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Being imprisoned and forced into keeping silence at all times, we would use a thread from our *melhfás* (Sahrawi women's hijabs) to write our names, identify ourselves and communicate with each other ...

Testimonial drawing. Alonso Gil.

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- *Asociación de Familiares de los Presos y Desaparecidos Saharauis* (The Association of Families of Saharawi Prisoners and Disappeared Persons - AFAPREDESA).
- *Asociación Saharaui de Víctimas de violaciones graves de Derechos Humanos* (The Sahrawi Association of Victims of Grave Human Rights Violations - ASVDH).
- *Colectivo de Defensores de Derechos Humanos Saharauis* (The Saharawi Human Rights Defenders Group - CODESA).

We wish to thank each of the people interviewed, for their availability and the confidence with which they have shared their stories and sufferings, their resistance to horror, and their hope.

This report is dedicated to all victims of human rights violations in the Western Sahara. To those who have shared their testimonies and courage to tell their stories in an environment of control, fear and forgetfulness. To all those victims it has not been possible to reach in this study, but whose experience is also reflected in these pages. To those who are gone, who died in the bombings or secret detention centres, which were left behind in the mass graves and to the disappeared, whose names and stories we have seen in the story of their relatives and witnesses, to those who do not even have a name and who are a part of this process and of the significance of this shared memory.

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Volume I



## **Foreword**

### **The rights of the Sahrawi people**

I have been following the destiny of the Sahrawi people for many years now, together with their struggles and hopes, and their need to achieve the right to self-determination and sovereignty. I have joined the campaign to claim for their rights, to have their human rights respected and for the right to self-determination.

I am glad that a friend, Dr. Carlos M. Beristain, has taken up the challenge of researching the serious situation experienced by the Sahrawi people, which has now been silenced and marginalized by governments that have alliances with Morocco, like the U.S. and France. These governments now intend to ignore the human rights violations and the rights of the Sahrawi people, and then share their efforts in maintaining the silence reference to the disappeared, arbitrary detention and persecution. In so doing, they are avoiding a fair solution of the conflict.

One cannot talk of reconciliation without the right to truth and justice, without restoring the rule of law and overcoming the exile of the marginalized people living in the refugee camps, who are over half of the Sahrawi people. It is not possible to reach a situation of reconciliation with impunity for the crimes committed.

Our experience in Argentina and Latin America has shown that the right path is to build spaces for social participation while strengthening the rule of law previously violated by governments. Social participation is essential. Peoples should enforce the Declarations, Covenants and Protocols governments have signed and ratified and which they are under the obligation of assuming in full.

Violence against Sahrawi women has been enormous; they have suffered disappearances, torture, murder, prison and rape. Many women have undertaken with courage to sustain their communities and protect their families while taking part in a non-violent resistance. Some of them have given their lives to give life. Their strength is similar to that of women in Latin America who took up non-violent resistance against military dictatorships. But the right to truth and justice does not only pertain to direct victims, it pertains to society as a whole and society requires that the damage is repaired and that steps are taken so this never happens again.

The United Nations must anticipate an effective mandate for MINURSO to verify the human rights situation. Likewise, the UN must assume their responsibility before the region by sending fact-finding missions on the situation of the Sahrawi people. It is urgent to set up a Truth Commission and verify the situation of civil and political rights. It is likewise urgent to research on the situation of children and women, sexual violence and the bombing of civilians, torture and other aberrant practices against the population. But it is also urgent to develop exchange programs between the population in the Western Sahara

and that in the refugee camps in Tindouf, laying bridges that can unite a divided people. Independent organizations can help, through international cooperation and humanitarian aid agencies, to strengthen the observance of human rights and the rights of the peoples.

An important step in the realization of Human Rights and the Rights of Peoples, is that the international community reacts and assumes responsibility in finding ways to resolve a conflict that has led to such long years of suffering, death and desolation for a people who is resisting in the hope of being able to exercise their rights, including the right to self-determination and sovereignty.

We must not forget the old saying: “it is always darkest before dawn”. Now is the dawn of life and hope.

**Adolfo Pérez Esquivel**

Nobel Peace Prize.

Buenos Aires, 20<sup>th</sup> November 2012.



## Presentation

The report you have in your hands has been written with hundreds of shared testimonies. It is part of the historical memory of a nomadic people, with an oral culture, whose territory has been expropriated by a military occupation that has lasted for 37 years now. This is the territory of its history, which is part of their claims. These are the voices of the victims of massive human rights violations that have not been listened to. The Western Sahara is one of the world's forgotten conflicts, forsaken of international interest, and left to the evolution of an eternal and asymmetric negotiation, abandoned to fatigue and frustration, and to the weight of the *faits accomplis* that crush people's lives.

The story that is told in these pages has remained in the hearts and experiences of many Sahrawi victims over the years, often because of the inability to put such horror into words. In other cases, because it is considered part of the common history that so many of them have shared. This is not the history of the negotiations between the Polisario Front and the Kingdom of Morocco, or of the abandonment by Spain, or of the international interests at stake, although this was the result of it all. This is the story of a people who have suffered the consequences of violence and the impact of political persecution whenever they have claimed for peaceful self-determination or whenever they have questioned the status quo.

It is also a story that has been hidden away, of which the truth has not been told. Every time we interviewed one of the victims, we had to overcome the feeling of impotence of wondering whether this might be of any real use, whether anyone will listen, whether we could do anything about so much grief and suffering, as well as the impotence felt before so much life striving to be lived. This report is about a truth that is not subjected to political interest; this report analyzes the facts, impacts, responsibilities and consequences in people's lives. This is a dimension of the injustice of violence and of the reasons of those who claim for their rights while these are violated yet again in the process. Social polarization, imposition or the attempts to apply different counterinsurgency strategies to the political conflict have turned many people's lives in the Western Sahara into an objective of violence.

To make this report, interviews were made of 261 victims of serious human rights violations, such as bombings, looting, and temporary disappearances of political prisoners that lasted for years in a unique instance in the recent international experience. The report also covers disappearances lasting to the present day, arbitrary detention, torture, sexual violence, excessive use of force against protesters. Almost all these human rights violations have one thing in common: they were the result of claiming the right to self-determination. All of this has happened for many years within the well-known logic of counterinsurgency consisting of removing the water from the fish. Later on, after the signing of the ceasefire in 1991, the claim for self determination has been criminalised as part of that

same logic. The human rights violations described here were perpetrated by members of the military and security forces of the State of Morocco, the vast majority of which were committed against the civilian population. Those human rights violations have followed cycles of violence with a collective dimension that has affected many people and families that were turned into victims. They were committed following a carefully planned modus operandi and with the coordinated deployment of a variety of security forces. The Western Sahara has thus become a territory of exclusion for its own people.

The report is divided into two volumes. Volume I includes an introduction and an overview of the conflict from the perspective of human rights, together with a description of the methodology followed in this research. This is followed by an analysis of how fear and isolation have characterised the relationship with the authorities, the social climate and the people's ability to claim their rights. After that, an analysis is made of a number of emblematic cases of violence against people from 1975/1976 to the present. A chapter is devoted to the bombings of Um Dreiga and other bombings, a war crime in which the civilian population was bombed in February 1976 and which, in practice, marked the beginning of the experience of the refugee camps in the Algerian desert that lasts until the present day. The report then includes cases of forced disappearances, prisoners of war, the use of torture in clandestine centres and arbitrary detention, the only collective case of arbitrary detention at the time. Also analysed is the last case of a mass disappearances in 1987 when a UN/OAU mission was about to visit Laayoune and a group of people were preparing a peaceful demonstration.

The part of the report covering the last decade includes the case of the 2005 Sahrawi Intifada, i.e. the mobilization by means of street demonstrations to oppose the Moroccan autonomy plan which was followed by a strong repression, but which also unveiled the conflict from the side of the Western Sahara of which there had been little knowledge until then, even though there had been a UN mission, MINURSO, in place in the territory since 1991. The report also records the case of Aminatou Haidar, her expulsion, hunger strike and return in 2009, as a metaphor of the exclusion of the Sahrawi people's own identity and of the persistence that drives social change based on a strategy of non-violence.

The penultimate chapter includes the case of the Gdeim Izik camp, which was an opportunity to claim the social and economic rights of an important part of the Sahrawi population and a sample of their organizational skills and self-determination in a precarious context. That experience was violently dismantled by the Moroccan authorities when a negotiated solution was about to be reached. This generated a backlash described by human rights organizations as "extreme anger", especially by young Sahrawis, and this triggered a massive repressive pressure with hundreds of arrests. Finally, as a conclusion, there is a description of the modus operandi of human rights violations and the mechanisms that made them possible. Dismantling the mechanisms of violence is a central issue within a prevention strategy that should be taken into account in this conflict.

Volume II describes the consequences of the human rights violations suffered by the Sahrawis. That impact must not be considered as mere statistics of suffering. Victims de-

scribed their grief and suffering, the consequences of stigmatisation and harassment, the psychological impact that has a dimension of collective suffering and trauma. The consequences in the families are also addressed. Almost all Sahrawi families have been affected by violence. Being a relative of a member of the Polisario Front or having relatives in the Tindouf refugee camps was often the cause for questioning, persecution or torture. Families have been divided since 1976, with an added suffering and stress because of the forcible separation.

The consequences and impact on women are covered from their own testimonies and stories, which have not often been told. Many women had been made to forcibly disappear for years while other women sustained both life and resistance in the refugee camps. Women have had to face consequences in their families, as well as the impact of the forced disappearance of their loved ones, and they have had to assume the education and the survival of their families in a context of insecurity and control. Human rights violations have had a great impact on their health, their sexuality, on motherhood and they have also constituted an attack on their dignity. Sexual violence against women and against men is discussed in another chapter as a specific form of torture.

The consequences on the children from three generations are also discussed in this volume. The conflict in the Western Sahara has always been seen as a problem for adults, but many children were also victims of the bombings, many died in the refugee camps as a result of a measles epidemic or malnutrition. Others were detained and disappeared for years or have disappeared even up to the present day. In the Western Sahara, the consequences of all this in childhood have continued from one generation to the next, especially when children or young people have participated in demonstrations, have been arbitrarily detained, ill-treated and tortured, or were arrested as they fled into the desert or when attempting to cross the wall to go to the refugee camps. The impacts on their education and marginalisation have been obvious, but they have continued exerting their influence as part of the hidden story of the consequences in childhood. An approach focusing on the rights of the child has to be taken into account.

Victims of human rights violations are not passive. As part of that individual and collective experience, this report covers the ways in which the victims and survivors have faced the consequences of human rights violations and violence. While the conditions were inhumane and hundreds of them died in secret detention centres, many also survived by getting organized, by being conscious of their cause or religion, with theatre, storytelling and creativity that seeped through the cracks in the walls and reaffirming life in the midst of the horror. Hunger strikes by prisoners, social mobilization, the defence of human rights, together with the construction of a collective memory, are all part of the mechanisms that have helped them resist. And that strength is an example for all.

Finally the second volume of this report addresses the demands for truth, justice and reparation in the context of the Western Sahara and the refugee camps. So far, the situation of refugees has been considered more as a political matter or a matter of humanitarian aid, but it has not been considered as a human rights issue. The conflict in the Western Sa-

hara has been discussed in a more comprehensive manner in terms of mechanisms of the so-called transitional justice, i.e. how truth, justice and reparation can become a central element for the reconstruction of the social fabric, of political participation and forms of organization of the Saharawi society.

The report also addresses the international standards on this matter and the response provided by Morocco which has focused primarily on awarding compensation to Saharawi victims living in the Western Sahara, while many others have been excluded. A study is made of the institutional mechanisms like the IER, as from its response to specific cases and not on official speeches. We have analyzed the perceptions and expectations of the victims, as well as the opportunities and challenges in the Western Sahara in terms of research into truth, recognition, the search for the disappeared, exhumations, justice, health care, the return and restitution. We have also studied the assessment of the victims on the right to self-determination as part of the measures of reparation and prevention of human rights violations they continue to suffer. Finally, some conclusions for a conflict transformation agenda are proposed, together with the human rights issues that should be addressed in negotiation scenarios in the case of the Western Sahara.

The annexes of this report contain the results of a quantitative analysis of the testimonies, the international legal framework from which these violations are analyzed, as well as a summary of each of the cases analyzed. Such cases also serve the purpose of being tokens of recognition and memory for the victims who have had the courage to share their experiences, even in a scenario of fear and control. Their names, their stories, are something that victims contribute to this process so that the collective experience can be heard despite the risk to their safety. We hope that the Moroccan authorities will respect this. This is not a story against anyone. It is a story that must be heard and taken into account in the search for political solutions to the conflict, in the governance of the region and in terms of respect for human rights in the Maghreb. It is also part of a broader collective memory that has yet to be researched, written and disseminated so as to transform life as it is at present.

The conflict in the Western Sahara should be a tremendous shock for universal conscience in terms of human rights. The parties to the conflict must take into account these issues and address them as required by the victims of gross violations of human rights that are an offence for shared humanity. The value of this work lies in the strength and veracity of the testimonies of the victims. Our heartfelt thanks to them for making it possible.

## Abbreviations

UNHCR	United Nations High Commissioner for Refugees
AFAPREDESA	<i>Asociación de Familiares de los Presos y Desaparecidos Saharauis</i> – Association of Relatives of Sahrawi Prisoners and Disappeared People
ASVDH	<i>Asociación Saharawi de Víctimas de violaciones graves de Derechos Humanos</i> - Association of Sahrawi Victims of Grave Human Rights Violations
ICRC	International Committee of the Red Cross
CODAPSO	<i>Comité de Defensa del derecho de Autodeterminación del Pueblo del Sáhara Occidental</i> – Western Sahara People’s Committee for the Defence of the Right to Self-Determination
CODESA	<i>Colectivo de Defensores de Derechos Humanos Saharauis</i> – Sahrawi Human Rights Defenders Group
IAC	Independent Arbitration Committee
POLISARIO Front	Front for the Liberation of Saguia el-Hamra and Río de Oro
IER	<i>Instance Equité et Réconciliation</i> – Equity and Reconciliation Commission
MINURSO	<i>Misión de Naciones Unidas para el Referéndum en el Sáhara Occidental</i> - United Nations Mission for the Referendum in Western Sahara
UNMS	<i>Unión Nacional de Mujeres Saharauis</i> - National Union of Sahrawi Women





## **Research methodology**

### **Researching on human rights violations and the experience of the victims in the Western Sahara**

This study on human rights violations suffered by Sahrawi victims from 1975 to the present is based on the research methodology developed by various Historical Memory projects and Truth Commissions throughout the world.

We have analyzed the replies of 261 victims of human rights violations, both direct victims who survived these events, and relatives of disappeared victims.

#### **Number and type of testimonies**

51% were male and 49% female, with an average age of 51, the youngest being 19 years old and the oldest 91. With respect to the level of exposure to violence, 19.5% were relatives of disappeared people, while 79.5% were direct victims of bombings, demonstrations or people detained or temporarily made to disappear, who survived. It is necessary to take into account that 23.3% of the direct victims state that they have relatives who have also been victims of violence. In two out of every ten victims, there was more than one case of forced disappearance in the family.

Most of the indirect victims or relatives who participated in the survey are living in the refugee camps (64%) and most of them are women (60% vs. 40% of men who participated as relatives of victims). On the other hand, 36% of the relatives of victims are living in the Western Sahara. Such data are important because the victims in the refugee camps have had no recognition of the human rights violations they have suffered or access to the necessary information or formalities for that purpose. Meanwhile, the proportion of direct victims residing in Western Sahara (57.3%) is higher than that in the refugee camps (42.7%) and among them there is a higher proportion of men (53.1%) than women (46.7%).

Most respondents refer to human rights violations that took place between 1975 and 1979 (61%), 11% in the 1980s, 4% between 1990 and 1999 and 24% after 2000. It is important to note that in 1991 most of the disappeared who had remained in secret detention centres since the 1970s were released, and in the following two years there was still a considerable amount of cases of disappeared until 1993. In 1996, a group of Sahrawi prisoners of war who had been under detention were released and there were many arbitrary arrests, especially during periods of Sahrawi demonstrations such as in 2005 or 2010. One out of every four victims interviewed referred to human rights violations committed after 1993.

## Human Rights Violations

93% reported having suffered attempted violations of the right to life, including mostly enforced disappearances, temporary disappearances, bombings and torture. 59.5% were victims of arbitrary detentions and enforced disappearances. Of these, 70% were direct victims who suffered arbitrary detention or temporary disappearances and were subsequently released, while 30% were indirect victims or relatives of those who have disappeared to this day. Also, of the total respondents 54.2% reported physical torture, 47.3% reported forced displacement and 45.8% psychological torture. A third of those respondents (33.6%) reported destruction of property, 28.6% were subjected to monitoring and surveillance and 24.8% of the sample was subjected to bombing, i.e. one in four respondents. On the other hand, 23% reported sexual practices in the context of arbitrary detention and temporary disappearances in secret detention centres, one in five (21.4%) were subjected to threats and a similar proportion of 19.5% endured physical abuse, especially beatings, during demonstrations or in flight. These data indicate the serious character of human rights violations perpetrated against the civilian population, as well the existence of several human rights violations in each of the cases of the victims interviewed.

Each person referred to between 1 and 11 types of human rights violations they had suffered personally, with an average (A) of 4.6 such violations per person. There were signs of multiple traumatisations experienced by victims. The population of the Western Sahara referred to a greater number of violations accumulated compared to the population that had fled to the refugee camps (A = 5.02 vs. A = 4.11) and the number of human rights violations is higher among direct victims compared to relatives (A = 5 vs. A = 3.5). In the refugee camps, the victims suffered more bombings, plunder and forced displacement. Direct victims in the Western Sahara sometimes went through several spells of detention, as well as physical abuse, torture, threats or unlawful entry in their homes.

Bombings, destruction of property and forced displacement (factor 1) are a type of human rights violations reported by significantly more people living in the refugee camps and by women. On the other hand, torture, threats and surveillance (factor 2) is a typology that is more characteristic and repressive for men, and for the population residing in the Western Sahara and who has suffered direct violence compared with indirect victims or relatives. Unlawful entries and seizures (factor 4) are more quoted among the Sahrawi population than by the people living in the refugee camps, as they correspond to human rights violations that are more prevalent today. These data show the pattern of human rights violations that exists in the Western Sahara, as compared to that experienced by the victims who are now in the refugee camps. On the other hand, the population residing in the refugee camps makes significantly more reference to forced displacement, bombings and destruction of property, which have been serious violations of human rights suffered in the past or as part of their exile. The rest of human rights violations did not show significant differences.

Human Rights Violations: factor structure				
Bombings	Torture, monitoring and threats	Forced disappearance and violations of the right to life	Seizures and unlawful entry	Executions
Bombings	Monitoring and surveillance	Violation of the right to life	Seizures	Extrajudicial executions
Destruction of property	Threats	Forced disappearance	Unlawful entry	Collective extrajudicial execution (slaughter)
Forced Displacement	Physical Torture	Physical abuse		
	Psychological Torture			
	Sexual Violence			
56.3%	59.0%	94.3%	10.0%	3.8%

## Selection, access to victims and interviews

Every effort was made to have a qualitatively representative sample of the various forms of human rights violations suffered by the Sahrawi people from late 1975 to the present. The available contacts of some victims with others, or contacts with support organisations, were used. Interviews lasted between one and four hours and were carried out by systematically following a semistructured interview guide. Victims were contacted and consulted through Sahrawi human rights organisations and by means of certain contacts provided by the HEGOIA Institute in the University of the Basque Country. The interviews were carried out as near as possible from the places of residence of the victims so as to be able to understand the context in which they live or in which the human rights violations take place. People showed up voluntarily for the interviews, after explaining to them the significance of the project. A few people requested to have their names treated confidentially because they were afraid of possible consequences.

## Researched period

The choice of the starting date has to do with the beginning of the Moroccan occupation, and the Mauritanian invasion as from November 1975, which is a significant landmark in the life of the Sahrawi people. This date marks the beginning of the exodus and of the massive human rights violations perpetrated against the civilian population, as well as the formal beginning of hostilities between the Moroccan regime and the POLISARIO Front. The final date of the study is marked by the events in the Gdeim Izik camp in 2010 and certain human rights violations that took place after that within the framework of the arrests that were made in that case.

## **Representation, human rights violations typology**

The testimonies of 261 victims were gathered, which was far above the standards for this type of studies and the number initially foreseen. The research team made a tremendous effort given the considerable difficulties to carry out a study of these characteristics in a people divided in two zones with extremely different geographical, social, political and security characteristics. On one hand, there is the context of fragmentation in the Tindouf refugee camps; and on the other hand there is the context of control and militarisation in the Western Sahara. The search for testimonies was carried out focussing on having a minimum sample of testimonies from the various periods of violence or concrete violent events. Such periods were initially established after consulting previous research carried out as well as key witnesses in order to better define the scope and possibilities of the research.

## **Case studies**

It is necessary to bear in mind that although human rights violations have continuously been taking place with the passage of time, they have also followed certain patterns and distribution in different periods and cycles of violence. For this reason, for one part of the report, it was necessary to establish a methodology of cases that represent tendencies in human rights violations which took place during a certain period. Such human rights violations in the Western Sahara, are collective in character, and this can be seen in all of these cases and in their distribution in time. In each of the cases, a sufficiently significant group was interviewed so as to avoid the partiality of research focusing on a few testimonies or opinions from individual people. Research focused on information on which there was consensus or on that with the highest degree of consistency. Also, considerable emphasis was placed on documenting cases which have been scarcely researched but which have considerable relevance because of their seriousness or the situation of the victims, as in the case of the Um Dreiga bombing, with 42 testimonies from key victims and witnesses.

## **Revision of secondary sources**

Secondary sources of various kinds were consulted, among them, documents and reports issued by various international intergovernmental institutions (United Nations, the European Union and the Council of Europe, among others) and by NGOs (Amnesty International, Human Rights Watch, the International Federation of Human Rights or the International Centre for Transitional Justice); both Sahrawi Human Rights associations (the Sahrawi Human Rights Defenders Group CODESA, the Association of Sahrawi Victims of Grave Human Rights Violations committed by the Moroccan State ASVDH, the Association of Relatives of Sahrawi Prisoners and Disappeared People AFAPREDESA) and those from Spain and Morocco (report by the Human Rights Advisory Council on the IER Equity and Reconciliation Commission in 2010, as well as the IER Report published in 2006); and by the academic field.

## Testimonies and primary sources

In contexts such as that of the Western Sahara in which secondary sources are fragmentary and the conditions of access, isolation and security are very limited, global or longitudinal reports on the evolution of human rights violations have not been widely used. In this sense, direct access to primary sources and to the experience of victims is a determining factor. Therefore, the gathering of testimonies has considerable value because it allows us to accede to victims and recover a part of their experiences, while generating a context of dialogue and participatory research in which such memories become a central element. Although several victims had contributed information on what had happened to international or Sahrawi organisations or to the very IER set up by Morocco, many of them had not spoken about what had happened for several decades especially in the cases of relatives of disappeared people and of the population in the Western Sahara.

Testimonies were obtained by means of interviews carried out during one complete year of field work. The interviews were structured in three parts with the following purposes:

1. To determine the existence and characteristics of the events, the type of human rights violations which the victim had been subjected to.
2. To explore the consequences of what happened, on the victims' lives, both on the personal and family levels, but also to determine whether what happened had had any collective impact.
3. To analyse the response by the Moroccan state as well as the victims' demands in terms of prevention, truth, justice and reparation.

The structure of the interview also pretended to minimise some of the risks previously analysed in the case of the Western Sahara: the existence of excessively generic testimonies, with little or no methodology, freely following the victim's discourse; and, on the other hand, to avoid politically influencing the situation so as to focus attention on human rights violations.

The 261 interviews were transcribed, translated when necessary from *Hassania* or French to Spanish and, thereafter, codified both quantitatively with *PASW Statistics* and qualitatively by means of the *Atlas ti* program.

## Training of the interviewing teams

Before elaborating the interviews, training was provided for teams in terms of case and testimony documentation, including practical sessions of testimony gathering, participation in case discussion and testimony supervision. All the materials produced were translated to Arabic in order to support the interview process and to make it available for use as material for human rights-related work.

## **Support from local organisations**

Before carrying out the interviews, contact was made with the AFAPREDESA, ASVDH and CODESA local organisations in order to assess the viability of each of the tasks to be carried out. After that, the visits to the different zones were planned out. Although the research was carried out by an independent team, it was necessary to establish relations of trust and coordination with Sahrawi organisations in order to carry out the task both professionally and in a trustworthy manner. Besides, this process was directed towards supporting local capacities in order to improve, in as much as possible, their work in the defence of human rights, especially in terms of case documentation and attitudes towards victims.

## **Aspects that were taken into account during the research**

During the research process, there were several aspects that had their repercussion in the pace at which the work was carried out. A few of these aspects are analysed below:

- Differences in information or contradictory information, for example, between different sources (AFAPREDESA, the United Nations Working Group on Enforced or Involuntary Disappearances and the IER Report) on the number of disappeared people.
- Language and names. Difficulties were observed, on one hand, because of differences in spelling victims' names depending on the language used (in French, Spanish or *Hassani* script). Translators were used in at least 75% the interviews, and in order to avoid losing significant information during the translation process, the taping of the interviews was transcribed.
- Primary information and type of testimonies. There was little information on the different cases of human rights violations. Previous research on the Western Sahara has had an enormous value, but in comparison with what happened or with the degree of documentation and research in other armed conflicts or countries with grave human rights violations, such information was scarce and fragmentary. In general, local organisations lack victims databases because of the repression, the lack of opportunities and coverage to carry out their work, apart from the arrests and violence exerted against many human rights defenders in the Western Sahara. In the refugee camps, human rights have had less political relevance. With very few means, and the support of local organisations, they have carried out some very good work over these years, and they should have both the legal guarantees and political and economic support with which to carry out their work.
- Relevant cultural aspects: the rich oral tradition together with a prodigious memory for detail and, especially, victims' names, in many of the surviving victims have allowed us to rescue such information. However, in such extreme conditions, there is a considerable lack of written material, especially on human rights violations perpetrated, or even on the resistance of the victims. This implied having to carry out

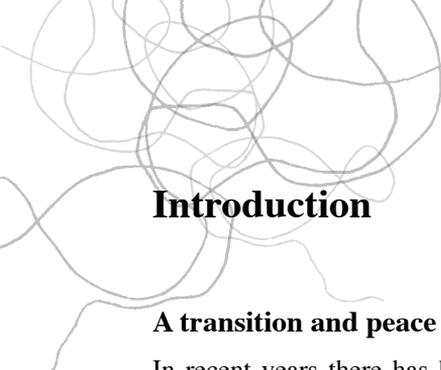
a stronger research effort in order to produce more reliable numbers based on the empiric evidence gathered, which in turn meant researching more in depth, which should have implied a larger team, more means and better conditions in order to carry out such a comprehensive research, in a similar manner to that carried out by certain Truth Commissions in various parts of the world.

- Importance was attributed to gender differences in the research, for example, adapting inasmuch as possible the type of interview, bearing in mind the condition of the interviewed person (male/female) or the type of testimony gathered (especially in cases of sexual violence). It was also considered important to have a transversal vision in the report and to include specific chapters in the research.

Research difficulties	
For the external support teams	For the Sahrawi groups
<ul style="list-style-type: none"> <li>• Lack of access to victims due to circulation limitations.</li> <li>• The climate of having the research activities watched and controlled.</li> <li>• Explicit personal control and follow up on the mobility of researchers.</li> <li>• Absence of official information on cases and official denials.</li> <li>• Climatic stress, dispersal and precarious conditions in refugee camps.</li> <li>• Kidnapping of aid workers and mobility controls due to security problems in the camps in 2011.</li> </ul>	<ul style="list-style-type: none"> <li>• Difficulties in obtaining financial support.</li> <li>• Prohibition of their activities by the government and lack of fulfilment of judicial sentences that were favourable to the Sahrawi organisations.</li> <li>• Limits imposed on support from Sahrawi groups: training, visits, support.</li> <li>• Difficulties in terms of meeting victims and working with them.</li> <li>• Fear of possible reprisals.</li> <li>• Intimidation of human rights defenders by security forces.</li> <li>• The situation of human rights violations.</li> <li>• Too many leaders and the need to strengthen these groups.</li> </ul>

- The psychological situation of the victims. The psychological situation of the Sahrawi population as a whole has been affected by the conflict that has now been in a stalemate situation for several decades. All of this has meant an enormous impact and debilitation for the population as a whole and for human rights violation victims in particular. However, many human rights violation victims have not been taken into account and then often find themselves in a situation of abandonment both within the Western Sahara and in the refugee camps. This research was an opportunity for them to remember things long forgotten and to research in depth on the experiences suffered by Sahrawi victims. It also provided a framework of sense to be able to transform that grief into something useful for the dissemination of awareness of their situation and for a better appreciation of their experience.





# Introduction

## **A transition and peace process for Western Sahara**

In recent years there has been a growing debate about the processes of truth, justice, reparation and reconciliation after violent conflicts or dictatorships in different parts of the world. All these situations have been frequent in Latin America, Europe and Africa over the last two decades. Today, many of these issues are on the international agenda in countries in Northern Africa and in the transition processes in the Arab world. In these processes there has been talk of “transitional justice”, ie, the political role that truth, justice and reparation have in the political transition after armed conflicts or dictatorships.

In the case of the Western Sahara, these concepts are still being questioned. Although there has indeed been a “ceasefire” agreement between the parties in conflict since 1991, that is, the State of Morocco and the Polisario Front, this situation has not implied any kind of peace process or measures to research truth, acknowledging the harm suffered, punishing perpetrators, social reintegration of victims or building a political consensus to reconstruct relationships fractured by violence.

This has been accompanied by a long process to put an end to the war since 1991, with a very limited real UN intervention through the United Nations Mission for the Referendum in Western Sahara (MINURSO), and through other agencies such as the United Nations High Commissioner for Refugees (UNHCR), especially in the Tindouf camps in Algeria.

Before King Hassan II’s death, and after the enthronement of King Mohammed VI in 1999, Morocco began a process of internal change that continues to this day. Previously banned political parties have been legalized, parliamentary elections have been held and new spaces have been opened for political participation and freedom of expression, and some opponents of the regime have even become government officials.

The Moroccan state has also put in place certain policies for compensation and recognition for the victims of the Hassan II regime. These included an Arbitration Committee in 1999 and subsequently the Equity and Reconciliation Commission (henceforward the IER) between 2004 and 2006, responsible for clarifying human rights violations in the past and, subsequently, to carry its recommendations through the Human Rights Advisory Council. However, many of these changes were partial and have been criticized as too limited in nature by Moroccans who had been victims of the previous regime. Their role in terms of the Saharawi population has not been significant, and has not abided by international standards of research or investigation of disappearances. There has been no punishment for those responsible nor has there been an explicit acknowledgment of the human rights violations committed in the Sahara. There is also the lack of guarantees of non-repetition, all of which has contributed to the continuation of human rights violations against the Sahrawis.

Voicing opinions about the Western Sahara continues to be considered by the new regime as an attack against the country's territorial integrity, and any kind of discussion or claim on the matter has been criminalized to extreme lengths. The same conditions of social exclusion continue in place, together with tight control measures on demonstrations or their outright prohibition. Arbitrary arrests, torture, an excessive use of force, the prohibition of displaying symbols, and circulation control measures throughout the territory have continued after Hassan II's death up to the present day. In this context, it is not possible to speak of transition or political change in the Western Sahara, nor of the underlying political conflict.

### **The mandate to verify the human rights situation**

In the Western Sahara, MINURSO has undertaken no action to verify the status of human rights or protect such rights, and this in practice has turned it into a silent witness of human rights violations that have continued taking place (arbitrary arrests and torture, for example). It has also, for example, been a silent witness to the human rights violations that took place in the recent dismantling of Gdeim Izik camp in November 2010. Consequently, the United Nations have spent years losing legitimacy not only for the Sahrawi people, but also for independent observers and for the human rights culture that has sprung up over the years.

### **No equity or reconciliation**

In 2004, the Moroccan regime launched the Equity and Reconciliation Commission as a way to cope with the massive human rights violations committed between 1956 and 1999. According to most dictionaries, reconciliation means "to rebuild broken relationships". Is this applicable in the Saharawi case? In the case of the Western Sahara, the relationship between the population and the Moroccan regime has been marked, from the very beginning, by violence and by the occupation, and there have been no structural changes to rebuild the relationship based, for example, on holding the referendum on self-determination in accordance with UN resolutions or any complementary verification of the human rights situation.

On one hand, there have been no new scenarios of political negotiation, nor any attempt to establish a new social consensus to build the future. To speak of equity and reconciliation, it is necessary to publicize the fate and whereabouts of the disappeared, to demilitarize the conflict, recognize responsibilities, and bring to justice those responsible for war crimes and serious human rights violations, as well as a commitment to repairing and preventing such infringements. Under the duress that many of the perpetrators continue applying in the Western Sahara, it is impossible to speak of reconciliation.

Also necessary to take into account are the Saharawi aspirations to establish a new political framework by means of exercising the right to self-determination, as recognized in the United Nations Charter and in numerous UN General Assembly resolutions which have

also been recognised within the meaning of the very mandate of MINURSO and which still have not been exercised for two decades, due to the obstacles imposed by the Moroccan regime and its international allies.

*Let the Sahrawis decide on their independence. If there isn't a solution to the political cause, then there is no solution. I have no problem if the Sahrawis vote that they want to join Morocco, but a solution is needed. The conflict has to be resolved and the rest of the measures are secondary to this. For example, if there is justice it will not be possible to put a person in jail without a trial. If you want to hold a peaceful demonstration, you should be able to do it. Doctors cannot attend the Sahrawis because if they do, they are dismissed. You have to say you're pro-Moroccan. Human rights prioritise human beings, and we should therefore defend these rights. The most important thing is for families to know the fate of their relatives. Why not give back the corpses, what do they want them for? Mustafa Ali Baschir.*

In the current situation there have been increasingly frequent clashes between certain sectors of the Moroccan population with the Sahrawi population, as part of the repressive action against Sahrawi demonstrations or protests. This stimulating of clashes between parts of the population is part of the new scenario in which efforts are being made to shift the responsibility away from the State and this implies all sorts of risks for the development of co-existence and the exercise of democracy.

### **Making the people in the refugee camps invisible**

Over half of the Sahrawi population has sought refuge in Algeria since 1976. Since then, there has been a state of transience and emergency that has now lasted thirty-seven years. The refugees arrived in Algeria after a long exodus through the desert, becoming victims of plunder and bombing in the process, leaving behind dead or missing relatives. Hundreds of people died in the bombing of Um Dreiga or Guelta. There has been no recognition of what happened, nor of the dignity of the victims, or of the responsibility of the authors.

That population has been supported by international solidarity and humanitarian aid provided by various governments and non governmental organizations from different countries, but their situation has been perceived more as a problem of humanitarian aid than a violation of human rights.

### **Territory and natural resources**

Probably, apart from the political dimension it is impossible to understand anything in this conflict outside the logic of the control of natural resources. The conflict would not be the same, and the situation of deadlock would also not be the same, if there weren't important resources such as Saharan phosphate mines and the Sahara fishing bank as part of trade agreements between Morocco and the European Union. In recent years, the European Parliament has been conditioning the renewal of the agreement with Morocco,

demanding proof that the resources provided by such businesses revert to the Saharawi population, until finally, in 2012 the EU did not renew the agreement. Several explorations in search for oil resources off the Western Saharan coast, which the Moroccan state wanted to exploit in joint ventures with Transnational Corporations, have been blocked by the dispute over the ownership of the territory and resources.

## **Understanding past history**

When the Moroccan regime invaded the Western Sahara it was in the process of decolonization from Spain since 1963. In the context of the end of the Franco dictatorship in Spain, in 1975, the regime tried to reach an agreement on a partition of the Saharawi territory in two, awarding the administration of one part to Mauritania and that of the other part to Morocco in the so-called Madrid agreements. However, the advisory opinion issued by the International Court of Justice in The Hague on October 16, 1975, indicated that the Moroccan regime had no right to own land as it had had no previous authority on it. The occupation of the territory and the beginning of the war with the Polisario Front in 1975, first with the armies from both countries and later only with the Moroccan army, was the main characteristic of the situation thereafter.

The Western Sahara became a territory inhabited by fear. The existence of hundreds of disappeared people, the extent of suspicion towards any Saharawi that did not demonstrate compliance with the regime, and the Moroccan military occupation along with the influx of civilians thanks to the repopulation policy sponsored by the Hassan II regime as an attempt to consolidate demographic change in the Western Sahara produced a context of terror and control that undermined social relations and the life of the Saharawi people in their own land. Moreover, as a strategy to control the population and prevent their possible support in favour of the Polisario Front, the large nomadic population was forcibly displaced. For nearly two decades the traditional practices of the Sahrawis were de facto banned or implied a huge risk for anyone willing to carry them out.

After the signing in 1991 of a ceasefire agreement and acceptance by the parties of the so-called “Arrangement Plan”, context conditions were oriented towards encouraging a solution that was to include the right to self-determination by the Saharawi population. Successive attempts to carry it out were hampered by Hassan II’s Moroccan regime, and later by the regime of his son Mohamed VI. All of this has left the Saharawi population in what amounts to a legal limbo on one hand, and under territorial control on the other. In the meantime, the Moroccan regime has let the time pass in order to convert a territory which was immersed in a process of decolonization into a part of its territory.

With the so-called 2005 “Intifada” in the Western Sahara, the peaceful mobilisation of an important part of the Saharawi population in public demonstrations and the repression carried out by the Moroccan authorities, the wall of silence started to crumble. The use of the Internet and communications with the outside world contributed to overcoming fear and promoting knowledge of other previously excluded worlds in the Western Sahara..

## **Intensity and depth of violence**

In the case of the Western Sahara, the extent and depth of the violence suffered by the Saharawi people have been enormous. So far there have been three generations affected by serious human rights violations: those who were adults during the occupation in 1975, those who were young children or were born in the 80s, and those who were born later and who are now young people and have continued to suffer exile or arbitrary detention and torture to the present day.

In addition to the 490 disappeared who were released from secret detention centres up to 1991, at least 351 people are still missing even today, and the information provided by the Moroccan regime merely states in 207 cases that they have died, with no details whatsoever on their fate, without any proof or research. There are also at least several dozen deaths in the 1976 bombings. In terms of population in the Western Sahara that implies 2% dead and disappeared. This is, for example, a far higher proportion than in the case of the Argentinean dictatorship.<sup>1</sup>

The climate of fear that lasted for decades in the Western Sahara has partly broken down in recent years, but the surveillance of any mobilization by saharawis or its monitoring by the few international observers and journalists who have travelled to the Western Sahara shows that a strategy is in place to stop people from knowing what the real situation is like or to make working conditions and solidarity difficult. As a result, in the Western Sahara, perhaps like in no other country, there are simply no conditions for the presence of humanitarian organizations or human rights groups, which is yet another token of the loneliness of the victims and the degree of control and invisibility they are subjected to.

## **Failure to break with the past: continuity of perpetrators**

In any context of transition or peace agreements, the matter of justice is central to putting an end to impunity. The struggle against impunity is not only oriented towards the past, but also to human rights violations committed in the present. In post-conflict contexts, justice reform and the establishment of an independent judiciary are part of the conditions to enable the existence of a democratic society.

However, justice is still being denied for victims in the Western Sahara. The perpetrators of the past have consolidated their positions even further in that region in the transition in the Hassan II regime and in that of Mohammed VI, and under the fallacy of reconciliation, many torturers or people responsible for massive human rights violations have continued occupying positions of responsibility. This is particularly relevant and painful for the victims and is proof of a lack of political will to change the relationship with the Sahrawi people.

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<sup>1</sup> The global mortality estimate for political violence during the Argentinean dictatorship is 0.34% inhabitants during the dictatorship. Source MARTÍN BERISTAIN, C. and PÁEZ ROVIRA, D. (2000), *Violencia, Apoyo a las víctimas y reconstrucción social*. Experiencias internacionales y el desafío vasco. Ed. Fundamentos, Madrid.

Since 2009, several Sahrawi victims and associations have promoted a lawsuit before the Spanish National Court based on the principle of universal jurisdiction seeking justice in an international context against cases of crimes against humanity, as in the case of the disappeared, who are not subjected to the requirement of the criminal statute of limitations.

### **There can be no transition without change**

Another necessary aspect to be able to understand the peculiarities of the Sahrawi case, is the kind of transition that took place from dictatorship or from war to a democratic or peace process, which is what is commonly denominated a political transition. There was no rupture process with the previous *status quo* in the case of the Western Sahara with the coming to power of Mohammed VI. There has not been a political negotiation for peace, beyond the 1991 Ceasefire Agreement between the Moroccan regime and the Polisario Front. There have been no changes in the legal status of the territory or the situation of the Sahrawi people. No such thing as a constitutional process has taken place in the Western Sahara.

Mechanisms of transitional justice in the Western Sahara case, such as the existence of the IER (2004/2006) or the payment of some compensation to victims of certain human rights violations, have not taken place within a framework for the recognition of victims' rights. The IER itself was a Moroccan commission which had no Saharawi delegates and lacked any kind of discussion with the Sahrawi people. The IER report does not follow international standards relevant to truth commissions. The report lacks any kind of statistical data on victims, and does not even reflect how many men and women testified before the IER, nor the types of human rights violations analyzed. Victims' testimonies are not attached, and there is no analysis whatsoever of the patterns of violence against civilians, nor is any kind of recommendation made on the obligation to prosecute and punish perpetrators or reforming the security services.

*What we know of the truth commissions in the world is that they have to be impartial, but once there, as Sahrawis, we felt we were before the Moroccan authorities and not before a truth commission. Transitional justice has not been implemented in Morocco. The past is still present, there is no democracy, a truth commission should work impartially, and should also explain the causes of why things happened. In the Western Sahara this has never been explained. In addition, the head of the IER came once to Laayoune and declared that their "job was to support the territorial integrity of Morocco and the Moroccan character of the Western Sahara". This provoked the victims a lot. It is true that Morocco has the right to organise a truth commission and improve the development of human rights and democracy, but in the Western Sahara it is necessary to implement an international and impartial truth commission that focuses on answering why things happened and on revealing the whole truth. We believe the transition will never come if there is no root solution to the problem of why all of this happened. The truth is a right of the whole of society, not only of the victim, and reconciliation is a right society has in general. Brahim Sabbar.*

Finally, the publication of the report and its recommendations to the State have not implied any kind of change for the Sahrawi people. Arbitrary arrests and torture have continued since 2006, and Moroccan prisons continue having hundreds of Sahrawi politically-motivated prisoners.

### **No peace process whatsoever: neither from the top downwards nor from the bottom upwards**

In peace processes and post-conflict reconstruction, reference is usually made to *top-downwards* approaches, which are aimed at reaching agreements between the warring parties, improve conditions for political participation and promote institutional changes for the future. These are also times when there is a need for measures of truth, justice and reparation. For these processes to be productive it is necessary to address the social conditions of marginalization and poverty of many of the victims; and establish monitoring mechanisms to prevent agreements from lacking effective forms of verification, and this requires the participation of civil society.

But in the case of the Western Sahara, the wounds of war or the consequences of violence have affected even personal or neighbourhood relationships, or even also those among different groups. In this context, action is needed from the *bottom upwards*, to encourage participation and the rebuilding of relationships at the group and community levels. In the Western Sahara, such fractures have been increasing over recent years, with the complicity, if not the encouragement, of the Moroccan authorities.

Also, attitudes and beliefs that have sustained the conflict in the Western Sahara are maintained, such as discrimination or the authoritarian nature of the regime in relation to the Saharawi population who are claiming their rights. The reconstruction of social, neighbourhood relations, etc. also includes a change of attitudes, prejudices and negative stereotypes of the “enemy”. This is even more important as the concept of enemy not only has to do with political or military leaders, but often extends to entire communities like that of the Sahrawi refugees or those living within the Western Sahara (this also happens, on the other hand, with the “Moroccans”).

### **A gender dimension**

A gender perspective means recognizing how violent conflict affects women and men in a different manner, particularly emphasizing impacts on women and sexual violence. In the human rights violations committed in the Western Sahara an analysis of the data obtained in this study shows an enormous impact of violence against women.

Although in most situations of armed conflict or political repression direct victims in terms of dead or missing are men, in ratios of 80-90%, in the case of the Western Sahara a very important proportion of direct victims have been women. In the bombing of Dreiga Um, most of the victims were women or children (65% of the casualties). In terms of temporary

disappearances, about 30% of the victims who were made to disappear in clandestine detention centres were women. Of the victims released in 1991, women accounted for 24.8%. In our study, about half of those made to disappear and were later released, were women.

Such data, together with the analysis of the testimonies, show how women became military targets simply because they were Sahrawi, because of their family relationships with people who were members or were accused of being members of the Polisario Front, or because of their peaceful resistance activities.

Among the refugee population, at least between 1976 and 1991, the majority of the population are women. Women who were carrying their children and their few belongings and were fleeing through the desert were victims of bombings, while the men were joining the armed resistance of the Polisario Front. It was the women who maintained the refugee camps, cared for their families or reversed their traditional roles in order to maintain their collective project. In the Western Sahara it was the women who took care of the children of other disappeared women or families in extremely precarious conditions and in contexts of terror. In this situation, Saharawi women have defended their lives and those of their families, and those of their people as from their traditional roles in Saharawi culture, while also questioning such roles, as is the case of the National Union of Saharawi Women (UNMS) in the refugee camps. It was especially certain women who, after their release, began to set up victims' rights organizations and who have shown their civil resistance against repression.

### **The many faces of victims**

Sahrawis were indiscriminately considered enemies as from the Moroccan and Mauritanian occupations in 1975. Whether in the desert or in towns, as from the Moroccan occupation anybody displaying disagreement with the latter became a military target. This happened both to people who were active in the Polisario Front, and their families, and to anyone suspected of having sympathies with the resistance or who showed no support for the Moroccan regime.

That made whole families and communities suffer direct violence. Half of the population took refuge in Algeria, and most families have been divided by this forced separation. One of every four direct victims interviewed for this study had other relatives who had also been victims. The level and extent of violence against the civilian population have had a huge collective impact.

Apart from this collective dimension, Sahrawi victims have shared a common destiny in many cases. Detainees who were made to disappear into secret detention centres have had similar experiences and were often together in the same scenes of horror. This collective dimension of repression has continued to affect new generations. To a certain extent, the experience of violence has remained part of the socialization process of the Saharawi people in Western Sahara. For example, many of the people interviewed for this study had not discussed their experiences with others because these were experiences that had already been shared and thus "one need not talk about".

## **The experience of different groups of the Saharan population**

The violence suffered by the Saharawi population affected victims in different ways. These differences have to do with age and social status, as well as with the type of experiences suffered.

- Thousands of children were victims of bombings and persecution in the desert or died from malnutrition and disease in flight. Others, finally in the refugee camps, died due to lack of sanitation, climate stress or malnutrition, like the hundreds of children who died from a measles epidemic a few months after arriving in Algeria in 1976. Moreover, children have suffered especially from forced family separation conditions: many were raised by other family members because their mothers had been arrested or had fled. The disorganization and loss of family support due to such conditions have had a huge impact on their socialization processes and life perspectives.
- Teenagers and young adults have been the most affected by the need to work and support their families, and by cultural changes in the refugee camps. While the participation of many young people in the war during the first decade of the Moroccan occupation was their only expectation to confront the situation they were living through, to channel their anger or to support their people in defence of their rights, young people have also been easily subjected to violence. New generations of teenagers and young people have been the most affected by the various waves of violence in the Western Sahara due to their involvement, when aged fourteen or fifteen, in peaceful demonstrations.
- Meanwhile, teenagers and young people growing up in the refugee camps, with no development expectations whatsoever and in a state of limbo that has stretched over many years, have left for yet another exile in different countries to study and obtain training in order to have other opportunities in life. The lack of jobs and perspectives, amid difficult conditions in a situation of permanent emergency and a life in the desert that is still the rule in the refugee camps, the return of many of them has brought with it new frustrations and yet another exodus to third countries in order to look for employment opportunities.
- Violence against women in the context of the Sahrawi culture, and more widely in the Maghreb, is experienced as an assault on collective identity and dignity. While men were treated with particular cruelty during periods of forced disappearance or arbitrary detention and torture, women have experienced these same violations from the abyss of an aggression to their own social roles together with disrespect for their identity for the mere fact of being Sahrawi women. Women who had been arrested and made to disappear reported their experiences of torture, abuse and sexual violence for this research. Many of them did not have any political affiliation and were subjected to a brutal repression because of their family relations or merely because of their condition as women.

- Sahrawi men have been the most frequent victims of arrests, torture and forced disappearances. Only a small part of the victims were prisoners of war captured in combat or military operations. Over 90% of male victims became victims during their daily activities, and although they sympathised with the Polisario Front, the majority had no political activity as such. Men have felt the impact more on themselves and especially on their families, with feelings of loss, having left behind children or relatives in a situation of absolute insecurity and dependence. Many men have transited between pursuing their own support networks with other Sahrawi people while others have opted for emigration, or seeking opportunities in Morocco.
- The elderly have suffered the consequences of illness and lack of food, and were affected much more seriously due to their physical limitations in such hostile environments as those in clandestine detention centres. However, the elderly have also shown their wisdom and have been the memory of the resistance. In some of the cases analyzed, by transmitting their experiences on the previous history of the Moroccan occupation of Western Sahara to other detainees in clandestine detention centres. Furthermore, the elderly who have sought refuge in the Tindouf camps have found the separation from their land, the expropriation of their way of life and the disruption of family relationships especially hard to bear.

### **The role of human rights organizations and victims**

The participation of victims is vital in any process to address human rights violations. Victims' groups and human rights organizations play a key role. They are the primary source of support and help to restore dignity and self-confidence on one hand, and act as pressure groups on the other, contributing to keeping memory alive, informing the public and providing legal support. The perspective of victims and survivors should be taken into account in the discussion of alternatives, especially in the struggle against impunity.

In the case of the Western Sahara, the first human rights and victims organization to be set up in the refugee camps was AFAPREDESA. In the territory of the Western Sahara, as from the release of disappeared people, some of these victims began to get organized to defend their rights, thus converting the suffering and pain they had experienced into awareness of the need to defend human rights so that nobody else would have to go again through what they had experienced. Victims' organizations in the region, such as ASVDH or human rights defenders groups like CODAPSO or CODESA lack any legal status within the Western Sahara. Still in 2012, these organizations continue to be banned in the Western Sahara, where there are severe limitations to freedom of association or to freedom of expression on the right to self-determination. Any form of expression on the right to self-determination is punishable by law. Many human rights defenders like El Ghalia Djimi, Aminatou Haidar, Hammad Hmad among others, have suffered the consequences of repression, further arrests or assaults for defending human rights or assisting victims in their struggle for truth, justice and reparation.

## Chapter 1. Chronology

1. Spanish Law 8/1961 dated 19<sup>th</sup> April 1961 on the legal regime of the Province of the Sahara. Commitment before the United Nations to comply with Article 73.e of the UN Charter. The General Assembly had adopted resolutions 1514 (XV) on 14<sup>th</sup> December 1960 and 1541 (XV) on 15<sup>th</sup> December of the same year which laid the foundations of the decolonization process.
2. 20<sup>th</sup> August 1974. Spain's decision to hold a referendum in the first six months of 1975, under the auspices of the United Nations (resolution 2229 (XXI)). A census of the Sahrawi population is carried out.
3. In September 1974, the Kingdom of Morocco attended the International Court of Justice (ICJ) in its advisory jurisdiction requesting answers to these questions: Was the Western Sahara at the time of its colonization by Spain a territory belonging to nobody (*terra nullius*)? And what legal ties were there between the two territories? Morocco also demanded the postponement of the referendum.
4. The opinion of the ICJ on 16<sup>th</sup> October 1975 acknowledged that the Western Sahara was not a territory belonging to nobody (*terra nullius*) before colonization, mention being made of the existence of links of religious submission established between certain nomadic tribes with the Sultan of Morocco. The Court, however, rejected the existence of bonds of sovereignty. There was no right of sovereignty in favour of Morocco and Mauritania on the Western Sahara.
5. A few days later, the Moroccan authorities carried out the so-called *Green March* and the military invasion of the Sahrawi territory on November 6<sup>th</sup> 1975.
6. On 14<sup>th</sup> November, the "Tripartite Agreements" are signed between Spain, Morocco and Mauritania. Beginning of the armed conflict between the Moroccan and Mauritanian forces with the Polisario Front.
7. The Algiers Agreement was signed on 5<sup>th</sup> August 1979, giving rise to the withdrawal of Mauritania from the war against the Polisario.
8. Resolution 1514 (XV) of the General Assembly, 40/50 (1985) and Resolution AHG / Res. 104 (XIX) of the OAU, to end hostilities and carry out the referendum. A Settlement Plan is approved by the Security Council on 29<sup>th</sup> April, 1991, Resolution 690.
9. The United Nations Mission for the Referendum in the Western Sahara (MINURSO) is set up to determine who had the right to vote in the referendum and who was to be included in the electoral census.
10. 1997 Houston Agreement. Designation of James Baker as the Secretary General's Special Envoy. Work by the Identification Commission resumed on 3<sup>rd</sup> December 1997.

11. Failure of the Framework Agreement, Baker Plan or Third Way Agreement. The so-called “Third Way” was an option for Saharan autonomy within the State of Morocco. Rejected by the Security Council in Resolution 1429 on 30<sup>th</sup> July 2002.
12. Rejection of the Framework Agreement by the Security Council, by Algeria and the Polisario. New plan in May 2003, described in report S/2003/565. New Plan endorsed by the Security Council by means of Resolution S/RES/1495. Purpose: “*To reach a political solution to the conflict in the Western Sahara to guarantee the right to self-determination by means of a referendum to be held in accordance with the provisions of Part II of this plan.*”

*The Sahrawi cause: so far I believe 37 years have passed, and nothing has changed, there are the refugees in exile, there are the people here, the world's poorest people living in the richest land in the world and all of that happened ... Spain and France are responsible for what is happening to us, splitting our rich land between the Moroccan government and Mauritania and leaving our people to die off in silence, the majority here have lived in poverty, the majority here are subjected to Moroccan ill treatment every day, and they are also subjected to torture. Sidi Mohamed Balla.*

## **Chapter 2. The impact of terror**

From the time of the initially Mauritanian and Moroccan military occupation of the Western Sahara, fear settled in the every-day lives of the Saharawi people. While civilians were indeed sometimes close to the fighting during the first two or three months, especially when fleeing to Algeria, military engagements were not the root cause for fear.

Much of the Saharawi civilian population became an enemy in the eyes of the Moroccan army and police forces. First, because a large majority of them opposed or rejected the occupation. Furthermore, because Hassan II's regime collectively classified the Sahrawis as a group that had to be controlled, a group they had to be wary of and which had to be repressed. The identification of any support for the Sahrawi Polisario Front became a central aspect of counterinsurgency activities during the first fifteen years of military occupation. Moreover, Hassan II's Kingdom was already a reign of terror for the Moroccan population itself, especially for the political opposition, with massive human rights violations over different periods.

One of the first effects of this strategy of terror against the civilian population was the massive flight as from November 1975 which included the following months. The exodus took place in a climate of fear. Information about what was happening elsewhere, together with the military occupation and the influx of settlers that accompanied the army in 1975 with the Green March, changed the scenario of their lives in a context that had been dominated by the Spanish colonization.

Fear brings about an individual and collective impact that has characterized -for several decades now- both the emotional climate in the Western Sahara and the relations of Saharawi people with the Moroccan authorities or even with the rest of the population. Moreover it has also been used as a control strategy. Finally, intentional isolation has also been part of that strategy. The massive human rights violations that have taken place in the Western Sahara could only happen in a context of militarization and information control that has left the population in a situation of utter defencelessness against the crimes committed by the regime.

*Fear? Imagine that there is no trust in the family. I remember someone was imprisoned just for having listened to the POLISARIO radio and the people in the family could do nothing. We could not watch TV, we could not listen to the radio. We say that walls have ears. We did not speak within the family. That's the problem; we did not talk because there was fear everywhere.* Omar Hiba Meyara.

The climate of fear in the Western Sahara could be evaluated by the silence the population had been subjected to, and also because the only way to overcome fear was to flee. After the mass flight in 1975/1976, many people fled in small groups or individually, especially young people who could no longer bear the conditions of surveillance and found a way to do so, fleeing to Mauritania or to the refugee camps in Tindouf.

*No one could speak, we were all terribly afraid, neither those who have relatives in the Polisario Front camps, nor those who were released could say they had been incarcerated, nor could the affected families inquire about the fate of their disappeared.* Salah Hamoudi Mohamed.

When there began to be protests as from the 1990s, the fear of negative consequences of their defending their rights –as in claiming for the fate of the disappeared people or in vindicating the referendum- began to spread. Fear has since become a tool with which to control the demonstrations of the more politically-active Sahrawis.

The consequences of terror, while affecting a large part of the population, have an even greater psychological impact on direct victims today. In many cases, fear is part of the traumatic impact of the victims. For example, a year after the events of Gdeim Izik many of the victims interviewed were still severely suffering the consequences of torture. However, the evolution of the climate of fear described in this section shows a change in the situation in the Western Sahara where victims of human rights violations have been breaking the wall of silence and isolation in which they have been living for decades.

### **Chapter 3. The bombing of civilians**

This chapter is based on the testimonies of 54 victims and survivors after several bombings by the Moroccan armed forces against the civilian population, especially in February

1976. We introduce the case of the bombing of Um Dreiga, the best-known case and the most serious in terms of deaths and injuries. Also the bombings of Guelta, Tifariti and Amgala took place during the same period. Also included are references to the bombing of other groups of nomadic tents in the desert at that time, in which part of the Sahrawi population was living in the desert while another part was moving to such places in order to escape from the fighting, repression and fear.

### The case of the bombing of Um Dreiga

The Um Dreiga camp was a place to which a large part of the displaced population went to in the exodus from the towns or rural villages that had been taking place since October 31, 1975 in the Western Sahara. The bombing took place on 20th February 1976. Despite its enormously serious character, this fact has never been recognized by the State of Morocco, and has not been researched by international human rights organizations or by the United Nations.

Account of the people killed or injured in the bombings included in the evidence gathered in this study								
Place	Deaths				People injured			
	Fem.	Male.	Children	subtotal	Fem.	Male.	Children	subtotal
Aargub-Agti					1	1		2
Guelta					3	1		4
Tifariti		2		2	2	3		5
Tukat			4 (2 girls and 2 boys)	4				
Um Dreiga	17	12	10 (6 girls and 4 boys)	39	41	28	6 (3 girls and 3 boys)	75
Total				45				86

Source: our own research.

After the Moroccan invasion of Western Sahara from the north and from Mauritania in the south, between late October 1975 and February 1976, much of the Sahrawi population living in populated areas like the towns of Laayoune, Dakhla or Smara left their homes and villages and headed to the desert, in the midst of the fear and repression which they were beginning to experience.

The case of Dreiga Um is by no means unique, because there were bombings of civilians in Guelta, Amgala, Miyek, and Tifariti but, by all accounts and sources, Um Dreiga was where the most people had gathered in the same camp.

The flight took place in very difficult conditions, and people were hardly able to take any belongings with them. While in some cases there were intermediate temporary camps, peo-

ple came, among other places, to Um Dreiga after two to five days walking. It was a place with water wells used by the nomads in that part of the desert. Um Dreiga camp was intended as a temporary destination in the displacement, to protect the civilian population. The attack took place during the first weeks that the camp had been set up. The convoys of displaced people and the settlement camps were all destined for the civilian population, especially women, the elderly and children, without the presence of armed forces.

*My family led a comfortable life, our father was a corporal in the Spanish Navy until we were invaded by Morocco with its army and they began committing massacres and exterminations. My father had died before that. We left with some supplies and water. Occasionally a car would take us, and then we would continue on foot to the Tabalit river. In that river there were trucks that took us. We did not have many clothes or anything. My sister and I came in a truck, my mother and two brothers came with some other people and my younger brother came in a water truck that was empty. That is how we got to Um Dreiga. Faudi Mohamed.*

Around 11 in the morning, aircraft flew over the camp and the first bomb fell. The aircraft made at least two bombing runs. One when the aircraft passed the first time over the camp, and then again a few minutes later when the same aircraft returned.

The first bomb was directed against the dispensary. Apart from the civilians, medical and sanitary units and personnel are protected by International Humanitarian Law. Targeted attacks against them are grave breaches of humanitarian law and constitute war crimes. At the site of the bombing there was a well and a cistern with water for the population's basic needs that was also bombed.

There were no military targets whatsoever in the camp of Um Dreiga to justify an air strike of that nature. Nor were there any people directly participating in the hostilities. For this reason, the cardinal principle of distinction in International Humanitarian Law requiring direct military operations to be directed only against combatants and military objectives was ignored. Under no circumstances can such attacks be made against the civilian population nor against any equipment indispensable to their survival.

The descriptions of the state of the corpses reflect the considerable impact of incendiary bombs. According to several of the people interviewed, including those with experience in the care of patients or health workers, there were two types of wounds which correspond to bombings. First, shrapnel wounds and injuries from the blast (like the wounds sustained by the two nurses who were in the clinic) and, there were also burn wounds and many charred bodies. The descriptions of the survivors and health personnel interviewed indicate the components of incendiary bombs and a type of anfractuous wounds and burns that are consistent both with napalm and white phosphorus.

*The first bomb hit the hospital and reached Chaia and took out her baby and threw him several metres away and Hurria, the Spaniard, who was with her also suffered a leg wound. Everyone who was in that tent hospital was dead or injured, there were families whose members all died and there was not a single one left*

*to tell what happened, and there were also families whose members were killed and many were wounded and there were also other families all of whose members survived, thank God. Marien Salec.*

Numerous burials took place over the first and second days after the bombing. Individual burials were made whenever possible, but in other cases there were mass graves, especially when it came to human remains. The first to be evacuated were the seriously injured. About seventy seriously injured people were transported in three trucks to Rabuni (Algeria). The trucks circulated only at night to avoid detection and the people had to hide during the day.

The layout of the Sahrawi refugee camps in the Algerian Hamada was made in *wilayas* or separate settlements some thirty minutes' drive away from each other, so as to avoid large crowds and to provide for a better situation, water supply, food distribution and social cohesion. However, the *wilaya* in Dakhla is located three hours drive away from Rabuni. The provision of the Dakhla *wilaya* was intended to afford a form of providing specific care for survivors and reducing the impact of the bombing itself, which was still quite evident weeks or months after the fact.

### **The bombings in Guelta, Amgala and Tifariti**

Guelta was bombed on several occasions, and all descriptions coincide in that aircraft flew over the camp quite intensely over several days. Guelta was also a gathering point for people fleeing from other towns. The various survivors said the bombing took place in February 1976. Although it did not have the intensity of that in Um Dreiga, but they also testify that there were at least several deaths and injuries. The conditions of terror which the civilian population was subjected to even made many of them leave their relatives behind.

*In January we were in Guelta and in February the Moroccan aviation arrived and bombed us. After the crowd dispersed, I never saw my husband again. I ran away, I came by car. My child had died after three or four years of the diseases that were strife at the time. I fled with quite a lot of disabled people, women with small babies and my husband stayed behind to flee later. J.S. (Woman)*

Amgala was the scene of fighting, but also of operations against civilians. Survivors clearly indicate that, as in other places that were also bombed, the places where the civilians had gathered were far removed from the combat zone or from places where the Polisario forces had dug in.

The bombing of Tifariti includes descriptions of the flight from the cities and the impact of violence and fear similar to those in the case of Um Dreiga. Unlike other places like Um Dreiga however, in the Tifariti area, that is closer to the border with Algeria, the level of presence of members of the Polisario Front in charge of the evacuation was more evident. Several of the witnesses and victims who were in Tifariti at the time of the inci-

dent said the day the bombing took place, people were concentrated in a place that was somewhat separated from the camp, in an area with trees where a meeting was to be held with the displaced population to provide information about the situation. According to these testimonies, most of the people were outside the camp at the time of the bombing.

## **Chapter 4. Plunder and forced displacement in the desert**

From late 1975 to 1977, the Moroccan army began a campaign of plunder, arrests and expulsion of nomads who were in the desert. It is necessary to bear in mind that nomadism has been a traditional practice of the Sahrawis from ancient times, and that it is associated with the identity of the “men of the desert”. The attacks on the nomadic population put an end to nomadism for at least two decades. The operations against the civilian population spread over time, and were part of a strategy of persecution of those fleeing to safety.

Such human rights violations and blatant breaches of International Humanitarian Law have never been recognized by the Moroccan State. In spite of the claims of many of the victims, Morocco has stated, through its officials, that their actions in the desert were aimed at “protecting” people’s lives, shielding them from fighting and herding them to the towns.

In these cases of plunder, it is also necessary to add the cultural impact to the economic impact, since the strategy of searching for the population, plundering it, and forcibly displacing it out of the desert put an end to the nomadic lifestyle of the Sahrawis for decades. Numerous reports of these practices were filed before the Moroccan authorities, so there is plenty of documentation on the matter and on the lack of response from the state.

Theft and destruction of property are prohibited by International Humanitarian Law. Plunder is a serious breach of the Geneva Conventions, their Additional Protocols, and, in general, customary international humanitarian law. Systematic looting, forcible transfer of population and captures and disappearances associated with these practices qualify as crimes against humanity and war crimes under the Statute of Rome.

*Camels for the Sahrawis, who are nomads, are the most important items of wealth, they are the most cherished animals there have ever been in the Western Sahara. Many people have died for their camels, to keep them alive in the midst of drought, famine and also in gun battles defending them against piracy. We move on camels and they carry our goods to go from one place to another. When a person gets a visit from a very well regarded person, the very most that person can be offered is a camel. Bchirna Learousi.*

Search and plunder operations in the desert generated terror in the nomadic population, and were part of a population and territory control strategy, used as a method of warfare.

Following the well-known strategy of “draining the water away from around the fish” operations against civilians were conceived as a form of controlling possible support for Polisario Front and capturing potential collaborators, given the amount of civilians fleeing into the desert after the invasion.

At the time of the events, almost none of the victims of plunder, and of the other human rights violations, were able to file any kind of claim. Bchirna Learousi was the only person who reported the looting of his cattle before the Moroccan authorities. He has written up to 221 letters, over 30 years, in a unique exercise of persistence in the Western Sahara.

According to estimates made by Sahrawi human rights organizations, about 100 families were victims of acts of plunder, destruction and looting of property, given the extension of nomadism at that time in the Western Sahara.

## **Chapter 5. Mass graves in Lemsayed**

### **The scenario of an extermination**

There had been information for over thirty years on the existence of clandestine graves in Lemsayed. According to such reports, there was a mass grave in which people who had been tortured in an extremely cruel manner were buried. In this section we analyze the testimonies of survivors and witnesses who were at the nearby military installations and at the site of the mass grave in Lemsayed.

*Never before have I talked about this. I have witnesses and it was terrible. They say it is impossible to believe that I can live with such an experience. El Batal Lahbib.*

El Batal Lahbib was twenty-nine years old when he was arrested on 16<sup>th</sup> September 1975. He was the son of a Moroccan army captain and had a relative in the Polisario Front. According to his testimony, on 27<sup>th</sup> October 1975, several companies from the Moroccan army arrived in the Western Sahara, and on 2<sup>nd</sup> November the invasion of Yderia took place. His Land Rover was confiscated by the military authorities and he was subjected to surveillance. According to his testimony, he was summoned to the military camp by a Moroccan military intelligence officer named El Amarti and after an incident in which he refused to eat a camel supposedly seized from the Polisario Front and which actually belonged to a relative of his, El Batal Lahbib was arrested and taken to Lemsayed. There were two separate places to which detainees were taken. Two pits dug in the ground and a cell that was part of a facility that had a courtyard.

Some prisoners were brought to these pits, including several combatants or members of the Polisario Front. However, other detainees were not Polisario members. The two pits had a different use. The first was used for interrogation and torture. The other was used to take the dying or those who had been executed. According to El Batal Lahbib, the seriously wounded after torture were placed in the second pit.

Tortures were often carried out while detainees were inside the pit and the torturers outside them, throwing stones and using whips. The three testimonies of survivors and witnesses describe how several people had died under torture or were executed there. El Batal Lahbib was taken out of the pit with numerous wounds, bruises and sores caused by whipping, and with a deep wound in the buttock.

*It was all swollen, I could not move. They tied a rope around one of my feet and dragged me out over the stones and all. Once they took me out of the pit with the rope, those who had been pulling from the rope grabbed me and took me to the other grave, which was surrounded by barbed wire and search lights. There were more people there. They threw me into the pit. People were killed there. When I got there, there were people who could not see because of the tortures. They had taken an eye off one of them, others had no teeth left, and others had maggots on their corpses. Even though you may have met some of those who were there before, in that situation they were all unrecognizable.* El Batal Lahbib.

Torture was also carried out in the cell near the pits. Everything indicates that it was part of a barracks. Other people were in detention in that cell. According to testimony provided by El Batal Lahbib, the following people were in that cell: Mohamed uld Lawalad, Bamba uld Daf, Mustafa uld Ahmed Bab, Salek uld Ghala uld Dahomar, and Mohamed uld Salma uld Meftah. Three women were also there: Nguia Ment Lehmad, Fatma El-ghalia Ment Haddu and Abdel Fatah uld El Boudnani's family, a woman called Maayifa Ment Ehseina and six children (one of them was two years old). Several of them survived.

Two witnesses and at the same time direct victims pointed out the death under torture of a 14-year-old child Hamdi Brahim Salem Moulay El Hanani, who, according to the CCDH "was kidnapped and died due to the conditions". At least another two children died during his illegal detention in those barracks: Mohamed uld Ali and Chuij uld Ali . The CCDH report mentions the deaths at Lemsayed, but the state has never admitted the existence of the mass grave that should be protected for investigation.<sup>1</sup>

Several of the prisoners survived the horror and, like El Batal Lahbib, were taken to Mar-rakech in January 1978. He was taken to hospital where he underwent three operations because of injuries sustained during torture, while receiving death threats from soldiers on numerous occasions. According to his testimony, El Batal told the story of everything that had happened in the pit to Colonel Buanama of Army General Staff, who went to the place where they had been held. He told him about the manner and circumstances of his arrest and the torture he had been subjected to, and the fact that he was not a member of the Polisario Front. The detainees were in these facilities for over two years.

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1 According to the Human Rights Advisory Council (CCDH): Chuij uld Ali: (boy) was arrested in 1976, and died during his abduction without an exact date. He was arrested in his family's house together with his brother Mohamed uld Ali: (boy) who was also arrested in 1976, and died during his abduction without an exact date.

In January 1978, a group of eighteen detainees at the centre, including El Batal Lahbib, Salek Ould Ghala or Ahmed Mustafa were taken out of the military installations and released some weeks later. During those two years and three months in which the detainees had disappeared, they had been deprived of freedom and no information was made available on their fate and whereabouts. They were deprived from the protection of the law. They did not benefit from any judicial proceedings whatsoever.

## Chapter 6. Forced disappearances in the Western Sahara

From the Moroccan invasion of the territory in 1975 almost up to 1993, there were over 800 cases of disappearances, although many others have not been researched or reported. The United Nations Working Group on Enforced or Involuntary Disappearances conducted a visit to Morocco from which it issued a report in 2010. This report analyzes the practice of enforced disappearance as used by the Moroccan authorities and includes several references to its systematic nature and to the situation of impunity in terms of disappearances in the Western Sahara.

About 80 percent of such disappearances occurred during the early years of the military occupation of the territory, especially between 1975 and 1977, and constituted the main Moroccan repression *modus operandi* together with bombings, internal displacement and plundering in the desert. Thereinafter, disappearances became more selective, but still in 1987 there was a collective disappearance of about sixty people, which was part of the counterinsurgency and terror policy directed against the Saharawi civilian population.

*My parents had been arbitrarily arrested in the Rbeyib area near the city of Smara on 10th July, 1976. At that time I was only six months old, my mother and other witnesses told me the facts later. Those responsible for the arrest were military colonel Abdelhag Lamdawar and others from the royal gendarmerie. They took him in a car with number plate 712. Those who were with my father were Elhabla Mubarek,<sup>2</sup> the wife of my uncle Buzeid Alamin Abadalahi Mubarek who is still missing today, Mohamed Salem Lmeiles, and his sister Khadija, Abadalahi Zeyu, Benmoussa Hossein, Muley Ben Isa, Ahmed Buahaly, Mohamed Karum. They were many. They were taken to a military base in Smara. Driss Sbiae, an agent of the Royal Gendarmerie, and Amimi, a member of the military, were two of the main culprits. Hamoudi Mohamed Lehbib Biri.*

It is important to point out that a widespread and systematic practice of enforced disappearance is classified as a crime against humanity. Furthermore, enforced disappearance is a continuing offense, which continues being committed until the fate and whereabouts of the victim are clarified, and reliable information is provided on the fate of missing per-

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2 According to the list published by the Human Rights Advisory Council, Abdallahi Ould Buzeid Lamin was sentenced to death by a military court in October 1976.

sons and their families, and, if applicable, exhumations are carried out, and the remains identified and delivered to the families of the victims.

Furthermore, forced disappearance is a multiple violation of several human rights and constitutes a form of torture. Detainees who have been made to disappear are often tortured, sometimes systematically, and even tortured to death as can be seen in some of the cases analyzed. Furthermore, denying information to the families about the fate of disappeared people is a violation of their psychological integrity, a form of psychological torture, given the fact that, because of this, relatives are denied the possibility to cope with their mourning.

In the quantitative study that has been carried out, 64% of the relatives of the disappeared currently live in refugee camps and are mostly women (60% versus 40% of men who testified as relatives), while 36% of the interviewees live in the Western Sahara. That is, many families of disappeared people who have been interviewed are in refugee camps. Such data are important because the victims in the refugee camps have not benefited from any kind of recognition of the human rights violations they experienced nor have even had access to information or to the formalities to arrange an investigation. They have also been excluded from any dealings with institutions such as the Arbitration Committee, the IER or the Moroccan Advisory Council on Human Rights where the victims living in the Western Sahara filed claims for investigation or recognition and, in some cases, were offered compensation. Therefore, the families living in the refugee camps have been much more isolated because these entities do not even recognize their existence.

The victims of enforced disappearance are men, women and even children who disappeared in the Western Sahara and which came from the most diverse sectors of society, their single common feature being that they were Saharawi. These disappearances were the responsibility of various police, gendarmerie and army forces, and the perpetrators are often people known to the relatives who have never been investigated or tried.

These temporary disappearances of up to ten or fifteen years took place in complete impunity, by means of the establishment of a tight control over information and a totally clandestine mode of operation by the state. Lies were institutionalized at the time as a form of response by the State to relatives and human rights organisations' demands to know the truth.

The places of detention for the disappeared Saharawi detainees were initially police stations from the various security, police or gendarmerie forces, as well as various army barracks. Later on, they were taken to specific detention centres, some of them being full-fledged concentration camps that operated in secret. Several were prisons and police stations, as in the case of those in Agadir or Casablanca. Others were former barracks or special clandestine detention centres as was the case of Agdez or Kalaat M'gouna. In some cases, these centres were in Saharawi territory, and were military barracks belonging to the Gendarmerie or the police, like those belonging to the PCCMI in Dakhla, Smara and Laayoune and, in one case, it was the so-called Black Prison, operating as a clandestine centre in those times.

*I was arrested on 11th February 1977. They arrested another fifty-four people with me, including women and men. I remember Busoula Lachgar, Mohamed Baha, Taruzi Uld Saraj, Mahfud Azat Chabalal, and Jadijetu Um Eljeiry. I was under detention for a year, after going through the same tortures for a month and a half in the PCCMI. Once investigations had been completed, they took us to the Black Prison in Layounne, where I finished the year. Family visits were banned, I never had any contact with my relatives. Ahmed Salem Abdel Hay Allal.*

Among the objectives of the arrests and disappearances and the associated tortures applied in this conflict are the following: extracting information about the Polisario Front; punishing families belonging to the Polisario Front, controlling the Saharawi population that is considered an internal enemy, breaking civil support that the Polisario Front may have together with any ideas of independence the Sahrawi population may have, controlling territory by eliminating the presence of civilians, identifying and eliminating members of the Polisario Front, and repressing any protest actions or public demonstrations.

Although disappearances and arrests had similar characteristics in cases of Sahrawi men and women, the impact of capture in women was much stronger. Also, in the quantitative study that has been carried out, relatives of the disappeared showed a greater stigmatisation and social isolation and greater consequences due to the separation and abandonment they had been subjected to, and such matters were also reported in a more emphasised manner in the cases of disappeared women.

In 1991, as a result of the Ceasefire Agreement signed by the Moroccan government and the Polisario Front, which included the release of political prisoners and detainees, the Moroccan State released all those held in secret detention centres. The Moroccan regime had denied the existence of those detained for sixteen years. Another group of disappeared people, who were prisoners of war of the Polisario Front, the so-called Group of 66, were released on October 31<sup>st</sup>, 1996.

Release after six, ten or fifteen years missing, having been tortured for months or years, surviving in extreme and inhumane conditions was reason for considerable joy, but also had a strong emotional impact, those released being fraught with many questions and doubts. It was also a chance to get to know about their families' situation and in many cases receive the emotional blow that some relatives had died while they were disappeared. In some cases, release also meant the beginning of a difficult process of mourning as it was the first time they could speak openly about the dead or that people could be reunited with their families.

Many released detainees pointed out during the interviews that immediately after their release, they were happy to see their families and to have survived such full-fledged concentration camps. However, the situation that they found when they came out was indeed quite different from what they had been dreaming. Many former detainees said that after leaving these secret prisons they found themselves in an even larger prison. Their land had become a place in which the Sahrawis were controlled, were subjected to strong military and police surveillance in their homes, where any contact with other former prisoners

or people indicated by the regime was forbidden. There was a climate of fear and control in which they could not live in freedom.

## **Chapter 7. Torture as a systematic practice. From forced disappearance to arbitrary arrests, 1975-1993**

*We have taken many tortures, they used to hang us, beat us, they would put dirty rags on our faces ... You cannot explain how we have been tortured, but they certainly know a lot of ways to torture you.* Lehbaila Ihdih Mbarek Bourhim.

*You have to feel it to be able to talk about it, because speaking about it means nothing. They put a cloth over your nose and mouth to stop you breathing, and at the same time they would splash some water on you mixed with bleach and urine. It made you choke, and that made you forget the pain you felt in the feet.* Ahmed Salem Abdel hay Allal.

Speaking about torture is not easy. For many former detainees who disappeared until 1993 or who later went through arbitrary arrests, talking about torture is a way of returning to the scene of horror. The testimonies of people who were temporarily made to disappear are fraught with unspeakable stories. Putting years of suffering into words is not even possible. However, in this section we reconstruct the individual and collective experience suffered by almost all the detainees, both those who survived and those who died or who are still amongst the disappeared.

In general terms, of the 261 testimonies collected, over half of the interviewees (54.2%) reported having suffered forms of physical torture and nearly half described forms of psychological torture (45.8%). torture was applied (n = 112) on direct victims who suffered arbitrary arrests and temporary disappearances, three out of four of which (71.43%) reported having suffered physical torture. At least six out of ten described receiving direct blows without any instruments (64.29%), blindfolding and the use of hoods (60.71%) and hangings and extreme positions (58.04%). These three forms of torture were the most frequent. It is necessary to bear in mind that torture with hangings needs a certain infrastructure prepared to carry out such hangings and produce extremely intense pain and joint problems.

In almost half of the cases the blows were made with instruments (44.64%), a third of the victims who suffered arbitrary arrests and temporary disappearances referred to methods such as asphyxia (29.46%), and to the use of electricity in the body (28.57%) and being subjected to extreme temperatures (27.68%), methods which were used primarily in cases of temporary disappearances and less frequently in current cases. The same applies to the minority that referred to the use of dogs during torture sessions (7.14%). The men referred to physical torture more than women although there were no qualitative differ-

ences regarding the types of torture suffered, as men and women were subjected to the same torments.

With respect to other forms of ill treatment, six out of ten people arrested (65.18%) reported having undergone psychological torture and deprivation conditions pertaining to inhuman or degrading treatment. Over half of the interviewed described severe food deprivation (53.57%) or unhealthy conditions and/or deprivation of hygiene (53.57%) and a similar proportion described insults (48.21%) and lack of medical care (46.43%). A third of people who reported arbitrary arrests were confined in overcrowded conditions (35.71%), a quarter of them received threats (26.79%) and reference was also made to extreme individual isolation (23.54%). The latter happened in cases of prisoners considered more dangerous or as a way to break the initial resistance of certain detainees, especially in the case of the temporarily disappeared. To a lesser extent, there were also accounts of torture such as sleep deprivation (12.50%) or being forced to witness how others were tortured (12.50%).

Such practices were similar regardless of the sex of those arrested. Out of the direct victims who were detained arbitrarily or survived temporary disappearance, nearly four in every ten (36.61%) reported having suffered sexual torture. The most common form of sexual torture reported by victims of temporary detentions and disappearances was forced nudity in at least one in four people arrested (26.79%), and this was a practice that was used in the arrests of both women and men.

Torture was applied in cases of arbitrary arrest and of the disappeared in four different ways: a) an initial torture designed to produce a “softening” of the arrested, a practice which often began at the time of capture, b) torture used during interrogations, c) torture as part of habitual ill treatment throughout the period of capture and detention in clandestine conditions, d) in addition to these, each of these forms of torture was accompanied by other means of physical and psychological ill treatment based on the application of inhuman and degrading treatment throughout the period of detention.

The practice of torture is aimed at destroying the identity of the person, causing extreme suffering, denigrating the dignity of the victim, trying to force him or her to cooperate with the tormentors and pushing the detainee to the point of attempting to destroy him/herself as a person, and break the detainees’ resistance, their convictions and their physical and mental health. The main features and objectives of torture in the case of the Western Sahara were: creating conditions of submission and control, the use of brutality and arbitrariness; extension of punishment to cover basic needs, disorientation and helplessness; interrogating the person to the border of death, retaliation and disciplining; temporal-spatial disorientation, insults and other forms of contempt; forced nudity and assaults against privacy.

*When a person began to feel this pain, after three months it was the last part, then the person became crippled in the legs, they got stuck and there was no way to stretch them out. All the tendons shrunk. My feet were completely crippled, the*

*lower limbs first and then that goes up to the upper limbs, then my left arm folded back and I knew my right hand would be totally invalid. Then the heartbeats start, that when you move they start to go too fast, as if you were running, tachycardia. I already knew that was the end, that one day my heart would stop. Abdallahi Chwajj.*

Living conditions in clandestine detention centres became a set of forms of ill-treatment and inhuman and degrading treatment, and affected all spheres of life: shelter, food, water, light, air and environment, excreta and lack of medical care. Even children, as in these cases, were kept in these conditions along with the rest of the prisoners. Indignities like these are part of inhuman or degrading treatment intended to question the dignity of detainees and place them in a position of permanent vulnerability.

Both the torture conducted during interrogations and that exercised in the clandestine centres during the period of custody, such as the abuse and inhuman and degrading treatment suffered by the many people arrested were quite systematic in that time, and put forward the responsibility of the Moroccan state in terms of clarifying what happened, memory for the victims, the explicit recognition of the suffering of Saharawi prisoners and detainees, and justice against the perpetrators. The horror described displays both the intentionality of the perpetrators and the depth of the wounds on those who resisted the horror and the need for recognition of their courage and experience.

## **Chapter 8. The “only” prisoner of war**

Sidi Mohamed Daddach was captured wounded in combat near Amgala in February 1976 and subsequently detained and tortured by the Moroccan army before being treated for his wounds. After two years in secret detention conditions, he was forced to join the Moroccan armed forces in 1978. A year later, in 1979, after an escape attempt during which he was severely injured in an accident, he was arrested once again and tortured. He was subsequently brought before a military court in Rabat in 1980 and sentenced to death. The consequences for his health and life were dramatic, despite his resilience.

*I was condemned to death for fourteen years, thinking that they could execute the sentence at any time. Throughout those fourteen years I have not slept at night, I never wanted it to get dark. I had this shoulder pain and they did not want to heal me I have not had any communication or information about my family, ever. Almost the whole family was in the refugee camps and we had no contact. Sidi Mohamed Daddach.*

Mohamed Daddach was sentenced to death on 4<sup>th</sup> July, 1980, and although he could have been executed at any time, the sentence was commuted to life imprisonment after fourteen years, on 8<sup>th</sup> March, 1994. Only twenty years after being detained, did the Moroccan authorities allow the International Committee of the Red Cross to conduct a visit to check

on his prison conditions. After twenty-five years in prison in extreme isolation, Sidi Mohamed Daddach was released on November 7<sup>th</sup>, 2001. After his release he was subjected to intimidation on numerous occasions, to psychological pressure and, in some cases, to beatings in demonstrations.

## **Chapter 9. The group of the 26. From temporary disappearances to arbitrary arrests**

The group was made up of 26 people, 25 men and one woman, Boudda Nguia. The men were Moutik Lahsen, Boukhaled Abdeslam, Dimaoui Lehbib, Dimaoui Abdeslam, Lahna Mohamed Saleh, Saadi Mohamed, Gaoudi Mohamed Fadel, Salmani Ahmed El Abd, Sidi Mohamed Rguibi, Moutik Lahoucine, El Filali Lahbib, Daodi Abderrahman, Nema Mahjoub, Moutik Ali, Eddah Mustapha, Daoud Brahim, El Hansali Mbarek, El Filali Ahmed, Berrich Mohamed Ali, Eddia Ahmed, Moutik Mohamed, Najem El Merji, Ahl Boubker El Hadj, Mohamed Salem Dhay and Boudda Taqui.

The arrests, which were later to constitute this group, started in May 1977. The last of such arrests was in December that same year. The arrests were part of an operation against a Moroccan political opposition group called Ila Al Amam, a group opposing the Moroccan regime that was in favour of recognizing the right to self-determination of the Saharawi people.

All detainees were taken at different times and taken to the Derb Moulay Cherif secret centre in Casablanca. After several months, unlike other cases, the detention which hitherto had been clandestine became public, and they were taken to the civil prison of Ain Borja in Casablanca in February 1978. The response of Hassan II's regime to reports from international organizations, notably Amnesty International, that there were hundreds of cases of disappearances, were responded to by the regime showing these 26 detainees held as the only ones under State custody.

*We were under detention for two months; we were transferred to Derb Moulay Cherif in Casablanca. We spent three months handcuffed there, blindfolded and tortured continuously. Then we were transferred to a place called Ain Borja and then to the town of Meknes in February 1978, we spent about two years up to March 1980 there. After that, we were separated.* Saadi Mohamed B.

These Sahrawi detainees were transferred from Casablanca prison to the Sidi Said civil prison in the city of Meknes. After their stay in the prison in Meknes, the detainees were dispersed to various other prisons. The trials were not held all together, but separately in each of those places. The sentences handed down were also different, ranging between 3 and 5 years. For each detainee the trial was limited to a few questions about their identity (their name, the names of their parents) and the statement of the prosecution branding them as opponents or traitors to the Moroccan cause. After the trial, detainees in Marrakech and

Setat were regrouped in Kenitra prison where they staged a prolonged forty-eight-day-long hunger strike. During their imprisonment, the group of 26 were very active politically, discussing alternatives for the Western Sahara, writing communiqués and publicly disseminating them through the media or through contacts with the Polisario Front.

*We struggled and tried to make political pressure. We were on hunger strike for forty-eight days. In Kenitra our demands were for better treatment, food, newspapers and a radio to have some knowledge of the outside world. The group was taken before a military court, and then to a civil court.* Gaoudi Mohamed Fadel.

After leaving prison, members of Group 26 were subjected to surveillance. They had to contact the police whenever they wished to move from one town to another and indicate their new address. They were constantly followed by the state security forces. The former detainees tried to remain isolated from the context and even avoided contact with other Sahrawis in order to prevent arrests of potential new contacts, relatives or friends. In spite of such surveillance, several of the people who were part of this group of 26 have led the organizational processes which later crystallised into Sahrawi associations like CODESA or AFAPREDESA, as part of their commitment to denounce and report torture, detentions, and human rights violations both in the Western Sahara and throughout the world.

## **Chapter 10. Prisoners of war**

### **The Group of 66**

Between 1975 and 1991, there were numerous clashes between the Polisario Front and the Moroccan armed forces, during which POLISARIO troops were captured after having surrendered. In turn, Moroccan soldiers were also captured by the Polisario Front. There were even other prisoners held by Mauritania

Two of these collective captures of Saharawi combatants, from which it has been possible to interview surviving former prisoners, took place in 1980 and 1984. One of them was on 3<sup>rd</sup> September, 1980 in the area of Tata and the other was on 13<sup>th</sup> October, 1984 in the Ezmul Enniran area. In the first of these captures, five combatants were taken prisoner: Mohamed-Ali Mohamed-Lamin Hamma, Nafii Lehbib Aalwika, Habib Saleh Bel-la, Saleh Mohamed Lamin Daddah and Ahmed Mohamed Elbachir. All of them were wounded. In the second of these cases, six people were captured, among whom were Mohamed Salem Babi Uld Mohamed El Husein, Mohamed Wadadi and Mohamed LedEIF. Many other combatants were captured in that period. 70 of them were released in 1996, 66 of whom were delivered to the Polisario Front and others were released in Morocco as collaborators. Others died in captivity.

The reasons for becoming combatants had to do with the Saharawi cause and with defending their territory, since many were not militarily organized with the Polisario Front

at the beginning of the occupation, but became part of the Saharawi army over the following months or years.

In both situations among captured combatants there were injured people who were deprived of medical care at the time of capture. The treatment received as wounded in combat does not correspond to humane treatment as required by International Humanitarian Law for such cases: “the wounded and sick shall be collected and cared for”, as ordered by the 1949 Geneva Conventions. Those captured in 1980 only received medical treatment and an improvement in their detention conditions after suffering frequent interrogations and torture for nearly a month in Buzakarn.

*When we were arrested, they tied us up and we were subjected to interrogation, they asked me where I was from, I told them that I belonged to the Polisario Front and they hit me on the forehead. I blacked out and woke up the next day. My companion Nafii Lehbib Aalwika, had been hit on the nose and from that blow he has lost much of his sense of smell to this day. Saleh Mohamed Lamin Daddah was hit on the head and is still suffering the consequences of that, mainly in summer. Habib Saleh was hit on the temple and is severely affected psychologically, he has lost his mind forever. Ahmed Mohamed Elbachir was also ill treated. Mohamed Ali Mohamed Lamin Hamma.*

In the case of prisoners in 1984, treatment was better than that of their companions who had been captured earlier. Both the group captured in 1980 and that captured in 1984 were transferred along with other prisoners of war who had been captured in other military operations to Kenitra prison, between one and two months after their capture and interrogation.

In the harsh conditions of survival in Kenitra prison, the prisoners found themselves in similar conditions to those of the disappeared. They had no contact whatsoever with their families, which had not been informed about their capture, and no information thereof had been provided to the Polisario Front either. Only after the arrival of the International Red Cross in 1993, between seven and thirteen years after their capture, and after such captures had been recognised by Morocco, were the prisoners able to improve somewhat their conditions of detention. The International Committee of the Red Cross transferred them from the prison to the Saharawi refugee camps in Tindouf on 31<sup>st</sup> October 1996, where they were handed over to the Polisario Front.

Since the former POWs were released in the Tindouf camps, the response by the Moroccan authorities -first with the creation of the Arbitration Committee in 1999 and later with the creation of the IER- has been the same as in the other cases of victims of enforced disappearance, torture and bombings that are in the camps, that is to say, none. There has been no mention of their cases in the IER reports or those of the Human Rights Advisory Council, no acknowledgment of the human rights violations they had undergone, nor any compensation for serious violations of international humanitarian law committed against them.

## Chapter 11. The case of 1987

In 1987, 50 to 60 people were arrested as they were preparing to hold a peaceful demonstration against the visit of a preparatory mission of the United Nations and the Organization for African Union for the preparation of the referendum for self-determination in the Western Sahara.

The then Secretary General of the United Nations, Perez de Cuellar, and the President of the OAU, Abdou Diouf, had organized a series of talks between the Moroccan authorities and the Polisario Front in the city of New York, in April and May 1986, which prompted a meeting between King Hassan II and the Algerian president Chasli Benjedid, in May 1987. The result of these meetings was an agreement to make a technical visit to the Western Sahara, especially to Laayoune and Dakhla, to know the situation of the Saharawi people and explore the conditions for the preparation of a future referendum on self-determination that had been agreed upon in different resolutions from both institutions.

That visit took place in a context of enormous isolation of the Western Sahara, in the midst of a situation of terror and loneliness of the population, which had suffered human rights violations and their consequences from the military occupation and from the war in 1975.

In the weeks preceding the planned visit, several Sahrawi groups prepared a peaceful action to appear before the UN delegation and state their demands on the Western Sahara. The preparation of such action was precarious, in small groups and with great fear, given the climate of surveillance and terror that existed in the area.

For years, terror had been the reason not to make any claims through any kind of public action. In the Western Sahara during the 1980s, the Saharawi population couldn't even imagine the possibility of organising a public demonstration. However, before the visit of the international commission, a Saharawi group decided to hold a demonstration in the belief that that would afford them certain protection.

The response from the Moroccan regime against this attempt to demonstrate was not only illegal, but completely disproportionate and a violation of human rights. Between 50 to 60 people were arrested and then made to disappear in Laayoune, among them some seventeen women. The arrests were made in homes or workplaces. They were carried out with time and planning, and with the participation of numerous state officials, especially members of the local police and the security apparatus who came from Rabat.

*This was the occasion to demonstrate, most Sahrawis thought that Morocco could not do anything to them if they demonstrated before international entities, but this was not the case. 20th November 1987 was the day of the arrival of the international delegation, however, and already on the 17th the arrests had begun, and there were hundreds of them. El Ghalia Djimi.*

Those arrested were immediately taken to a clandestine detention centre that was situated in the installations of the Rapid Intervention Police, known as the PCCMI and which operated as a clandestine centre. The torture of detainees began just after the arrests had been carried out.

Later, when the United Nations and Organization of African Unity delegation arrived, they were removed from the PCCMI and taken to the headquarters of the Rapid Intervention Battalion (BIR) which was a few kilometres away from Laayoune. This move was a ploy by the Moroccan state in case the PCCMI was visited by the delegation and they found the detainees and say the conditions in which they were held. During their stay in the BIR, Mohamed Ayach was killed during torture which consisted of blows in the abdomen with a stick with a nail in front of several witnesses, while his mother was being held in the nearby women's cell. After several days, and once the international delegation had returned to Rabat, the detainees were again taken back from the BIR to the PCCMI where they remained as disappeared people for three years and seven months until their release in June 1991.

*It hurt a lot because I was listening to everybody's cries, even those of my son ... I would rather have died than to have had to hear those screams. My son was tortured to death. I heard all their tortures, his suffering went into my ear, until he died. After several days he died. Salka Ayach.*

The victims were kept in inhuman conditions, subjected to torture, extreme overcrowding, food deprivation, physical contamination and sleep deprivation and were subjected to frequent beatings.

## **Chapter 12. Civil courts as against military courts**

In 1992, after the release of a group of about 300 disappeared in 1991, there began to be some demonstrations in favour of self-determination and against Moroccan elections in Western Sahara. Dozens of people were arrested in these demonstrations. In most cases, detainees were sent to the PCCMI, where they were tortured and made to disappear for several months with no communication whatsoever with their families or information about their whereabouts. They were kept in inhuman and degrading conditions before being released or tried. In some cases they were taken to hospital in a very serious condition as a result of torture, and since then they have disappeared, as in the cases of El Koteb El Hafed and Said El Kairawani.

The Moroccan regime organized judicial proceedings against several of them before the Military Court in Rabat on 29<sup>th</sup> July, 1993, and this was the first time civilian prisoners were taken before a military court. This was the beginning of the phase that lasted for nearly fifteen years (1992/2006), in which detainees were charged with public disorder, attacks against national security and territorial integrity and treason after demonstrations

in the streets in favour of the right to self-determination, and were tried by military courts without any legal guarantees for the accused.

By 1992, there had already been a ceasefire between the Moroccan army and the POLISARIO Front, and MINURSO had been in existence as from 1991. MINURSO had been installed to verify the ceasefire and prepare the referendum on self-determination in accordance with UN guidelines. The hope of the Sahrawi population had been placed on the UN mission and the simultaneously held Moroccan elections sparked outrage and mobilization, especially among young people.

The first group of six people tried by the military court in Rabat had been arrested in Smara in two different dates: 8<sup>th</sup> October 1992 and 19<sup>th</sup> May, 1993. This group was made up of a woman, Kalthoum Ahmed Labeid El-Ouanat and Brahim Jouda, El-Bar Baricallah and Mohamed Bennou, who had been arrested on 8<sup>th</sup> October because of the demonstrations, and Ali Gharabi and Salek Bazeid who had been arrested in May 1993. The first date corresponds to arrests to avoid demonstrations on the first anniversary of MINURSO and the Moroccan elections in the territory of Western Sahara, while on the second date there had been demonstrations on the anniversary of the declaration of armed struggle by the Polisario Front, on 20<sup>th</sup> May, 1973.

Kalthoum was arrested when she was going with her father to meet Governor Khalil Edjil to clarify their situation, as information had reached her that she was wanted by the police. She was taken into custody at the Governor's headquarters and then taken to the PCCMI clandestine centre in Laayoune, where she was detained and made to disappear for ten months along with the other detainees. On 14<sup>th</sup> May 1993, twenty-one-year-old Bazeid Salek was arrested by several members of the Department of Territorial Security in the Hassan II Institute where he was studying. Many other young people and children were arrested around the same dates by members of the Department of Territorial Security. Some of them in the same institute as in the case of Buhadda Brahim, Elbashir Laamir, Dah Habiba, Rgueibi Fatma, Azergui Fatma, Essaidi Mbarka and Ali Gharrabi, among others. Others came from other arrests in Laayoune and Smara.

At that time about one hundred people were detained at the PCCMI, and according to the testimonies collected, several of them were from Smara and the rest from Laayoune. Ten of them were women and there were also many children. All the detainees were subjected to the same ill treatment and torture.

In July 1993, some detainees at the PCCMI were released like Mrabbih Battah or Fadah Aghala. Meanwhile, those who were to be tried by a military court were removed from the PCCMI and were transferred to Rabat. People who were taken to Rabat for trial included a woman, Kalthoum Laabeid, and several men, including Youda Brahim, Bennu Mohamed, Melah Barikala and Bazeid Salek.

*When the trial began, we had court-appointed attorneys, and the session was closed. When we began to express our convictions on the Western Sahara, the lawyers*

*withdrew from the session. The prosecutor asked for death sentences, saying they had to execute us for it to be a lesson for young people. Bazeid Salek.*

The trial was held on 29<sup>th</sup> 1993 before the Military Tribunal of Rabat. During the trial, all the irregularities committed by the State and which made the trial fraudulent and illegal became evident, as it was not held in a public session, the defendants were denied the right to choose legal counsel and the state-appointed lawyers had never been officially assigned access to incriminating documents. Relatives were also denied any contact with the defendants either before or during the trial.

The military court in Rabat sentenced them to twenty years of imprisonment for attempting against State security. While all detainees reported the torture they had been subjected to and that their statements had been made under torture, the court disregarded the allegations and admitted such statements as proof. Kalthoum, with the help of one of his guards, sent his brother a cassette tape in which he reported the treatment he had suffered in prison and stressed he had been a victim of sexual violence. These people were considered prisoners of conscience by Amnesty International.

They spent about three months isolated in a basement, without their families knowing about their fate. On 22<sup>nd</sup> November 1993, the prisoners received the first visit from the ICRC, due to the pressures exerted by their families and support groups to investigate their whereabouts and conditions of detention. Finally, the detainees were released, between three and three and a half years after their arrest in May 1996.

After their release, they all were subjected to pressure from the Moroccan authorities with home visits, monitoring and surveillance. In some cases they were not allowed to carry on with their studies. For example, in Kalthoum's case, she and her family were pressured to force her to stay working as a nurse in the army. Since Kalthoum, once incorporated into the army, continued working for the Polisario transmitting information, especially during the 1999 Saharawi mobilization, she was arrested in the same barracks twice. She was sent with the Moroccan army to Sarajevo after the Balkan War. Later, during a holiday in 2002, she died in what apparently was a car accident, together with another Sahrawi activist.

### **Chapter 13. Torture in arbitrary arrests**

Of all the testimonies gathered for this study, 25% correspond to the period between 1993 and 2010. Moreover, in many cases, people who had been disappeared or arrested during the first eighteen years of the occupation of the Western Sahara were then subjected to further detention, torture or ill-treatment after participating in demonstrations and being accused of promoting such mobilisations.

There was then an evolution in terms of human rights violations, especially from the year 2000 onwards. While such changes left behind the horror of secret detention centres,

the patterns of human rights violations suffered by the Sahrawi population did not differ much in the way they were carried out or in their authors, who continued to perpetrate them without any control. Many of these cases were still taking place in the Western Sahara while in Morocco the IER (2004/06) had been officially set up by Mohamed VI's regime to address the human rights violations of the past under the regime of his father, Hassan II.

The repression was particularly directed against women who participated in the numerous peaceful demonstrations in the streets. Variations with respect to the previous period have to do with the length of the interrogations and torture, and the conditions of publicity or knowledge of the arrests. However, the same forms of torture that were described in clandestine detention centres, beatings, hanging, torture with electricity, choking, blindfolding and sexual violence have continued to apply. These stories of torture have continued occurring in many cases since the mid-1990s up until the latest cases analyzed that took place in 2010/2011.

Among the victims interviewed for this research who suffered arbitrary detention, seven out of ten stated they had suffered torture or other forms of ill treatment, also during this period. In several of the cases studied, the use of forced nudity and sexual violence as part of the tortures suffered has been dramatically and painfully pointed out by male victims. Torture seems to be used for obtaining self-incriminating statements and to be able to show results rather than because the police has evidence or has carried out an inquiry to accuse detainees of criminal offenses.

Many others arbitrarily arrested were not arrested in demonstrations but when they tried to head towards the wall built by Morocco, intending to flee to the refugee camps in Tindouf. For example, on 5th November 1992 a group of cattle herders who were heading there were arrested by the Moroccan army, taken to Smara and finally to the PCCMI in Laayoune, where they disappeared for years and were released in 1991. They were subjected to many tortures similar to those suffered by those who had previously been detained in that centre.

The successive waves of arbitrary arrests and torture had a turning point in the 2005 Intifada, when many Sahrawis took to the streets to demand their rights, oppose the Moroccan autonomy plan for Western Sahara put forward in negotiations with the Polisario Front, and demand the release of the political prisoners of that period. Since then, mobilisations, sit-ins or demonstrations have often been repressed by the police. In other cases, there have been violent responses against gatherings such as those held for the reception of Sahrawi prisoners who had been released and in which slogans or expressions in favour of self-determination were evident, or at receptions organised for relatives or members of the Polisario Front in visits organized by the UNHCR. This includes the repression of certain demonstrations after the reception of the first family visits in 2004 or the demonstrations following the dismantling of Gdeim Izik in 2010.

*At the police station I was with another seven boys. The youngest was nine years old, the others were fourteen and fifteen. When they took us to the police station, the one who was tortured the most was Sleiman Ayash, they stripped him and they applied the torture that is called "the roast chicken". One of them caught him here and another one grabbed the stick that was a metal water pipe, they lifted him until he was there with his head down, and another of them hit him on the feet. They told us that those who did not confess and tell them who organized the protest and distributed the flags, was going to get the same treatment. Nguia Elhawasi.*

In recent years there have been reports on many cases of new forms of arbitrary detention and torture for short periods of time in places that are not detention centres, such as isolated places or police cars, with no arrest records or incidents or responsibilities recorded. These actions have sometimes taken place as part of the harassment of people who are being followed.

Mass arrests of Sahrawis after periods of mobilization have been followed by detention in jail awaiting trial or imprisonment as a result of convictions. Detention conditions reported by detainees include a massive overcrowding in places where prisoners can not even lie down to sleep. These reports display a similar treatment to that in arrests that have taken place over several years. In the period ranging from the arbitrary detentions and prosecutions in 2005 to the arrests following the dismantling of Gdeim Izik in November 2010, ill treatment reports from of those arrested are all quite similar.

Medical care in cases of police assault injuries is a key factor both for the investigation/research of torture and for the care of people who are injured or affected in their health as a result of such practices. However, none of these conditions exist in the cases we have analyzed of arrested and detained Sahrawis. Thus, torture and ill treatment in arbitrary arrests have continued for decades and no known preventive measures have been taken by the Moroccan regime. With respect to medical evaluation and guarantees for people who have been assaulted by the police or who have been arrested, a study by an orthopaedic surgeon and therapist published recently in 2012, states that problems with medical records are evident in all cases examined with Sahrawi victims.

Victims report that is very difficult to obtain medical records for several reasons: 1) sometimes they are denied assistance, 2) other times, in order to receive medical attention, the victims themselves would conceal the origin of the injuries and say they had not been sustained due to assault, torture or excessive use of force, but by some kind of fortuitous accident, 3) in cases of conflict and after action by the authorities in which there are multiple injuries, they do not go to public health centres, as it is not uncommon that after being cared for there, they end up being placed under surveillance or detained by the authorities, 4) in cases where the family has the financial capacity to cover the costs, they go to health professionals in their private practices, but in these cases, the latter do not issue any document or certificate whatsoever that could relate the injuries observed with action by the authorities. Such circumstances again reflect the level of fear and helplessness in terms of documenting injuries and the impact that many of them suffer.

Besides, it is also necessary to consider that in cases of death from injuries inflicted by the police, forensic analysis and reporting is a key element to determine the cause and circumstances of death. However, in several of the most famous cases in recent years in which death occurred in police custody or as part of violent police action, the authorities did not allow independent autopsies to analyse injuries, and determine the cause of death, although there have been two cases of convictions and sentences for deaths of Sahrawis due to police action.

The last known example is that of Said Dambar, a young man who was killed in Laayoune as a result of police action in the town after the dismantling of Gdeim Izik, on 8<sup>th</sup> November, 2010. Recently, Said Dambar's body was buried in spite of opposition by his family, thus avoiding any investigation of the wounds that caused his death. Similar situations of lack of investigation were experienced in other cases of incidents that have not been sufficiently clarified, such as that of the death of child El Gargi or that of Babi El Gargar in an incident related to the dismantling of Gdeim Izik camp.

## **Chapter 14. The 2005 intifada**

Especially since December 2004, with the commemoration of Human Rights Day and later at the International Women's Day in 2005, human rights activists organised peaceful sit-ins and demonstrations in several towns, especially in Laayoune. All these demonstrations put the demands for the disappeared together with demands for the release of political prisoners which were being made in those years. This meant that, little by little, many people began to take to the streets demanding for the Saharawi people's right to self-determination, the release of political prisoners or the denunciation of torture.

*As from 2005, which is when we started to get organised, just the day after the POLISARIO festivities on 20th May, there was a demonstration on the 21st in which Hamdi Lembarki died in Laayoune, and because of that, people began to be seen. They caught me and they had identified me on the day of the funeral of Hamdi Lembarki in Laayoune, we wanted to go from Bojador to attend the burial. From there onwards ... people started to show up. Sultana Jaya.*

The widespread use of the Internet, the opening up of the regime with the setting up of the IER, the organisation of human rights defenders, or the rejection of the autonomy plan proposed by Morocco in negotiations with the Polisario Front were among these demands. The Moroccan authorities' response was repression against human rights defenders and human rights activists who identified themselves as the leaders of this movement.

After the Intifada, as from May 2005, numerous protest actions were taking place in various areas, especially among the student population, and these led to violent responses by the Moroccan authorities. Also many young people and even children started to participate in

these activities and demands, which have led to greater repression, arbitrary detention and torture against minors since then.

*The Intifada meant a lot to me and the Sahrawi Intifada changed the attitude of the Sahrawis against the illegal Moroccan occupation, we were no longer so scared of the security forces.* Mustafa Labrass.

This process, in which some young people from a new generation entered the circuit of arbitrary detention is in reality a kind of socialization in grief, as if arrest and torture were something that all Sahrawis who speak out in favour of self-determination will suffer, and this was expressed by some of them in the interviews.

The same torture techniques were applied on many prisoners and detainees. The tortures referred to by detainees especially from the 2005 mobilizations to the present day have also had a collective character. Hundreds of people were arrested during those months in an attempt to stop the demonstrations. During the Intifada and the subsequent demonstrations, there were numerous attacks against peaceful demonstrations with excessive use of force, as well as assaults or house searches without warrants and harassment of Sahrawi people who had previously been disappeared or imprisoned for political reasons, and who were considered by the Moroccan regime to be suspicious of being behind the protests.

The repression of demonstrations and arbitrary detentions and torture also had, from that time onwards, paradoxical effects. Since these 2005 mobilizations, numerous victims interviewed said they had been able to overcome fear. They no longer felt alone and isolated thanks to communication through the Internet, thanks to the organization of human rights defenders and international contacts that allowed them to broadcast what was happening in Western Sahara and break the information blockade that had existed before. For women this meant a revaluation of their identity and their role in their people's struggle for self-determination. This increased public participation of women has had them subjected very often to the harshness of the repression, but also implies a reinforcement of their own identity and self-esteem.

*My life before the Intifada was routine, much as that of any housewife and under a constant pressure not to express what I really felt and with the Intifada everything changed, I had lost that fear of the occupation authorities. Now I participate in every demonstration I can.* Dahba El Joumani.

## **Chapter 15. Expelling the saharan identity**

### **The case of Aminatou Haidar**

Aminatou Haidar was arrested and tortured in 1987, whilst disappeared in the PCCMI clandestine centre for three years and seven months, and was later arrested and tortured once again in 2005.

In November 2009 Haidar, chairperson of the CODESA association of Sahrawi human rights defenders, travelled to the U.S. to receive the award from the Train Foundation for her work in defence of human rights in Western Sahara. Previously, in 2008 her work had already been recognized by the Robert F. Kennedy (RFK) Human Rights Centre. During her visit, she also attended the UN Fourth Commission (the Commission on Decolonization), and held meetings with various legislators, politicians and U.S. associations to divulge the Saharawi cause and the human rights situation in the Western Sahara.

On her return home, the Moroccan government, after holding and interrogating her at Laayoune airport for several hours and depriving her of her passport, decided to expel her claiming that she had refused to write “Moroccan” in the nationality section of her entry form. Thus, on 14<sup>th</sup> November, 2009, a symbolic date because of its coincidence with the Madrid Tripartite Agreements in 1975, the activist was taken by plane, deprived of her passport, to Lanzarote Island. Thus a country which is occupying the Western Sahara and which considers that territory as its own expelled a citizen from her own territory in a totally arbitrary and illegal manner.

Apart from that, Aminatou Haidar’s passport deprivation is a measure that has no legal justification whatsoever and this is also the case with her arbitrary expulsion. At no time did they recognise Haidar the possibility of appealing to higher authority to challenge the legality of the measures taken against her and avoid being expelled from her own country.

Upon her arrival at a Spanish airport, the activist refused to leave the terminal and berated Spain for having accepted her in its territory despite travelling without passport, which had been confiscated by the Moroccan police, although Haidar did indeed have a green card to enter Spanish territory, granted some time before to have her health problems attended to. Such problems were the consequence of torture in prison. Later Aminatou attempted to buy a ticket back with the company *Canary Fly*, which refused to sell her the ticket and the Spanish police informed her that, as she had no passport, she could not leave Spanish territory. Thus, the identity card which according to Spanish officials allowed Haidar’s entry to Spain did not constitute a valid document with which to leave the country.

Given this situation, and declaring that her expulsion was politically motivated, she began a hunger strike in the Canary airport terminal. Immediately, organizations of solidarity with the Saharawi people mobilized to support the activist. The activist’s hunger strike and civil society’s support further hampered the management of this diplomatic conflict for the Spanish government, which had to resort to mediation by the Secretary of State, Hillary Clinton, and to John Kerry who was then the chairman of the U.S. Congress foreign affairs committee, to pressure Morocco and find a solution. The situation was further complicated when Spanish politicians began mobilizing at the parliamentary level and travelled to the Western Sahara to monitor the human rights situation there.

In order to try to get out of the conflict created by the governments of Morocco and Spain, on 29<sup>th</sup> November the Spanish government proposed retrieving the activist’s passport

by means of political asylum in Spain or, as a second option, the granting of Spanish nationality, but the activist rejected both proposals. After many efforts, Spain requested the authorization of Morocco, on 4<sup>th</sup> December to have Foreign Minister Moratinos and Haidar travel in a medical airplane to Laayoune, but Morocco refused permission when the plane was about to take off. Aminatou's health deteriorated to the point that there was an attempt to transfer her to a hospital on 10<sup>th</sup> December, but she refused to get medical assistance.

Finally, after many efforts by the Spanish diplomacy, on 17<sup>th</sup> December, after her sister's visit, the activist agreed to be transferred to hospital. Faced with increasing pressure, which now included that from the EU, Morocco considered Haidar's return a "humanitarian issue" and on 18<sup>th</sup> December, after 32 days of hunger strike, the activist was able to return to the Western Sahara on a medical plane. Many people were arrested and some of them beaten on their way to her reception.

## **Chapter 16. Gdeim Izik**

### **From hope to repression**

A camp was set up in October by several families, organized by the Homeless Family Coordination Group in order to demand their economic and social rights to the government of Morocco. The camp began with the installation of approximately 40 desert tents 12 kilometres away from Laayoune, on 10<sup>th</sup> October, 2010, in an attempt to avoid the repression or conflicts that could occur with street demonstrations. About 170 people settled there, mostly students and unemployed people who protested in this way against the lack of opportunities and social marginalization that the Moroccan state had been keeping them in for decades. The Gdeim Izik camp began to grow from the first days, quickly gathering a total of 16,000 to 20,000 people.

*We had a good life, we used to have tea, go for walks, had a few laughs, and we were in a good situation. It was a good camp, there were no scandals or anything, it was a quiet life, people were very quiet, with their families, there was freedom.*  
Mohamed Elayoubi Uld Salem.

On October 11, the authorities sent a group of Sahrawi dignitaries to the camp in order to dialogue with the population which, at that time, was still not very well organized. However, in parallel, police presence was increased. The Moroccan authorities began to build several walls of sand around the camp, with a strong military presence as well as that of various security forces on both sides of the wall surrounding the camp. The authorities provided no explanation for the construction of the wall, while the population watched how this secure fence was set up around them by security forces of all kinds: the army, the gendarmerie, police, auxiliary forces, and members of the intelligence services (RG).

Numerous checkpoints were set up on the access road. On 16<sup>th</sup> and 17<sup>th</sup> October a group of senior Moroccans of Saharan origin came to the camp to find out what was happening and took up the commitment with the camp's Dialogue Commission of returning with an answer. From that date onwards, and about two or three times a day, helicopters began flying over the camp area. On 18<sup>th</sup> October Sahrawi dignitaries (tribal chiefs) visited the camp, intending to act as mediators. They collected certain demands for the camp. On 21<sup>st</sup> October, there was a new episode of negotiation between the camp spokesmen and three senior Moroccan Interior Ministry officials (three Walys: Brahim Boufousse, Mohamed Tricha and Mohamed Librahimi).

The camp maintained itself only with the solidarity of the Sahrawis, and other marginalized sectors, such as the Fosbucraa workers, divorced women and former political prisoners started to join the camp, with their social demands, which constituted a demonstration of the Sahrawis' organizational capacity. There were no problems of public order whatsoever caused by Sahrawis during the existence of the camp. The murder of the fourteen-year-old Elgarhi Najim, by elements of the Royal Gendarmerie on 24<sup>th</sup> October blocked the dialogue process in which the population was taking part and a mourning period of three days was declared in the camp. After the murder of the child, the Moroccan authorities banned access to Laayoune by foreign journalists registered in Morocco, and particularly Spanish journalists.

On 26<sup>th</sup> October the dialogue resumed and it was agreed to take a census of the campers and their demands as a prelude to a comprehensive solution. The authorities later, under considerable media coverage began a distribution of individual aid as a way to discourage staying in the camp, using Letters of National Promotion (a type of social assistance in Morocco). On 2<sup>nd</sup> November 2010, the Dialogue Committee issued a statement in which they deplored and condemned such practices and rejected the individual solutions. There was a new round of talks with the direct participation of the Moroccan Minister of the Interior, Mr. Tayeb Cherkaoui, and members of the Dialogue Committee. The last of such rounds took place on 4<sup>th</sup> November, when a preliminary agreement was signed, whereby the Moroccan government agreed to progressively fulfil their demands for housing loans and jobs. According to the agreement signed, the implementation of the measures set out in the agreement would begin on Monday 8<sup>th</sup> November 2010. At dawn on 8<sup>th</sup> November 2010, a violent dismantling operation of the camp was started. Two Sahrawis and eight policemen were killed in the clashes that took place in the camp and later on in Laayoune, in the context of a reaction which was described by human rights advocates as of a hitherto unknown "extreme anger".

*After a while I heard the screams of women and children, so I headed to the tents nearby to wake people up. I turned to my left and saw military trucks smashing the tents, while the helicopter flew over the camp and threw tear gas at us. There was smoke all over the camp ... When the soldiers beat us with sticks, we found a big group of young Sahrawis who had formed lines to protect us and they opened a way out for people, especially children, women and the elderly. Leili Salka.*

According to the data available some 300 civilians were finally arrested during the dismantling and subsequent violence in Laayoune. About 100 people were released without charge within 48 hours, but most of them had been ill treated and tortured. Subsequently, according to the data available:

- 160 Sahrawis were detained in the Black Prison in Laayoune.
- 4 people were tried at first instance and sentenced to three months in prison without defense counsel or the presence of their families.
- 20 were sent to Sale prison in Morocco awaiting trial by a military court.
- 20 Sahrawis were granted parole.

## **Chapter 17. Modus operandi**

### **Forms of violence against the Saharan civilian population**

From the beginning of the conflict and of the Moroccan occupation of the Western Sahara, human rights violations committed against the Saharawi population have followed different patterns of activity. In such patterns it is possible to see the *modus operandi* followed by the regime, especially its military and police forces, in order to control both the territory and the Sahrawi people.

The occupation and military dispute of the territory, especially between 1975 and 1979, entailed a combination of strategic operations based on wide-reaching military and security forces which had a massive impact on the Sahrawi people. During this period there were bombings of civilians, the exodus of refugees, big persecution operations in the desert, plunder, confinement of the population and widespread detentions and disappearances.

*In my earliest memories, Smara appears as a conquered town, where the massive presence of soldiers, police, auxiliary forces under the command of the Ministry of Interior, police, soldiers of the Mobile Intervention Unit, plainclothes police, etc., make Smara look like a real garrison town. It was impossible and unthinkable to go on an evening stroll around town; there are patrols from all the different security forces going around in the streets arresting anyone who does not respect the imposed "curfew". Ali Oumar Bouzaid.*

Most human rights violations committed against the Saharawi population have had a collective character. Military operations against civilian camps or forced displacement of entire groups took place in the first years of the occupation. Furthermore, enforced disappearances also occurred massively in the early years of the armed conflict including the detention of family groups or groups of people in various contexts. These were not

isolated actions. That only took place in certain parts of the territory. Furthermore, all such actions have a similar profile and were executed under orders from the Moroccan authorities.

It is necessary to point out that the commission of certain behaviours (such as deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental international standards, torture, and forced disappearances) as part of widespread or systematic attacks against any civilian population, with full knowledge of such attacks, makes it possible to qualify such actions as crimes against humanity.

The practice of enforced disappearances in the Western Sahara, for example, was systematic and widespread between 1975 and 1991, and it is thus possible to qualify such actions as crimes against humanity. At least 490 people disappeared in clandestine detention centres and were released after years of detention and torture. Between 360 and 460 others continue disappeared to the present day, 207 have been qualified by the state as having died in clandestine centres, 144 in other military operations and at least 100 more have been listed as missing by Sahrawi organizations. All the above cases of forced disappearance occurred in clandestine detention centres, some of which operated as concentration camps. In cases of enforced disappearance, the authorities refused to acknowledge the victims' deprivation of freedom and their fate and whereabouts were actively concealed, thus attempting to erase their traces or whereabouts for their families. All of this took place in a systematic and widespread manner, depriving hundreds of victims of the protection of the law.

The lives of the disappeared detainees was neglected to the point of allowing them to die slowly in conditions of extreme insecurity, ill treatment, malnutrition and disease. The lack of treatment for diseases and severe malnutrition in which they were kept for years killed many people or took them to the very border between life and death.

The people who died were buried in places where there have been no exhumations to identify the remains or to determine the cause and circumstances of their deaths. Consequently, the remains have also not been returned to their loved ones, and therefore the pattern of concealment of which the disappeared had been subjected to has perpetuated itself after their deaths.

Therefore, the actions taken against Saharawi civilians denote a certain level of coordination and centralization of information, the evaluation of the situation of the detainees as well as their progressive concentration in different facilities. All of which points to the existence of a centralized chain of command and coordination by various state security entities. The initial arrests were carried out both by the army and by auxiliary forces in the desert, like the gendarmerie, the judicial police or rapid intervention police forces.

The secret detention centres were also guarded by the army and intelligence services, such as that in Derb Moulay Cherif, or by the rapid intervention police, as in the case of

the PCCMI, or by auxiliary forces under military control like at Agdez or Kalaat M'gouna. And of the many disappeared detainees included in this study, only 16 percent were held in a single clandestine centre, the rest went through two or more such installations. People were transferred in different ways, by air or by land.

The transfers were made at different times but in the same manner, with trucks in which detainees were subjected to inhumane conditions, concealment of routes or of their fate and with the coordination of different police or gendarmerie entities with auxiliary forces responsible for custody in places like Agdez. There was a complete coordination of military and police forces to conduct arrests and forced disappearances. Such coordination followed plans laid out and agreed upon at a high level.

Coordination was also carried out in terms of the treatment dispensed to different groups of detainees, involving various forces responsible for detention, custody and interrogation. In all these cases intelligence groups responsible for gathering information were involved in the interrogations.

The clandestine centres functioned not only with a tight control of detainees and prisoners, but also controlling activities and incidents as well as those in charge. All of this was systematically recorded in documents and files placed under strict control. The operation of clandestine detention centres such as the PCCMI, Agdez or Kalaat M'gouna shows a systematic pattern of control and registration of stocks and daily incidents in such centres, in each of their three shifts (from 5am to 1pm, from 1pm to 9pm, and 9pm to 5am). In each shift control was exercised in a double form, that is, every hour by the shift chief and by the section head every half hour. Therefore, the situation of the centre and that of the detainees was monitored every 30 minutes.

The different checkpoints and surveillance and logistics responsibilities were permanently assigned, and all of this was duly registered in control sheets and by means of numbers that corresponded to company members. Under no circumstances were the names or positions of the people enrolled registered. The records only had the seal, signature and name of the person in charge in the area.



In the case of the Western Sahara, practically from the very beginning of the Moroccan occupation, government authorities (the Wali) and police or senior military authorities were directly involved in the repression of the civilian population.

*I was taken directly to Rabat, specifically to the Ministry of Interior. I was introduced to the governor who at that time was "Hafid Benhachem", with whom were the governors of what they call "the Saharan provinces", the governor of Dakhla, Smara, Laayoune and Boujdour, among whom was Saleh Zemrag. They said to me, "Why do you people want to escape? While King Hasan II cares for you, gives you housing and jobs, why do you young people escape and reject all of this?" and other questions like that. Mahjub Awlad Cheij.*

In most cases of arrests at different times, both in the cases of disappearances as in most current cases of arbitrary detention, there were attempts to force the victims to collaborate with their torturers. These attempts to transform the victim into a collaborator took place right from the beginning of the captures, in an effort to change the attitude of the detainees, by offering better treatment during detention in exchange for collaboration. Most of the time these offers of support were part of the torture. These same practices were carried out against some detainees in the case of arrests following the dismantling of the Gdeim Izik camp in November 2010, in an attempt to force some detainees who had been tortured to testify against the organizers of the camp.

Arbitrary arrests are also part of the modus operandi. About 30 percent of the detainees whose testimonies were collected for this study were arrested more than once. The practice of making arrests without warrants has been widespread in the case of the Western Sahara and extends to the present day. Such arrests are carried out without any guarantee for the victims, even when taken before a judicial authority to the present day. The power of the security forces is predominant in court. In the cases included in this study, the Moroccan courts in the Western Sahara have shown no signs of independence in lawsuits or investigations.

Another of the most common forms of action are currently mobility control, surveillance and harassment of people who are participating in public demonstrations, who are human rights defenders or who are engaged in or support the Saharawi cause. The control of public mobilisations has not only been based on repression of peaceful street demonstrations in favour of self-determination or of actions in solidarity with the Saharawi prisoners at different times, but has also included threats of a preventive nature against participating in such demonstrations.

The surveillance of formerly detained and disappeared people becomes evident just moments after their release. The relationship with former prisoners is dangerous for the rest of Sahrawis who can be harassed or arrested simply because they are considered suspicious by showing solidarity with former detainees. For the latter, simply leaving town or getting in touch with other people or human rights defenders could be cause for further detention. Such monitoring of mobilization has been the basic mechanism and pattern of

behaviour of the Moroccan authorities in the Western Sahara since the military occupation in 1975.

The controlling of information, contacts and media is also a part of everyday life in the Western Sahara. Despite being an active conflict and although a UN mission has been deployed there, the Western Sahara is one of the most forgotten conflicts in the world. Such forgetfulness is not only due to the habitual overdose of death and conflicts in the world, but also has to do with the above-mentioned policy of controlling information and limiting the work by the media in the territory. Such was the case of Gdeim Izik, and earlier also in the trial conducted against human rights activists who had been arrested after travelling to the Tindouf camps in 2009, in which several journalists were physically assaulted in the court building. This practice attempts to avoid witnesses testifying about the arbitrary character of the policy. In many cases, those who have testified before committees of inquiry, or journalists or observers from other countries have been placed under surveillance, and have afterwards been subjected to threats and arbitrary arrest.

Since the only trial before the courts carried out at the height of enforced disappearances in 1980 against the so-called Group of 26, trial conditions for Sahrawi detainees have mostly been completely arbitrary and reflect an absolute lack of defence of the accused who had themselves been victims of torture.

Most of those arrested in the present period are accused of up to eight, ten or twelve different types of offences related to participating in peaceful protest actions in addition to crimes such as burning cars or violence. Another lack of guarantees has to do with the fact that in most cases there is a complete lack of medical documentation of torture cases. Despite numerous reports of torture, Sahrawi detainees have little, if no independent access to doctors who can make an assessment of their injuries. If they succeed, the reports only consist of a declaration of injury that is mostly irrelevant because no reference is made to the cause of the injuries. Such reports do not follow -in any of the cases analyzed- international criteria for investigating cases of torture. Not one of the cases analyzed in this study, or in which there is public knowledge of torture, has led to prosecution or conviction of those responsible. Absolutely all of these cases have gone unpunished.

All these issues show a certain evolution in the *modus operandi* Moroccan authorities use in human rights violations in the Western Sahara. Things have changed from the beginning of the conflict and the end of Hassan II's regime to the present situation. However, while the democratization of Moroccan society has been growing, despite all of the obstacles and the existence of numerous human rights violations in the Western Sahara emergency measures are still in force. This exceptionality is intended to control the population and prevent a solution to the conflict.







## Chapter 1. The consequences of human rights violations

*It destroyed the course of my life.*  
Minatou Mohamed Hseyne Mansur.

The course of the lives of thousands of Sahrawis has been cut short by serious human rights violations. First, the impact of the loss of property and territory marked a rupture with the past and a worsening of living conditions of internally displaced people and refugees. The impact of fear, the consequences on health and the psychological consequences have lasted until the present day in many cases, as, for example, in the case of the families of the disappeared. For those who were in secret detention centres or suffered arbitrary arrests, detention and torture, it had significant consequences on their health. The refugee population has suffered the loss of their land and their world of relationships and livelihoods. Formerly detained people have suffered the consequences of social stigmatisation after being released, together with the loss of their youth and personal development opportunities and their chances of social promotion, including studies or work-related activities they were engaged in when these human rights violations took place. There are two things that generally describe the impact on Sahrawi victims: the experience of loss and the feeling of injustice.

### Psychosocial consequences

Most victims (95.4%) suffered a severe worsening of their living conditions and felt their life projects had been truncated (89.66%) as a result of the human rights violations they had suffered. Other important consequences were separation and abandonment (27.2%). A fifth of them reported chronic pains and hospitalizations (19.54%), especially as a result of torture. Furthermore, one in ten reported having had alterations in food or sleep, while a further 8.81% described fractures and physical or sensory disability as a result of the violence. A minority of all the victims (4.60%) also pointed out social stigmatization as a result of violence, especially in the case of former temporarily disappeared people and relatives of the disappeared. It is important to point out that these frequencies were recorded analysing victims' spontaneous reports.

Psychosocial consequences			
Psychophysical consequences	Vital impact	Social isolation	Sexuality and gender
Wounds and Fractures Hospitalizations	It truncates life projects	Separation, abandonment	Gender Identity
Chronic pain. Physical or sensory disability			
Eating or sleeping disorders	Worsening living conditions	Social stigma	Sexuality
48.5%	95.8%	30.7%	10.34%

The population in the Western Sahara made more references to consequences of a psychophysical and health-related type and to the impact on sexuality and gender identity, whereas the population at the Tindouf camps emphasised consequences of social isolation, abandonment or stigmatization, that is, a greater impact on the loss of social support, uprooting or forced family separation. These impacts are also stronger in the relatives of the disappeared.

**Psychosocial impact of human rights violations**

92.72% of the population reported to have suffered a strong emotional impact at the time of the incident, and almost eight out of ten victims (78.16%) are affected by those human rights violations today, and the proportion is somewhat higher among the population living in the refugee camps (83.61%), compared to the population in the Western Sahara itself (73.38%). These data show the level of psychological involvement and the importance of psychosocial care programs in accompaniment to victims in both places. Almost eight out of ten victims indicate a strong community-related impact (77.4%) which is significantly higher for people in the refugee camps (89.3% vs. 66.9%). The sense of loss and involvement as a people is still strongly prominent today because this is an unresolved conflict that has dragged on for many years, which increases the feeling of individual discomfort.

In the case of the Western Sahara, the suffering has been experienced in silence for most of the time. Each person has kept their experiences and grief hidden in their hearts for years, often only sharing them within the family. Delving into this intimate and collective experience is also a contribution in the process of providing it with some kind of social sense. Recording the testimonies and addressing the impacts of human rights violations has brought many of these painful experiences out from oblivion.

*I'm sorry, I but I have not been able to continue with my testimony because of my morale. My tears do not allow me to continue, it has really affected me to have to remember the image of my sister. We are still seized by fear and dread.* Malainin El Bousati.

Notwithstanding the enormous strength shown by Sahrawi victims and survivors, based on the conviction of their claims and the injustice of human rights violations, such strength does not mean that there is no grief or impacts that need attention.

*There, in the Occupied Territories there is a considerable degree of repression, but we are in our land and we can see the sea, and we are fighting every day to get our rights respected. Whereas here we are going through a very precarious, very difficult and very hard situation.* Larosi Abdalaha Salec.

In the refugee camps, with the passage of time and with their expectations of return and referendum blocked, the provisional context maintained for decades is psychologically very difficult to face. It blocks all attempts to rebuild their lives and their collective project that is in the hands of political negotiations that have been stalled for years by Morocco and of UN initiatives that have also languished with the passage of time.

Moreover, these are not just incidents that have been left behind; these are human rights violations with consequences that still need to be faced today. Especially, the psychological impact of forced disappearance cases re-enacts the sense of loss.

### **No right to an identity**

Human rights violations in the Western Sahara were imposed based on a collective identity in which the victims do not recognize themselves. Even victims of arbitrary detention or temporary disappearances have been tortured and often accused of not wanting to be Moroccan, disrespecting Morocco, wanting to be Sahrawi or being “Polisario members”. Torture has been used to break a social identity that is part of the victims, their sense of belonging, with the objective of forcing a new identity.

Sahrawis in the refugee camps are in a provisional status according to which they are not citizens of any country. Elsewhere, refugees have assumed the identities of their host countries, while also experiencing many problems in terms of regularizing their status or having a work permit. In other cases, refugees have been considered stateless. These examples point to the situation of political limbo of the conflict in the Western Sahara but also point out how the everyday situation affects Sahrawi victims.

### **Repeated transgenerational and traumatising impacts**

The consequences of human rights violations have had a transgenerational impact in the Western Sahara. On one hand, the continuation of such HR violations has serious conse-

quences for the three generations living in the context of the refugee camps or the occupation. On the other, there are human rights violations, such as enforced disappearance, that still have a vivid impact even today. Also, new cases of arbitrary detention and torture have affected the younger generation. The consequences of traumatic events have been altering the socialization of successive generations as well as their family communication patterns, marking the narratives about the past or fully conditioning life projects. Furthermore, the social climate and the threats against victims and human rights defenders continue to plague the daily lives of the Saharawi people.

*You are always thinking about the independence of our country, but no, no way, and I think, perhaps my son is going to go through the same things as I have. Sometimes you conceive some kind of a plan, that I will go to Laayoune today, we'll go to the beach, and then to the desert, but then you get depressed. Maybe they will not let me go beyond the airport... there is always something that will not allow you to be happy. Ahmed Yeddou.*

When traumatic experiences accumulate, their negative effects are enhanced and extended over time, as is the case with people who have been through several imprisonments in arbitrary processes. Or as is the case of families of the disappeared who, in turn, have been bombed and forced to go in exile. Each interviewee referred to an average of 4.6 human rights violations they had been through. This repeated and extreme traumatization has a huge psychological impact and generates a continuity of experiences of violence that people simply cannot leave behind. In other cases, the impacts have to do with extreme experiences of horror, as in the cases of torture and executions in mass graves.

*What also kills me inside is remembering people in those circumstances, with stones that remove a bit of you here, with only one eye, no teeth, head injuries. Their bones were quite visible, elbows without flesh, also shoulders and spines. What I saw is unbearable and unimaginable. It keeps coming back to my head and I have nightmares, yes. El Batal Lahbib.*

Among those who were most affected when their testimonies were taken, were people who lost had their sons or daughters while they were under secret detention, which is something that often seriously and permanently affected their mental health.

### **The mourning of enforced disappearance**

Human rights violations produce human, material and social losses. In the case of mourning there are cultural and gender differences that must be taken into account, as in the Islamic culture in which men have a more stoic attitude whereas women are more expressive. That impact is still described today as recent grief or an open wound.

*We are very affected by the disappearance of her father, I am myself. We are always anxious about the issue of not knowing exactly what happened. We have to know so as to be able to put an end to our endless mourning. Fatma Bachir.*

Furthermore, such processes were massive, as they affected many Sahrawi families, and took place in the midst of military operations, detentions and the use of torture in secret detention centres, increasing the survivors' feeling of helplessness, fear and isolation. It is necessary to bear in mind that there are over 200 disappeared people, the deaths of whom the Moroccan authorities have acknowledged without providing further information nor returning the remains or investigating the cases or determining responsibilities, while in some 200 other cases there is no information whatsoever. In the small Sahrawi population, that implies a huge level of traumatic impact.

*Grief is continuous as it is very hard to lose such a necessary and loved person and not being even able to ask about that person's whereabouts. The impact continues because the situation persists. It is very difficult to live with this anxiety every day, especially when you are dealing with someone that you both miss and whose loss you feel deep down. After this you cannot avoid thinking what his fate could be. Besides, you see the perpetrators of the crime walking on your streets and living in complete impunity and, even worse, they are rewarded for what they did.* Elhartani Mohamed Salem Hamdi.

## **Social Reintegration**

About 370 former disappeared detainees have been released, including prisoners of war in the 1990s, often after ten or fifteen years in detention. For a long time, these former detainees have been subjected to a hostile attitude by the Moroccan regime, and the extension of a stigmatisation that limited the forms of solidarity and support available to them. Most of those formerly arrested were relegated to the status of being almost aliens in their own land. They were also released in bad health conditions due to the torture and cruel and degrading treatment that they had been subjected to for many years. Meanwhile, the refugees had to integrate themselves in a precarious context of poverty from which they have not yet been able to extricate themselves due to the living conditions in the desert, the impact of losses and the prolonged exile.

## **Health impacts**

Health impacts have partly been caused by the brutal tortures inflicted, as well as by inhuman or degrading treatment and deprivation in which many victims of arbitrary arrests had and have lived in for years. Moreover, the psychological suffering brought about by the constant threat of human rights violations and forced disappearances have prolonged the impacts of stress, tension and grief for decades, while the victims have lived through it all during this time in conditions of social isolation and lack of recognition or support except for that provided by their families and support networks. Also, there has not been an adequate medical and psychological assistance to contribute to the recovery of the survivors.

Health problems are present in nearly all of the people who had been made to disappear for years. Many detainees had tuberculosis as a result of malnutrition and overcrowding,

and there have been numerous cases of acute malnutrition and famine that have led to the deaths of dozens of detainees, especially in Agdez. Most of them had significant physical sequels and, in some cases, also psychological after-effects. The consequences on health can be of various types and have lasted up to the present in most of these cases. Together with the feeling of injustice and the lack of response from the State of Morocco, these marks on bodies and health extend the impact of torture for years.

The latest cases of torture, arbitrary detention, excessive use of force in demonstrations during assaults by the police, continue to have health consequences for victims today. They also imply continuous ill treatment and marginalization of the Saharawi people. The problems confronting having adequate health care for such human rights violations are as follows: 1. Medical treatment costs have to be paid for as is the case for everyone else in the country. 2. The lack of personnel that is trusted by Sahrawi victims. 3. Lack of medical attention in cases that are the result of ill-treatment or under police control. 4. Absence of medical documentation of cases that could be used to defend their rights or enable lawsuits. 5. Attention is given on numerous occasions within the families and following traditional therapies, because of fear and the generalised lack of assistance.

## Chapter 2. Family consequences

*If you put yourself in my place and you put yourself in the place of my mother with her children ... with no men in the house, she faced the situation alone and I think that that is suffering.* Embarec Mohamed

Human rights violations have led to huge consequences for families over many decades and up to the present. Also, harassment of victims' families has been part of the pattern of human rights violations in the case of the Western Sahara.

The analysis of the testimonies gathered indicates that almost all of the victims (95.4%) suffered a serious deterioration of their living conditions and saw how their perspectives were cut short (89.66%). Both consequences have a deep impact in terms of family involvement. Moreover, family separation and abandonment were spontaneously mentioned by 27.2% of respondents.

Also, two out of ten victims reported that they had more than one case of enforced disappearance in the family. Most indirect victims or family members interviewed for this study were living in the Tindouf refugee camps (64%) and most of them were women (60%). These data are important because the victims in the refugee camps have had no recognition of the human rights violations suffered or even access to information or to the necessary formalities to be able to search for their missing relatives.

## A people divided into two

Most Sahrawi families are divided since the invasion of the territory of the Western Sahara in 1975 and the subsequent exodus, especially towards Tindouf. This separation took place suddenly, when the refugees departed at the time of the big military operations. Many children were in the care of grandmothers when their parents disappeared, others fled to the refugee camps or, especially in the case of other men, left to join the POLISARIO Front to defend their territory. Family separation is, in this case, a huge stress factor for refugees and people who remained in the territory. This is another type of social suffering, given its character and collective significance.

*The whole family separated. Enough said. Losing a child or family is a lot of suffering.* Mulay Ali Adjil Ali.

However, the chances of overcoming such forced separation are linked to the political solution of the conflict. On their own or, since 2004 with the UNHCR program<sup>1</sup>, many separated families have sought ways to reunite their families to overcome the barriers of control and exile. Unfortunately, it has only been possible to generalise such initiatives as from the last decade.

Most families were only able to cry when they finally managed to get together again. The emotion and the stories contained in those tears probably can only be understood by the families themselves, but they do show the enormous family impact forced separation has had and continues to have.

*We had a visit, the UNHCR brought them over, I think it was two years ago. Everybody came, we screamed, we cried, oscillating between joy and sorrow. They spent four days with us, but that time is not enough. They left crying and we are crying here.* Mamia. Nan Bueh.

While all the people interviewed pointed out the importance of such visits organized by UNHCR at present and the benefits for families, they also pointed out the limited character thereof after years of forced separation.

## Poverty and marginalization: developmental consequences

Human rights violations not only have had a very negative impact on social cohesion and psychological suffering. They have also had a considerable impact on

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1 “Confidence building measures” program established in cooperation between UNHCR, and the states of Algeria, Morocco and Mauritania and the Polisario Front. It aims to facilitate the exchange between separated Saharawi families and consists of five days visiting the family, either in the Tindouf camps or in the Western Sahara. Between 2004 and April 14, 2012, 12,800 people have benefited from this program. Waiting lists in April 2012 included 42,000 registered people. Information available at :[www.acnur.org/t3/noticias/noticia/mas-saharauis-se-benefician-del-programa-de-visitas-familiares](http://www.acnur.org/t3/noticias/noticia/mas-saharauis-se-benefician-del-programa-de-visitas-familiares).

the economic and social situation of the affected families, in terms of increasing poverty and marginalization.

The routes that have led to the impoverishment of many families have been different and, in many cases, have had an accumulative effect. Especially noteworthy are the consequences of the plunder of their goods, animals and houses, the death or disappearance of relatives who were those who earned the family income, and the social isolation of these families. And it is impossible to ignore the deteriorating living conditions in the Western Sahara or the precariousness of the situation of the refugees at Tindouf and their dependence on humanitarian aid.

*The situation was disastrous, because we had no resources, we lived on the solidarity from the other families who were also in a precarious situation. This had a direct impact on the whole family and especially on the children. Our daughter died of starvation, disease and lack of medical treatment.* Neitu Sidahmed.

### **Chapter 3. The impact human rights violations on woman**

*There is a side of this drama, especially the female drama, which we bear in silence, and this is not good. Women do not mention this, even when asked. It is very important that we talk about it and share, whether the drama is big or small. Telling what happened is the only way that will help us.* Salka Bujari.

Sahrawi women have faced the brunt of the consequences of violence, both because of the direct impact on their own lives, and the fact that the consequences of the loss or displacement have fallen mainly on their shoulders, as well as the economic and social consequences because of the role that women had to take on within their families.

#### **Human rights violations against women**

In the case of Western Sahara, the depth and extent of the violence was aimed at women much more than in other situations of conflict or political repression. While in the case of Chile, the women detained during the dictatorship were 12.6% of total political detainees<sup>2</sup>, whereas in the case of the Western Sahara the proportion of missing Sahrawi women detainees was twice that figure<sup>3</sup>, (25%) similar to the case of Argentina where women were 26% of all missing persons. But unlike those countries, the majority of disappeared Saharawi women prisoners did not have any political militancy although some did take part in public demonstrations.

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2 These data on Chile correspond to the Report on Political Imprisonment and Torture, better known as the 2004 Valech Report. The data corresponding to the Argentine case come from the Unified Registry of Victims of State Terrorism, of the National Directorate on Documentary Resources. National Archive of Memory. Human Rights Secretariat of the Argentine Nation.

3 Instance Équité et Réconciliation (2009). *Rapport Final. Équité pour les victimes et réparation des dommages*, vol. 3, CCHR, Rabat.

*Women have been in the forefront of the struggle, then that is why Sahrawi women have always been victims of disappearance, torture, imprisonment, everything. During the period under Spain there were no cases of arrests against women, but after the Moroccan occupation this was very common. Aminatou Haidar.*

The women victims interviewed referred mainly to violations of the right to life (93.8%). Six out of every ten women suffered the consequences of enforced disappearances, -either temporary in clandestine detention centres or permanent up to the present- and arbitrary detention (61.24%). 40.31% reported physical torture during arbitrary arrests or during detention in clandestine centres and a third of the women interviewed reported psychological torture (34.88%) while more than one out of five women interviewed (21.71%) reported sexual torture, that is to say, in half of the cases of physical torture. Also four out of ten women spoke of forced displacement and destruction of property (39.53%) and the bombings affected more than a third of the women interviewed (34.88%). Finally, one in five women reported being followed, surveillance, and threats (19.38%) and 13.18% were victims of physical abuse especially in demonstrations. A minority of women also reminisced police raids in their homes (5.43%), individual executions (4.65%), requisitions (3.88%) and collective executions (0.78%).

With respect to gender differences in our study, human rights violations affected women and men in a similar manner, yet with differential effects<sup>4</sup>. Men reported more physical and psychological torture, more ill treatment, more monitoring and surveillance and more threats than women. On the other hand, women make more reference to forced displacement, bombings and destruction of property in comparison to men. These differences show that there were more women victims in the exodus process in which they were directly targeted for persecution, as they represented the vast majority of the displaced population.

Regarding torture, the data show a pattern of increased harshness in physical violence against men while women were subjected to the same forms of torture including beatings, hangings, the use of electricity or choking manoeuvres. Women spoke about the consequences of separation and abandonment to a greater extent.

Women became victims because of one or more of the following four issues: a) as part of the attacks on communities, b) as a means of extending the threat, c) because they were leaders of human rights organizations and d) because of their emotional or family relationships.

### **Women in the roles of both mothers and fathers**

The role of women as caregivers, mothers and family support providers in this case was traumatically overloaded by the demands of a situation of generalized violence that left

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4 261 victims were interviewed for this study, of which 50.6% were male and 49.4% female.

them alone to care for their families, either because of the men's deaths, disappearances or their military participation in the conflict. The mothers and wives of the disappeared have been a particularly affected group, but also have shown considerable strength and ability in facing enormous adversity.

*My mother had great spiritual strength ... Saharawi women are very brave because they are women who maintain a relationship after seventeen years, after suffering the lack of means and husbands ... Naama Eluali.*

Social and cultural conditions in the Western Sahara made women who lost their husbands or had other relatives missing more vulnerable as they lived in the desert, had their livelihoods in the shepherding and nomadic trade and had lost everything they had. They had even lost the possibility to recover from losses in a hostile environment and the affective impact of disappearances. But women did not only assume the additional responsibility of taking care of their families, but they also had to abandon, in most cases, their own projects in so doing.

*After my studies I did practically nothing, as I only tried to take care of the rest of my children and worked in the organization, because their father was absent. Nayma Embarec Biala.*

### **Consequences on the health of women, motherhood and sexual and reproductive health**

To the consequences in their own families it is necessary to add the individual consequences and the impact of violence against women. The consequences for the physical and emotional health of women are evident in all the affected families, both of the mothers or grandmothers who had to take care of the family and of the families of direct victims of arbitrary arrests. The consequences for all these women, whether disappeared or relatives of the disappeared have lasted right up to the present, with numerous derived health problems, and various degrees of disability and premature aging. Many women have also been direct victims of arbitrary detention or forced disappearance during the various periods studied.

The disappearance and loss of children is probably the hardest ordeal of all. Such deaths of boys and girls following the arrest and disappearance of their mothers, together with a separation for years, has entailed a huge psychological impact.

As a consequence of traumatic impact or extreme distress, many women who had been pregnant during the bombings or during imprisonment had abortions because of the stress or due to fear. At other times, women were able to give birth albeit in extreme conditions, and with very negative and uncertain consequences for the babies during the exodus.

*It is a miracle that we are still alive, as those were really terrible conditions. There were women who gave birth in those conditions, women who had abortions because they had had nothing to eat. Faudi Mohamed.*

In other cases, abortions took place as a result of the disappearance of their husbands or other relatives. Moreover, women who were in detention for long periods in these centres in many cases missed the possibility to become mothers, some because of the consequences of torture and malnutrition and others due to the time spent in such conditions and to the fact that they were already too old to have children. In other cases this happened because although they had been able to come out of those situations, they found that their husbands had died or had separated. These consequences in motherhood have their effects on sexual and reproductive health, on their own vital projects and on their identity as women.

*Many years have passed for me to have the opportunity to become a mother, but also I kept menstruating for many years after my release. It's terrible because I was placed under detention when I was eighteen; I have lived with miseries and tragedies that there is no way to explain. I have lost a lot through malnutrition and abuse. We ourselves came out of detention with many complexes because of the torture, with diseases that we had inside, and with the situations we had experienced. We went through many things that killed in us the desire to see men. We had been raised with mores that help us to look for the right man. Many are the things that we missed and that we will never recover, we cannot have children. Demaha Hmaidat.*

## **Chapter 4. Sexual violence as a form of torture**

During the time of the detentions and disappearances of the 1970s/1980s, sexual violence was collectively used by the security forces, especially with widespread use of forced nudity, threats of rape and other forms of sexual torture. The threat of rape was maintained in the case of women throughout the period of detention and disappearance. Later, in the era of arbitrary detentions and torture of the last decade, sexual violence has continued against many detainees with forced nudity, threats of rape and in the case of men, cases of sexual rape of which we have been able to gather direct testimonies.

*I remember well one night when one of the high officials that is called Alyamani came over. He came over to interrogate us, he insulted us and threatened us with rape. I think he was drunk and he forced another one of us who was also under detention and who was a policeman to choose a woman so as to rape her; this was a moment of great stress for us. Dignity is something very important for everyone and especially for the Sahrawis, but thank God nothing happened in the end. Rahma Aly Dailal.*

From the legal point of view, it should be pointed out that sexual violence is a violation of the right to personal integrity and can be described as a particularly severe form of torture.

Also, in the event that it is committed during an armed conflict, sexual violence can also constitute a war crime. Furthermore, sexual violence can be described as crime *against humanity* in the event that it is committed as part of a widespread or systematic attack against a civilian population. Finally, in those cases in which sexual violence is committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, it can also be qualified as genocide. Also, in the event that it is committed during an armed conflict, sexual violence can also constitute a war crime. Furthermore, sexual violence can be described as crime in the event that it is committed as part of a widespread or systematic attack against a civilian population. Finally, in those cases in which sexual violence is committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, it can also be qualified as genocide.

Sexual abuse and sexual violence exerted against women by police, soldiers or members of the security forces in the context of detention and torture have been frequent. This has also affected some Sahrawi men and children.

In this study, in the 112 cases of detained Sahrawis, there were different forms of sexual violence in half of the cases (53%). Among these, the most common abuses were forced nudity in 38% of the cases, and threats of rape in more than one in ten people arrested (12%). Sexual violence is associated with other forms of torture, including beatings and hangings, and was used to increase the vulnerability of the victim, and this in itself is an attack on their dignity and privacy as a person. The same proportion (12%) reported having been sexually tortured with electric shocks applied to genitals and with blows to the genitals in 5% of the cases. In our study there have been eight explicit allegations of rape (7%). In connection with motherhood, five women were tortured during pregnancy, which corresponds to 18% of the women who suffered sexual violence, including one case which resulted in forced abortion.

Both women and men were victims of sexual violence, especially forced nudity, almost to the same extent (53% men and 47% women). More women than men reported rape threats. On the other hand, reference to rape, more men reported being subjected to this type of torture (seven cases) than women (one case) during their arrests. The stigma of sexual violence brings about less declarations or reports than other human rights violations, especially in the case of women, so these data should be analyzed from the perspective of frequent underreporting of such actions<sup>5</sup>. In the case of the Western Sahara such underreporting is probably higher, due to the lack of spaces and opportunities in which to talk about these experiences in a more open manner, and also due to the climate of social control that still persists in the area. During the gathering of testimonies for this research it was indeed difficult for these people to speak and express themselves about sexual violence in cases in which it was explicit. Moreover, it is important to note that women lived in conditions that made them much more vulnerable to sexual violence in clandestine

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5 WORLD HEALTH ORGANIZATION (2005), *Multi-country Study on Women's Health and Domestic Violence against Women Initial Results on Prevalence, Health Outcomes and Women's Responses*, Geneva.

detention centres, where this possibility was always present in a context dominated by the power of soldiers or police agents guarding these centres 24 hours a day.

Whereas people who have been killed are considered “martyrs”, and although victims of torture may have a certain status as resisters, no similar status is assigned to women who have suffered rape. Even in the case of men, this is considered an attack on their masculinity. Thus, the suffering of the person and the family is not recognized and can not be socially validated. Also the cultural or religious “purity” and sexual intimacy can make the women affected or their families feel more impaired by that experience, as is the case in the Islamic culture.

In the case of the Western Sahara, the testimonies analyzed show that sexual violence has been used in at least three different moments: a) In cases of capture, arbitrary detentions and enforced disappearances, in conjunction with other forms of torture during interrogations, b) as part of the treatment and ongoing risk whilst in clandestine centres or prisons, c) during house searches and raids, especially when women are alone at home.

Both when it is perpetrated, and even though a long time may have elapsed since it took place, rape may still be a taboo subject, a kind of social embarrassment that is to be kept hidden away. Often in interviews with women victims of sexual violence, they spoke only on condition of confidentiality. In some cases they only spoke with the presence of women as they shared these experiences or with men who had gone through the same experience, and their reports affected even the person who was in charge of translating. At other times, the victims offered an indirect or succinct account of the facts, which shows the difficulties of expressing and recalling stigmatizing experiences.

However, many other victims spoke out bravely of what the sexual violence they had been subjected to had meant to them. In certain cases, they had to stop the interview and talk about what had happened outside the context of the interview, and make room for emotional expression or for the interviewer to convey a tranquilising and motivating message to help the victim release herself from the feeling of guilt. It is necessary to take into account the frequency of those feelings in cases of sexual violence because of the meaning of rape and the social consequences or the intimate relationships at stake, particularly in cultural contexts where rape is considered as a crime against honour and the status of women is linked to that of the family. Nevertheless, the Saharawi identity has also provided certain collective elements that have helped the victims manage the impact of sexual violence as part of the attack on the collective identity.

Similarly, men have suffered sexual violence during interrogation and the initial phases of detention, but not thereafter. In the case of arbitrary arrests in the last decade, sexual violence took place in both cases of women and men as a form of torture. Some of these threats of rape against young Sahrawis have been reported and there is no evidence that any of them have been investigated.

*I was totally naked and they lifted me from my feet and introduced a glass bottle of Coca-cola and they said they were going to rape me and then they left, they did not let me sleep, leaving me there against the wall and naked. Then they raped me with the bottle, they were coming and going, I was hung by the feet, they were a group, then they knocked me down and beat me with the same bottle. One of them was speaking to my ear telling me to tell him who was with us. Lamadi Abdeslam.*

For women, the photographs taken by their torturers have had different impacts on the consequences on their privacy, and on the risks in terms of future emotional, couple or family relationships. Apart from the individual impact, women may often be stigmatised as “impure”.

Also some of the most sophisticated torture techniques were carried out with people who had previously been blindfolded and stripped to increase the feeling of humiliation, vulnerability and defencelessness in the hands of their captors. Accounts of torture techniques using instruments such as tables, benches, bars, pulleys and other hanging mechanisms mostly included the forced undressing of the victim. Several cases of torture against women who were pregnant were collected, independently of whether the pregnancy was obvious or that the women told their captors they were pregnant in the hope that it would protect them from abuse. In spite of the extreme seriousness of these cases, sexual violence has not been investigated and these cases have not been prosecuted in the Western Sahara.

## **Chapter 5. Persecuted childhoods**

Children from successive generations, since 1975, have been direct victims of human rights violations, subjected to arbitrary detention, enforced disappearances and torture. Others lost their fathers or mothers and had to grow up as orphans in poverty and with a strong impact on their personal development due to the loss of their loved ones. Children were also direct victims during the exodus in 1975/1976, bombings and persecution in extremely negative conditions, resulting in the death of many of them, as a result of violence, hunger or disease, especially in flight and during the early days of settlement in the Tindouf refugee camps.

In the Western Sahara, living conditions have been very difficult for children, in a territory militarily occupied by a State which considered Sahrawi children as potential enemies. Places such as schools often became centres of conflict and control and sometimes also became new causes for repression and violence against children or marginalization. Many children have lost educational opportunities due to violence, to being expelled or because of being afraid to live in marginalised conditions, and with many more difficulties to enjoy their right to education in an environment that denies them the expression of their identity.

## Growing up in the context of terror

Most people described a situation of isolation and fear of things that you could not talk about because it was dangerous, of limitations to their play spaces or of the possibilities of contact with other children. Successive generations of Sahrawis in the Western Sahara have grown up with the impact of militarization on the streets, with the risk and frequency of arrests of relatives or acquaintances in a threatening world they could not understand, a world adults tried to protect them from.

Within their families they learned what was permissible both inside and outside the house, and the risk involved in asking or talking about things happening around them: Why have they arrested my uncle? Why are there so many policemen in the street? Why did the teacher hit me? These are questions which any child makes in order to make sense of what they see around them, suddenly also become threatening. In this atmosphere of control, many children began to internalize the normality of violence or of the discrimination suffered, and the need to protect themselves from the outside world and especially from military or police authorities.

This need to make sense of their experience was even more difficult for children of the disappeared in detention, and for those who had their relatives in the Tindouf refugee camps or who were members of the Polisario Front.

For nearly three decades, children grew up in a context in which the spectre of forced disappearances, impunity, social and international isolation, and the lack of reporting or control mechanisms against the authorities, entailed a sense of permanent vulnerability. It is necessary to bear in mind that this is not just a matter that affected them because it threatened the adults around them, but also because there are also children among the direct victims.

Other children died of diseases during the exodus, and in the bombings. Many of them were unborn and unnamed, as they were still in their mothers' wombs.

*Many women aborted, there were children who died, I myself did not know anybody because there were people from everywhere. I remember the son of Mohamed Ali who died there, and his mother called Labibe Bachir. Children suffered a lot because there was almost nothing to give them, only their mothers' bodies protected them against the cold. They were crying most of the time.* Embarcalina Brahim Mustafa.

Other children suddenly found themselves alone in the bombings, which shows the level of terror suffered by the civilian population. Too many children died in the first months in the refugee camps in a context of lack of food and medical aid, poor sanitation and absolute instability in the desert. There are no estimates of how many children died on arrival at the refugee camps, although a direct source in the form of a testimony, the grandson of

a person who buried many of them, states that were at least four to six a day at the time<sup>6</sup> especially due to measles and malnutrition.

### **Disappeared boys and girls in detention**

Many children were detained in secret centres, undergoing the same treatment as their families between 1975 and 1991. Most of these arrests of children have never been recognized by the Moroccan regime. The IER listings contain the cases of nineteen disappeared children (four girls and fifteen boys) referred to as killed in these centres, but no official list or recognition has been given to the tens or hundreds of children who were illegally detained in deplorable conditions and suffered ill treatment and torture.

This means that probably a group of at least several dozen children were missing in those years and hundreds were arrested in massive operations at that time. For example, in the case of the Lemsayed military facilities operating as a clandestine detention centre, a woman was detained there with her children for weeks, and they were subjected to ill treatment and witnessed tortures, while another child there was killed and made to disappear<sup>7</sup>.

Arrests of minors were very common in the case of the Western Sahara. Children were held in detention with their families, most of the time with their mothers, but sometimes with other relatives. In 1976/1977, many children were arrested in mass arrest campaigns carried out by the Moroccan army and security forces. Some of them were taken to clandestine detention centres that operated as torture and extermination centres at the time, such as the PCCMI, Derb Moulay Cherif or Agdez, where more prisoners died from starvation, disease and ill treatment.

In 1993, a group of children aged between fifteen and seventeen decided to leave the Western Sahara going through the wall to escape the surveillance and fear in which they lived, and in some cases join relatives who were in the Tindouf camps. Besides, they tried to flee, like many others, from the program of the regime which was colloquially called “the Hassan cubs”, which was a campaign to get Sahrawi children, aged seventeen, out of the Sahara and relocate them in different locations in Morocco. This program had caused many young people who later became adults, to flee across the wall. Said Salma Abdal-lahi and his companions Hamoudi Mohamed Omar, Gali Oualad Abdi, Tuej Ali and the girls Fatma and Mariam Lahmadi decided to flee to camps in Tindouf, after learning that the police were looking for some of them because they had written slogans on self-deter-

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6 It is necessary to bear in mind that the accepted rate to determine a health emergency in the field of humanitarian aid is 1/10.000/day. Given that the population could be estimated at somewhere between 20.000-30.000 people, and that the data refer only to the child population, the death rate according to this figure was indeed a health emergency.

7 Hamdi Brahim Salem Moulay El Hanani (Hamdi Brahim-Salem Mulay), born in 1961 in Tan Tan, arrested in January 1976 in Yderia according to AFAPREDESA. However, the Advisory Council on Human Rights states that he was arrested on June 12, 1975, and was detained at the military barracks of El Msayed (Lemsayed) near Tan Tan where he was kidnapped *and died because of the conditions there*.

mination on walls in the streets. Some of them made it across the wall, two of them were arrested and disappeared in the PCCMI for seven months. One of them, Fatma Lahmadi, still remains missing, and was recently declared dead by the Moroccan authorities without explanation or contact with the family after denying the facts for seven years.

*Returning home, alone without my sister, was a drama at home, especially for my mom, and another sister who has had diabetes from that moment, due to her wondering and wondering about the whereabouts of her sister. We are all still quite affected.* Mariam Lahmadi.

### **Arbitrary detention and torture**

The continuity and extent of violence against the Saharawis has instilled among the population a certain feeling of inevitability as well as the consideration of human rights violations as something that “has to happen”. Many children described how their first arrest was hugely terrifying, and how it had had a major psychological impact on them. But then, these experiences have been integrated as something almost normal in the process of socialization of those who want to express their opposition to the Moroccan occupation, who openly show their Saharawi identity or their sympathy with the Polisario Front, or are simply in favour of a referendum on self-determination.

For example, Abdel Nasser Lemuessi was thirteen when he was arrested after participating in a peaceful demonstration in favour of independence that took place in Laayoune in December 2006. He was arrested and tortured at the police station with his mother, as a consequence of which he suffers from partial deafness. He lost a year of school and has had enormous difficulties to continue studying due to fear and to his hearing impairment.

*Well, but that does not stop me from feeling frustrated by everything that has happened. First and foremost, there must be no impunity for the perpetrators, all those who did this to me should not go unpunished, I lost one academic year and then missed lessons because I could not hear well. My classmates and teachers all have understood the situation, but I feel like I'm missing something. I saw my classmates in the class were always participating and I would feel like an idiot. That had a considerable impact on my learning.* Abdel Nasser Lemuessi.

Besides, the relationship of schools with the Moroccan security apparatus has been reported in different periods, almost to the present day. In some cases this relationship was direct, as part of the context of militarization of everyday life. In others, the threats of calling the police during conflicts at school or the fear of being reported to the authorities were all part of Moroccan teachers' behaviour towards Sahrawi students. The frequency of such expressions in numerous testimonies cannot be attributed to the actions of one or two teachers, and that has affected many children in different schools and in different periods.

A particularly frequent problem as a source of conflict, violence and discrimination against the Saharawi child population in schools has to do with the criminalization of all forms of expression of Saharawi identity. Resistance against participating in symbolic actions of national exaltation, which is normal in children who come from a community politically punished by the regime, was systematically suppressed from the beginning, and has had consequences both on the children's safety, as well as on their curriculum and schooling opportunities. The school thus became a means to generate pressure on the Saharawi identity, trying to prevent its expression in the new generations.

Many school age children of the disappeared were very affected in terms of school performance because of the treatment received at school or due to psychological effects as a result of the loss of their mothers or fathers. The experiences of violence at school meant a certain form of extension of the repression experienced by their parents. Instead of having mechanisms of integration of children who were victims of serious human rights violations, these suffered in turn new forms of violence and exclusion, as part of a collective dynamics of a more collective violence.

The educational consequences for those who had been in detention or had disappeared in different periods mean that detention and torture is often the prelude to social exclusion. Fadah Aghala was arrested and made to disappear for six months, from October 16, 1992 when she was only sixteen, after participating in a peaceful demonstration to mark the first anniversary of MINURSO with other children and young people. During the six months during which Fadah was detained, two boys, Said El Kairawani and El Koteb El Hafed were tortured and subsequently disappeared in the PCCMI. Neither Fadah's family nor other detainees knew where they were. The detainees were held in the same clothes for four months without showering or benefitting from a minimal degree of hygiene. The family was informed of her capture the day before her release on 10<sup>th</sup> April 1993.

Fadah has had serious health problems as a result of the beatings, especially a tumour in the lower part of the neck. She underwent surgery eight years later. She also has had sight problems since then as a result of being blindfolded for six months. Her grades in school during the time she was missing appeared as if she had submitted to the tests and had failed. Her protests against the education authorities were useless and she had to leave school.

*The perpetrator is with me in the street, with the perpetrator free I can not go to a judge to say that this person is out there on the street. My health is not good since I left this prison or secret place, I mean the operation, and with the blindfolding I have lost a lot of sight. I know the group that participated in the disappearance; I know the name of the three of them. The first is called El Arbi Hariz, the second is called Brahim Bensami and the third is called Ettaiji. The latter is in Layoune, the first is in Dakhla and the second in Casablanca. They are members of the Judicial Police.* Fadah Aghala.

Many other Saharawi children who have been arrested and have suffered assaults and torture, later lost study opportunities and have lagged behind in their own development and training.

## The younger generations in Western Sahara

The change that has occurred in the Saharawi population since the 2005 Intifada has also generated a process of greater activism and mobilization. Maintaining conditions of militarization and surveillance, or the continued pressure on many of the more politically active Sahrawis has had mixed effects. On the one hand, it produces more fear among children and young people. But on the other, it has also produced the view that the repression is part of their lives, and thus less fear for its consequences.

The pedagogical attitude of many Saharawi advocates and leaders regarding the difference between the Moroccan state and its population is also part of its contribution to a personal development of their children more in line with their own lives, and with coexistence in the Western Sahara, in spite of the conditions of violence still being suffered by a very important part of the Saharawi people.

However, the role of new generations is also cause for concern among human rights defenders. Saharawi children have been growing for generations amid repression and fear, with the knowledge of the existence of secret detention centres and of the disappeared. They have gone through the experience of having many relatives or friends who have suffered arbitrary arrests and torture. They are growing up in a divided country with few if no opportunities for them. In the last decade they have also been seeing how non-violent response has been massively followed by the Saharawi population in its actions opposing the Moroccan occupation and in favour of the referendum on self-determination which has so often been denied to them, and how the response to all that is still the denial of their rights or violent repression, the latest symbolic reference being the violent dismantling of the Gdeim Izik camp.

*We are concerned that our peaceful resistance will fail because this new generation, the children, no longer believes in peaceful resistance. They are putting pressure on us saying that nonviolent resistance will not lead to anything. We are devoting a lot of time and effort to keeping resistance peaceful, but for how long? For example, I'm teaching my son that we have nothing against the Moroccans as a people, that we have problems against the regime, not the people. I say hello to the policemen who tortured me. There is an international justice we are seeking, but he says that no one really listens. Aminatou Haidar.*

## Chapter 6. Confronting human rights violations

The people interviewed are not passive victims, they have done very much to try to address violence, protect their identity and manage the emotional and social consequences of human rights violations. These forms of resistance also include the lessons learned and challenges for the future.

*We have learnt several lessons, for example, the difference in mentalities, the barbarities humans can do, the meaning of personal dignity. I also understood that re-*

*gimes are responsible, they alienate people and create problems that are not real, and that there is no reason for this. Despite the cruelty that we have experienced we feel no resentment, we do not even wish for revenge, but we'll never forget all of this.* Mohamed Fadel Masaoud Boujemaa Fraites.

This belief is part of what has been transmitted, in these thirty-seven years of conflict, for at least three generations who have experienced the occupation and exile.

**Adaptation, resistance, transformation**

In the analysis of the testimonies it can be seen that, in the case of the Western Sahara, these forms of coping come in different contexts and after facing different experiences. On the one hand, they are forms of resistance against adversity and the inhuman conditions of clandestine detention centres or prisons. In addition, they are ways of getting organized and resisting in the refugee camps. Finally, they are actions for the defence of human rights, the defence of their claims over the territory and natural resources, and respect for human rights as a contribution to peace. In all of that, there are individual ways of coping, and other ways more related to family support and collective action.

The most frequently reported form of coping by Sahrawi victims was the attribution of significance to it all. Among those who made mention of way of coping, 36% referred to efforts to provide a political meaning to the experience. A quarter of the respondents (25.3%) denounced what had happened, and these were mostly victims of events that had taken place in recent years, while 18% said they had focused on their families as a way of dealing with the situation. Meanwhile, 13.4% of respondents reported they had opted for religion, 12% took charge of emotional and economic support in the family, while 4.2% said they had changed their internal role in the family. Only 9 people (3.5%) reported having chosen not to talk about what had happened as a kind of adaptive avoidance form of coping against a hostile environment, although not speaking about it all was more frequently used in the social level. It is necessary to bear in mind that these frequencies refer to what victims openly expressed when asked how they coped with the situation as no specific category was asked about.

Family, Religion and significance	Social sharing and transforming family roles	Denunciation and advocacy
Economic and affective sustaining of the family	Talking, sharing with others	Getting organised to defend their rights
Focusing on the Family		
Religious coping	Transformation of the role they play in the family	Denunciation
Giving it all a significance		
24.36%	15.14%	14.38%

## Reason as the basis for the resistance

Almost all of the victims stated the legitimacy of their cause and their belief in the rights of the Saharawi people over their land and self-determination as the key element of their resistance.

*I have the conviction that I have never used stones, bullets, I've never been violent; I defend my cause in a peaceful and legitimate manner. I will continue the struggle as long as my strength lasts. We had faith and confidence in that we had not committed any crime, with God's help and patience. My only hope left was the referendum that was coming and that would erase all wounds. The reunion with the people would help in the recovery.* Sukeina Yed Ahlu Sid.

To the legitimacy of their cause they also add the injustice of the treatment they have suffered. Sahrawi collective memory is braided with the memory of the living and that of those who are no longer among them. The stories of the victims refer to emblematic people in their struggle, like El Wali, those who resisted the bombings, who died without a name because they were only just unborn, children who died in secret detention centres, or outside them while their mothers were inside under detention, and the disappeared whose stories are still being reconstructed while their corpses are still being searched for. For a people of nomadic origin telling these stories is part of their shared territory.

Each Saharawi family has had at least one person disappeared, a detainee, a person who has undergone torture, exile or political persecution. This collective dimension of suffering has been generating a significant part of the Saharawi community's awareness of sacrifice for their people, for their children and for the right to a different future, different from the repression and violence that have been subjected to so far. Many victims have attempted to address the injustice of the human rights violations suffered with a sense of individual responsibility as their contribution to the freedom of their people.

Another issue that helped the disappeared detainees, and also prisoners at different times, to survive was, and still is, their faith in God. Many of those interviewed, especially the survivors of those concentration camps, stated faith as the only thing, together with the justice of their cause, that kept them going in the worst conditions and times.

*There were people who resisted thanks to their religious faith; such was fate or God's designs...* Daoud Elkadhir.

However, this acceptance of "fate" was not associated with passivity. On the contrary, it helped detainees maintain a collective dynamic, focusing on everyday resistance and finding the energy and possibilities to resist by strengthening their religious beliefs and the cause they were defending.

## **Resistance in clandestine detention centres**

Prisoners were not passive victims of the repression by the Moroccan regime. They developed numerous forms of resistance, solidarity and mutual support. These forms of resistance also helped many of them survive in spite of the huge impact, since prisoners themselves contributed to the care of the sick or of those beaten, and to feeding those in the most extreme conditions of malnutrition.

Despite the restrictive living conditions, the very oral Saharawi culture was crucial to rescue the stories of their people as a way of recreating new situations, generating and transmitting recreational spaces and learning from the elders.

In absolutely precarious conditions, many detainees studied the Quran, became literate in Arabic or studied languages. Pieces of cardboard, a piece of *melhfa* or cloth, a little piece of soap or a sandal were the teachers' blackboards and everyone could teach and learn something. Also women who were detained in these centres developed similar skills and strategies to stay active, to communicate or study. This solidarity among women was based on their strength and shared learning.

*If it were not for our resistance, they would have subjected us to their submission and imposition, and as a result most of us would have died of the suffering and isolation. We recognized that we were destined to be there for a noble cause and those we had to endure it all, that was the beginning and it worked. You always need to have hope and accompany it with resistance; that is how you overcome dilemmas and stop yourself from secluding yourself, and prevent isolation and defeat. Brahim Ballagh.*

These spaces to get organized in or resist were some of the things accomplished by the organization of the detainees, although they were also followed by phases of new repression, especially when detainees challenged some of the rules imposed that were forms of torture. The different activities and forms of resistance in the clandestine centres were based on the ability of Sahrawis to get collectively organized. Whether in education or messaging, hygiene or political discussions, detainees and prisoners set up different working groups or designated people responsible for specific tasks. Thus the cells became small embryonic societies of what Sahrawis wanted to be for themselves.

Maintaining rules of respect and communication in a hostile context meant the coexistence of two worlds in a small space. The world of control, threat or torture and the small world of the micro-society of respect and protection, and this included developing ways of resolving conflicts or even sanctions with a restorative sense.

*The other thing with which to survive and not feel defeated before these criminals is that I decided to remember my better times in other periods of my life. Remembering is living and remembering the good times with family, friends and*

*girlfriends, working with other workers. With this I had strength ... Many just went crazy, some of them younger than me.* Baschir Azman Hussein.

The ability to stay active, to have fun in such a hostile environment or escape from the situation was also different ways of resisting. Distraction activities recreated realities in which to live. Saharawi oral culture thus became a central element, with its ability to narrate and tell stories that would help prisoners to live other realities. In a place where there were no novels, no literature, these stories and oral literature were ways to stimulate the imagination and recreate realities against the terror, working as a psychological barrier and a form of collective creativity.

*The first literary creation was a social play on history that was divided into three parts: the first consisted of Awareness, the second in the Struggle and the third, Victory. On each scrap of paper we found, we wrote with a needle.* Brahim Sabbar.

### **Confronting exile in the refugee camps**

Within the camps, the refugees attempted to rebuild their society in a context of highly precarious conditions, with a strong climate impact and facing the loss of their land and their loved ones from their situation in exile.

However, this resilience is also burdened by the thirty-seven years during which the refugee population has remained in the desert, abandoned to a fate determined by the lack of international commitment to support a solution based on UN resolutions and International Law, including respect for human rights in the Western Sahara and the refugees' right to return.

*Like all Saharawi citizens, with a lot of courage. People came after leaving their houses, knowing full well they were going to suffer. People braced themselves mentally and accumulated courage to be able to endure this kind of life, but the worst is that international opinion remains silent, has not done much for them in terms of providing solutions.* Alia Jedahlub Badahsid.

Women especially have played a key role in maintaining Sahrawi resistance at the refugee camps. First, focusing on their own homes and families, but also forming, studying and taking on key responsibilities in the organization of the camps. Subsequently, the capacity for self-organization for life at the refugee camps and the possibility of obtaining external support have helped to maintain refugees for decades even though their situation corresponds to an emergency that has been prolonged for thirty-seven years.

*All of this was achieved thanks to the work of women and the solidarity between women, they were the ones who made the carpets, who built schools and hospitals, who gave food to their children, and healed them, and thanks to the support between women, they were able to maintain a life in which everyone has a role to*

*play. Old women only do what they can, just up to where their effort takes them, just like younger women, and it is in this manner that they have been able to overcome exile.* Fatma Embarec.

## **Defence of human rights**

The setting up of human rights and Sahrawi victims organizations is relatively recent, because of the decades-long isolation and the lack of favorable conditions to set them up in. In the refugee camps such conditions existed albeit in the midst of enormous difficulties and lack of support, and a context of control and militarization in the Western Sahara, together with a situation of insecurity and chronic emergency.

In the case of the Western Sahara, most of the human rights defenders themselves have been victims of enforced disappearances or are relatives of some of the disappeared. For them, working in the field of human rights has been a form of solidarity with others and constitutes an effort to improve the situation of the Saharawi people, but sometimes also a way to make sense of their own experience, channelling their anger and indignation, and processing their own grief and traumatic experiences. This awareness of the violations suffered has driven their participation in various associations that have tried to break through the repression and the limitations to the right of association and expression that have continued in place in the Western Sahara.

During this time, the defence of human rights has evolved into a collective awareness and into the basis of their mobilization. Although from the beginning of the peaceful demonstrations, the claim for self-determination has been the main demand, the demonstrations have expanded to cover solidarity with those unfairly repressed, as in the cases of political prisoners and respect for human rights.

The future of the Western Sahara has to do with human rights organizations being allowed to do their work, overcoming the limitations on the exercise of their rights, putting an end to human rights violations including arbitrary detention and torture for political reasons which are still continuing and supporting the efforts of Sahrawi organizations in the defence of a space for freedom.

This opening to the exterior, the political changes in the Sahara compared to the situation before Hassan II's dictatorship, the at least partial responsibility assumed by the Moroccan State for enforced disappearances through the limited compensation policy, and especially the work of activists and victims who have been denouncing the situation and have continued to mobilize peacefully in the streets, have also generated changes in the internal conditions of the Saharawi community.

Also among young people, with their use of actions through social networking sites in the Internet, etc., the whole Western Sahara issue has been driven by new generations

of Sahrawis who are unhappy with the situation and who are looking for new forms of mobilization and support that extend beyond the isolation and exclusion in practice they are still living through. Such action also benefits from new support groups and demonstrations abroad.

### **Collective memory**

Memory has mostly been something limited to the framework of the family, as a way to cope with their own grief. However, collective memory is part of the coping mechanisms and current social demands. Memory is a key element to support victims and claim the experience of victims and survivors as something that should be at the centre of the steps to be taken for the reconstruction of the social fabric and the search for political solutions to the conflict. But this is also the construction of a collective identity based on resistance and respect for human rights.

*I think something should be done. Both with the victims of this bombing and with old Dah. Mohamed Embarek Fakala gave it all and has not had any recognition. We should do something, I would like to do something in his memory, to know where he is, and to erect him a monument, I don't know, bring over his remains, do something in memory of all those people who died there. We have the duty to remember them. Brahim Barbero.*

## **Chapter 7. The demands for truth, justice and reparation in the Western Sahara**

*As long as there is no real justice and truth, there will be no reconciliation. Daoud El Khadir.*

The conflict in the Western Sahara should also be seen in the light of the demands and international standards in the pursuit of truth, justice and reparation for victims of gross human rights violations and its contribution to a culture of peace, a democratic transition and social reconstruction.

### **Needs and demands for reparation**

Although human rights violations, torture, bombings and forced disappearances are irreparable, the right to reparation for victims is something that should be considered as a state obligation.

In order to collect victims’ demands and perceptions, in the interviews there was an open question about what would be a reparation for them. A factor analysis of these responses brought forward a classification in five factors or groups of responses<sup>8</sup>.

Victim services	Rehabilitation and restoration	Self-determination and territory	Truth and justice	Properties and indemnities
Psychosocial care	Legal rehabilitation measures	Returning land	Knowledge of truth	Compensation measures
Forms of victims’ memory	Educational measures for women or their children		Investigate whereabouts or fate of victims	
Protection of victims	Employment support	Right to Self determination	Prosecute those responsible	Returning properties
Health care				
11.1%	4.6%	48.9%	51.1%	13.5%

The population living in the refugee camps attributed significantly more importance than the people in the Western Sahara to the return of land and to the right of self-determination, probably because their situation is linked to the experience of uprooting and dispossession, and the transience maintained for about four decades depends on their right to return and on a political solution to the conflict. Conversely, the population of the Western Sahara attributed more value to actions such as health care and psychosocial support, taking those responsible to justice, the protection of victims and the enforcement of legal changes. It is necessary to bear in mind that the victims living in the occupied Sahara have experienced the consequences of human rights violations, militarization and police control more dramatically up to the present.

On the other hand, women, compared with men, placed more emphasis on measures consisting of returning land and self-determination. Compared to other victims, relatives of the disappeared placed more emphasis on measures such as the return of land, the knowledge of the truth, the investigation of the whereabouts of victims and prosecutions against perpetrators of violence.

**The right to reparation and international standards**

In International Human Rights Law, the rights to truth, justice and reparations have been part of a growing debate and of the production of documents and standards. From the

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8 Which accounted for 61.15% of the variance.

experience of many truth commissions around the world<sup>9</sup> to the principles established by the expert Joinet at the 1997 United Nations Economic and Social Council and ultimately approved by the Commission on Human Rights on April 21, 2005<sup>10</sup> international debate and the evolution of international law of human rights has advanced and crystallised in principles, standards and best practices regarding the rights to truth, justice and reparation<sup>11</sup>.

On 16<sup>th</sup> December 2005, by means of its resolution 60/147, the United Nations General Assembly adopted the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and International Humanitarian Law”. These Principles and Guidelines are part of *soft-law* and are international references for the implementation of measures of truth, justice and reparation in the context of political change, transition from repressive regimes or situations in which serious human rights violations were widespread. International Human Rights Law and International Criminal Law, and the conventions against torture and enforced disappearance, and the Rome Statute on the International Criminal Court reinforce the following principles: *Restitution* which seeks to restore the previous situation of the victim. *Compensation* refers to monetary compensation for damages. *Rehabilitation* refers to measures such as medical and psychological care as well as legal and social services to help victims readjust to society. *Satisfaction* measures refer to the truth and acts of atonement, sanctions against perpetrators; commemoration and tribute to the victims, the search for the disappeared and exhumations, and the *Guarantees of non-repetition* imply judicial reforms, institutional and legal changes in law enforcement, human rights advocacy and education, to prevent the recurrence of such human rights violations.

### **Comprehensiveness, hierarchy and participation**

International experience shows that reparation acquires significance when a set of measures has been identified. Often the effect of reparation is limited by associating it with individual or collective indemnity payments. Usually reference is made to an integral reparation, which refers to the fact that the criteria and ways to carry out reparation have to be mutually consistent.

And there are also the parameters for reparation to be taken into account, which refer to the relationship between these measures and the whole of the policies of transitional justice of recognition, justice and institutional or penal reforms.

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9 HAYNER, P. (2009), *Unspeakable truths*, Fondo de Cultura Económica, México.

10 ECONOMIC AND SOCIAL COUNCIL, *Updated Set of Principles for the protection of human rights through action to combat impunity*, E/CN.4/2005/102/Add., February 8, 2005.

11 GREIFF, P. (2006), *The Handbook of Reparations*, Oxford University Press, Oxford. ORENTLICHER (2004), “Best practices to assist States in strengthening their domestic capacity to combat all aspects of impunity” submitted to the Human Rights Commission by the Secretary-General pursuant to resolution 2003/72, UN E/CN.4/2004/88, and reports of the UN Secretary General: “The rule of law and transitional justice in societies that suffer or have suffered conflict” (2004 and 2011).

A policy of truth, justice and reparation should facilitate a transformation of the situation of the victims, and of the relations of the State with the victims, going from a situation of human rights violations to the recognition of their rights and dignity. But not all remedies are equally important for the victims. The participation of victims in the process is a key factor in equipping such measures with a true sense of reparation.

### **Moroccan state responses to human rights violations in Western Sahara: the denial of truth**

A central element that has persisted for decades has been the denial of truth, minimizing cases or their impact, and the concealment of available information. The information provided by the system progressively shows, on the one hand, advances in terms of a partial recognition but on the other hand, it shows that the Moroccan state remains committed to providing as little information as possible to the families and concealing what happened internationally. After over 15 years of denying their existence, the 370 disappeared people held in secret detention centres were finally recognized and released by the Moroccan regime in 1991 and 1996, although at least another 120 had been released before that.

Both the Ministry of Human Rights and the Human Rights Advisory Council of Morocco, argued in 1999 that the other 400 missing cases that were presented at that time by Sahrawi organizations and Amnesty International were not credible, because they occurred during the years of military conflict in the Western Sahara and in the refugee camps in Tindouf. Amnesty International, pointed out that more than “closing a chapter”, the measures taken by the Moroccan authorities with respect to human rights violations committed in the past amounted to ignoring the victims of enforced disappearance. Nowadays response to the relatives of the disappeared is still pending and the problem remains urgent.

### **The Arbitration Committee and the IER**

On 16 August 1999, the Kingdom of Morocco created an entity called the Independent Arbitration Committee (IAC – *Instance d'Arbitrage Indépendante* in French). Its mandate was limited to granting financial compensation for material and moral damages suffered by victims of disappearances and arbitrary detention up to 1999. The Arbitration Committee focused on the issue of compensation, while the victims stated their demands to investigate what had happened and the corresponding responsibilities, as well as their demands that the Moroccan state recognise the human rights violations it had committed. Furthermore, the IAC noted that their decisions on reparation were final, without any possible appeal. This committee did not have the necessary independence as it was made of government representatives, nor did it make explicit the criteria followed to be considered the source of an independent arbitration between two parties.

The Equity and Reconciliation Commission (IER) was established on 7<sup>th</sup> January 2004 by the State of Morocco. It was presented as an independent national commission of truth,

equity and reconciliation to (1) establish the truth about human rights violations committed between 1956 and 1999, (2) provide compensation to the victims or their families, and (3) draft recommendations for reforms to ensure non-repetition. The IER delivered its final report to the King of Morocco on 30<sup>th</sup> November, 2005<sup>12</sup>.

Although this IER raised many hopes in Morocco, and even amongst the Sahrawi population in that their cases were finally going to benefit from a resolution in accordance with international standards, that entity did not have the necessary independence with regard to the Western Sahara case, and there was no process of consultation with Sahrawi victims nor were there any Sahrawi members<sup>14</sup> in the IER.<sup>13</sup> The IER did not conduct research comparable to that carried out by other truth commissions. It carried out no public hearings in the Western Sahara, adducing security reasons, nor did the Sahara qualify among the regions receiving collective reparations despite being the hardest hit. The report co-bres the Western Sahara as “the southern provinces” and does not make any specific análisis of human rights violations against the Saharawi people.

The limitations of the work by the IER have also been pointed out by the Working Group on Enforced or Involuntary Disappearances, which in June 2009 conducted a visit to Morocco<sup>14</sup> and by Amnesty International. In particular for failing to compel people who have information about crimes to testify, and, in general, because of the resulting impunity of those responsible for serious human rights violations and the failure to clarify cases of enforced disappearances.

Sahrawi organizations were marginalized in the process, to the point that they were outlawed by the State at the same time it launched the IER. According to *Human Rights Watch* (2008), state authorities restricted the activities of human rights defenders in the region, which is inconsistent with the work of a truth commission. The Penal Code, which was revised in 2003, condemns attacks against the “Islamic religion, the monarchy and territorial integrity”<sup>15</sup>. The crime of “attacks against territorial integrity” has been systematically applied against Sahrawis who claim the right to self-determination approved by UN resolutions.

## The quest for truth

The quest for truth is a basic ingredient in the process of social reconstruction after conflicts. International experience shows the importance of research and public declarations

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12 Once the mandate of the IER had concluded, the Human Rights Advisory Council has been commissioned to monitor the work of the IER, including reparations. IER, (2009), *Rapport Final. Équité pour les victimes et réparation des dommages*, vol. 3, CCDH, Rabat.

13 See IER (2009), *Rapport Final. Verité, équité et réconciliation*, vol. 1, CCDH, Rabat. *Recommandation du CCDH relative à la création de l'Instance Équité et Réconciliation*. Available at: [www.ier.ma/article.php3?id\\_article=24](http://www.ier.ma/article.php3?id_article=24)).

14 WGEID, *Report on the visit to Morocco*, A/HRC/13/31/Add.1, February 9, 2010.

15 Article 179, which refers to the following law: DNo 1-02-207 ahir du 25 rejev 1423.

of truth for a country to be able to turn towards the future. However, in the case of the Western Sahara the truth of what happened to the victims of human rights violations has not been recognized by the Moroccan regime in accordance with minimum international standards that constitute the basis for the restoration of rights and coexistence. It is necessary to take into account that many victims have also been outlawed or blamed for what happened.

Those who lost family members need to know what happened to them, and where their remains are<sup>16</sup>. Otherwise they are forced to endure a particularly hard grieving process and be excluded from new personal and collective projects. This demand is widespread among families of the disappeared both in the Western Sahara and in the refugee camps in Algeria. Denial of access to available information about the cases is a form of torture for the families of the disappeared. According to the Inter American system and the European Court of Human Rights, not providing information on the reasons for detention nor on the fate of prisoners constitutes cruel, inhuman and degrading treatment<sup>17</sup>.

### **The IER report and the listings published online**

The IER report was published in 2006. It does not include a summary of the cases investigated as in the cases of other truth commissions, nor an analysis of the circumstances that made what happened possible or of the responsible institutions, nor is there a thorough investigation of emblematic cases that illustrate the mode of repressive action against Saharawi civilians. That is, it does not meet basic standards in terms of knowledge of the true facts and the situation of the victims. This analysis also applies to most of the Moroccan victims.

In 2010, the Advisory Council on Human Rights (ACHR) published a report on the Internet where it revealed official information on cases of enforced disappearance, without any contact being made with family members who had been demanding a search for the disappeared for decades. The publication of this list in late 2010<sup>18</sup> was not known a year later by many of the victims interviewed. There was no official communication to the families, although the Moroccan regime had all the data previously provided by many of them to the IER or, in other cases, it could have provided information to the refugees through MINURSO.

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16 Section 24, para. 2 of the International Convention for the Protection of All Persons from Enforced Disappearance.

17 IACHR, *Riebe Star case (Mexico)* paras. 89-90 and 91 (1999). See also, inter alia, IACHR, *Case and others v Gonzalez Medina. Dominican Republic*, February 27, 2012, para. 263 and 270-275.

18 The HRCC held a press conference on January 14, 2010 to present publicly "The follow-up report on the implementation of the recommendations of the IER". The report itself was published but the four Annexes (1 - on cases of disappearance / 2 - individual reparations / 3 - collective reparations / 4 - on reforms) yet. It was not until a year - December 2010 - that 3 of the 4 annexes were published, this time only by a statement on the website.

The information provided by this list is brief and limited, partial and fragmented. It lists deaths in many cases without dates. In other cases, it indicates that the victim died in the midst of severe suffering, but without mentioning the torture that was inflicted, intentional malnutrition and lack of medical treatment, or those responsible for such crimes. In other cases, the versions given by the official report avoid any details about what happened, all of which questions their credibility and the intention behind the list.

### **ACHR explanations about the cause and circumstances of deaths in Sahrawi cases**

The ACHR report noted in a stereotypical manner for many of the detained-disappeared that *“there is strong evidence that he died during captivity” or “was transferred to a military base where he died in Fouv Lahsen on January 8, 1976 “; or “was kidnapped in difficult conditions and died as a result of that” or “there is strong and consistent evidence that he died during captivity”;* *‘brought to the Smara gendarmerie centre and later transferred to the civil prison of Laayoune where he was held in harsh conditions causing his death, in 1977’<sup>19</sup>.*

No victim in the refugee camps could file demands to the IER because that had to be done in Morocco. And none of the victims in the refugee camps has had any official information about what happened. The IER was seen by many victims as an entity without credibility and there was no official requirement of repair for Sahrawi victims made by the POLISARIO to Morocco, as a result of which this was left to the victims’ initiative.

The appearance of the list of disappeared persons that the Moroccan state referred to as dead had an enormous psychological impact on the families. First, because of the manner in which this information was published without any prior contact or without contrasting it with the information provided by them and because of the scarce or no information provided in contrast to what should have been a clear statement. The lack of consideration for the families of the victims of enforced disappearances resulted in many of them losing any semblance of confidence, and that state agencies do not have the necessary credibility to investigate the facts or provide answers to the families.

### **Exhumations and the right to mourn**

These actions have meant yet another traumatic impact for the families because they had to symbolically “kill” their relatives and accept the facts without having any information, explanation or proof by the state that was responsible for the disappearances. During this research, numerous relatives described how they were pressured by the authorities to accept the deaths in exchange for financial compensation for the loss of their loved ones. This procedure is contrary to international standards of human rights protection.

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<sup>19</sup> That is, these are cases of torture resulting in death. States have an obligation to investigate and document torture cases fully and in accordance with international standards, in order to clarify the facts and establish the truth and recognise such facts before the victims and their families.

*I need to know if he is dead or alive. If he is alive, I want to see him, get to know him, know what he is doing, how he is doing. And if he's dead, I want to pray, to see his grave, to have his remains rest in peace. Both my mother and I have a right to know what happened to him. That is the right of any person".* Fatimetou Mustafa Def.

To ensure that these processes of exhumation and return contribute to the grieving process, the following is needed:

- a) That victims have adequate information of the procedures carried out, the places dug out or who the presumed victims are.
- b) To establish a channel of communication that is accessible and culturally appropriate, so that families can make informed decisions.
- c) To consider their participation in processes facilitating their access if possible, providing information and collecting *ante-mortem* documentation.
- d) To collect their expectations and provide the emotional and collective support needed during the exhumations and thereafter.
- f) In case of security problems or family inaccessibility, to collect information, recording the proceedings, etc. to enable subsequent monitoring by the family of the exhumations conducted.
- g) To provide further contact with relatives who may be affected by the exhumation, and conduct information campaigns, searching for the necessary evidence or emotional support, together with information on the steps that can be taken to carry out the identification of remains.

In the case of the Sahrawi victims there are several cemeteries, mostly in Moroccan territory, where people were buried as disappeared detainees. At least two of these cemeteries are situated near the clandestine centres of Kalaat M'gouna and Agdez, where 16 and 29 people died according to Sahrawi sources and the listings of the ACHR respectively. Other people also died in the BIR and in the PCCMI in Laayoune, near which are probably situated other burial sites. Moreover, there is at least the Lemsayed mass grave, where people tortured to death in 1976 were buried. These graves should be investigated and the exhumed remains protected, identified and returned to their families. Moreover, the circumstances of the burials must be investigated together with the causes of death of the corpses found and other evidence that could help establish the modus operandi of the perpetrators should be collected. The need for a gene bank for identification purposes in the Western Sahara cannot be postponed any longer.

Moreover, there are also burial pits in the path of the flight of victims of bombings that took place in Um Dreiga, Tifariti and Guelta. There are survivors and staff who collected

the corpses left after those bombings and who were involved in the burials. In the case of Um Dreiga and Guelta, among others, these places were in the part of the Western Sahara occupied by Morocco, while in Tifariti the burials are in an area where the Polisario Front is present. Both areas should be subjected to scrutiny by independent teams, under the auspices of the UN, to carry out the necessary processes of exhumation and identification as has been done in many other countries. It is urgent to carry out a program of research, identification and return of the remains with the participation of independent staff with training in this type of research from other countries in the world.

### **Recognition of the harm inflicted: responsibility and respect for dignity**

For the Sahrawis who testified for this study, the acknowledgment of responsibility is the first step for them to have their reality as a people also acknowledged. This, coupled with the continued human rights violations in the territory has led to an enormous sense of grievance in the Sahrawi victims of human rights violations. Meanwhile, the state's responsibility in the forced displacement towards the refugee camps by half of the original population of the Western Sahara has not been recognized. Without a change in attitude by the regime towards recognition of human rights violations perpetrated against the Sahrawi people, victims will perceive no sign of willingness to change by Moroccan state as far as they are concerned.

To declare that recognition of what happened and the State's responsibility to victims of human rights violations have already taken place by the mere publication of the IER report, as is stated in the IER resolutions regarding Sahrawi victims, is a form of minimizing recognition and a token of the lack of political will to carry out such actions.

### **The need for justice**

The pursuit of justice is a universal desire of victims of human rights violations. The end of Hassan II's regime in Morocco was established without any sanction or rupture with the past in terms of justice or punishment of those responsible for human rights violations. The consolidation of impunity, apart from being yet another blow to the victims is a burden for any democratic process, and represents the continuation of violence, control and fear in the Western Sahara. The main perpetrators, members of the repressive apparatus in the Hassan II era, have remained in their posts throughout the following decade in the Western Sahara. Members of the police or gendarmerie named by many victims as those responsible for the most brutal tortures and for their participation in detentions and forced disappearances during the regime, are still being named as responsible for arbitrary arrests and torture, according to numerous reports by victims, and they continue in positions of high responsibility as governors of several towns in the Western Sahara region or in political posts in Morocco. This lack of justice, together with the continuity of human rights violations strengthens the conviction held by many Sahrawis that there is no potential for change within the system and that the only alternative is self-determination.

Morocco is a state party, among others, to the following international treaties on human rights: International Covenant on Civil and Political Rights<sup>20</sup>; Convention on the Elimination of All Forms of Discrimination against Women<sup>21</sup>; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment<sup>22</sup>; and the Convention on the Rights of the Child.<sup>23</sup> Also, on 6<sup>th</sup> February 2007, Morocco signed the International Convention for the Protection of All Persons from Enforced Disappearance, which means that, since then, it has agreed to refrain from acts that are contrary the object and purpose of the treaty. To date none of those international conventions has been the basis for investigation of human rights violations committed in the Western Sahara by the judicial system. These are standing demands by the WGEID and the United Nations Committee against Torture and independent human rights organizations such as Amnesty International or Human Rights Watch, and they have also been ignored by the authorities of the Kingdom of Morocco.

In the case of the Western Sahara, the demand for justice is a *sine qua non* condition not only for past human rights violations but also for those perpetrated in the present. This lack of response by the judiciary and political powers in Morocco with respect to the Western Sahara is what has led to numerous victims and Sahrawi human rights organizations to bring cases before the National Court in Spain, as many of the victims of enforced disappearance also had the Spanish citizenship. This they have done in application of the principles of universal jurisdiction, since crimes against humanity and war crimes are imprescribable.

### **Disqualification of those responsible for human rights violations**

One of the ways in which impunity has become embedded in the situation of the Western Sahara has consisted of maintaining in office or promoting security officers, directors or policy makers who were directly involved in cases of serious past and present human rights violations. Their names are well known by Saharawi victims and repeatedly appear in reports with precise details of their involvement in disappearances, torture and sexual violence since the times of Hassan II, as well as in human rights violations currently taking place within the cycles of repression in the territory, in the context of the habitual mobilization surveillance or in intelligence work. Disciplinary measures should be installed to eliminate the power of the perpetrators, preventing their running for office in elections or having positions of political responsibility, or their serving in the military, the police or in public administration. These administrative and disciplinary measures are complementary to criminal justice.

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20 Ratified by Morocco on May 3, 1979.

21 Accessed by Morocco on June 21, 1993.

22 Ratified by Morocco on June 21, 1993.

23 Ratified by Morocco on June 21, 1993.

## **Restitution of losses, territory and return**

The right to restitution means return of the losses and return to the situation prior to the human rights violation, or providing an appropriate amount of compensation for losses in terms of living conditions, housing, property, or animals. The plundering and looting of camels, goats and tents of those who lived in the desert, and which put an end to their nomadic way of life, is still part of the claims for restitution from both refugees and people who continue living in the Western Sahara.

For refugees, returning means the right to return and having their properties, losses and jobs restituted. No evaluation of such losses has been made in the case of the Western Sahara thirty-seven years later, and none of these issues was considered in the compensation awarded by the Arbitration Committee or the IER. The possibility of returning is part of the political solution to the conflict together with the planned referendum. On at least two occasions, at the beginning of the 1990s refugees were ready to return and both occasions were frustrated by the opposition of Morocco and the lack of agreement on the conditions for the referendum.

In the international level, the so-called Pinheiro principles on the restitution of housing and properties of refugees and displaced persons, endorsed by the Commission on the Promotion and Protection of Human Rights<sup>24</sup> note that “all refugees and displaced persons have the right to have restored to them any housing, land and property of which they have been arbitrarily or unlawfully deprived, or to receive compensation”. The right to restitution is a preferential means of reparation and is a right that is not dependent on the return of displaced persons and refugees (Principle 2.2). For refugees, restitution of their belongings should not be linked to their return to their places of origin but should be part of a policy of redress against the consequences of their having had to become refugees.

Whereas other Arab countries have seen how their political transitions from authoritarian regimes and conditions for the democratization of the Maghreb are part of the UN agenda and of the concerns of Europe or the United States, the Saharawi problem continues being minimized or denied, except to attribute a source of conflict to the refugee camps to justify a greater control of the Western Sahara by Morocco. These new ways of representing reality are likely to create the conditions for new phenomena of violence in which fatigue, attacks on dignity and despair block the solutions designed with patience, persistence and negotiation and which have taken so much effort by so many people.

## **Financial reparation and indemnities**

Indemnities refer to monetary compensation for the damages suffered by the victims and to the consequences of the loss of their loved ones, worsening conditions or loss of per-

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24 See: [www.ohchr.org/Documents/Publications/pinheiro\\_principles\\_sp.pdf](http://www.ohchr.org/Documents/Publications/pinheiro_principles_sp.pdf)

spectives. In the case of the Western Sahara, indemnities have been the only remedial action initiated by the State for Sahrawi victims. For victims who either from 1976 or later sought refuge in the Tindouf camps in Algeria or elsewhere, no compensation has been granted by the Moroccan authorities, no contact was established with these victims and, in other cases, conditions were imposed that made compensation for refugees who had fled from persecution impractical as they had to be carried out in Moroccan territory where many victims could not return without a political solution to the conflict.

Financial compensation is one of the ways that materializes the responsibility of the State and that has a strong symbolic and practical component for victims and their families. However, the value these indemnities have depends on several factors, including consistency with other measures, proportionality and fairness, and dignified treatment to make them effective. Many families have accepted compensation as a first step in their broader struggle for full reparation, justice and the search for the disappeared. Others, however, have flatly rejected it as an attack on their dignity without any investigation of the truth or knowledge of the fate of the disappeared.

The Arbitration Committee (1999) did not disclose the criteria used to award compensation. Subsequently, the IER (2006), published a lengthy article about the criteria used by both the Committee and by the IER itself for the assessment of compensation, but it is impossible to know the specific details of the cases or the reasons for the differences between very similar cases. Information on compensation and on the criteria thereof should be public and available. Morocco has an obligation to provide information on the criteria and, in cases of discriminatory evaluations, the victims are entitled to judicial appeal and clear scales that do not generate comparative grievances between different types of victims as in this case.

## **Compensations for Sahrawi victims**

1. *Existence of cases of compensation with very different amounts for the same human rights violations.* The differences are between 205,000, 300,000 and 420,000 dirhams<sup>25</sup> in cases of disappeared people.
2. *Different compensation criteria by various official bodies.* The criteria of the IER were better for the determination of compensation than those of the Arbitration Committee, both in terms of the volume of compensation and in terms of the valuation of gender criteria, since the Arbitration Committee was governed more by the logic of the Sharia, which grants fewer rights to women.
3. *Comments included in the responses that undervalue people, the impact of what happened or the consequences for the victims.* For example, there are generic comments about the

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25 12 dirhams are equal to one euro approximately.

age of the victim and the alleged active life or life expectancy that are identified as criteria to minimize or characterize the value of compensation<sup>26</sup>.

4. *Discrimination between Moroccan and Saharawi victims facing similar human rights violations.* A comparison of the amounts of compensation published regarding detainees in Tazmamart (who were Moroccan) and in Agdez or Kalaat M'gouna (who were Saharawis) shows that there is no proportionality criterion in relation to the time the detention lasted. The amount of compensation is between 80-100%, ie in some cases nearly the double in the case of Moroccans compared to Sahrawis following this criterion of years of detention. The same differences exist with respect to disappeared people whom the Moroccan authorities had identified as killed in the various clandestine centres, in which Moroccan cases include compensation amounting to double or triple the amounts for Sahrawi cases.

### **Health care: rehabilitation programs**

Health programs are part of the rehabilitation measures and are very important for the victims and their families. Such programs should be directed to address both physical health problems and to help victims recover from the emotional impact of violence and stimulate their own personal and community resources. In the case of the Western Sahara, no health program has been launched so far, six years after the completion of the work of the IER, even though its final recommendations establish that such care should be a priority. For the victims interviewed for this study, although some of them had indeed received health cards, these had not been activated from the beginning and there is no specific program that has benefits that can be considered as reparation. In addition, people with mental health problems do not receive psychiatric support in hospitals.

The criminalization and lack of recognition of victims' and human rights organizations has in practice meant obstacles for mutual support possibilities or self-organization projects that could help victims resume their lives and face the consequences of the human rights violations suffered. The absence of due care is of particular concern in the case of the Western Sahara for victims of human rights violations. This lack of guarantees is a part of the State's responsibility, regardless of the existence of open judicial or criminal procedures. It is necessary to bear in mind that serious injuries and people with greater disabilities should have priority in terms of health care. Such care should be free and victims should not be further burdened with the care of the consequences, as they are the result of human rights violations under the responsibility of the state.

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26 That comment is to be found in response to the case of the disappeared Emrabbih Mohamed Embarek Sid Ahmed (716/16093), ensuring that in the determination of compensation the suffering and the impact of the loss has been considered and *the advanced age of the disappeared and what would have been left in terms of active life had been into account*. It is necessary to take into account that Mr. Emrabbih Mohamed Embarek Sid Ahmed was 23 when he was made to disappear by the Moroccan gendarmerie.

### **The referendum as reparation for the damage**

The conduct of the referendum is not only an opportunity for a political solution to the conflict but also, from the point of view of the right to reparation, it is both a guarantee of non-repetition, restitution of the Sahrawis' losses as a people and the basis from which to exercise their right to a free and safe return. In a more general sense, many of the people interviewed even pointed out that that would be the best individual and collective compensation.

From the human point of view, it is not only a matter of political demands, as it is necessary to understand that for the Sahrawis who have been victims of the Moroccan regime, the cause of the human rights violations they suffered was associated with their own convictions. Reparation as a measure of non-repetition then also has to do with the legitimacy of their political and cultural demands, of their being Saharawis, which in many cases became the cause for arrest, torture, or being accused of belonging to the POLISARIO Front or sympathizing with that movement. This also constitutes the possibility of a new relationship of mutual respect with the Moroccan population that came to occupy or live in Western Sahara, without the obligation of accepting the occupation as a precondition to be able to speak with them.

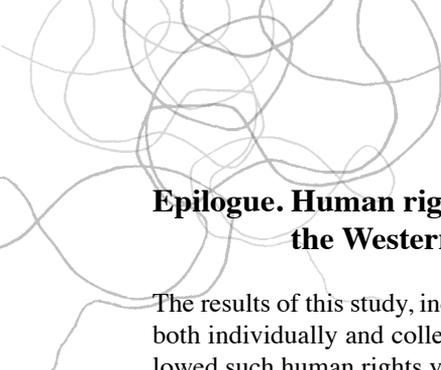
For victims who are in Tindouf and for the refugee population in general, the referendum on self-determination is the possibility of returning. Victims can not feel safe in a country in which there has been no recognition of serious human rights violations, and where their organizations are not free to do their work and where there are still attacks on freedom of expression and on the physical and psychological integrity of numerous Sahrawis.

### **Collective memory as a prevention tool**

In the Western Sahara symbols of repression are still conspicuous. The former name of the head of state, King Hassan II, is still part of the streets and of the mores of official memory. For victims of his regime, this exaltation of names or perpetrators who were directly responsible for human rights violations remains an offense. In schools in the Western Sahara no history in which the Sahrawi people feel recognized is studied.

*In schools, Sahrawi students do not study any subject relating to the history of the Sahara, they only study the history of Morocco. El Ghalia Djimi.*

There are no memory locations or monuments or acts of recognition in which the memory of Sahrawi victims can feel reflected. On the contrary, all symbols and official actions are oriented to obviate or ignore Saharawi symbols or memories, associating them with an "enemy" threat.



## **Epilogue. Human rights and the conflict transformation agenda in the Western Sahara**

The results of this study, including the level of impact of human rights violations suffered both individually and collectively by the Saharawi people, the mechanisms that have allowed such human rights violations, and the enormous consequences thereof point to the importance of the role of victims and human rights defenders in the search for political solutions and democratization in the region. A solution to the Western Sahara conflict based on international law and on the rights of the Saharawi people can not ignore the development of a genuine policy of truth, justice and reparation in that region. Although these issues have not been considered in unison throughout all of these years, international negotiating experiences in armed conflicts or the downfall of dictatorships show that respect for human rights must be at the core of any political solutions to conflicts.

*All that talk about the autonomy solves nothing. They have spent 40 years trying to get us Sahrawis to give in to that Moroccan idea. Here you can confirm that the existence of all Sahrawis is influenced by the conflict at all levels of their lives, education, work, documentation, in building a house, in trade, in getting into politics in the elections, in travel, in all the branches of your life the Moroccans will see in you someone who belongs to the POLISARIO and in all aspects of your life you are hindered because of that. If the conflict is not resolved we will suffer this forever. We want people to work to stop the plundering of our natural resources which benefits Morocco. Humanitarian organizations have to provide political support and bring about a solution to be able to hold the referendum, if we do not solve this problem; the suffering is not going to stop.* Daddach Mohamed.

The history of the attempts to implement UN resolutions or plans of successive UN envoys, like the Baker Plan, show that completely asymmetric relations between what is termed “the two parties” do not allow for political negotiations, devoid of any pressure factors on the negotiating table, to reach a solution because of the difference in political force. Moreover, international experience also shows that civil society actors should be involved in the discussion agendas, political negotiations and in the discussion of conditions and policies to encourage the return of refugees. All of this has been blocked in the past two decades in the Western Sahara conflict.

Geopolitical disputes between different countries and regions (Morocco, Polisario, Spain, the United States, France or Algeria) cannot override the rights of victims of gross human rights violations, or the construction of an agenda to transform the conflict and foster respect for human rights. Taking into account the impact of these human rights violations is a basic element for rebuilding relationships fractured by violence, rebuilding coexistence and preventing violence in the future.

## **1. The role of the international community**

International support to post-conflict reconstruction processes is an important source of resources and experiences. The experiences of truth commissions, reparation programs and agendas of political transition to democracy and building a participatory democracy should be taken into account in the Western Sahara. No initiative of this kind can be credible for the Sahrawi people, affected as it is by serious human rights violations or by the refugee population without a change in attitude by Morocco towards recognition of the problem and implementation of effective mechanisms that generate the necessary credibility. The role of so-called friendly countries in different conflicts should be oriented towards an effective reconstruction rather than towards convincing the parties to take up a solution based on a fully asymmetric relationship that is not based on a culture of human rights. The Western Sahara conflict is not only a territorial dispute between two opposing parties, it is also a human rights issue which can no longer be considered, in 2012, a marginal issue on the global stage. International agencies and the United Nations, in addition to humanitarian support, should play a key role in monitoring the human rights situation to help resolve the situation and create a culture of respect.

*There is an international justice that we are looking for, but my son says no one listens to us. He is the son of two disappeared people. In 2005, when he was 9, he was expecting a gift from me because it was the end of the school year but instead he spent the day crying because they had been taken into detention. This is a case that reflects the case of all children. This is a concern for us as activists. We are claiming that MINURSO should extend its powers to protect, monitor and control the human rights of our children who are our future and to prevent violent resistance. Aminatou Haidar.*

## **2. Verifying of the situation of civil and political rights**

As has happened in other armed conflicts in the world, independent verification of the status of human rights, especially civil and political rights in regions of conflict, is a basic condition for the population to have protection guarantees and independent supervision mechanisms that build trust. Thus, the guarantees for the reporting or investigation of human rights violations can be strengthened, a greater credibility afforded and an overview of what is happening in the region provided in an unbiased and objective manner, which is a basic requisite to be able to get the situation to progress and take other decisions about the process. Moreover, this would contribute to the democratization of the area and to the culture of human rights. MINURSO has to update its mandate according to the needs of the Saharan conflict and to promote a general culture of human rights in which the concealment of what happens in that territory is not acceptable.

*From 1991 to the present MINURSO has not existed for us. We need a human rights mandate. This should protect the Sahrawis, which is the mission of the United Nations. Saadi Mohamed B.*

### **3. Independent observation of economic, social and cultural rights of the Sahrawi people**

In addition to civil and political rights, which focus on security guarantees and protection of the population in the Western Sahara, economic and social rights in the region are basic aspects linked to the conflict and to the situation of marginalization that Sahrawi victims and organizations are denouncing. No development indicators or studies exist with information relating specifically to the Western Sahara like those performed by the United Nations Program for Development (UNDP) in other countries around the world. The conditions of trade agreements with Morocco are increasingly oriented towards verifying that the exploitation of resources in this disputed territory reverts to the native Saharawi population. Such verification mechanisms should also consider the Saharawi population in the refugee camps, which continues to suffer exile and the lack of use of their own resources because of the violence and the impossibility of returning to their land.

### **4. Encouraging measures to help improve relationships in the Western Sahara**

The presence of Moroccan population in the Western Sahara is a fact since the military occupation with the Green March in 1975 and in successive moments in which the Moroccan authorities have promoted the colonization of the area. Although coexistence between the Sahrawi people, many of which have been victims of human rights violations, and the Moroccan population has not been easy during this time, in recent years Sahrawi organizations have reported a growing involvement of Moroccans in attacks against Saharawis in different parts of the territory. Although these attitudes are alien to most of the Moroccan population in the area, there is a risk of increasing civil strife if the Moroccan state uses the Moroccan population to fulfil its objectives of surveillance and control. Moreover, the growing frustration among the Sahrawi population, especially among young people, can lead to clashes and sporadic forms of violence that could aggravate the situation even further. And this is a situation that is already complicated at best.

The international community should provide opportunities for dialogue and evaluation, as well as projects that produce a benefit in the social integration of the population, avoiding discriminatory policies against the Saharawi population that could increase feelings of grievance, and the use of civilians in police actions should in any case comply with international standards in terms of proportional use of force.

*Now we have no fear of the police that can take you to prison and put you in detention for twenty years, now the problem is that civilians may initiate a civil war. Moroccans do not understand this, but there is a minority who do understand it. We know what the situation of the civilian population is like under this catastrophic, dictatorial regime, but that does not entitle the Moroccans to be against us.*  
Bashir Azman Hussein.

## **5. Developing exchanges and connections between people in Western Sahara and in the refugee camps in Tindouf**

In the case of the Western Sahara, the existence of a divided country must be taken into account in all actions to be carried out. The situation of the refugees in Tindouf must no longer be viewed as a problem pertaining to refugees and humanitarian aid and should rather be considered as a human rights problem in which we must take into account the rights of refugees to restitution, reparations, compensation, and return to their places of origin. Advances are needed in the design of policies to encourage decision-making in the future. Return and reintegration face different possible scenarios in the future, but the international community could facilitate approaches, criteria and the design of processes from which much has been learnt in recent decades.

## **6. Creating specific transitional justice mechanisms for the Western Sahara**

As has been analyzed in this study, and has also been suggested by organizations like Amnesty International, the IER was a missed opportunity to establish new foundations for democracy and the search for truth and reparation policies in the case of the Western Sahara.

However, there is ample experience over the last thirty years in the design of transitional justice processes, which have launched judicial mechanisms such as truth commissions, the search for missing people, the exhumation of graves and the returning of remains to their loved ones, the establishment of a gene bank and independent mechanisms for investigation and identification, or the activation of a judicial investigation of the facts.

*For me it would be very, very important to know where my parents were buried. Nobody told me anything about that. And I know nothing about them. I have not talked about it and this hurts. I wish it could be done. Knowing where they are would be very important for me. Zuenana Bouh.*

Other measures still pending in the case of the Western Sahara are the development of initiatives on collective memory, symbolic gestures of rupture with the past and commitment to the prevention of human rights violations, as well as a strong support for human rights organizations and victims in the Western Sahara, together with the development of health care programs and psychosocial support, memory of human rights violations, setting up spaces and places of memory, opening military or police files for the victims and families and human rights researchers or promoting a political and institutional change enabling an effective control of civilian authority over military power.

*There is no truth commission as in the case of Latin America. There has been no transition. What happened should not repeat itself, but there are no guarantees. There must be a truth commission of memory, an entity in which the truth about what happened is demanded. Dahha Dahmouni.*

## **7. Developing victim care programs by independent organizations**

The results of this study show the enormous impact that human rights violations have had in the Western Sahara and on the refugees who are in Tindouf. None of the transition processes in the world have advanced without their own driving force, which in different countries, in general, have been the victims' organizations and human rights groups. The participation of these organizations in reconstruction measures such as health programs and psychosocial care, as well as in the restitution or return are part of the conflict transformation agenda. Information networks and international NGOs support countries in processes of reconstruction of their social fabric with regional workshops and counseling, they support forensic investigation commissions and victims' relatives' organizations. Such organizations, together with human rights organizations have also boosted judicial investigation of crimes against humanity in many countries, as a contribution to universal justice and to the culture of peace. Protection and assistance programs for witnesses are part of the international experience that may be important in the case of the Western Sahara. This requires coordination between donor countries and human rights organizations to be effective in contributing to the reconstruction of the social fabric.

## **8. Facilitating the work of international actors: the media, cooperation agencies or humanitarian and human rights organizations**

One of the problems that has made it difficult to get a true picture of what is happening in the Western Sahara is the absence of independent mechanisms of information as well as the absence in the region of human rights or cooperation organizations to enable the existence of means to get information in a more open social context. In spite of the fact that from the Moroccan state's point of view, the Sahrawis exaggerate in their reports the situation they live in, the Sahrawi people try to use all the means at their disposal to disseminate reports about their situation. The Moroccan state should favour an international presence that would allow information to flow more openly and more honestly. The Western Sahara should stop being a territory with closed windows, under tight military control as it is today.

*Well, I ask the international community to put pressure on the Moroccan government to respect the fundamental rights of the Sahrawi citizens, I ask the international community to send a permanent commission to ensure respect for human rights in the Western Sahara. I call on the Moroccan government to lift the information blackout on the Western Sahara. Mahmud Lewaidi Ehwi.*

## **9. Demilitarizing everyday life**

Daily life in the Western Sahara should no longer be characterized by military or police control. The police and military presence in the streets, the control and surveillance of mobilisations cannot mark daily life making whole generations of Sahrawis get used to

their lives being controlled from birth, even in school, in health care or until their death, together with the fact that they are considered internal enemies within their own territory. The expression of Sahrawi symbols, including those relating to the Polisario Front, are not grounds for detention or torture as it has been to date.

*The State must recognize its errors, it must initiate an investigation to take those who are responsible for these human rights violations to justice, and to try to overcome these effects, and never return, because human rights violations in the Western Sahara are taking place every day. That means that there is no political will to overcome this period, because the most important goal is that people do not feel persecuted, and feel free. That is compensation. Compensation is moral rather than material, and that human beings are respected and do not feel that this means nothing and when you feel underestimated they go and give you any kind of answer.... that means there is no compensation nor real will. This determination should be applied to the Western Sahara. Mohamed Fadel Leili.*

Changing the conditions of daily life would mean a context of detente and a gesture of goodwill that is essential to establishing new bases of coexistence and respect for different identities living in the territory today. The territory of the Western Sahara has the highest concentration of security forces throughout the region, and is divided by a militarized 2,700 kilometre-long wall. Military spending in the area is a large part of the budget, when all those resources should be invested in education, promoting equality and social integration. International NGOs and official bodies may participate in drafting guidelines that underpin and legitimize the initiatives of local political leaders, human rights groups and civil society organizations.

## **10. Applying international law**

As the Secretary General of United Nations and all countries involved have said in recent times, the only possible framework for political solutions to the conflict in the Western Sahara is the application of international law and UN resolutions. However, history has shown that the way this is done will depend not only on the content of these decisions but on the strength of the different parties.

The conflict in the Western Sahara, in spite of its complexities, is relatively simple. Its transformation depends on political will and on the development of a human rights culture that has been absent so far in the policies regarding the Western Sahara. The hypocrisy of the so-called international community continues to produce an enormous frustration and a growing disaffection with the United Nations.

The Saharawi population, and especially the victims' and human rights organizations, have all shown a tremendous commitment to the defence of the right to life and to the creation of a culture of peace. It is time that these experiences accumulated over decades produce a change in the conditions of the conflict. From seeing in this process a denial of

the other party, to seeing that in its resolution all parties win. Respect for human rights must be a key factor in which everybody should stand, and from which this study attempts to make a contribution.

*What hurts the most is that the problem of the Western Sahara is quite clear. You need to apply those international laws for the Saharawi people to be able to determine for themselves what their future is to be like. We are trying to reduce this suffering that consists of kidnappings and murders, we are trying to inculcate a culture of human rights and mechanisms to reduce pressure on the people and remain hopeful that one day it will all end. I hope my son can live in peace and make his dreams come true. Brahim Dahane.*

## Victims of human rights violations interviewed for this report

1. Aali Salec El Fadel
2. Abdallahi Chwajj
3. Abdelaziz Day
4. Ahmed Baddad
5. Ahmed Hamad
6. Ahmed Mohamed Abdelkader Teyeb
7. Ahmed Mohamed Fadel Mohamed (with support from Ahmed Musa Zau)
8. Ahmed Salem Abdel Hay Allal
9. Ahmed Salem Mohamed Saleh Hamadi.
10. Ahmed Yeddou Salem Lequara
11. Ahmednah Bukhteh Deh Yusef
12. Aichatu Sidi
13. Aichatu Uadadi Brahim
14. Ali Oumar Bouzaid
15. Alia Yedahlu Badah Sid
16. Alien Omar Ahmed
17. Aminatou Haidar
18. Aminetu Omar Buzeid
19. Ana Gaspar
20. Ayina Hamma Belali
21. Bahaida Ahmed Sueilem
22. Baschir Azman Hussein
23. Bazaid Lahman
24. Bazeid Salec
25. Bismilahaliha Taleb Hamadi
26. Boja Embarec Salec
27. Brahim Abdala Sidbrahim Luchaa
28. Brahim Ballagh
29. Brahim Barbero
30. Brahim Dahane
31. Brahim Sabbar
32. Brahim Mohamed Mohamed-Salem Omar.
33. Brahim Mohamed Sidahmed
34. Brahim Salima Omar
35. Bteila Selma Mohamed
36. Bubeker Banani Abdellah
37. Dah Mustafa Ali Bachir
38. Dafa Sidahmed Yumani
39. Dah Mohamed Lamin Mohamed Fadel
40. Daha El Haussini
41. Daha Ettanji
42. Dahba El Joumani
43. Dahha Dahmouni
44. Dallahi Mansur
45. Degja Lachgar
46. Demaha Hmaidat
47. Dheib Suelima Brahim
48. Dida Sidi Abdeladi Zainaha
49. Daoud El Khadir
50. Bchirna Learousi
51. El Batal Hamma
52. El Batal Lahbib
53. Elghalia Baba Sidi
54. El Ghalia Djimi Adelaji Mohamed
55. El Hamdo Boushaib Mbarek El Batal
56. El Hosein Mohamed Malainin
57. El Hussein Ndur
58. Elala Lahsan Bannan
59. Elghali Ahmed Lehsen
60. Elhartani Mohamed Salem Hamdi
61. Embarca Dada Alal Jedu
62. Embarcalina Brahim Mustafa
63. Embarec Mohamed Abdalla
64. Enhabuha Brahim Sidi
65. Enzatta Hamadi Luali
66. Fadah Aghala
67. Farayi Sidi Husein
68. Fatimetu Abu Neni
69. Fatimetu Ali Maati Bayba
70. Fatimetu Boihiya Emboiric
71. Fatimetu Dahwar
72. Fatimetu Mohamed Abdarrahman
73. Fatimetu Mohamed Lahsen
74. Fatimetu Mustafa
75. F.S.M.
76. Fatimetu Salec
77. Fatimetu Salma Mohamed Lamin
78. Fatimetu Sidi
79. Fatma Ayach
80. Fatma Bachir Luali
81. Fatma Embarec
82. Fatma Husein Embarec Edbee
83. Fatma Jadem Mohamed Mohamed-Sidahmed
84. Fatma Mohamed Said Leabeid
85. F.M.
86. Foila Mohamed-Fadel
87. Faudi Mohamed Banini
88. Gabal Mohamed Mahmud Jalil
89. Galia Saad Ali
90. Gaoudi Mohamed Fadel
91. Gbeila Hamdi Abdala
92. Ghlana Barhah y su hijo Abdel Nasser Lemuessi

93. Gurutze Irizar (Fatimetu Gurutze)
94. Hab-bla Lehib Abdal-La El Mubarek
95. Hadina Mahmud Ahmed
96. Hamdi Lejlifa
97. Hamma El Koteb
98. Hanun Salma Emhamed
99. Hasan Saad Ali
100. Hasinatu Masud Ahmed
101. Hassena Duihi
102. Hayat Erguibi
103. Mamia y Fatma Salek
104. Ihdia Selam Haimouda
105. Ihdih Hasenna
106. Izana Amaidan
107. Jadiyahu Mohamed Meki
108. Jadiyahu Sidi
109. Jadiyahu Duha Zein Couri
110. Jaiduma Selma Daf
111. Jandud Hafed
112. Jnaza Laabeid Bara
113. Juala Mustafa Yumani
114. Kenti Sidi Balla
115. Khadijatu Hadia Omar Brourhim
116. Lamadi Abdeslam
117. Lambarka Mahmud
118. Larbi Mohamed
119. Larosi Abdalahe Salec
120. Lebaila Ihdid Mbarek Bourhim
121. Lehib uld Hamdi uld Faraji
122. Lehdia Ali Buya Mayara
123. Leili Salka
124. Lemadam Alien Omar Buzeid
125. Lemailima Hosein Mohamed
126. Lemailina Eluali Ahmed
127. Lemjed Balal Rabeh
128. Lefkrir Kaziza
129. Limam Sidi Baba Mbarek Dadda
130. Liman Bleila Omar
131. Luella Abderrahman Aomar Husein
132. Luail Hamadi Luail
133. Lueina Sidi Chej
134. Maalainin Mohamed Abdalahi Lbousati
135. Mahjoub Mint Benaissa
136. Mahjoub Nema
137. Mahjub Mohamed Fadel Beida
138. Mahmoud Sidahmed Babih Bheya
139. Mahmud Lewaidi
140. Maimuna Ment Ahmed Salem Abdi
141. Maiziza Nayem Mohamed
142. Malak Khekh Amidane
143. Mamia Mohamed-Fadel
144. Mamia Nan Bueh
145. Mariem Ahmed
146. Mariam Lahmadi Ahmed Abdi
147. Mariam Mohamed El Hassan
148. Mariem Ahmed Suelim
149. Mariem Salec
150. Mbarka Alina Mohamed Ali Lamini
151. Mehdi Nafe
152. Mekfula y Tfeiluha Bundar
153. Mina Mabruk
154. Minatu Mohamed Yedih
155. Minatu Sidahmed Bhaya
156. Mneinunat Sidi Uld Abidid Uld Greimich
157. Mohamed Ahmed Laabeid
158. Mohamed Ahmed Sidi
159. Mohamed Ali Mohamed Lamin
160. Mohamed Ali Sidi Bachir
161. Mohamed Cheij Ali Aabeidi
162. Mohamed Daddach
163. Mohamed-Luail Malainin Larosi
164. Mohamed Esabeg Abdal-la
165. Mohamed Fadel Abdalahe Ramdan
166. Mohamed Fadel Leili
167. Mohamed Fadel Massaad Boujema Fraites
168. Mohamed Lamin Abdala Alal
169. Mohamed Lamine Salik Elbarnau
170. Mohamed Laarosi Ali Salem
171. Mohamed Lehwaimad
172. Mohamed Mujtar Embarec
173. M. N. B.
174. Mohamed Salem Abdellah uld Mohamed Lamin
175. Mohamed Salem Buamud
176. Mohamed Salem Mailid
177. Mohamed Salem Mohamed Lehzen Lmeiles
178. Mohamed uld Salem Elayuoubi
179. Moilemnin Bachir
180. Mola Mohamed Banjha
181. Monina Mohamed Abdalahe Mustafa
182. Montse Aztorbe (Hurria)
183. Moulay Ahmed Omar Bouzaid
184. Mrabbih Battah
185. Mulay Ali Adjil Ali
186. Mumen Mohamed Embarec Zaidan
187. Muna Hafed Hach
188. Mustafa Ahmed Baba

189. Mustafa Hussein Embarek
190. Naama Eluali
191. Najat Khnaibila
192. Nanha Sid Mohamed Chek
193. N. M. L.
194. Nayma Embarec Biala
195. Neitu Sidahmed
196. Nguia Elhawasi
197. Omar Hiba Meyara
198. Omar N'dour
199. Omar Zribai
200. Oume Moumin (Bouta)
201. Rahma Aly Dailal
202. Saad Aali Abbalahsen
203. Saadani Brahim Mohamed
204. Saadi Mohamed B. Salek B. M'Barek
205. Safia Moubarak
206. Safia Mrabih Mohamed Bennou
207. Sahel Brahim Salem
208. Said Emmu Brahim
209. S.M.E.
210. Said Mohamed Fadel Ali
211. Said Mohamed Fadel
212. Said Salma Abdalahi
213. Salah Hamoudi Mohamed Lehib Biri
214. Salama Dailal Mamou
215. Salek Mani Harki
216. Salek uld Ghala
217. Salha Boutenguiza
218. Salka Bujari
219. Salka Ayach
220. Salka Mohamed Ahmed
221. Salma Jatri Mohamed Lamin Ebyeyiar
222. Sas Mohamed Omar Bahia
223. Sid Ahmed Baba Chej
224. Sidahmed Abdel Fatah Ali Salem El Boudnani
225. Sidahmedergueibi Mohamed-Lamin Sidahmed
226. S.M., M. M., F. A. y J. S. B.
227. Sidbrahim Salama Eydud
228. Sidi El Bachir uld Gala uld El Hussein
229. Sidi Liasaa Lebsir
230. Sidi Mohamed Mohamed Ali Brahim
231. Sidi Mohamed Balla
232. Said Sid Emmu Brahim Said
233. Slama Saad Ali
234. Soukeina Mint El Hassan
235. Sukeina Mohamed Abdalahi Mansur
236. Suelma Ali El Bachir
237. S.B.M.
238. Sukeina Buyema Jneibila
239. S.L.M.
240. Sukeina Yed Ahlu Sid y Chej Dah
241. Sultana Sidibrahim Mohamed Jaya
242. Tarcha Mohamed Malainin
243. Taufah Ahmed Salem
244. Yaddashi Mohamed
245. Yahdih Aziz Erguibi
246. Yila Mohamed-Horma
247. Zaidan Sidi Mohamed Salem
248. Zainnabu Burkrim
249. Zueina Emah Bdadi
250. Zuenana Bouh Ahmed.





This summary was written with the difficult goal of condensing the report titled “The oasis of memory”, the complete version of which contains over 1000 pages in two volumes. The report includes an analysis of human rights violations in the Western Sahara since 1975 based on interviews and testimonies gathered from 261 victims. It also analyzes the impact on individual people, families and women, the forms of resistance of the victims, and, finally, the demands for truth, justice and reparation for victims as well as the responses from the state of Morocco.

As Nobel Peace Prize winner Adolfo Perez Esquivel points out, “In the research work that summarizes the ‘The oasis of memory’ report, Dr. Carlos M. Beristain tries to recover both the Historical Memory and the human rights situation in the Western Sahara, developing an approach that follows the methodology of the Truth Commissions in which he has participated, and combining the psychosocial approach that he contributed to the REMHI Commission in Guatemala, with the importance of gathering direct information and experiences from victims”.

The value of memory is in the transformation of life. This report is dedicated to Sahrawi victims and survivors who have made it possible with their courage and generosity.

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Carlos Martín Beristain MD, is a physician and Doctor of Social Psychology. He has worked for 24 years in Latin America and in the Basque Country with human rights organizations and victims of violence. He was the coordinator of the Guatemala: Nunca Más report, and has worked as a consultant in Truth Commissions in Peru, Paraguay and Ecuador. He has conducted several surveys for the Inter-American Court of Human Rights and has been a consultant for the International Criminal Court in several African countries.

Eloisa Gonzalez Hidalgo has a PhD degree in International Law from the Carlos III University in Madrid. She has conducted research in the University of Essex (United Kingdom), the University of Ottawa (Canada) and in the University of Deusto (Basque Country). She has worked with various NGOs on human rights-related issues in Algeria, Colombia and Mexico.