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Bureau Européen pour  
le Respect des Droits  
de l'Homme au Sahara  
Occidental  
Dignité  
Dignity



**/EL KARAMA/**

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## **TRUTH AND JUSTICE FOR THE SAHARAWIS**

It's a bad time for respect for human rights in Western Sahara. The Moroccan authorities are always on the alert for the slightest demands from Saharawis to imprison, judge or disappear men and women who are affirming their legitimate rights for self-determination. It should be noted that repression is harsher than it was between 1980 and 1999. Let us remember the arrests in El Ayoun in September 99, the sentences of Sheikh Khaya, Brahim Leghzal, Laarbi Massoudi, Bahha Salek...

These repressive waves have not stopped numerous Saharawis from challenging Moroccan power in different ways. The Saharawi ex-disappeared freed in 1991 continue to fight for their rights; to get compensation for having been imprisoned for very long years without sentences, compensation without which they have no means of living; to obtain recognition, for the dignity of the dead, of the death of certain of their companions in misfortune, to demand support for the families and that their persecutors should be brought to justice.

To give greater strength to their actions, the Saharawis engaged in the struggle for the respect of human rights are wondering what kind of collective organisation would be most appropriate for their movement: whether to create an independent association similar to that of the Truth and Justice Forum organised by Moroccans knowing they would have to get themselves recognised by the authorities themselves who are repressing them or whether to join Moroccan groups who agree with their demands. Nothing must be pushed and above all no handle given, through such an association, to some sort of legitimacy for the third way which Morocco wants to impose and which is already being backed by certain states.

## **News of AFAPREDESA (Association of Families of Saharawi Prisoners and Disappeared)**

AFAPREDESA is to hold a general meeting on 17-18 June next, which we welcome. We receive regular news and press releases (in Spanish). Here is a summary:

### **25 May - 2 June 2000**

The three Saharawi human rights defenders Brahim Laghzal, Sheik Khaya and Laarbi Massoudi, imprisoned at Inzegane near Agadir since December 1999, are presented in an unexpected way to the magistrate's court in Agadir without the presence of their lawyers or their families. The judge decides to postpone the case (510/2000) until 30 May. On that date, the three Saharawis are found guilty of gathering intelligence for the enemy (the Polisario Front). On 2 June, the court sentences the first two to 4 years' prison and a fine of 10,000 dirhams. Their defence is given by Saharawi lawyers, the Moroccans fearing reprisals if they were to do it themselves.

### **20 June 2000**

The young student Rajaa Brahim arrested on 18 May 2000 is sentenced to five years in prison by the appeal court of Marrakech. Her family was not able to be present at the trial which was held in camera. Her parents are sure that Rajaa must have been tortured and treated badly.

### **26 June 2000**

Start of the trial of three Saharawi prisoners before the appeal tribunal of Agadir. The verdict was handed down on 3 July 2000. Representatives present at the trial from the International Federation of the League of Human Rights (FIDH), the Consultative Committee on Human Rights (CCDH - Marrakech) and the Moroccan Organisation of Human Rights (OMDH).

### **3 July 2000**

Brahim Laghzal, Sheikh Khaya and Laarbi Massoudi are condemned to 4 years' prison and 10,000 dirhams fine by the Appeal Tribunal of Agadir, for 'endangering state security and spying for the Polisario Front'. These three defenders of human rights were adopted by Amnesty International as prisoners of conscience and that organisation devoted an exclusive campaign to them in October 2000.

### **17 July 2000**

FIDH notes after a mission to Morocco that the number of disappeared during the conflict in Western Sahara has risen to nearly 1,500 persons.

### **5 October 2000**

In the region of Guelta Zemmour the Moroccan army arrests 8 young Saharawis in dubious circumstances. They are Laâroussi Abdel Jalil, Daoudi Mohamed Salem, boumoud Mohamed, Mohamed Salemould Velli, Zeghman Mohamed, Nefilould Boussid and Nefiould Sidi Hassanaould Kercha. Four people from the same group managed to escape but their families are without news of them. The four are: El Anssari Saidould Mohamed, Ayach Bachirould Sidi Mohamed, Bachri Mohamedould Brahim and Mohamed Lamineould Mohamed Yaddih. It is claimed that the young detainees aged between 17-20 years were exposed to 4 days' intense interrogation accompanied by torture. On 9 October they were transferred to El Ayoun prison accused of illegal immigration.

### **10 October 2000**

Sentencing of Bahaha Salekould Mahmoud to 4 years imprisonment and 10,000 dirhams fine for endangering state security. We recall that Mr Bahaha had been held on 29 September 2000 at El Ayoun airport, where he was about to take an aeroplane to Las Palmas (Canary Islands).

### **26 October 2000**

Two Saharawi citizens, M'Barek El Mehdi El Hafed and Faraji, living in El Ayoun are abducted by Moroccan police. The two friends had been attacked and injured by a group of Moroccan settlers.

### **9 December 2000**

Dozens of Saharawi and Moroccan citizens are arrested in Rabat for having taken part in a demonstration organised by the Moroccan Association for Human Rights, the Committee of Coordination of Victims of forced disappearance in Western Sahara. After having spent a night in Laâlou prison in Rabat, they are set free the next day. Summoned to appear on 11 December before the tribunal, the judge decides to postpone the case until 28 February 2001.

In our last issue, we presented the work of the Committee of Coordination, which is pursuing its struggle for the rights of Saharawi ex-disappeared and their families. Here is an extract from their reply to the decisions of the Arbitration Committee. The complete text of the 'Collective Note' is available from our address.

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**Committee of Coordination of the Group of Saharawi Victims of Forced Disappearance and Arbitrary Detention.**

*Laayoune, 16 September 2000*

*Statement*

Having regard to what is reported in the interview of 17 August by the Arbitration Committee charged with moral and physical compensation to victims of forced disappearance and arbitrary arrest, and to the next of kin of those who have died in secret cells, through which the said committee announced the first results of its work in the course of the past year ...

... And in consideration of the fact that the competencies of this committee are fixed solely according to its proclamations on material and moral compensation and that its decisions will have no effect on other claims herebelow.

After having held many meetings with the victims and next of kin, the committee of coordination delegated by the different groups of Saharawi victims of forced disappearance and arbitrary arrest, affirms its insistence on the demands remaining out of the sphere of competence of the Arbitration Committee, consisting in the following:

- a) - the fact of revealing the fate of disappeared and to liberate the living
- b) - the deliverance of the mortal remains to the families of the deceased so that they can lay them to rest in keeping with religious practice.
- c) - the revelation of the whole truth on the circumstances of the phenomenon of forced disappearance and the pursuit of the authors of this abuse;

Furthermore the committee of coordination makes its comments on the following:

- 1 the legal measures provided in the code of civil procedure, governing arbitration, are not respected by the Consultative Committee on Human Rights (CCDH);
- 2 the non contribution of the victims in their role as the affected and principal party in setting in motion mutual consent as an indispensable principle in the

operation of arbitration and the composition of the conciliatory committee which contains among its members representatives of the Ministry of the Interior and others from the Ministry of Justice and the judge cannot be party while the first assumes the direct responsibility by the fact that the secret cells and the perpetration of these crimes was under its direction, as the second assumes because it has not instigated public action against the authors of these abuses.

3 the rejection by the Consultative Committee of Human Rights (CCDH) of the demand produced by the delegated Committee of Coordination, registered 04 and dated 04 January 2000, which has as its object the modification of internal statutes of the Arbitration Committee, even though it has permitted the President of the Council to propose any modification in its provisions that it wishes according to the provisions of article 34 of these statutes;

4 the imprecise nature and the lack of transparency in the work of the Arbitration Committee and the ambiguity of the criteria adopted on the subject;

5 the fact of obligatory signing of the commitment making available the entire and prior consent of the victim to all the decisions of the Arbitration Committee, without appeal, constitutes a sort of constraint exercised on the victims as an accelerated condition by means of which will be found solutions to the socio-health problems without taking account of the daily suffering of the victims and the next of kin

The Coordination Committee delegated by the Saharawi victims, in basing itself on the legitimate, equitable claims which are rightfully theirs, brings to public awareness the following:

a - the demand for of a serious, transparent and relevant dialogue;

b - setting in motion an equitable arbitration subject to effective direction of the victims and next of kin;



c - the fact of taking accelerated measures to find a solution to the socio-health problems and to assure the means of an honest life without conditions.

d - the fact of removing the ambiguity of the obscurity covering the criteria adopted for compensation.

The committee of coordination implores human rights organisations and international bodies to intervene to wind up this suspended case, to put an end to human rights abuses in the regions and to liberate immediately victims of arrests and simulated legal proceedings which have been unleashed since the events in Laayoune in 1999 and which have involved numerous Saharawis in Laayoune, Agadir, Marrakech and Rabat; as we declare our solidarity with all victims of forced disappearance and arbitrary arrest, and with the families of martyrs and disappeared, and also declare our support for the efforts made by the Moroccan Truth and Justice Forum and all human rights organisations by demonstrating the specific nature of our case and the independence of the Committee of Coordination as negotiator and mandatory principal speaking in the name of the Saharawi victims concerned.

#### **Coordination Committee**

On 9 December 2000, the AMDH (Moroccan Association for Human Rights) organised a demonstration to commemorate the Day of Human Rights. The Moroccan police questioned about thirty people including the president of the organisation and 7 Saharawis: Moutik Lahcen, of Truth and Justice Forum and six members of the Coordination Committee: here is their statement:



1 May 2000 in El Ayoun: on the placards: "It is time to consider seriously the victims of forced disappearance", "Impunity maintains forced disappearance", "Tell me where they are? How they are? and why?", "But where is my dad?", "You remember - it was over 20 years ago? Daddy are you still alive?"

**Rabat, 12 December 2000**

COMMITTEE OF COORDINATION OF DE COORDINATION OF GROUPS OF SAHARAWI VICTIMS OF FORCED DISAPPEARANCE AND ARBITRARY DETENTION.

#### **Object: INFORMATION**

On the occasion of the 52<sup>nd</sup> anniversary of human rights, the said committee accompanied by victims and their families (13 Saharawis) decided to be present simultaneously with the demonstration organised by AMDH on 9/12/00 and which had been brutally stopped from happening. Consequently, and just five minutes before 20.00 hours (the precise time that the demonstration was due) and from a distance of 200 metres from the point of the sit-in, seven Saharawis were targeted, arrested and abducted in a brutal manner. And led, among those condemned registered and published in the statement by AMDH but unfortunately this did not identify the 7 Saharawi sentenced

SABBAR Brahim , BALLAHI Sadik , Members of the Coordination Committee of groups of Saharawi victims of forced disappearance;

BOUTEKNICH OMAR : escaped victim from the secret prison of Laayoune (Abderrahman), BENABDA Salka : president of the association

BASMAT Al AMAL handicapped from Laayoune  
DEHBI Taib : Family of victims

**NB** The forces of security removed from the Saharawi group several copies of the Collective Note of Saharawi victims lodged and registered with the CCDH on 13/11/00 as No 1234 and placards with the following demands:

- \- Saharawi families demand the rights of their relatives abducted by the security forces
- We are all for truth, the whole truth on forced disappearance and arbitrary detention
- Saharawi victims and families of disappeared say:
  - No to CCDH - No to the Arbitration Committee
  - To incriminate those responsible for human rights abuses is to give a fundamental basis for justice
  - Stop! Embargo destined for the case of Saharawi victims of forced disappearance.

## **Saharawi political prisoners in Morocco**

On the basis of information from different Saharawi human rights organisations, we have established a list of 28 Saharawi political prisoners sentenced by Moroccan courts. This list is certainly not exhaustive, but it concerns people about whom we have precise information.

In the next Karama, we will launch a campaign for the liberation of Mohamed Daddach and all the Saharawi political prisoners whose names are below:

- Mohamed Daddach, arrested in 1979, life sentence. At the end of the year 2000, he changed cell. After having spent over 22 years on death row, he was transferred to the AI department. This is a relatively clean block but the size of the cells is half that of B block.

- Mohamed Laâroussi, Bachir Laâroussi, Dah Cheilh, Laârbi Moussamih, Ali Louloud Mohamed, condemned to sentences between 2 and 15 years for their participation in the El Ayoun demonstrations of September-November 1999.

- Brahim Laghzal, Messaoud Laârbi and Sheikh Khaya, arrested on 6.12.1999, accused of "endangering state security and belonging to the Polisario Front". Sentenced to 4 years imprisonment. They have been adopted by Amnesty International as prisoners of opinion.

- Saleh Elghazouani, Hassana Boussoulla, Tounssi Bachir, Alisalem Haidan, Sidimahfoud Beilla, given sentences of 5 to 10 years in prison for their participation in the demonstrations of El Ayoun in March 2000.

- Brahim Rejâa, Mohamed Oualil, Hejji Abdelhak, Abdelmajid Ouahbi, Bouknou Abdelillah, Houcine Berdellil, Abdessalam Bekri, Omar Chakourri, Yaddih Jemaâ Mohamed, Mouloud Boukenna, Mustapha Belhaj Mohamed, and Fadel Kezzhar Mohamed, given sentences of 5 and 2 years in prison for their participation in the demonstrations of Saharawi students of the Cité Universitaire in Marrakech in May 2000.

- Bahaha Salek, arrested on 29.9.2000 and sentenced to 4 years in prison for "endangering state security and belonging to the Polisario Front"

- Yaddih Ayach Baba, sentenced to 2 years' prison for burning a car on 12.2.2001.

### **Creation of the SECTION SAHARA of the Truth and Justice Forum**

On 26 August 2000 in El Ayoun, capital of occupied Western Sahara, a group of former Saharawi detainees and disappeared created the Sahara Section of Truth and Justice Forum. In its

final statement it points out: "The General Assembly constituting the Sahara Section of the Truth and Justice Forum was held in the cultural centre in El Ayoun on 26.08.2000. It constitutes a glorious moment in the history of the struggle for human rights in the Sahara.

This birth consolidates the structures of the Forum and reminds us of the savage attacks which the Sahara has undergone during this second half of the century.

As can be seen, the collective massacres of which common graves bear witness, the starvation policies which are impoverishing, the abductions and rape of women, terrorism and torture committed in the Saharawi territories make of the creation, in the Sahara, or a section of Truth and Justice Forum, a necessary stage aiming to safeguard a lively and rich memory of militancy experienced by Saharawis.

Consequently, positive management of the case of human rights in the Sahara depends on the degree of commitment by the Moroccan state...

If we follow with interest the thoughts of the official authorities concerning the restructuring of the Arbitration Committee of the Consultative Council Human Rights, we are expressing our adherence to the demands of the Truth and Justice Forum concerning the constitution of a commission of truth and the restructuring of the compensation committee.

We lay stress also on the necessity of a global, impartial approach in treating the case of human rights abuses and this according to international norms, laws and conventions."

### **Two representatives of the Section Sahara of Truth and Justice Forum**

#### **Forbidden by the Moroccan authorities from taking part in the UN Human Rights Commission**

At the invitation of our organisation, two members of the Forum were to come to Geneva to take part in the work of the 57<sup>th</sup> session of the UN Commission on Human Rights. The Moroccan police arrested them at Casablanca airport, forbidding them to leave the country. Their evidence was nevertheless read on 19 April under the heading of defenders of human rights following the intervention of several NGOs. The file was then given to the special representative of the UN Secretary General for defenders of human rights. Here is their testimony:

## **Open letter to all the participants in the work of the 57<sup>th</sup> session of the UN Commission for Human Rights**

The Forum for Truth and Justice - SAHARA Section is a human rights association which is fighting since its creation on 26 August 2000 in Laayoune, to make known human rights abuses perpetrated by the Moroccan state since 1975 against the Saharawi people.

In view of the tight control of the military and the media seen in the SAHARA, our association finds itself unable to accomplish its mission without coordinating with organisations who will intervene on the question of the defence of human rights and their moral and material support,

Consequently, and in order to allow us to expose to the international community the crimes committed by the Moroccan state against Saharawis, our association was invited by the European Bureau for the respect of Human Rights in Western Sahara and was accredited by the FIDH to take part in the work of the 57<sup>th</sup> session of the Commission on Human Rights in Geneva.

On Saturday 24 March 2001 at 1300 hours, Messrs ELHAMED Mahmoud and NOUMRI Brahim, the two members of the executive of our association who were about to take a plane for Geneva to take part in the work of the UNCHR were intercepted by the Moroccan police at the Mohamed V airport in CASABLANCA. They were held for 9 hours in a border police station. The documents which they were carrying with them and which were to be presented to the participants in the work of the UNCHR were confiscated. These documents contained as well as the lists of the victims of human rights abuses in the Sahara, two video recordings containing testimony from Saharawi escapees from the secret Moroccan jails as well as those of the families of Saharawi disappeared and the families of deceased Saharawis in these same secret jails.

Faced with this breach of the Universal Declaration of Human Rights, and the International Convention on Civil and Political Rights and the International Convention on the Protection of Defenders of Human Rights, we beg you to intervene on our behalf to the Moroccan authorities in order to:

- **permit our association to take part in the work of all international congresses on human rights**
- **to return the confiscated documents;**
- **to respect the International Convention for the Protection of Defenders of Human Rights;**
- **to respect human rights in the SAHARA;**
- **to liberate all Saharawi political detainees at present in Moroccan prisons including Sidi Mohamed Daddach;**
- **establish the truth on the fate of disappeared Saharawis;**
- **return the mortal remains of Saharawis who have died in secret Moroccan jails so that their families can bury them in keeping with religious rites;**
- **give material and moral compensation, according to international norms to all victims of human rights abuses in the SAHARA as well as to the next of kin, and bring to justice all those responsible of human rights abuses committed against Saharawis;**
- **respect the Geneva Convention relating to the protection of civilians during armed conflicts;**
- **protect Saharawi civilians against anti-personnel mines and compensate any civilian victims.**

Meanwhile, we ask you please to work for the constitution of an international commission charged with establishing the truth about human rights abuses committed since 1975 by the Moroccan state against the Saharawi people.

**Economic and Social Rights:  
Phos Boucraâ Saharawi Graduates and Retired  
mine workers demand their rights**

Phos Boucraa is an enterprise whose basic trade is the extraction, treatment and commercialisation of phosphates. It extracts phosphates from the mine at Boucraa, 120 km from the town of Laayoune, treats it at the treatment plant in Laayoune Plage 35 km from Laayoune then sells it through the phosphate port "Wharf". This business was created by the Spanish state and its management was entrusted to the National Institute of Industry "INI". The staff of this business was made up of Spanish and Saharawis. All the staff were managed by a work contract and benefited through its provisions. In 1975 the Spanish state withdrew from Western Sahara and entrusted its administration to Morocco and Mauritania in the "Treaty of Madrid: Tripartite Accord". According to this treaty the INI ceded 65% of its shares in Phos Boucraa to the Cherifian Office of Phosphates "OCP", a business which monopolises the management of phosphate industry in Morocco; and kept 35% of the shares. Until 1977 the Saharawi staff working at Phos Boucraa continued to benefit from the clauses of the work contract which bound it to Phos Boucraa. But after that date the Moroccan state proceeded to the unilateral suspension of the contract signed at the time of the Spanish without consulting the Saharawi personnel. At this time no Saharawi dared to contest this decision as the Moroccan state was sowing terror in the region. Luckily the Moroccan state did not ask the Saharawi personnel to cancel the work contract signed at the time of the Spanish. With the suspension of the contract by the Moroccan state, the Saharawi staff found themselves managed by the statute of the OCP and not by that of Phos Boucraa. The paradox is that the Spanish staff who preferred to remain in Western Sahara continue still to benefit from the clauses of the contract signed at the time of Spanish colonial rule. Therefore since 1977 the Saharawi staff of Phos Boucraa has not been benefiting from the assets of the Spanish colonial period "remuneration, hours of work, social security, retirement plan..." but its situation was aligned to that of the Moroccan staff managed by the OCP. In September 1999 the Saharawi staff still employed at Phos Boucraa and those retired members took part in the uprising in Laayoune as a sign of protest against the Moroccan state which had violated their rights. At the end of the uprising the Moroccan state proceeded to a contentious ruling which opposed it to the Saharawi staff from Phos Boucraa by paying compensation to these staff members with the reservation that they must sign blank copies of a document of which the content is confidential. These compensations are the following:

- 80,000 dirhams for workers
- 100,000 dirhams for qualified workers
- 120,000 dirhams for technicians

These amounts for these staff members do not even represent 25% of the amounts claimed. The majority of Saharawis have refused to receive the proposed amounts but others have accepted under threats from the authorities.



The workers and retired workers from the phosphate business of Boucraa demand respect of their violated rights and the implementation of their contracts of 1962" (Demonstration in Casablanca on 10 January 2001)

**OPEN LETTER OF SAHARAWI WORKERS  
AND RETIRED WORKERS  
OF PHOS BOUCRAA  
To the FIDH Congress**

We the Saharawi workers and retired workers of Phos Boucraa, inform the public and all associations fighting for human rights, of the suffering which the Moroccan authorities are inflicting on us, by ignoring the contract signed between employees and Spanish management.

These are the circumstances of the annulment of the contract:

The Saharawi were called in May 1977 to a meeting presided over by the Moroccan authority and the management of the company, in the presence of the gendarmerie and the army who encircled the place in order to force the employees to recognise their new illegal situation. And since, any attempt to obtain justice is countered by arrests and terrorism: prisons of Kalaat M'gouna and Agdez, for example, and arrests in September 1999 to silence truth. We ask the FIDH and all associations fighting for human rights to help us to convince the Moroccan authorities to give us that to which we have a right.

January 2001

## DISAPPEARED



LAHMADI FATMA 22/7/93  
Family name : LAHMADI  
First name: Fatma  
Father's name: Sheik Ahmed; Mother: Khatna  
Ahmed  
Sex: feminine  
Civil state: single

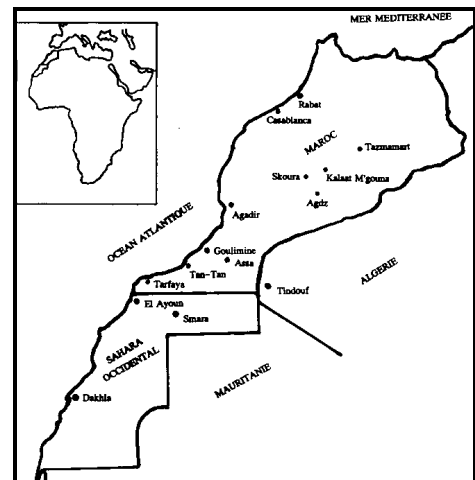
Date of birth: 1974  
Place of birth: Tan Tan  
Profession: student in 9<sup>th</sup> year primary  
Residential address: Hay Moulay Driss-I- N°21,  
SMARA Sahara  
Date of disappearance: 22.07.1993

The facts: in the company of her sister LAHMADI Meryem, TOUYEKH Mohamed Ali, EL HOUSSEINI Ahmed Baba, SLAIMI Said and BREIKI Hamoudi, they decide to cross the wall to join the POLISARIO Front. At 2 am (GMT) they arrive at the wall and each one takes a different route. Three of them get to the Polisario: SLAIMI Said ; EL HOUSSEINI Ahmed Baba and BREIKI Hamoudi. Her sister Meryem and TOUYEKH Mohamed Ali not managing to get across the barrier returned to the town of Smara where they were arrested by the police and endured 6 months of imprisonment. But FATMA was arrested by the armed forces nobody has any further information on her until this day. She has **disappeared**.

The Campaign of adoption of disappeared Saharawis happens about every 2 months. Participants send a card to 4 recipients (those in power, journalists ...) to ask them to intervene. If you are interested in taking part, please don't hesitate to make contact with us..

Some documents available from the Bureau:

- « Violations des Droits Humains au Sahara Occidental, une politique de terreur permanente » - AFAPREDESA, actualisé mars 2001.
- « Situation des droits de l'homme et du plan de règlement ONU/OUA pour le Sahara Occidental » - AFAPREDESA, février 2001.
- « Les disparitions forcées au Maroc : répondre aux exigences de vérité et de Justice » - Rapport de Mission de la FIDH, novembre 2000



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