arbitrarily detained in 1995.

Given the political sensitivity of the Western Sahara issue, the plight of the Sahrawi “disappeared” has rarely been openly raised in Morocco. The families of those who died in secret detention or who remain “disappeared” cannot raise their cases out of fear for their own safety. The only ones who have spoken out are those who have managed to flee from Western Sahara, and others have passed on information on condition that their identity is not revealed so long as they remain in Western Sahara or in Morocco. Most of the Sahrawi “disappeared” who were released in 1991 remain virtually cut off from the outside world. Their right to freedom of expression, association and movement is severely curtailed, and to date they have been denied any compensation or means to seek redress for the torture and ill-treatment to which they were subjected to during years in secret detention.

A Sahrawi woman former “disappeared” who was released in June 1991 told Amnesty International:

⁷ UN Declaration on the Protection of All Persons from Enforced Disappearance; Art. 19.

“I was only 26 and I was in good health when I ‘disappeared’; I was very ill when I was released and I could not get any treatment; others [former ‘disappeared’] were in even worse condition than me and could not get any treatment either; I slowly got better, but I know I will never recover completely; it is not just the aches and pains I still suffer in my body, it is the fear I carry with me every day that what has happened to me once may happen again, and that this time I’ll never see my family again. Other women who were ‘disappeared’ with me and who were released at the same time have been rearrested and again ‘disappeared’ for months. I just keep praying it won’t happen to me. I think about those who died while we were ‘disappeared’; I so much want to console their families, but I can’t because it is dangerous; surveillance is heavy, especially for us former ‘disappeared’, for the families of the dead ‘disappeared’ and for the families of those who are still ‘disappeared’. I just don’t feel that I can take too many risks; I am happy now to be with my family, but I never feel a hundred percent secure and I still feel that I am in prison; I am watched all the time and can’t even go to the nearby village without a special permission, which is often impossible to get”.

The feelings of continuing fear expressed by this former “disappeared” have been echoed by other former “disappeared”, relatives of “disappeared” and others.

Mahmoud Moulay Ahmed El-Othmani, was released from Qal’at M’Gouna in June 1991 after nine years and five months of “disappearance”. Like many others, he was ill but had no access to adequate medical care. He was not allowed to leave Laayoune, and was often arrested and interrogated by the security forces and was forbidden to leave his home for periods of time. At the end of 1992 he managed to escape from Western Sahara. He told Amnesty International:

“I often wondered what was the point of being released if I had to continue living as if in prison. I had been ‘disappeared’ for so many years, and even after being freed I was not free. I wanted to spend time with some of those who had ‘disappeared’ with me; we had shared a lot during secret detention and had become good friends; we didn’t want to plot anything, just spend time together like all friends do, but even that was not allowed”.

In addition to being subjected to restrictions on their freedom of expression, association and movement many of the former “disappeared” who were released in 1991 have since been rearrested and again held in secret detention, often for prolonged periods. Among them are a woman, Gleimina Tayeb Yazidi, and five men, Alamine Abdelkader Daagui, Bamba Mohamed Gay, Mohamed Salem Abdelhay, Bachir Atman Hosein Lekhfaouini, and Brahim Sbai, arrested in November 1995; Soukeina Jedahlou, a woman arrested in September 1992 in Smara at the time of demonstrations in the town and held incommunicado for 18 months, and Bachir Lekhfaoui and Sebaha Ahmed Lehib, all arrested in 1992 and held incommunicado until late

1993. The families of these and other detainees were not able obtain any information on their whereabouts during their secret detention.

MINURSO'S FAILURE TO PROTECT HUMAN RIGHTS IN WESTERN SAHARA

“MINURSO, as a United Nations mission, could not be a silent witness to conduct that might infringe the human rights of the civilian population” (Statement by the UN Secretary-General in his report to the Security Council of 26 January 1993).⁸

The lack of concrete provisions in MINURSO's mandate for monitoring the human rights situation and investigating human rights violations, and its failure to protect human rights in Western Sahara raise serious concerns. The Implementation Plan proposed by the Secretary-General pursuant to Security Council resolution 621 of 20 September 1988⁹, contains nonetheless certain provisions which, if implemented, would constitute important human rights safeguards:

“Immediately after the cease-fire has been declared, the parties to the conflict will halt all their military operations, including troop movements and reinforcements, and acts of violence or intimidation”.¹⁰

“The Special Representative of the Secretary-General will be responsible for maintaining law and order in Western Sahara during the transitional period. The Special Representative will also ensure that one can resort to intimidation or interfere in the referendum process”.¹¹

“The Special Representative will be assisted by a United Nations support group, including civilians, military and security (civil police) units, made available by the Secretary-General and large enough to enable the Special Representative to perform his organizational and supervisory functions”.¹²

⁸ Paragraph 25 of UN document S/25170; The Situation in Western Sahara; Report by the Secretary-General.

⁹ UN Document S/21360: The situation concerning Western Sahara; Report by the Secretary-General of 18 June 1990.

¹⁰ Paragraph 14 of UN document S/21360

¹¹ Paragraph 35, Ibid

¹² Paragraph 47 (b), Ibid

“The United Nations will monitor other aspects of the administration of the Territory, especially the maintenance of law and order, to ensure that the necessary conditions exist for the holding of a free and fair referendum”.¹³

“Following on the proclamation of an amnesty, political prisoners will be released and all laws or regulations which, in the view of the Special Representative, could impede the holding of a free and fair referendum will be suspended to the extent the Special Representative deems this to be necessary”.¹⁴

These and other provisions, which could have ensured some human rights protection, have not been implemented to date. The transitional period set forth in the Implementation Plan has been postponed repeatedly on recommendation of the UN Secretary-General, reportedly due to the slow progress of the identification of those eligible to vote in the referendum.

Moreover, the limited number of Civilian Police (CIVPOL) deployed¹⁵ to date have not been mandated to carry out their tasks. The tasks of CIVPOL are:

“To monitor the activities of the existing police forces so as to ensure that they are acting in strict accordance with the settlement proposal and the present Implementation Plan, which are intended to secure the organization of a free and fair referendum without military or administrative constraints and to prevent the possibility of intimidation or interference from any quarter”.¹⁶

To date there is no indication of when CIVPOL will be fully deployed and begin to fulfil its mandate. According to the UN Secretary-General report to the Security Council of 19 January 1996, the tasks of CIVPOL will, until further notice, “remain limited to providing technical assistance to the Identification Commission and maintaining a 24-hour presence at all identification centres”.¹⁷

In its report of 26 January 1993, the UN Secretary-General stated that “MINURSO, as a United Nations mission, could not be a silent witness to conduct that might infringe the human rights of the civilian population”.

¹³ Paragraph 47 (g), Ibid

¹⁴ Paragraph 47 (h), Ibid

¹⁵ A total of 91 Civilian Police were deployed in Western Sahara by March 1996.

¹⁶ Paragraph 79 (b), Ibid

¹⁷ UN Document S/1996/43: The situation concerning Western Sahara; Report by the Secretary-General of 19 January 1996.

However, in reality MINURSO has been a silent witness to blatant human rights violations in Western Sahara, and has failed to ensure the protection of the most basic human rights. At the very time when MINURSO is present to oversee the preparation for a referendum to determine the future of Western Sahara, hundreds of Sahrawis who have or are alleged to have participated in pro-independence gatherings or demonstrations, have been arrested by Moroccan security forces, held in secret detention for weeks and months, and some were tried by a military court and imprisoned for the peaceful expression of their opinions. Widespread allegations of torture and ill-treatment have not been investigated. Some Sahrawis have been forcibly expelled from Western Sahara into Morocco, and others still were arrested and imprisoned for attempting to leave Western Sahara or Morocco to seek refuge elsewhere.

Amnesty International is now calling on the UN to take the necessary steps to ensure that the existing human rights safeguards in MINURSO's mandate be respected, and to widen MINURSO's mandate to include concrete provision for on-site monitoring of the human rights situation, investigating allegations of human rights violations, and reporting of the findings.

CONTINUING HUMAN RIGHTS VIOLATIONS IN WESTERN SAHARA

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...”¹⁸

In the past five years hundreds of people have been arrested by Moroccan security forces in Western Sahara for their known or suspected pro-independence activities or opinions. Many of those arrested have been held in secret detention for weeks and months without access to their families, in the course of which they were allegedly tortured and ill-treated. The vast majority of those arrested were held in secret detention without any judicial process, and some, arrested following pro-independence gatherings or demonstrations, were accused of threatening the external security of the state and the territorial integrity of Morocco, and were sentenced to up to 20 years' imprisonment by the Moroccan Military Court.

In October 1992, scores (hundreds according to some reports) of people were arrested in various towns in Western Sahara following pro-independence demonstrations. Among those arrested were four youths, Kelthoum Ahmed Labid El-Ouanat, a 21-year-old woman from Smara, Brahim Jouda, Baricallah El-Bar, and Mohamed Bennou. Two others, Salek Bazid, and Ali El-Gharabi, were arrested on 16 May 1993. All six of them were held in secret detention without access to their families or to the outside world until 29 July 1993, when they were brought to trial before the Military Court in Rabat, Morocco. Before the trial, which took place *in camera*, they had not been allowed access to lawyers. Moroccan lawyers who had intended

¹⁸ International Covenant on Civil and Political Rights (ICCPR); Art. 7.

to observe the trial were unable to find out when the trial was going to take place. All of them were accused of threatening the external security of the state, and the first four were also accused of burning other people's property. They denied the charges and stated in court that they had been forced to sign the police statements after they had been tortured, but their complaints were disregarded by the court. In a testimony smuggled out from the military prison in 1995, Kelthoum Ahmed Labid El-Ouanat stated that after arrest she was subjected to sexual abuse, torture and beatings. All six were sentenced to 20 years' imprisonment. After the trial they were transferred to Ben Sergaou military prison, near Agadir in South Morocco, and were again detained incommunicado until November 1993, when they received the first visit from their families. Amnesty International considers them prisoners of conscience and calls for their immediate and unconditional release.

In October 1992 Amnesty International contacted MINURSO's offices in Laayoune and Smara seeking information about reports of arrests following the demonstrations. MINURSO officials told Amnesty International that they were not aware of any demonstrations or arrests in Western Sahara, and that if such incidents had occurred MINURSO would know about it. However, at around the same time the Moroccan authorities publicly confirmed that arrests had followed demonstrations in various town in Western Sahara, but made no mention of property burned in connection with the demonstrations. The report of the UN Secretary-General of January 1993¹⁹ also mentions that demonstrations had been reported.

On 11 May 1995, eight youths, Ahmed El-Kouri, Nebt Ramdane Bouchraya, Arbi Brahim Baba, Cheykhathou Bouh, M'Rabih Rabou Neysan, Abdelhay Lekhal, Mahfoud Brahim Dahou and Salama Ahmed Lembarki, all aged between 18 and 20 years, were arrested and accused of having taken part in a peaceful pro-independence demonstration in Laayoune. They were held incommunicado in secret detention for over five weeks, during which they were allegedly tortured and ill-treated. They were tried by the Rabat Military Court on 21 June 1995 on charges of threatening the external security and territorial integrity of Morocco. In court the youths denied having organized or participated in the demonstration, and stated that they had been forced to sign confessions under torture, including electric shocks, but their complaints were not investigated. Their confessions stated that they had prepared and carried Polisario flags, organized and participated in the gathering and chanted pro-independence slogans. They were convicted of the above-mentioned charges and were given prison sentences varying between 15 and 20 years.

This was the first trial, of the few cases where Sahrawis who have been arrested were actually brought to trial, which was attended by observers from Moroccan human rights organizations. The observers criticized the trial, which was not public, as violating international standards for fair trial. On 9 July 1995, on the occasion of King Hassan II's birthday and of

¹⁹UN document S/25170; The situation concerning Western Sahara; Report by the Secretary-General of 26 January 1993.

Youth Day, their sentences were reduced to one year's imprisonment by royal pardon. Amnesty International welcomed the reduction of their sentences, but continues to call for their immediate and unconditional release as prisoners of conscience.

The arrest, detention and imprisonment of individuals for their alleged or confirmed participation in peaceful pro-independence or political opposition activities are flagrant violations of international human rights treaties ratified by Morocco. Such practices were common in Morocco in the 1970s and 1980s, when hundreds of known or suspected political opposition activists were arrested on charges of threatening state security and sentenced to up to life imprisonment, or even to death. After years of campaigning against these and other violations by both Moroccan and international human rights organizations, whose concerns were often raised by Moroccan opposition political parties, trade unions, media and others, significant improvements began to take place in the human rights situation in Morocco. Amnesty International has welcomed the positive developments which have taken place in the human rights situation in Morocco, including the release of "disappeared", prisoners of conscience and political prisoners convicted after unfair trials, the commutation of death sentences, and changes in the laws which have provided human rights safeguards.

In Western Sahara however, campaigning against "disappearances" and other human rights violations continues to be virtually impossible given the ongoing pattern of violations, restrictions and intimidation by the Moroccan security forces. Neither Moroccan nor international human rights organizations and media have been able to carry out research and raise issues relating to human rights and freedom of expression, association or political activity in Western Sahara. In September 1991, for example, Bella Ma' El Ainain, a Sahrawi who worked in a bank in Agadir, was arrested for faxing an article by a Swiss journalist about Western Sahara. He was held in secret detention for over four months, during which he was allegedly tortured and ill-treated, and was released in January 1992.

Sahrawis are subjected to severe restrictions on their freedom of movement, including arbitrary house arrest and confinement to their village or town. Most Sahrawis, especially youths, are unable to obtain passports to travel outside Morocco, and many have been arrested by Moroccan security forces when attempting to cross the border from Western Sahara or Morocco into neighbouring countries. Those arrested and imprisoned on such grounds include four youths who were sentenced to five years' imprisonment in October 1993.

Of the hundreds of people arrested in Western Sahara in the past five years, the vast majority were never charged or afforded due legal process; they were held in unacknowledged detention for weeks and months without access to their families or to the outside world and were subsequently released without charge. Such arrests are said to have often taken place after pro-Polisario and pro-independence leaflets and Polisario flags were distributed. However, in the absence of legal proceedings the reasons for their detention remain unclear.

In the past five years, Amnesty International has contacted the Moroccan authorities on numerous occasions seeking information on the whereabouts and legal status of individuals reported to have been arrested and held in unacknowledged detention, but received no information from the authorities. In many of these cases the organization was able to confirm the release of these detainees, often after months of secret detention, but the Moroccan authorities have not provided any details concerning these detentions.

The pattern of human rights violations in Western Sahara clearly shows that the measures taken by the Moroccan authorities to improve the human rights situation in Morocco have not been extended to Western Sahara. Even though prisoners of conscience have continued to be arrested and imprisoned in Morocco, those arrested in the past three years in connection with demonstrations or labour strikes were released within weeks or months. In the same period in Western Sahara, civilians accused of having organized or participated in gatherings or demonstrations were tried by the Military Court and sentenced to up to 20 years' imprisonment on charges of threatening the external security of the state, and detained in a military prison, a practice which according to Amnesty International's information, is used only in Western Sahara. The practice of holding those arrested in prolonged secret detention, which is now rarely reported in Morocco remains routine in Western Sahara.

The Moroccan Government's solemn obligation to respect the international human rights treaties it has signed and ratified, including the ICCPR and the Convention against Torture, also applies to its conduct in Western Sahara. The UN presence in Western Sahara (MINURSO) should contribute to promoting respect for Morocco's human rights treaty obligations. As a standard bearer of its own standards, the UN cannot be a silent observer to violations of human rights treaties to which Morocco is a state party.

HUMAN RIGHTS ABUSES BY THE POLISARIO AUTHORITIES IN THE REFUGEE CAMPS IN SOUTHERN ALGERIA

Since 1981 Amnesty International has also expressed concern about human abuses committed in the refugee camps under the responsibility of the Polisario authorities in the area of Tindouf, in southern Algeria.

Human rights abuses in the refugee camps were reported to have been widespread up to 1988, and included prolonged arbitrary detention, torture and deliberate and arbitrary killings of known or suspected opponents of the Polisario Front.

Scores of people were detained and accused of plotting against the Polisario authorities on behalf of enemy countries, especially in the 1970s and early 1980s. Many of those who had been arbitrarily detained for up to several years were released after widespread protests in 1988

about the political repression in the camps. Detainees were often tortured and ill-treated and were not allowed contact with their families. Although the human rights situation in the camps is said to have improved after the 1988 events, Amnesty International has received reports of human rights abuses, including torture and ill-treatment of detainees, up to 1992. Those detained in the late 1980s include Khalif Laroussi Zaougai, who was detained in 1987 upon arrival in the camps, and Salama Khbaou, who was detained at the end of 1989, three months after he had arrived in the camps. They were both reportedly detained until mid-1991.

Some detainees died in custody, reportedly as a result of torture and ill-treatment. Among them was El Mehdi Othman Souayah, who was reported to have been detained in 1976 and to have died in detention in late 1977, and Mohamed Moussaould Mokhtar, who was reported to have been detained at the beginning of 1983 and to have died in custody in subsequent years.

To date the Polisario authorities have failed to provide any specific information about detentions, torture and ill-treatment and deaths in custody. Since the early 1990s, the Polisario authorities have acknowledged that human rights abuses had taken place in the past. They have stated that all victims of human rights abuses are granted the same recognition as victims of war and are entitled to the same reparation, and that steps have been taken to prevent human rights abuses from recurring. In response to some of the specific cases raised by Amnesty International the Polisario authorities have stated that the individuals concerned had never been detained, and that others had died in combat or as a result of illness. They have not, however, provided full details of these cases or of other cases of victims of human rights abuses, or of any concrete steps taken to investigate such abuses and to ensure that they do not recur.

Some former Polisario figures who held positions of responsibility in the Polisario security apparatus, and who are alleged to have been responsible for human rights abuses in the refugee camps administered by the Polisario authorities in the south of Algeria, have since left the camps and are now in Morocco. Under the Convention against Torture, Morocco has an obligation to investigate anyone suspected of committing torture in Morocco or in another country, and, if enough evidence is found, to arrest and prosecute them or extradite them to another country. However, to date the Moroccan authorities are not known to have taken any steps to bring these individuals to justice.

Despite assurances from the Polisario authorities, it is not clear what measures have been taken to ensure the removal from positions of responsibility of any other individuals who were responsible for committing human rights abuses and who are still in the refugee camps. Such measures are necessary to ensure that human rights abuses do not recur.

CONCLUSIONS AND RECOMMENDATIONS

For two decades serious human rights violations have been committed in Western Sahara. The release of hundreds of “disappeared” in 1991 was a positive development. However, the hope that further measures would be taken to address past violations and to improve the human rights situation in Western Sahara has not materialized, and there remain serious concerns about both past and current violations. The Moroccan authorities must take the necessary step to address these concerns without delay.

The fact that serious human rights violations have continued in the past five years despite the presence of MINURSO in Western Sahara clearly shows the need for the UN to take concrete and urgent measures to address the human rights situation in order to ensure that MINURSO does not remain a silent witness to human rights violations.

Measures must be taken by the Polisario authorities to address outstanding concerns about past human rights abuses committed in the Sahrawi refugee camps in Algeria.

Amnesty International calls on the Moroccan authorities to:

- Immediately and unconditionally release all prisoners of conscience and ensure that no one is detained for exercising his or her right to freedom of expression and association.
- Clarify the fate of all those who remain “disappeared”, and to this end cooperate fully with the UN WGEID.
- Ensure full implementation of the UN Declaration on Disappearances and other international human rights standards which include provisions for preventing “disappearances”.
- Carry out full, independent and impartial investigations into past “disappearances” and bring to justice those responsible.
- Provide fair and adequate redress to all victims of “disappearance, including financial compensation and, where appropriate, medical care and rehabilitation.
- Notify the families of all the “disappeared” who died in secret detention and give them compensation.
- Put an end to the practice of secret detention. Take the necessary measures to ensure that all those arrested are held in a recognized place of detention, with full access to their families, legal counsel and medical care if necessary, and that effective judicial

remedies are available to enable relatives and lawyers to find out immediately where the detainees are held to ensure their safety.

- Ensure that trials comply with internationally recognized standards for fair trial, including Article 14 of the ICCPR, to which Morocco is a state party.

Amnesty International urges the United Nations to:

- Take the necessary measures to ensure that the human rights safeguards included in the Implementation Plan are respected, and that MINURSO has full and free access to all parts of Western Sahara and to all individuals.
- Widen the mandate of MINURSO to include on-site monitoring of the human rights situation, investigating allegations of human rights violations and taking the appropriate measures to stop and prevent human rights violations.
- Ensure that all international field personnel, including those engaged in military and civilian operations, should report through explicit and proper channels any human rights violations they may witness or serious allegations they receive. The UN should take appropriate steps, including preventive measures, to address any violations reported.
- Ensure that the UN civilian police is deployed fully and enabled to carry out its tasks according to the Implementation Plan, and that its mandate be widened to include human rights monitoring and investigations of human rights violations. CIVPOL should monitor, supervise and train national police and security forces and verify their adherence to international human rights and criminal justice standards. Police monitors should cooperate fully with any human rights component or mechanisms and should themselves be trained in and fully respect international human rights and criminal justice standards at all times. There should be full public report of their activities.
- Include full details of the human rights situation, of investigations carried out into allegations of human rights violations, and of any measures taken to address human rights concerns in all UN reports on Western Sahara and on MINURSO's operations.

Amnesty International calls on the Polisario authorities to:

- Take the necessary measures to ensure that no one is arbitrarily detained, tortured or ill-treated in the camps administered by the Polisario authorities.
- Provide full details of any investigations carried out into past human rights abuses and of the measures taken to address these outstanding concerns and to prevent such abuses from recurring.
- Ensure that anyone suspected of having been responsible for human rights abuses is removed from positions of authority or from duties which bring them into contact with detainees or others at risk of abuse.