



France Libertés
Fondation Danielle Mitterrand

Report :

International Mission of Investigation In Western Sahara

28th October to 5th November 2002

The situation of the civil, political, and socio-economic and cultural rights of the Saharawis
The situation of the economic exploitation of this non-autonomous territory



From 28th October to 5th November 2002, the Fondation France Libertés and the AFASPA went on a joint international mission of investigation in Western Sahara: the goal of the mission was, on the one hand, to evaluate the situation of the civil, political, socio-economic and cultural rights of the Saharawis, and on the other, to assess the situation of the economical exploitation of this non-autonomous territory.

The mission travelled to the towns of Laayoune, Boujdour, Smara and Dakhla. The mission was able to meet with the necessary people and to investigate the required topics. This report accounts for all this work.

Afifa KARMOUS
Fondation France Libertés

Michèle DECASTER
L'AFASPA

First part :

From the Denial of International Humanitarian Law to the Denial of Human Rights

- Testimonies -

“When I arrived at the secret prison of El Bir in 1987, with my eyes blindfolded, as I was groping around to find where I could sit, I touched the side of a person whose ribs were sticking through, and I was horrified! I thought to myself “this is where the Saharawis that disappeared since 1975 are detained, and they are just skin and bones”. But just as this happened, on the other side, I also touched a very plump person and this reassured me without her knowing! Then, inside myself, although nothing justified it in the least, I felt like laughing, but really laughing!”

El Ghalia Djimi

“I am a young Saharawi woman, formerly disappeared. My life came to a brutal stop on 21st November 1987 in Laayoune, Western Sahara, in the early hours of the morning when bleak nights, dim lights, and bad dreams come together[...]

I was freed on 19th June 1991, the first day of summer, and elsewhere, a day of music festivals. I was only a shadow of my former self, a ghost, a living dead, a young woman back from a kind of hell that bears no name [...]

I want nothing less than the truth, all the truth because my wounds are engraved forever in my memory.”

Aminatou Haidar

Introduction

In the autumn of 1975, after the signature of the tri-partite Madrid Accords¹ and the progressive withdrawal of Spanish forces, the FAR (Royal Armed Forces) start occupying Western Sahara. They officially enter Smara on 27th November and Laayoune on 11th December 1975.

The Mauritanian armed forces, with fewer troops than the FAR, reach Dakhla only on 11th January 1976, three days after the Moroccans.

The Moroccan army will remain stationed in Dakhla in order to run its operations against the APS, the Saharawi Popular Army.

In July 1978 in Mauritania a military coup overthrows the regime of Ould Daddah.

On the 3rd August 1979, negotiations held between the Polisario Front² and Mauritania in Algiers conclude with the signature of a peace accord which plans to hand over the territory controlled until now by the Mauritanian army to the Polisario Front within a time-frame of 7 months³.

Morocco then decides to take over the entire part previously occupied by Mauritania. On 11th August 1979, the FAR take full control of Dakhla, and on 15th August, the Mauritanian army withdraws.

For the civilian population, the consequences of this change are terrible, and 27 years later, still remain to be assessed.

The present part of the report is based on the testimonies collected jointly by the AFASPA organisation and the Fondation France Libertés, in the course of a mission aiming at evaluating the situation of Human Rights in Laayoune, Smara, Boujdour and Dakhla in Western Sahara.

The gathered testimonies illustrate the magnitude of the past repression and the primary violations of International Humanitarian Law. They also establish how the Moroccan administration freed itself from all legal instruments relative to Human Rights.

¹ The accords were signed on 14th November 1975. In these accords, Spain allowed for the territory of Western Sahara to be partitioned between the 2 other signatories, Morocco and Mauritania, after a transitory period elapsing at the end of February 1976, moment at which power was to be transferred to these 2 countries.

² On 10th May 1973, the Popular Front for the Liberation of the Séguiet El Hamra and the Rio de Oro is founded.

³ “Mauritania commits itself to put an end to its presence in Western Sahara and to directly hand over to the Polisario Front the part of Western Sahara which was under its control within a time-frame of seven months as from the date of the signature of the present accord.” Clause published in the 43-44 March/April 1980 issue of *Sahara Info*.

I- The occupation of Western Sahara and the protection of civil population

The *Geneva Convention*⁴ relative to the protection of civilian populations applies to all situations of conflict and/or occupation. Since 1963, Western Sahara has been registered by the United Nations as non-autonomous territory, and to this day, Spain is still considered to be the *de jure* administering power⁵. Thus, Morocco is the occupying power.

A-The opposability of International Humanitarian law...

In terms of the testimonies gathered, the *Geneva Conventions* are indeed opposable to Morocco, but *also* directly to Spain since its presence was effective on the ground when the repression against the civilian population started. The authorities in Madrid only put an end to their presence in the territory in February 1976.

1- To Spain

The pressure exercised by Morocco, particularly with the organisation of the “*Green March*”⁶ right at the time when the Spanish political power is weakened by the long terminal phase of General Franco’s illness⁷, leads to the signature of the tri-partite Madrid Accords. On 18th November 1975, the Cortes⁸ vote the “*Law of Decolonisation of the Sahara*”. It is published in the BOE, the Spanish official gazette, on 20th November 1975. The pressure is also military: since 20th August 1975, the FAR are poised and ready to intervene in the territory Western Sahara which is still Spanish. On 24th October 1975, the FAR are deployed in the territory east of Smara, as they anticipate the advance of the Algerian armed forces on the territory⁹.

The population of the village of Jdiriya, east of Smara, falls victim of serious “*attacks against*” its “*life and physical integrity*”¹⁰ perpetrated by Moroccan forces as early as the very first days of November 1975.

*KELTOUM MENT OULD M’BERIK*¹¹ testifies for the first time on the forced disappearance¹² of her husband, SIDI MOHAMED OULD LAHBIB OULD SALEM born around 1935. He was a soldier in the Spanish auxiliary forces stationed in Smara, and was on his way back to his family in Jdiriya when he disappeared at the beginning of November 1975.

MOHAMED ALI SAÏD BELLA testifies on the forced disappearance of his brother HAMDI BRAHIM SALEM MOULAY. He was 14 years old when he got arrested on 12th November 1975 in Jdiriya by militaries under the orders of Colonel Lamarti.

⁴ *4th Convention of Geneva* relative to the protection of civilian populations in times of war, 12th August 1949.

⁵ Article 73 of the UN Charter

⁶ 350 000 Moroccans were gathered in Tarfaya on 5th November 1975, and crossed the border into Western Sahara on the 6th and 7th November 1975.

⁷ General Franco died on 20th November 1975.

⁸ Spanish parliament

⁹ *Le dossier du Sahara Occidental*, Attilio Gaudio, Nouvelles éditions latines.

¹⁰ *Geneva Convention*, article 3-1A, relative to the protection of civilians.

¹¹ For a clear legibility of the text, we decided to use the following typographic norm: the names of the persons who are testifying appear in capital italics letters, the names of the persons they mention in their testimonies, in straight capital letters, when they are victims.

¹² According to the 18th December 1992 Declaration of the UN General Assembly, there is a “forced disappearance” when “people are put under arrest, detained, or kidnapped against their will or deprived in any way of any other form of freedom by agents of a government, by organised groups or individuals acting in the name of the government, or with its direct or indirect support, authorisation, or approval, and who subsequently refuse to reveal the fate of such people, or their place of detention, or admit that they are deprived of freedom, thus removing them from the protection of the law.”

The last persons who ever saw him and who were also arrested were:

- Habib Bellal Hadda
- Bomba Daf Mohamed Fadel
- Ahmed Ould Abdel Fatah and his family
- Mbarek Graouissa

The first of the witnesses now lives in Beni Mellal, the others, in Smara.

Colonel Lamarti appears to now reside in Tetouan.

The witness underlines how it was impossible for him to tell anything until the secret detention places of Agdz and Galaat M'Gounaa started being mentioned.

2- To Morocco

While Morocco is busy announcing the “peaceful recovery” of Western Sahara with the organisation of the “Green March”, the repression against the Saharawi civilian population starts already within the boundaries of Morocco proper.

HADHOUM MENT FADILI OULD AABDI was born in 1942. She testifies on the forced disappearance of her husband *LEHBIB OULD ABDALLAH MNAISSIR* born in 1927. He is arrested in November 1975. He was then nomadising with his family in the Moroccan region of Fom El Hassan, along with 2 other Saharawi families and several Moroccan families.

Two Moroccan military vehicles arrived just as they were setting up the “khaima”¹³ with their 9 children. The militaries threatened them at gunpoint. They then thought they were all going to be killed.

Hadhoum held her daughters Khadaima and Fatma against her chest, and put her son Brahim on her back, so as to protect them. Their eldest daughter, Selma, then 12 years old, will die 3 days later from shock.

The militaries handcuffed her husband, blindfolded him, and had him climb into one of the vehicles. He was taken to a military barrack along with Mohamed Laabd.

Three military policemen came back one month later, in December 1975. They took Khadoum away in a jeep, along with her baby, who will be handed over to a relative.

During 2 months, Hadhoum is tortured by the military police. They hit her arms with a nailed stick until she loses consciousness. She is covered in blood. They also hit her with a horsewhip, and wind a cloth soaked in salty water around her head until she faints. They ask her where her husband is. By then, her face and eyes are all swollen up, but they carry on hitting her, kicking her in the neck, the back, and the face. Her hands are also swollen. For seven days she is unable to move at all. In 1992 she succeeds in having an operation done on her back.

B-...and the facts

*“The people who, at any given time and in any possible way may find themselves in times of war or occupation in the hands of one party in conflict or of an occupying power to which they are not related by nationality, shall be protected by the Convention”*¹⁴.

The testimonies gathered in the course of our mission allow one to establish that, as from 1975, the Saharawi civilian population did not enjoy any such protection. On the contrary, it became the chosen target of a Moroccan army fully equipped with tanks, fighter-jets, and helicopters¹⁵.

¹³ Traditional Saharawi nomadic tent

¹⁴ *Geneva Convention*, article 4

¹⁵ *“Nobody can ask an army to clean up an area with discourses... As we previously stated, along with His Majesty: those who oppose our arrival by force will be regarded as enemies of Morocco and will be treated as such.”*, Taieb Benhima, former State Minister in charge of Information, quoted in *Le dossier du Sahara Occidental*, by Attilio Gaudio, Nouvelles éditions latines.

1- “Attacks against life and physical integrity(...) [are prohibited]”¹⁶

MOUELMINE MENT MOHAMED SALEM OULD DARMOUCHE WAS BORN IN 1967. She testifies for the first time of the forced disappearance of her brother *BRAHIM MOHAMED OULD MOHAMED SALEM DARMOUCHE* who disappeared in 1976, at the age of 20, in the vicinity of Laayoune.

When the Moroccan army arrived in Laayoune, she was then 9 years old. The civilian population was panic stricken as it had been forced to flee the horrendous and terrifying repression going on in the desert: the military was killing any body crossing their way.

ZOUENA MENT EL BECHIR OULD DAF testifies on the forced disappearance of several members of her family. Her uncle *SELMA OULD DAF OULD SIDI SALEK*, her cousin *BECHIR OULD SELMA OULD DAF OULD SIDI SALEK*, her aunt *M’BARKA MENT DAF OULD SIDI SALEK* were all arrested par the Moroccan army in 1976, in M’Gala, 20 km away from Smara, probably by Colonel Lamarti.

They had fled into the desert along with:

- Salama Ould Mohamed Ali Ould Kechra
- Selma Ould Ahmed Hamma
- Mouloud Ould Mohamed Lamine Ould Mimoum
- Aballahi Ould Rahmane

MOHAMED OULD SALEH OULD BRAHIM testifies on the forced disappearance of his brother *HAMOUDI OULD SALEH*, then 30 years old. He is arrested in Rbaïeb in June 1976 by the military police, on the orders of Khdimi and of the Lieutenant Sbaï. The last persons who ever saw him are:

- Ahmed Bouhali
- Hossine Ould Ali
- Mohamed Lamine Ould Ali

They are tortured at the barracks of the military police and the army.

GBENAHA MENT MOHAMED ENAJEM OULD SHAIGUER testifies on the forced disappearance of his/her nephew who was then 20 years old. *LABCHIR OULD EL HABIB OULD BOUEHI* is arrested in 1976 at 6:00 ?? by the military police in the Rue de Mgana, today known as Rue El Béchir Bahran Moh. Three military policemen, including Naïmi and Ahmed, have him climb into a jeep where there are other persons, including his uncle El Mamou, his brother, and Mohamed Salem Ould Saïed Ould Saïdi (now living in Dakhla). During 4 months, they are detained and tortured at the military police headquarters.

ZARGA MENT KHLAMI OULD MOHAMED LAMINE OULD BEJA testifies on the forced disappearance of her father then 46 years old. *KHLAMI OULD MOHAMED LAMINE OULD BEJA* is arrested in Touloukt near Tarfaya in 1976 by Moroccan militaries, while nomadising with his sister and his daughter.

KHALKA MENT ELBOU BENT OULD BECHIR testifies on the forced disappearance of her relatives in 1975, when they were 25 years old. Her brother *MOHAMED OULD ELBOU* and her cousin *M’HAMED SALAH OULD AHMED* are arrested in El Bouérate, in the Zac area by Colonel Lamarti and other military policemen. They are taken away along with other prisoners. His wife is detained at Galaat M’Gounaa, she has a daughter.

MOHAMED OULD ALIMINE testifies on the forced disappearance of several of his relatives on 7th July 1976. His brother *BECHIR OULD ALIMINE*, his cousins *ALI SALEM OULD BECHRI* and *M’RABI OULD MOHAMED M’BAREK OULD SIDI AHMED* are taken away in a military police jeep with Lieutenant Abdeslam Sbaï and 2 other military policemen. They were 35 years old.

2- “(...) in particular murder under all possible forms (...) [is prohibited]”¹⁷

OUMOU EL HUSSEIN MENT MOHAMED OULD ALI OULD KMACHE testifies on the murder of her daughter *FATMA BENT HAMADI DALI* born in 1966. She gets murdered in the village of Bir Enzarane¹⁸ one evening

¹⁶ Geneva Convention, article 3-1a

¹⁷ *Ibid.*, article 3-1a

¹⁸ Locality situated east of Dakhla.

of November 1978 towards 8:00 PM near her home. She went out to heat up some water on the stove. Another of her daughters, then 10 years old (who will herself die 2 years later), discovers Fatma's body: her hands were clutched to a rope. She had often seen a Moroccan military roaming around and they were scared of him.

FATIMETOU BENT ALI SALEM BEN ALLAL testifies on the murder of her daughter *FATMA BENT CHEIKH OULD ALI SALEM* born in 1960. Fatimetou was out looking for some goats that had got lost near Bir Enzarane. When she came back, her daughters were not at home. Then the eldest one came back without the youngest. They looked for her and on 13th March 1980, her body was found on the beach of Candil: she had been raped and strangled. Two military policemen come to investigate and take fingerprints, but the investigation did lead to any conclusion. Men who had seen one specific military roam around followed some footsteps that led to the airport. The body was never given back to the family.

3- “Any person who is legitimately suspected, as an individual, of harming the security of the occupying power is treated with humanity (...)”¹⁹

The collected testimonies allow to establish that the Moroccan military authorities resorted to massive arbitrary collective detentions.

MOHAMED SALEM OULD M'HAMED OULD HASSAN OULD MAILESSSE testifies on what him and other persons endured in 1976.

1976 was a terrible year for the population: Moroccan tanks were crushing civilians to death while helicopters dropped bombs. All the Saharawis were perceived as Polisario Front militants. Mohamed himself does not know of the location of mass graves, but he knows that Saharawis from Lamsied²⁰ were taken to some unknown place in the desert.

He himself is arrested in Rbaïeb by military policemen called Mustapha and Ahmed and who may have had the grade of sergeant. Their bosses were called Khdimi, Lieutenant Abdeslam Sbaï, and Colonel El Mdaouare. The latter is now said to be in Kénitra.

The persons detained along with him and who were forcibly disappeared are:

- Omar Ould Bouzeid
- Ahmed Ould Lamaaled
- Zaied Ould Mohamed
- Hammoudi Ould Bani
- M'Rabi Ould Banou

The Smara group was transferred to Laayoune, handcuffed and blindfolded:

- Mohamed Salem Ould Larbi
- Mohamed Islam Ould Hamat
- Béchir Ould Alamine
- Ali Salem Ould Béchri
- Sid Ahmed Ould Babi
- M'Rabi Ould Mohamed M'Barek
- Mohamed Ould Salek
- Aia Ould Naya
- Mohamed Ould Sidiari
- Sidi Ahmed Ould Mohamed Ould Sidi Ahmed
- Bouali Ould Mustapha

The witness remained jailed in Laayoune's notorious “Carcel negra”²¹ for 13 months.

ABDULLAH AFIDH HAMMAH testifies on the forced disappearance of his father *AFIDH HAMMAH MBARIK*, then 36 years old. In June 1976, the repression was terrible because of the magnitude of forced disappearances, arbitrary arrests, and murders. During that month, the population was either imprisoned or

¹⁹ *Geneva Convention*, article 5

²⁰ Locality situated on the Atlantic coast, north of Boujdour.

²¹ Prison of Laayoune, called “carcel negra” during the Spanish colonisation.

rounded-up: people simply could not get out of Smara. Many mothers and children were continuously queuing near the prison so as to enquire about their relatives. In June 1976, in the area of Rbaïeb where he had his business, Abdulah's father is arrested on the order of Lieutenant Sbaï by several military policemen (including Lahcen and Mustapha). His sister witnesses his arrest as well as that of Mohamed Ould Maillesse.

AHMED HAMDI MOUSSA, born in 1979, testifies on the forced disappearance of his father *HAMDI OULD MOUSSA*, then 32 years old. On 14th November 1980 in Bir Enzarane, plain clothed policemen arrested Hamdi, along with El Makhzi Ahmed El Mekki who was later released. Hamdi was an auxiliary member of the Moroccan forces registered under #5965. He was detained at the headquarters of the CMI, the "Compagnies Mobiles d'Intervention"²². Then he was transferred to Laayoune where he joined in detention the following detainees:

- Bahiya Mona
- El Abd Khadija
- Edarja Malouma
- Edarja Bahida
- Bahiya El Salek

For 2 months, the women among these detainees heard him moan and breathe with difficulties after being tortured. One of his torturers is Brahim Bensami who was then a police inspector in Laayoune and now heads the military police station in Dakhla.

On 30th July 1991, Hassan II freed the prisoners held in the secret detention centres of Agdz, Skoura, Laayoune, Smara, and Galaat M'Gouna. Hamdi remains "disappeared". In 2001, a Moroccan weekly²³ publishes a list compiled by the OMDH, the Moroccan Human Rights Organisation. On the list dealing with Laayoune, Hamdi is registered #44 as a deceased person. Thus the contradiction: to this day, the status of Hamdi, as deceased or disappeared remains unsolved. His son underlines that as far as his family is concerned, his father remains "disappeared" as long as his remains are not handed back to them.

4- "...) [any person] is treated with humanity, and if brought to justice, has the right to an equitable trial"²⁴

None of the victims of arbitrary arrests and detention with whom the mission met, ever had legal charges pressed against them, nor were ever heard by a judge. Some people were freed, others disappeared.

EL ALIA MAHMOUD BECHIR testifies on the forced disappearance of her uncle *MOHAMED SALEM SALEK BELHACEM*, then between 25 and 27 years old. On 10th July 1976, he is arrested at his home in Rbaïb and taken to the military police along with other people. For 4 months, they are tortured. His uncle is then transferred to Laayoune, and nothing will ever be heard of him ever after.

The persons who last saw him are:

- Mohamed Salem Ould Maillesse
- Habib Ghala (also "disappeared")
- Safia Moubarak (his aunt)
- El Hèbe Bella (his daughter)
- El Mami Ould Ahmed Ould Razat
- Hama Ould Ali
- Brahim Ould Himmam Ould Libsar

The witness reminds us that, at the time of his arrest, his uncle had Spanish nationality, and that he therefore is a Spanish "disappeared".

KNAFFA BENT MOHAMED OULD M'KHAIMET testifies on the forced disappearance of her brother when he was about 30 years old.

ISLAM OULD MOHAMED OULD M'KHAIMET is arrested in June 1976 in Smara by several military policemen including Khdimi, a notorious torturer. The witnesses arrested with him, including her husband, are:

²² Headquarters of the Mobile Intervention Brigades

²³ *Essafya*, 27th April-3rd May 2001

²⁴ *Geneva Convention*, article 5

- El Mahdi Ould Raouba
- Mohamed Ahmed Ould Mohamed Abdallah
- Bechri Ould Mohamed M'Barek

During a period of 6 to 8 months, they are all tortured in the barracks of the police and military police.

LALA MENT NAJEM was born in 1950. She testifies on the forced disappearance of her brother MOHAMED OULD NAJEM OULD LAKHALIFA who was born in 1930, and was married with 4 children at the time of his disappearance. He is arrested on 10th July 1976 at lunch time in his shop located Boulevard General Franco in Smara by 3 military policemen who take him away in a jeep. His neighbours Bachiri Ould Aaouba and El Mami witnessed his arrest. He is detained for 3 months at the military police barracks after which time his family never hears anything again about him.

5- “Mutilations, cruel treatments, tortures and inflicted pains (...) [are prohibited]”²⁵

All the victims of arbitrary detention were savagely tortured, sometimes to the point of death. Almost all of them were kept blindfolded, with their hands and/or feet tied.

SALKA TAÏEB OULD MAHFOUTH AECHE has a son, Mohamed Aïche who lives in the Tindouf refugee camp of El Ayoun in Algeria. Her second son MOHAMED OULD KHALIL OULD AHMED OULD WALI AECHE also known as MOHAMED EL KHALIL: he is arrested on 20th November 1987 in the street by the secret police. The police then goes to her home where there is her sister Ruidiga and her daughter Btila who is asleep. It is 2:30AM. Salka and her sister are taken to the CMI headquarters, and the child is left behind alone. They are interrogated on the involvement of Mohamed El Khalil in the events surrounding the arrival of a United Nations technical commission²⁶. They deny any involvement, but they are shown Mohamed El Khalil, then detained. The 2 women are transferred to the El Bir prison, located on the Laayoune beach: as it happens, the CMI headquarters are emptied of all their prisoners, probably to hide them away from the UN technical commission.

EL GHALIA DJIMI is arrested on 23rd November 1987. She tells us that Mohamed is harassed by his torturers who want him to say “Long live the king and Moroccan Sahara”. He refuses to do so. They beat him with a nailed stick, and focus on him for three days, without him giving in. Then the women no longer hear him, and the mother gets worried. When Ghalia goes to the “toilets”, she manages to see a body as the blindfold over her eyes got a bit loose: this is Mohamed, thrown there, and lying in his own faeces. They have spent 15 days in this jail, tied up and blindfolded. Ghalia has been there for one week.

They are then transferred back to the CMI headquarters. Salka, the mother, is told about the death of her son only two and a half years later, so great is the fear of the young women, amongst them El Ghalia Djimi and AMINATOU HAÏDAR, that she might lose her mind with despair.

They are released in 1991.

During their first days in detention, the RG “Renseignements généraux”, and the DST, Direction de la sûreté du territoire (Moroccan intelligence and counter-intelligence services) are sent from Rabat to lead their interrogation. Later, they are interrogated by the police inspector of Laayoune 4th district.

Their torturers are Ahmed Jtaitou and Amrani Aziz who were guarding them, as well as “the snake” from Oujda whose name they have forgotten.

Little Btila is arrested on 30th October 1992 and imprisoned for 6 months.

²⁵ *Ibid.*, article 5

²⁶ Following the announcement of the arrival of a UN technical commission in Laayoune, Saharawis had gathered on the way to the airport in order to show their support for independence. But, as it happened, Hassan II deliberately held back the members of the commission for a whole day in Rabat, and instead, sent his Minister of Interior, Driss Basri, to Laayoune.

6- “(...) pregnant women will be the focus of special protection and respect.”²⁷

The testimonies collected allow one to establish that at least 50 women are arrested in Smara in 1976, 31 of whom are breastfeeding their children²⁸ at the time of their arrest. Only 2 babies survived.

MAHJOUBA MENT ISSA OULD DOUEGA was born in 1955. In 1976, she is arrested with her daughter Taghla, then 1 year old, and about fifty other women all with their children. Some of them breastfeed their children, others are pregnant like herself and her sister Khadigatou who is 5 months pregnant.

They are taken to the military police barracks on the orders of Lieutenant Abdeslam Sbaï and Colonel El Mdaouare

Mahjouba receives electric shocks over her whole body, she is tied from head to toes to a 10cm wide wooden plank and turned round. A bag is tied around her head and she loses consciousness. She is woken up with water thrown at her. Cotton wool is stuffed into her eyes and her ears until she bleeds. Blood and mucus are pouring out, and she can hear two women laughing. One of them crushes her with her own weight. Little Takhla dies in jail, and Beilili dies 24 hours after birth, just one week after they were released 7 months later.

She is then placed under house arrest.

Her torturers are Mustapha, Khdimi, Bouaza, and Lieutenant Sbaï, who is now said to be Colonel in Agadir.

She does not understand what happened to her. Her sister Khadigatou was the first one to be transferred to the CMI headquarters in Laayoune. Khadigatou is kept in solitary confinement for 6 months and is savagely tortured. She loses her child during a torture session. She is then taken to hospital, where her father finds her and twice visits her clandestinely thanks to the intervention of one Saharawi. She is then transferred to the military police in Smara where she is held for a whole year.

GHALIA MENT BABA OULD SIDI was born in 1949. She is arrested at her home on 10th July 1976 by two military policemen. She was breastfeeding her 18 months baby Fadili. They tore the baby away from her and took her away in a jeep after blindfolding her.

At the military police, she is tortured during 22 days: electricity all over her body, blows on her head, back, and all over her with sticks and electric cables. To provoke suffocation, a wet cloth soaked with either salt or chlorine is stuck on her nose and mouth. She is asked whether she belongs to the Polisario Front.

On the second day a relative brings her baby to her so that she may feed him. She is still blindfolded when a military policeman takes the child away from her and bashes him against the wall. The child is handed back to the relative and dies one month later.

She is transferred to the FAR barracks where she stays for 2 months, then she is detained for 5 months at the CMI headquarters in Laayoune.

MINETOU MOHAMED AHMED OULD LAROSSI was born in 1948 in Smara. She is arrested with *GHALIA* on 10th July 1976 and goes through the same places of detention as her. Her body still shows the marks of badly healed broken ribs, after military policemen interrogated her while kicking her with their boots.

The women were stuck “like sardines” in the cells where they had to lie with their heads on each other’s feet so as to sleep.

Her sister Domaha, then 12 years old, is also tortured with electricity and endured the “plane”²⁹. She never recovered from the trauma.

ZAIDANE MOHAMED SALEM OULD HADIA OULD M’BAREK testifies on the forced disappearance of his father *HADIA OULD M’BAREK OULD ZAIDANE* born in 1943.

Hadia is arrested on 10th July 1976 at his home in Smara by 2 military policemen who slap him and take him away in a jeep. A while later, the military policemen come back to his home where his wife, 2 children, and mother still remained. They asked for “the wife” and the grand-mother took the place of the young woman who was then breastfeeding. She is arrested, and presented with her barren chest and breasts to her son who tries to

²⁷ *Geneva Convention*, article 16

²⁸ We recovered the names of yet other babies who fell victim of the imprisonment of their mothers : 8 months old Fatimetou, 1 year old Aminetou, Aghaina, Salem, Bayeili, and Taghla, as well as Moulay, Ahmed, Mohamed Salek, and Tabiba.

²⁹ The person is hanging from his/her hands and feet from a stick, with a weight on the spine that stretches the hips and shoulder joints.

cover his eyes. Hadia remains detained in Smara for 5 months, then he is taken away with 21 other persons arrested between the 10th and 11th July 1976.

SAFIA MOUBARAK MOHAMED LAMINE DAHDAH was born in 1953. She has a Spanish identity card # A-2253248 issued on 2nd December 1971 and valid for 5 years, stating she was born in 1953 in Erni. She testifies with her son Saleh on the forced disappearance of her husband HAMOUDI OULD MOHAMED (BIRI). He is arrested on 10th July in Smara by military policemen. Two days later, they come back to arrest Safia and her baby. They are detained at the military police barracks for 4 months, then are transferred to the FAR barracks for 2 months. Safia explains that the women and children were later freed, but that all the men “disappeared”. Lieutenant Sbaï is responsible for all these arrests.

7- “No physical or moral constraint may be exercised towards protected people, particularly to obtain from them, or third party, information.”³⁰

According to the gathered testimonies, there was not one sector of the civilian population that escaped what looks like a massive terror campaign undertaken by the Moroccan authorities.

SOUKEINA MENT JED AHLOU OULD SID was born in 1957 in Smara. She is arrested on 15th January 1981 in Laayoune. At 1:00AM, the police arrive at her home. Two plain clothed policemen blindfold her with her *melhfa*³¹, and in front of her husband and 4 children, accuse her of being a member of the Polisario Front. Her son was then 6 years old, her daughters 4 and 2, the youngest one was 5 months old. The youngest daughter will die during the same year.

She is detained at the CMI headquarters for 15 days, then transferred to Derb Moulay Chérif³², then to the prison in Agdz for 11 months.

There are 59 women, 2 of them will die: BATOUL MENT SIDI SIDATI and FATIMETOU MENT ALI OULD BERRHAMEN. Soukeina and her children join 2 other groups: 16 “disappeared” from 1976, 8 from 1979. All in all, with her companions arrested in 1981, they are 30. On 14th August 1982, they are transferred to Galaat M’Gounaa where they are separated into 2 groups: on the one hand, the women arrested in 1976 and 1979, on the other, those arrested in 1981. The survivors are released on 2nd July 1991.

Soukeina is arrested again on 10th July 1992 with her son then aged 16. They are taken to the CMI headquarters in Laayoune, where they are held and harshly tortured for 16 days. She is then taken to hospital where she stays for 16 days. She is released on 31st December 1993.

8- “The detention or house arrest of protected people can only be ordered if the security of the Power in the control of which these persons are, makes it absolutely necessary.”³³

On 14th October 1979 *MOHAMED SALEM MOKTAR* is imprisoned for 3 months in Dakhla, then on 2nd March 1980 for 1 week in Dakhla again, then on 14th August 1981 for 18 months still in Dakhla, and is transferred to Galaat M’Gounaa where he stays for almost 11 years.

He often comes across his former torturer Karim Dimdich from the DST (Moroccan counter-intelligence services), who often watches his home. They talk together. One day, his torturer tells him that “*all this belongs to the past*” and Mohamed answers that he cannot forget his broken ear, his sore back, and his left foot that cannot feel anything anymore.

Mohamed testifies on the period from 1975 to 1992 in Dakhla.

When the Mauritians pulled out, Morocco claimed the entire territory of Western Sahara for itself. The military arrived in Dakhla on 14th August 1979. They proceeded to kill and scatter camel herds so as to forcibly round up all the families who were nomadising in the region of Bir Enzarane. They brought them to a place 5 km away from Dakhla. Until 1982, over 700 persons were held there, many of who “disappeared”.

Just over the period going from 14th to 28th October 1979, more than 300 persons are imprisoned at the police station in Dakhla. There are all sorts of people, including women and children: most of the arrests were targeted,

³⁰ *Geneva Convention*, article 31

³¹ Traditional veil of Saharawi women

³² Police station in Casablanca.

³³ *Geneva Convention*, article 42

but others are made at random just to terrorise the population. The detainees are beaten all over their body and tortured with electricity.

The torturers are: Bakar Salama (a policeman), Khatri Gachbar (a police chief, now deceased), Bachri Mohamed who is said to now be police chief in Rabat, Zegani (a police chief), Abdelatif Takaki (a guard), Allouache Mohamed (a former guard now policeman in Dakhla), Guerouani (a former pasha), and Brahim Bensami, superintendent of the military police in Dakhla.

9- “The death of any detainee shall be assessed by a medical doctor, and a certificate stating the causes of death and the conditions in which it occurred shall be established.”³⁴

KHADIDJA MENT SALLOUM OULD ALI born in 1958, testifies on the assassination of her sister *SALIMA BENT SALLOUM*, born in 1951, in the detention camp of Bir Enzarane. Salima went out one evening to go to the toilets and never came back. Her family looked for her throughout the night, and found her body at 6:00AM on Oued beach. She no longer wore her *melhfa*. She had been stabbed to death, her thighs and chest showed she had been kicked with heavy boots. The police came to fetch the body and sent it to the hospital for an autopsy, but the report was never communicated to the family.

MAHJOUR OULD CHEIKH BEN MOHAMED FADEL BEN BIDA, born in 1965 in Dakhla, testifies on the forced disappearance of his brother *ABDEL JILIL* born in 1960.

His brother has a job as a cleaner in the context of the “national promotion”³⁵, and was working at some colonel’s house.

On the 4th March 1980, as the preparations for the official visit of Hassan II in Dakhla are going on, goods are transported by ships.

Municipal agents come to the family home, along with another person who used to work with his brother, a certain Ahmed Ould Kareb, who died 3 years ago following a land mine accident.

They tell Abdel Jilil they need him to help them unload the goods from the ships in Dakhla harbour because it is Sunday. When he follows them, it is 07:00AM.

At 11:00AM, one of these persons informs the family that Abdel Jilil has had an accident with a crane, and that he has been admitted to the military hospital.

The entrance of the hospital is forbidden by various officials, including the governor and the *pacha* of Dakhla, officials from the DST, and from the military police.

At 15:00PM, the family is informed that Abdel Jilil has left the hospital and that a military plane transferred him to the hospital of the Souissi area in Rabat.

Time passes. The family continues to look for him: at times the authorities answer that Abdel Jilil is being cured in France, other times, that he is in Rabat.

In 1984, the authorities of the *willaya*³⁶ order the family to hand them their family documents. When they are handed back to them, Abdel Jilil is declared deceased in Dakhla in 1980.³⁷

Mahjoub makes clear that he has question marks about the doctor who certified the death of his brother, and on the circumstances in general. Why was he told Abdel Jilil was wounded and looked after? Where is he buried?

Why did these people come to fetch his brother? Why did the Moroccan royal navy need Abdel Jilil?

No Moroccan authority ever answered these questions: only the military police said that it was impossible to investigate either the military hospital or the “national promotion” since archives are not kept after 10 years.

His father and him were summoned in the course of 2002 at the judiciary police station. They were asked about their having approached the Consultative Council of Human rights so as to have Abdel Jilil’s case be recognised as a case of forced disappearance.

³⁴ *Ibid.*, article 129

³⁵ After independence, Morocco installed the “national promotion” system which aims at stimulating rural regions through economic development and the financial support of local initiatives. Concretely speaking, this policy helps hiding the unemployment rate as it creates hand-out jobs, and looks after the needs of the urban areas.

³⁶ Region

³⁷ On 23rd January 2003, we were informed that the head of the DST El Haj Omar threatened Mahjoub with forced disappearance if he did not keep quiet.

10- “The protected people living in an occupied territory shall under no circumstances be deprived of the benefits of the present Convention, (...) as a result of the invasion (...) of either part or the totality of the occupied territory.”³⁸

BIDI OUINA was born in 1973. He is arrested in 19th April 1997, taken to the police station, then moved to a secret detention place called Lehrifa.

He is tortured with an iron rod during 4 nights and 4 days. His torturers tell him: “you will remember us just as you remember the Polisario Front”.

Inspector Abderrahmane Harrab threatens to use acid to dissolve his body and have him disappear completely³⁹.

Bidi is forced to sign a statement in which he incriminates himself for being responsible of having disrupted public order, insulted policemen, and distributed propaganda in favour of the Polisario Front.

He does not have a copy of his judgement, as this costs 160 dirhams- a price he simply cannot afford.

He is last arrested in August 2002 during a demonstration in defence of the Saharawis’ rights. He got a suspended sentence of 2 months, but must pay a 600 dirhams fine.

Those arrested with him are:

- Andalla El Mhamed
- Hamdi Brahim Salem
- Zbir Dahi
- Dleïmi Sidi Brahim
- Cheikh el Mhamed
- Sbeïr Smaïl

Most of the members of his family are Polisario Front militants. Whenever there is a demonstration in Dakhla, Moroccan authorities come to his home and terrorise his family.

AHMED HAMMAD was born in 1960. He is arrested in Laayoune on 26th May 1997 at 11:00PM by plain clothes policemen. For more than 2 months, he is savagely tortured. Amongst other things, he is dragged on the ground after being tied to the bumper of a car, just for the fun of his torturers.

Brahim Bensami, then inspector in Laayoune, is one of his torturers. In fact, he himself once confirmed this to Ahmed, in Dakhla: Bensami asked him if he recognised him. Ahmed said no. Bensami said that he had tortured him back in 1997.

In 1990 Ahmed asks for political asylum to Spain, along with 2 other Saharawis. The authorities at the Spanish Embassy tell them that they cannot jeopardise their relations with Morocco for their sake.

After his arrest in 1997, he renews his demand to the Spanish Embassy, and gets another refusal.

He is arrested again on 10th May 2002, while wanting to pray with several other Saharawis in memory of the late Fadel Ismael⁴⁰. Once again, Ahmed is tortured at the police station.

All the testimonies gathered during this mission allow one to establish that the phenomenon of forced disappearance, arbitrary arrests, and torture, such as used in Western Sahara, are the primary symptoms of the violation of International Humanitarian Law. The denial of the rights of the Saharawi civilian population is to this very day a matter of concern, in view of the impunity that still surrounds the torturers- and also because the same civilian population continues to endure other forms of arbitrary use of power from Moroccan authorities.

³⁸ *Geneva Convention*, article 47

³⁹ This information brings back to mind the Ben Barka case and the revelations, in late 2001, relative to the fact that after he was assassinated, his body was dissolved into an acid tank specially designed for that purpose.

⁴⁰ Fadel Ismael was then the representative of the Polisario Front in Great Britain, and died in early May 2002.

II- The annexation of Western Sahara and the respect of Human Rights

In 1975 the Séguiet El Hamra, and in 1979 the Rio de Oro, get attached to the territory of Morocco and become the southern provinces of the kingdom.

The annexation of Western Sahara does not change anything to the international status of this non-autonomous territory or to the implementation of relevant international legislation. Yet there has been, and continues to be, serious and damaging consequences on the status of people because of their origin. The absence of mechanisms to assess and sanction International Humanitarian Law has led to the denial of legal mechanisms relative to the respect of Human rights.

A- The status of political and civil rights⁴¹

The collected testimonies put in evidence the normalisation of the repressive elements of the Moroccan administration in Western Sahara. While detention is now sanctioned by a justice decision- an undeniable progress- other forms of violations of fundamental rights still carry on, particularly those affecting the right to an equitable trial and to reparations.

What's more, it must be noticed that some recent arrests not only targeted members of the Sahara section of the Moroccan Truth and Justice Forum, but also individuals who implicated themselves in the last Moroccan legislative elections.

***1- "None shall be submitted to any torture, pain, nor any cruel, inhuman or degrading treatments."*⁴²**

ZROUG ROUG SALKA testifies on the arrest of his son AHMED NAH EL MOUSAOUÏ, born in 1982. Ahmed is arrested on 14th October 2002 at 05:00PM in the Rue Skikima by plain clothes policemen, amongst whom there is a certain Slimane. They blindfold him and have him climb into a R18 car. Ahmed is taken to the police station where he is tortured until blood starts pouring from his ears. He is then taken to the hospital, where he is looked after for 4 hours, and eventually, he is taken to the judicial police. Two policemen arrive without any warrant at Ahmed's mother's and start searching the house without any care for her daughter who was pregnant, and has a diabetic attack resulting from the shock. They leave with the Ahmed Nah El Mousaoui's membership card of the Sahara Section of the Truth and Justice Moroccan Forum (FMVJ-SS). Then, the policemen go to Ahmed's father's, saying they are friends of his brother, and search his flat- but in vain.

SIDI MOHAMED ALI BOURHIL and EL EDRISSI TAKBER testify on the arrest of their son MOHAMED LAMIN MOHAMED ALI LAHBIB BOURHIL, born on 3rd February 1981. Mohamed is arrested on 24th September 2002 at 01:30PM at the dairy where he works. For 24 hours, his mother and father keep looking for him until some people, also arrested but released, tell them Mohamed is detained at Laayoune police station. Mohamed is tortured there with a cloth soaked with urine placed on his mouth and nose, blindfolded, hands and feet tied. His parents could not visit him at the police station, nor bring him any food.

***2- "Each individual has the right to freedom and to enjoy personal safety. Nobody can be the object of either arbitrary arrest or detention (...)"*⁴³**

EL BACHIR SBAÏ, born in 1943, testifies on the arrest of his son AHMED BACHIR AHMED SBAÏ, born in 1978.

⁴¹ *International Covenant on Civil and Political Rights and Economic, Social, and Cultural Rights*, adopted by the UN General Assembly on 16th December 1966

⁴² *International Covenant*, article 7

⁴³ *Ibid.*, article 9

Four policemen watched the family home (*in Laayoune*) for 2 nights. Then one morning they walked in, woke up the whole household, asked for a photograph of their son and for their family documents. They told the father they needed to interrogate Ahmed, and that he would subsequently be released. They took the father away in a white Fiat Uno, and forced him to call his son. One of the policemen then grabbed the phone and threatened Ahmed saying: “*either you come or we take your father away*”.

Ahmed Bachir went to the police on 2nd October 2002. For 5 days, he is tortured and remains tied up all the time. His father says that his son is ill, that he remained unconscious for a whole day in Laayoune prison. When other detainees called the superiors to get a nurse, an injection was done to Ahmed through the bars of the jail.

3- “(...) each individual placed under arrest shall be informed , at the time of arrest, of the reasons behind this arrest (...).”⁴⁴

OUMR’JAL BOUGRINE testifies on the arrest of his son *BOUGRINE MOHAMED EL MAHDI*, born in 1962, and of his nephew *EL MOUSSAMI BABA* born in 1977.

On 24th September 2002, at 11:00AM, Mohamed El Mahdi and Baba are arrested in a garage Laayoune by plain clothe policemen who do not have any warrant.

A woman relative, *BAHIA GELBEL*, born in 1970 was present at the time of arrest. The policemen locked her up with Baba’s mother, and took her brother *Laarbi*, along with Mohamed El Mahdi and Baba who is blindfolded.

The policemen ceased chemicals for the treatment of wood, explaining that they were meant to be used for arson.

Bachri Bougrine, born in 1986, is arrested on the same day and released.

All of them are taken away in a van belonging to the dairy *Société de distribution de lait Jaouda*. Around midnight, another brother, *Abdallah*, is arrested, who will be released the following day.

All the detainees are tortured. They are interrogated on the chemicals ceased by the police.

KHEIRA BAZEID testifies on the arrest of his/her brother *SALEK BAZEID*, born in 1972. On 24th September 2002 at 01:30PM in Laayoune, Salek is arrested by 7 plain clothe policemen. Salek asks the policemen for their identification, and he gets beaten in front of his mother and his sister, before being dragged into the street. Five other policemen arrive to give a hand, and force him to climb into a Renault 4.

Twice, his sister is thrown onto the ground by an agent of the RG (Moroccan intelligence services) as she tries to get near. *ABDELHAQ RABI* and the mother are brutalised.

Some 150ms further, the policemen have them change vehicle and they borrow a van belonging to the dairy *Société de distribution de lait Jaouda*.

During a visit that his parents paid him in at the “*carcel negra*” jail of Laayoune, Salek told them what he endured: a blindfold over his eyes, he was tortured at the Laayoune police station by *El Aarbi Harize*, the chief inspector for the past 20 years. At one point, the latter lifts the blindfold and asks him if he recognises him, saying: “*You are in my hands. I know that you have nothing to do with what is being held against you, by I have accounts to settle with you and your friends from the Forum*⁴⁵. *You have just escaped a 20 years prison term, I will give you a 15 years one.*”

Salek is detained for an hour or two at the police, then transferred to the CMI headquarters where he is tied up. He stays there for 24 hours, without any interrogation, and with no food or water. At night, he loses consciousness, and gets transferred to the hospital where the doctor refuses to take the responsibility of admitting him. He returns to the CMI headquarters for another 16 hours, until he loses consciousness again round 10:00PM. He returns to hospital. At 05:00AM, he is presented with a statement he refuses to sign, since there was no interrogation.

4- “Each individual arrested or detained on penal charges will be presented to a judge in a court of law within the shortest delay.”⁴⁶

The letter from a young Saharawi detainee held at Laayoune’s “black jail”, was handed over to us during our mission. This document corroborates the information we obtained on the extra-judiciary methods used by the

⁴⁴ *Ibid.*, article 9-2

⁴⁵ Human Rights organisation *Forum Marocain Vérité et Justice Section Sahara* (Moroccan Truth and Justice Forum Sahara Section).

⁴⁶ *International Covenant*, article 9-3

police in its investigations. The letter is also quoted because it furthermore depicts the conditions of detention prevailing in Laayoune's prison⁴⁷.

“ On 24th September 2002 at about 10:30 AM, I took a screw-driver in order to fix the electric connection in the place where we were organising the campaign for the coming legislative elections. Once I had finished, I walked towards the garage where I keep my Renault 4 so as to put the screw-driver away.

As I walked round, I was grabbed by 4 plain clothe policemen who told me to sit on the ground with 2 other men I had never met before.

They search and ransacked the garage, broke everything, and violently threw my nephew out. This is the way the police behaves, here.

Ten minutes later, the chief ordered that we should be handcuffed and blindfolded.

Later, a van arrived; they grabbed us and pushed us in. We got beaten up. They threw themselves at us as if we were preys and they were lions.

They insulted us. Those ignorant people told us that if we wanted to found a republic, we only had to go to the Arabic peninsula that is the native land of the Berbers. Blows were raining on us, from head to feet, we lived through pure horror.

Blindfolded, with our hands and feet tied up, they dragged us and threw us out of the van. We remained there, lying on the ground, for 2 hours. Then they lifted us up, pushed us one against the other as if we were bags of flour, and hit us with their fists and feet.

We had arrived in some unknown place, blindfolded, with our hands and feet tied up. They separated us and put us kneeling on the ground of a room.

Those who were guarding us whispered among them, but loud enough so that we could hear them: “We are going to use this in order to...”, hinting at sexual intercourse, as if they were homosexuals.

They put their hands everywhere on us, as if we were women. They threatened us of the worse, accusing us of being agents of the enemy, in reference to the Polisario Front.

If we wanted to go to the toilet, we had to do it on ourselves, blindfolded, our bound hands and feet serving as toilet paper.

After 4 days of this hell, they took us to the police station.

They interrogated us on our tribal identity, our birth dates...

Then they took us back to the central police station where we spent the night on the ground. But after 4 days without seeing any light, they removed the dirty rags that blindfolded us.

At 05:00AM, a policeman walked in and asked us to sign a statement in which each one of us declared to be aiming at forming a criminal gang in order to set a police station on fire.

Two of us signed under pressure. Those who refused to sign were tortured until they gave in.

On 28th September 2002 at 10:00AM, we appeared before a judge. He saw us after keeping us waiting for 5 hours. He asked us if we had anything to declare. We told him we wanted to be assisted by our lawyer.

To this day, we are detained in Laayoune central jail.

Since that day, of 28th September our condition is appalling. We are 90, sometimes up to 120 or 130 people in a cell of 28 m². There are common law prisoners, drug-addicts that fill the small space left for the air with hashish smoke and other drugs. We don't have any rest. The density of the prison population is so high that at times some people sleep on top of one another, others sit sleeping, six people sleep in the bathroom measuring 1,5 m². At night, it is impossible to go to the toilets: we have to urinate into an empty bottle or in the bowl where food is served.

We remained a month and a few days in that cell, something that not even an animal would have been able to stand. Rashes appeared on our skin, as in the terminal stage of AIDS, our skin turned into snake skin. Everything is filthy. We sleep on damp floor, breathing fetid air. Fleas and lice run on us. We are condemned to a life of misery, to a subhuman life.

The corridor where we spend two hours every day is even dirtier than the cell, as we inhale the foul smells coming out of the toilets. Relatives are allowed to come and visit us once a week. We are allowed to give one phone call a week, to one number only, but the telephone is tapped. These are our only contacts with the outside world, listening to the radio is forbidden.(...)⁴⁸

⁴⁷ Saharawi detainees frequently go on hunger strike in order to protest against their sub-human conditions of detention.

⁴⁸ Text of a letter dated 31st October 2002 from a Saharawi detainee imprisoned at Laayoune's “black jail”, that was handed to us on 4th November 2002, and which can be consulted on www.france-libertes.fr. The letter from another detainee was handed to us, that of El Raïf Ali in which he claims his innocence. He is registered as prisoner under #22387. We did not get any answer from the Director of Prison Services and Re-insertion in Rabat to our request to be allowed to visit some of the detainees.

5- “ (...)each individual has the right to a public and equitable hearing in a court of law.”⁴⁹

On 14th November 2001, 200 Saharawis were gathered at a sit-in in Smara. They were demanding work, and a group of 12 women were asking for proper housing.

On 17th November 2001 at 10:00AM, the police erupted violently on the scene in order to scatter the demonstration and violated the law while doing so⁵⁰. A police inspector hit a woman and threw her to the ground, and riots started.

Some 30 households are ransacked, 67 persons put under arrest, 17 of whom are brought to justice, amongst them a Moroccan journalist, and 25 people are injured.

Human rights militants belonging to the Sahara section of the Moroccan Truth and Justice Forum will be prosecuted 7 months after these events, and are accused of having engineered the riots. This is what happened to Abdeslam Dimaoui who will eventually be released since, at the time of the events, he was not in Smara but in Laayoune, waiting for the arrival of the president of the Fondation France Libertés⁵¹.

SALKA NASSIRI, born in 1972, testifies on the arrest of her husband, AHMED NASSIRI, a militant of the Sahara section of the Moroccan Truth and Justice Forum.

In June 2002, Ahmed Nassiri is in Rabat where he attends the first ever congress of the Forum. He then goes to a police station in order to renew his identity card, and this is when he gets arrested. He is told that the police has been looking for him ever since the November 2001 riots in Smara.

Yet he is working as a civil servant in a municipality, something that the Moroccan authorities cannot ignore. After being interrogated, he is transferred to Casablanca, then to Laayoune. His transfer takes 3 days.

Salka Nassiri goes to the police in Samara: nobody gives her any news of her husband. Eventually, her brother informs her of the place of detention of her husband.

Ahmed Nassiri is tortured and undergoes the “plane”⁵² at the Laayoune judiciary police station.

The purpose of our mission was also to observe the workings of Moroccan justice. Thus on 30th October 2002, we attended the appeal trial of Ahmed Nassiri in Laayoune.

The 1st president of the law court provided us with an interpreter⁵³.

The president of the court calls 21 witnesses, 4 of whom for the defence. Only 5 witnesses will appear in court. Yet, amongst them, many of them are in jail, and others are civil servants, including in the police force.

The defence lawyers are shocked by the repeat failure of the accusation witnesses to appear in court. One lawyer indicates that a certain Mallah Sidi Otman, sentenced to 2 years imprisonment in Marrakech should have been present. Asked about this by the president of the court, the Royal Prosecutor produces a piece of paper, on which the director of the prison in Marrakech apparently informs him that the witness is no longer held in this institution. The defence underlines the informal nature of this document.

Ahmed Nassiri expresses to the president his protest about his detention while his trial has been postponed 4 times due to the absence of the accusation witnesses. His lawyers ask for his release, arguing that he was not arrested while committing any offence, but 6 months after the events reproached to him. What’s more, his status as a civil servant, his home address, his situation as head of a family, are as many guarantees for the justice.

The defence lawyer also remind the court of the case of Nordine Darif, a Moroccan journalist suspected of similar charges: during his trial in april 2002, the court granted him a conditional release after 2 months in detention.

⁴⁹ *International Covenant*, article 14-1

⁵⁰ According to Moroccan legislation, the scattering of a demonstration requires two warning given through a loudspeaker, and only if people do not obey, there may be the use of force. In their reports, the AMDH and the OMDH both questioned the responsibility of local authorities, stating that the situation that prevailed in Smara in November 2001 did not require the intervention of the police which brought about an escalation of events.

⁵¹ From 16th to 18th November 2001, Danielle Mitterrand was due to travel to Western Sahara. She was impeded from getting on the plane by the main *wali* of Casablanca.

⁵² See note #28

⁵³ The trial is also observed by Doris Leuenberger, lawyer attached to the Bar of Geneva, and Anita Cuenod, elected representative on the Geneva Greater Council.

The defence lawyers indicate that there is no evidence supporting that their client may have been the cause of the November 2001 events in Smara. They protest vehemently against their client's detention for 6 months.

One witness, who was acquitted in October 2002, stated to the court that he had not received any subpoena, but that he wanted to be present.

Among the people attending the trial, an old lady says to the president: "My son has been detained for 2 months, nobody has told me where he is held". She is told to stop and threatened with being expelled from the court.

The court postponed the trial to 13th November 2002⁵⁴, and after deliberation, conditional release is rejected. Last September, the 1st President of the Appeals Court gave his assurance to the observers of the Swiss Human Rights League that the trial would be held on 30th October 2002. For his part, on the eve of the trial, the Royal Prosecutor assured us that "*Mr Nassiri fully enjoys all his rights*".

What our mission observed was a parody of a trial, from which one essential element was missing: the accusation. As it happened, Ahmed Nassiri refused to sign the declaration from the police, the witnesses for the defence declared that had not seen him during the events of Samara, and the witnesses for the prosecution did not appear before the court. Last but not least, the presence of the number plate of Nassiri's car in the declaration of the police made at the time of the events in Samara is astonishing: Nassiri only bought a car 3 months later, as indicated on the papers of his car.

6- "States commit themselves to insure that any person whose rights and freedoms as acknowledged in the present agreement have been violated, will have access to a useful appeals procedure, even if such violations were committed by people acting within the context of their official functions."⁵⁵

The mission was able to establish that not only do the torturers continue to exercise their functions and that they have been promoted, but that they also continue to harass their former victims, as can be seen in the following testimonies:

AMINATOU ALI AHMED HAIDAR is arrested on 21st November 1987 in Laayoune with a group composed of over 70 men and 17 women. She is then 20 years old. She testifies on what happened to her.

They are arrested by plain clothe policemen on the eve of the visit of a UN technical commission⁵⁶, and detained at the CMI headquarters.

She starts being tortured on arrival, tied to a wooden plank and her head down. The policemen slap her repeatedly, kick her, and threaten to rape her.

The more she resists, the more the methods of torture vary: cloths soaked with various chemicals are stuck in her mouth, she gets electric shocks all over her body. Two days later she is transferred to the secret detention place of El Bir where for a whole week she is detained with 16 other women in a 4m². They remain blindfolded at all times, cannot speak, suffer from hunger and thirst, awake against the walls, and keep standing on their feet most of the time.

She then returns to the CMI headquarters where, for another 3 weeks, she is savagely tortured.

For 4 years, she remains "disappeared" for her family. Her eyes remained blindfolded at all time so as to have her loose all sense of time and space. Her conditions of detention were horrific: insects ridden food, rags, no hygiene, no possibility to ever wash oneself.

Two months after her arrest, she started suffering from a skin allergy and conjunctivitis. Then she suffered from her back, her colon, her stomach, and then got haemorrhoids.

When she is released in 1991, she will undergo a first operation, then a second one in 1994.

She wishes she could get medical treatment abroad, but Moroccan authorities refuse to her back her passport which was confiscated at the time of her arrest.

She is released on 19th June 1991. Years have passed, but she feels an outcast. She suffers in her body, but most of all morally since she was never rehabilitated: on the contrary, she keeps coming across her former torturers⁵⁷ on a daily basis.

⁵⁴ The trial will then be postponed once again, and on 27th November 2002, Ahmed Nassiri gets sentenced to an 18 months sentence, and a 500 dirhams fine. The witnesses for the accusation have not appeared in court, and when Nassiri protests against the conditions of detention prevailing at the black jail" of Laayoune, he is expelled from the court.

⁵⁵ *International Covenant*, article 2

⁵⁶ See note #26

EL GHALIA DJIMI testifies on what happened to her: she is arrested on Friday 20th November 1987 round 03:30PM at her work place by two men dressed as civilians who claim to belong to the state security.

They tell her they have a few sentences to ask her and that it will not take long.

As soon as she climbs in their land-rover, one of them blindfolds her. At that moment she understood that the same fate was befalling her as had already struck her grandmother FATIMATOU AHMED SALEM BAAD, who disappeared on Wednesday 4th April 1984 in Agadir at the age of 55, and hundreds of Saharawis since 1975. She is taken to the CMI headquarters, where she can hear screams of pain. From 05:00PM until 10:00PM, she is tortured in the same way as described by Aminatou Haydar. The torture resumes from midnight until 03:00AM.

The rest of the group of prisoners to which she belongs, called “of the Commission”, is detained on Sunday 21st November 1987, and are all transferred to the prison of El Bir.

When they got off the vehicles, she could not walk because of the tortures, and she dropped her sandals on the ground. One of the policemen told her to pick them up. She answered she no longer needed them since they were all going to be buried there. The policeman answered that time had not yet come for this.

They returned to the CMI headquarters in Laayoune. There were 4 cells without doors of 3m² each, a fifth one of 7m², and a 17m² passage.

14 women were stuck in one of the small cells, “ others in the passage, while the other cells are filled by the 70 men.

After 2 months and 26 days, 8 women and several men are released.

The guards then allowed them to wash because they knew that those remaining would not be freed.

For 4 years, she fought against the guards for her survival and her dignity.

The cell was very damp and facilitated the surge of tuberculosis. Menstruation time was always hard to go through, because of the total state of destitution in which they were kept.

The guards allowed them to go to the toilets as they wished : they did not keep close to it because of the smells were so foul. At night, they would keep on banging their batons against a metal door, and would scream in order to prevent the prisoners from sleeping.

After a year, the prisoners demanded to get clothes and to be able to wash.

Eventually the guards allowed them to wash their clothes every now and then with sea water.

At the end of her 3rd year of detention, on 19th October 1990, a guard slapped El Ghalia. She removed the blindfold from her eyes and she slapped him back. Mad with rage, he hit her again and she was put in solitary confinement.

Other co-detainees started a hunger strike in solidarity with her.

The barracks commander then beat her up and called her a “Polisario bitch”. Then a policeman let a dog loose on her and she got bitten. Other detainees were also attacked by dogs so that they should call off their hunger strike. In total, she spent 32 days in solitary confinement.

B- The state of socio-economic rights

The joint Mission France-Libertés and AFASPA witnessed the extreme precariousness of the Saharawis’ socio-economic conditions in Western Sahara. This topic is developed in the second part of the report. But to conclude our report on the denial of fundamental rights in Western Sahara, it must be stressed that the defence of socio-economic rights is not tolerated anymore than the exercise of civil and political rights, as the following cases show:

1- The association of unemployed Saharawis

A few months ago, the Moroccan press echoed a political and financial scandal that implicated the responsibility of the Moroccan government⁵⁸.

⁵⁷ On 21st November 2002 at 08:30AM, while taking her children to school, a traffic policeman tried to interrogate her. As she refused, he explained that he had received special instruction since the departure of the joint France Libertés-AFASPA mission. She lodged a complaint for abuse of power which is registered as #148/25-11-2002.

⁵⁸ This is due to the involvement of the Moroccan National Agency for the Promotion of Employment and Competencies, on the administrative board of which sit 14 state ministers.

In May 2002, Moroccan authorities inform their citizens that a company from the Arab Emirates, Al Najat, wants to hire 30 000 Moroccans for employment on cruise ships. Yet as early as June 2002, the Moroccan Embassy in Kenya informs the Moroccan Ministry of Employment that the company Al Najat is directly implicated in a huge financial scam in Kenya⁵⁹.

The Moroccan administration nevertheless proceeds with the compilation of a list of job descriptions, and advertises for job applications. In that context, medical check-ups are organised in Laayoune Cultural Centre by the governor and the Ministry of Health, at the cost of 500 to 1000 dirhams per consultation. What's more, the candidates must travel to Casablanca for the formalities, and pay application fees.

In August, the Arab Emirates deny the information according to which the company Al Najat is going to invest and create jobs in Morocco. This means that, in Laayoune alone, about 1000 people have been defrauded by this scam, and are asking, in vain, to get their money back.

It is in this context that, on 22nd August 2002, a sit-in is organised in Laayoune⁶⁰. At 09:00PM, the police erupts into the office of the Association of Unemployed of the Sahara, ransacks the premises, and puts people under arrest.

On 2nd September 2002, *ABDALLAH LAHLAN* and his companions⁶¹ appear before the 1st Instance Law Court in Laayoune. The judge pronounces sentences going from 1 to 2 years imprisonment, accompanied by an interdiction of residence in Western Sahara for a period of 5 years, and a 500 dirhams fine.

The judgement in appeals will reduce the prison terms to 8 months.

2- Economic sanctions against freedom of association and expression

The violation of socio-economic rights is also a sanction, and a means of pressure used by Moroccan authorities to suppress the freedom of expression of Saharawis.

Therefore, the judiciary institution is not the only instrument to prevent Human rights militants from expressing their views. The other instrument to suppress free speech and peaceful action, is the use of economic sanction: the case of *MOUTIK LAHOUSSINE*, president of the Sahara section of the Moroccan Truth and Justice Forum, is not isolated.

On 12th February 2002, Moutik Lahoussine, along with other representative of civil society, meets in Laayoune with the Ad'Hoc delegation of the European Parliament presided by Catherine Lalumière. Mr Kraus, in charge of the smooth running of the MEPs mission, had guaranteed the confidentiality of this meeting.

On 21st February 2002, Moutik Lahoussine is summarily and abusively dismissed from the work he held at the SEPOMER SAHARA company: the head of personnel simply tells him that he is fired, without any more formality.

To this day, there has been no written information on the motives behind his dismissal, although Moutik Lahoussine required it on the day he was fired.

Mr Driss Jettou, Moroccan Minister of Interior at the time of the MEPs' visit, who was approached by Catherine Lalumière about the case of Mr Lahoussine's dismissal, answered back that the company dismissed him on 9th February 2002.

Yet Mr Lahoussine was on leave from 7th to 20th February 2002, and only heard about his dismissal on 21st February on the work place.

On the other hand, on 20th March 2002, Mr Lahoussine takes a lawyer in order to claim the payment of the February salary due to him, and the compensations to which he is entitled in accordance with Moroccan labour legislation.

On 25th April 2002, the first tabled audience is postponed because the company fails to appear in court. One month later, the audience is postponed again, to allow the company to prepare its defence. Such technical difficulties may appear as very surprising coming from such an important company as SEPOMER SAHARA: it is a registered partner of the European Union, and its exports mainly target the French, Spanish, and German markets.

⁵⁹ *The People*, Kenyan daily, 31st May 2002

⁶⁰ In Morocco proper, this scandal was the cause of several demonstrations.

⁶¹ Rahmouni Abidine, Nigro Mohamed, El Belaoui Hamadi, Chamsdi Labeihi, and Mailad Salek.

The fact is that, ever since 6th June 2002, the company claims that Mr Lahoussine resigned from his work on a voluntary basis, and that no measure of dismissal was ever enforced against him. This is particularly surprising in the light of the above-mentioned conclusions of Mr Driss Jettou's inquiry.

On the other hand, in order to provide for the needs of his family and himself, Moutik Lahoussine created a fiduciary company. His activity is not registered on the list of commercial companies: despite his many requests, he is faced with systematic and definitive rejections⁶².

MOHAMED AHMED EL KHLIFFI received Mohamed Daddach⁶³ in Boujdour in February 2002. Immediately, his salary as secretary at the Boujdour municipality gets suspended.

All the people who have welcomed Mohamed Daddach got their "national promotion" subsidies⁶⁴ cancelled. Apparently, the Moroccan authorities did not want a repetition in Boujdour of the demonstrations of joy that had taken place in Laayoune and Smara.

MOUMEN MOHAMED MAHMOUD had his "national promotion" subsidy cancelled in April 2002 after he testified on his father's disappearance at the March 2002 audiences of UN Human Rights Commission.

⁶² On 12th November 2002, Moroccan authorities told Mr Lahoussine that he had to stop his illegal economic activities in the absence of any registration of his business with the Chamber of Commerce. On 21st November, Mr Lahoussine is the target of renewed instances of intimidation by an agent of the CMI. He lodged a complaint referenced under #145/02p.

⁶³ Sentenced to death, Mohamed Daddach sees his sentence commuted into life imprisonment. He is freed on 7th November 2001, after 26 years in jail.

⁶⁴ "hand-out employment" according to Abdellatif Guerraoui in the Moroccan daily *L'Economiste*, on 7th March 2002.

3- Conclusion

Our mission was able to travel and work without impediment, something which shows a certain loosening up of the Moroccan regime. In fact, the obvious presence of Moroccan security forces was more aimed at intimidating any person wishing to meet up with us, particularly in Dakhla where no Human Rights Organisation had ever travelled before. This explains why it is also in Dakhla that the need to come forth and testify was the most compelling, and where people were most terrified.

It was important for our Saharawi interlocutors that they should be identified with their testimonies, either when talking about their own experience, or when quoting from close relatives who died or disappeared.

The International community, who is entrusted with the well-being of the Saharawis, carries a heavy responsibility, yet this does not lessen the expectations that all the persons we spoke to have of it.

The Saharawis expect from Morocco that it should at long last walk the path of truth and justice. This implies that Morocco should acknowledge the magnitude of the crimes it committed in Western Sahara.

The Saharawis also expect from Spain that it should take its responsibilities as the *de jure* administering power that failed its duties.

The respect of International Humanitarian Law by both the Moroccan authorities and the Polisario Front⁶⁵ are essential both for the present and the future of the two people concerned.

⁶⁵ In accordance with Article 118 of the 12th August 1949 *Geneva Convention*, all the prisoners detained by the parties in conflict should have been released in 1991, following the implementation of the cease-fire. Yet for many years, Morocco refused to allow several hundreds released POWs to come back to their country, and the Polisario Front still holds today 1260 Moroccan POWs.

Second Part :

The socio-economic situation of the Saharawis or the damage of natural resources in Western Sahara

Introduction

The joint mission France Libertés-AFASPA which took place from 28th October to 5th November also aimed at evaluating the socio-economic conditions of the Saharawi people, in the context of the exploitation of natural resources of Western Sahara by Morocco and its economic partners.

As it happens, following a higher degree of openness by the Moroccan regime, the international public opinion heard that demonstrations driven by socio-economic demands had drifted into riots because of the violent intervention of the Moroccan security forces⁶⁶.

Yet from the beginning the official discourse held by the monarchy is about the necessity to make economic investments and to develop the territory: the point is essentially to make it attractive to the Moroccans so that they should establish themselves over there.

Since the implementation of the 1991 UN cease-fire, Morocco embarked on a policy aiming at settling Moroccans in Western Sahara, in addition to some 200 000 members of the Moroccan security forces already stationed in the territory since the beginning of the conflict.

This is why today, the Saharawi population is a minority in the territory: in Laayoune, they are said to represent only 30% of the total population, in Smara, 20%, and in Dakhla, 10%.

The Saharawi population is very young, and although this is not a very original trait in the region, the consequence is that this youth is the main victim of the socio-economic repression that has been going on since 1975.

Although there are no official figures about the rate of unemployment, it is nevertheless known that 3 persons out of 10 have an income mainly in the context of the National promotion⁶⁷, something which is all the more surprising if one takes into account the great wealth of exploited natural resources in Western Sahara..

The mission was thus able to see for itself the state of social and economic precariousness in which the Saharawi population is kept. The mission was also able to see the extent to which the question of the economic management by Morocco was a taboo.

Although when dealing with the violation of fundamental rights the persons with whom we met insisted in coming forth and testifying publicly, nobody wished to be mentioned in the context of our investigation on the exploitation of natural resources.

As far as this topic is concerned, it is clear that all the people we spoke to remain largely scared by their own revelations, so much so is the economic aspect the justification for the Moroccan presence in Western Sahara.

As a matter of fact, to question the economic management of Morocco means raise questions about the persons responsible for the state of plunder of Western Sahara natural resources, whether by Moroccans or by foreigners.

I- The respect of the will of the Saharawi workers in the exploitation of phosphates

In November 2001, the UN *Security Council* legal department was seized with the question of the legality of the petrol exploration contracts in Western Sahara territorial waters signed between Morocco and France TotalFinaElf and US Kerr Mc Gee. On 29 January 2002, the legal opinion considers that the economic exploitation of Western Sahara is in conformity with international law as long as the will and the interests of the Saharawis are taken into consideration. Yet the mission was able to observe that precariousness and the marginalisation of the Saharawis in the economy of the territory, although the territory has largely exploited natural wealth, particularly phosphates.

⁶⁶ The riots in Smara which took place in autumn 1999 led to the dismissal of the then-minister of interior Driss Basri.

⁶⁷ After independence, Morocco implemented the National promotion, the purpose of which was to stimulate rural regions through economic development and the financial support of local initiatives.

A- At the time of the transfer of direction of the Phosboucraa company to Morocco

In 1947, the exploration of the underground soil of what was then Spanish Sahara, led to the discovery of the world's most important phosphates reserves at Bou Craa⁶⁸. What's more, at that time, the reserves are also most valuable because of the quality of the ore, which is easily extractable in an open air mine.

On the 4th July 1962, the National Company of the Sahara Mines (Sociedad Nacional de las Minas del Sáhara) is founded in order to run the exploitation of Phosboucraa which belongs to the INI, the Spanish public industrial sector company. On 22nd May 1968, it becomes the Fosbucraa⁶⁹ company. An internal code dating from 10th December 1975 sets the regulations of the work, and is overlooked by the Governor General in the Sahara.

1- The circumstances of the transfer

On 18th November 1975, the Cortes approve the "*Law of Decolonisation of the Sahara*", that allows Spain to decolonise the Sahara in the context of the Madrid Accords.

The frame-work accords on the economic co-operation relative, amongst others, to the joint exploitation of Phosboucraa remain secret until their publication in May 1977 in the Spanish official gazette.

In this way, Spain transfers 65% of its shares to the OCP, the Moroccan phosphate state company known as the Office Chérifien des Phosphates.

The accord comes into effect on 1st January 1976, with a transition period of 16 months after which the Moroccan public company takes over the direction.

The director of Laayoune mining centre, Joaquim Calvo, clarifies in a note dated 9th December 1975 the conditions of the transfer of the Spanish shares, amongst which "the total guarantee of the respect of the conditions of work presently in use for the employees who wish to carry on with their work".

On 10th December 1975, a protocol that guarantees the upholding of the rights acquired by the workers at the time of the transfer of direction is signed by the Spanish company of Phosboucraa and the Moroccan OCP.

When the transfer of direction comes into effect in May 1977, Morocco decides to violate the protocol.

The governor of Laayoune, Saïd Aassou, the director of Bou Craa Aloumari, and his vice-president Ben Harouga, summon the Saharawi workers to a meeting, the purpose of which is to inform them that Morocco will not respect its commitments. The place is rounded up by the army and the military police.

The workers who protest are arrested, interrogated, and imprisoned.

Right into the 1990's, the workers will have to silence any claim on their rights because of the military occupation and the suspicion that weighs over the Saharawis as soon as they try and express any social demand.

The Saharawi workers have not signed any modification or any new contract with the OCP.

On the other hand, the Spanish workers continued to benefit from the clauses of the 1975 protocol: it is said that today, there are still 3 Spaniards in the company, 2 of whom might soon retire.

2- The consequences on the status of the Saharawi workers

In 1968, there were 1600 Saharawi workers at the Bou Craa mine. On 30th September 1976, Spain listed 567 Saharawi workers. As a matter of fact, some of them are victim of the Moroccan repression, while others join the Polisario Front.

On 15th October 1975, Saharawis are officially transferred to the Kouribga centre for professional training- the transfer aiming really at breaking any protest movement.

Today, the number of former Phosboucraa workers and pensioners is of 721 persons in Western Sahara⁷⁰.

As for the Saharawi workers presently working at the mine of Bou Craa, it is said they are 200 out of a total of 2000 persons⁷¹.

2-1 Acquired rights

The internal rules of the OCP are therefore imposed by force to the Saharawi personnel.

⁶⁸ The mine is located some 130 kms away from Laayoune.

⁶⁹ Spanish spelling of Phosboucraa

⁷⁰ For more information on the question of the denial of the rights of the former Saharawi workers of Phosboucraa, see www.fosfotosedia.cjb.net or www.geocities.com/eddia2002/lettres.htm

⁷¹ See joined document #3

Not only have the Saharawi workers benefited very little if not at all, of any promotion, but they have mainly been subject to downgrading measures in the scale of the jobs they held, without any prior information, nor any reason.

Therefore, from a sample of 94 Saharawi workers⁷², the mission was able to establish that 64% of them were downgraded, and 30% remained at the same level of employment.

On the other hand, 70% of these workers were employed as lowly qualified workers, whereas now this applies to 95% of them; 27,33% belonged to the superior category called “high category”, whereas now they are only 4%; as for the technical supervisors⁷³ category, 2,11% Saharawis were employed as such, whereas now they only represent 1%.

Seniority bonuses and other perks were cancelled, as well as the medical cover for the workers, the pensioners, and their children.

Weekly hours of work rose from 40 to 48 hours, while the monthly salary is no longer calculated over 30 or 31 days, but only 26, thus excluding the payment of the weekly rest.

2-2 Equality of treatment

Until May 1977, Spain manages Bou Craa, hence the payslips are up to this date in pesetas, while the BMCE⁷⁴ takes care of the exchange.

Later on, the Saharawis are discriminated against in the manner in which their salaries are handled.

If one chooses 1994 as a reference year, the salaries of the Spanish workers are 4 to 6 times higher than those of the Saharawis, for an equal qualification and lesser time in the company⁷⁵.

On the other hand, the highest salaries for the Saharawis range between the equivalents of 650 and 750 euros per month, while the average salary is equivalent to 300 euros. A pensioner gets the equivalent of 200 up to 300 euros per months for 34 years of work in the company.

Yet the inequality of treatment of the Saharawis does not exclusively follow from the violations of their acquired rights: it is also the result of the discrimination they suffer in comparison with the Moroccan workers.

Thus, *FATA OULD MOHAMED* earned 4500 dirhams in 1977. In 1983, his salary was lowered to 2400, without him being able to obtain any explanation from his employer.

The mission met with nearly 200 former Saharawi workers from Phosboucraa. All of them have suffered violations of their socio-economic rights.

ABIDINE OULD BRAHIM was born in 1931. He entered the company in 1953. Until 1962, he used to work digging out phosphate rocks with a pick, and lifting them up from a rope with his arms.

For 27 years, he earned a Spanish salary of 5000 pesetas⁷⁶. Today, his pension is of 1500 dirhams.

As a comparison, at the mining centre of Kouribga, the average salaries are of 1500, 2000, and 3000 dirhams per month.

During the 1999 strike, the Phosboucraa direction told the Waharawi workers that they had signed a contract with Spain, and that they should turn against the Spanish authorities, thus that they owed them nothing.

2-3 Trade union freedom

The Phosboucraa workers decided to create their own association because their claims to Moroccan trade unions never led to anything.

Although they went through all the required procedures, their association never obtained legal recognition. What's more, their members are frequently sanctioned because they demand the improvement of their conditions of work. They get arrested by the military police, interrogated, intimidated, and/or tortured.

⁷² See joined document #1

⁷³ TAMCA is the category of the supervisors and administrative personnel

⁷⁴ Moroccan Foreign Trade Bank

⁷⁵ See joined document #2

⁷⁶ In the seventies, 50 pesetas were equivalent to US\$1.

We cannot mention here recent events of which these services are involved, so as not to endanger people we met. Yet the name of Larbi Hariz, police chief in the RG since 1976 was frequently mentioned. Amongst other things, Larbi Hariz tortured Saharawi workers from Bou Craa from 24th April to 3rd September 1992.

What's more, movements of social protest that took place in September 1999 met with a violent repression from the Moroccan authorities- among the victims where in particular Phosboucraa workers.

The workers also suffer from anti-trade union discrimination⁷⁷. They get transferred to mining sites in Morocco in order to break up all protest movement, without them being able to oppose such a decision. Thus, in July 2002, MOHAMED JAÏM was transferred to Benguerir, and MAHMUD EL HAMID to Casablanca.

In 1999, *SIDI AHMED EDDIA*⁷⁸, the spokesperson of Phosboucraa former workers and president of the association, was the victim of an accident at work which resulted into a 40% physical disability certified by a doctor. Yet the direction never accepted acknowledge this disability because of his activity towards the reinstatement of his rights. What's more, his properties were confiscated by the authorities in Laayoune without any legal procedure. He still holds the property titles of his properties that were established by the Spanish authorities.

*2-4 Hygiene and safety on the work place*⁷⁹

The mission heard various testimonies implicating, amongst other, Spain's direct responsibility in accidents on the work place having caused heavy disabilities.

SAÏD LARABAS AHMED SALEM, born in 1947, entered the company in 1973. His salary was 4000 pesetas per month. On the 10th January 1976, he is working near the conveyor belt that transports the phosphate to Laayoune harbour. He is with 4 Spanish people when his vehicle blows up on a mine.

Remundo, the boss, dies. Antonio and Megilangia, 2 mechanics colleagues, have to be amputated of both legs, the fourth person is wounded and becomes blind.

As for Saïd, his chest is wounded, and he is transferred to the Canary islands. On his return, his health starts deteriorating, and he should go back to the hospital where he had been treated- something that gets refused to him. Ever since, he must consult his doctor once a month without any medical cover. He did not receive any disability grant nor any compensation for his dismissal from work.

EL ALEM BOUTASSOUFRA, born in 1952, worked as a solder in Bou Craa. On 15th February 1982, he is the victim of an accident on the work place when he tries to open a barrel of sulphuric acid.

His boss asks him to unseal the barrel with his blowtorch, and an explosion follows. El Alem had nothing on to protect him, no rescue was given to him. He get the equivalent of 286 euros per month as disability grant. He is disfigured, and he is blind. He was treated medically thanks to the solidarity.

BOUCHAAB AHMED SALEK, born in 1947, is recruited in 1969. In 1984, he gets a car accident in the context of his work, while driving a company vehicle. He then gets fired from Phosboucraa without any compensation.

ANDOUR MOHAMED, born in 1940, worked as a transporter. He had an accident on 1st November 1967, and had his left leg amputated. Today, he gets a pension of 550 dirhams per month.

B- During the joint exploitation the Bou Craa phosphates

To this day, the Spanish public company for industrial participation SEPI⁸⁰ exploits jointly with the OCP the Bou Craa mine. The mission could not obtain the the economic frame-work accords in which the details of the partnership between the 2 companies are explained.

⁷⁷ Convention #98 on the right to organise and to collective bargaining adopted in 1949 by the International World Trade Organisation, article 1

⁷⁸ The week following our departure, Sidi Ahmed was insulted, threatened, and questioned by the head of section of Phosboucraa about the talks he held with us.

⁷⁹ *International Covenant* on the economic, social, and cultural rights adopted on 16th December 1966 by the UN General assembly, article 7.

⁸⁰ In the nineties, the INI, National Institute of Spanish Industries, changes its name to SEPI.

Nevertheless, it transpires that the 2 companies back up one another.

1- The value of the phosphates

Morocco holds $\frac{3}{4}$ of the world reserves in phosphates, it is also ranks 1st in the world as far as exports are concerned, and 3rd as producer after the US and Russia. Thus, the mining sector is key to the Moroccan economy: it brings in 30% of the value of the income from the exports, and employs over 60 000 persons.

The exploitation of the phosphates is a state monopoly represented by the OCP, the Office Chérifien des Phosphates, founded in 1920.

The OCP is active in the sector of the phosphates and its by-products, starting with the extraction of the ore straight to its commercialisation as unrefined product, or as a transformed product as phosphoric acid and phosphate fertilisers.

The production plants are located in Khouribga, Benguerir/Yousoufia, Bou Craa/Laayoune for the mining activity, and Safi and Jorf Lasfar for the chemical activity⁸¹. With over 26 000 agents, the group is present with 30% of the value of the exports, i.e. the equivalent of US\$1,5 billion per annum, and 2 to 3% of the Moroccan GDP.

The estimate of the reserves taken care of at Bou Craa are said to represent 2 billion tons, accounting for 2 to 3% of Morocco's entire reserves in phosphates.

Nevertheless, Bou Craa phosphates represent a crucial interest since uranium can be extracted from it⁸².

On the other hand, over the past 3 years, the Moroccan group consolidated the extraction and transformation facilities of the Bou Craa mine⁸³.

Since October 2000, a new mine is in exploitation. According to the information gathered by the mission, the phosphates of mine E are of very good quality, and are exploited in the open air, day and night. Two draglines are used for the extraction, of a value of 2 millions euros each. From the size of the investment, the value of the mine can be deducted.

Bou Craa phosphates are transported to the processing plant of Laayoune harbour by a conveyor belt of over 100kms long that can carry 2000 tons at the speed of 16 km per hour.

The product of the mine is transported to Morocco, or exported towards Belgium, Holland, Spain, France, Australia, Japan, and Pakistan.

According to Moroccan statistics for the year 1999, the Phosboucraa company had 2196 employees, for a production capacity of 4,5 million tons of exploitation, and a volume of production since 1997 of 100 000 tons⁸⁴.

On the mining site today, it is said that there are less than 2000 agents of the OCP, amongst whom 200 Saharawis. They do not have access to management posts, nor to posts in the areas of production control.

From all the testimonies collected by the mission emerges the picture of the sidelining of the Saharawi personnel from a site which remains highly strategic, and which is controlled by the military police, and the Moroccan security services.

The mission could not get near the mine, and in this area as in others, the lack of transparency does not come from the legitimate need for a company to protect its interests.

In all economic areas concerned, there is an opacity which does not quite hide the degree of corruption and the complicity between the economic and the political spheres. This is why no body wished to be mentioned in relation with purely economic data.

2- The interests of the OCP

There are 2 trade unions present in Bou Craa: the confederation of the OCP, and the Democratic Confederation of Labour.

⁸¹ Apart from Bou Craa et Laayoune, the other sites are located in Morocco.

⁸² According to the report of the 4th parliamentary session of 1997/1998, Belgium imported 5% of its uranium from Morocco, in effect as phosphates extracted from Western Sahara and treated afterwards.

⁸³ Lettre du Maroc, April 1999, interview with Mourad Chérif, General Manager of the OCP.

⁸⁴ Information available at www.mcinet.gov.ma/dpci/LAAYOUNE/PEPINIERES.htm

These trade unions do not have offices on the mining site, but in Laayoune. There were asked, as others, to handle the case of the Saharawi workers, but nothing came of it.

In 1999, the Phosboucraa company makes an offer to the former Saharawi workers so that they should stop fighting to see their rights restored. The company offers 80 000 dirhams for an unqualified worker, 100 000 dirhams for a qualified worker, and 120 000 for a supervision and control agent⁸⁵. It is said that 200 to 250 workers accepted this offer which does not restore anybody in their rights since the sums concerned are very inferior to what they should be. Yet the social and economic precariousness that these workers endure along with their families probably did not leave them much of a choice.

3- The interests of the SEPI, the public Spanish company

Spain sits on the administrative council as shareholder with 35% of the shares since 1977- the Spanish Ministry of Industry is the line ministry of the Spanish Institute of National Industries.

The fact that it does not control the company does not exonerate it from its responsibilities since it does not ignore the denial of rights has been going on for the past 25 years.

All the Saharawi workers with whom we spoke repeated to us that they only acknowledged Spain's responsibility since it is the only contracting party ever since 1962. The former workers never signed any contract with the OCP.

The Madrid accords are nil at an international level because an administering power cannot transfer even temporarily the control of a non autonomous territory to another state. Does it have any more rights in disposing of the natural resources of a non autonomous territory? The fact is that Spain did just that with the economic frame-work accords of the Madrid accords.

Today, the Spanish company FORET is the most ancient client of the Bou Craa mine. Between 4th February and 18th September 1999, it imported over 500 000 tons of phosphates. As for the US company PCS, over the same period, it imported 850 000 tons⁸⁶.

The UN Legal Department opinion considered in January 2002 that the will and the interests of the Saharawis were the only limits to the exploitation of natural resources in Western Sahara, whatever state and status it may have be on its territory⁸⁷.

Spain did not bother about such limits, and one may even question its interpretation of the beneficiaries of the protocol that guarantees the acquired rights of the Phosboucraa workers.

Did the protocol extend to all the workers as mentioned, did it include Spanish and Saharawis alike? The Saharawi workers never doubted that this was the case, but Spain never did one thing to restore them in their rights, and to this day, continues to refuse to take any responsibility for this denial of their rights.

⁸⁵ According to the exchange rate in use on 29th October 2002, these sums are respectively equivalent to 7 798 euros, 9 747 euros, and 11 697 euros.

⁸⁶ See joined document #3

⁸⁷ *The legality of the exploration contracts of natural resources in Western Sahara*, www.france-libertes.fr in "Réflexions et échanges".

II- The respect of the interests of the Saharawis in the exploitation of the marine resources, as well as salt and sand resources.

Morocco is an important producer of fish. It ranks 1st in Africa, 25th in the world, and is 1st for the fishing and exportation of sardines.

The sea resources of the 1200kms long Atlantic coast of Western Sahara are essential to Moroccan economy⁸⁸

A- Laayoune and Boujdour

1- The fishing sector

The fishing sector is essential to the economy of the Laayoune-Boujdour⁸⁹ region which has 400kms of coast, and benefits from the warm currents that make this coast famous around the world.

The most important fishing fleet for coastal fishing is in Laayoune (Western Sahara) and Tarfaya (Southern Morocco) harbours. Laayoune harbour is the first Moroccan harbour for the volume of fish catches, mainly from deep sea fishing, with 94% of the catches in 2000.

The increase in the volume of the catches is due to the important number of fishing boats of Laayoune harbour.

Traditional fishing is the second most important activity in Laayoune, with 358 registered boats.

Yet, part of this fishing evades all controls and statistics because important quantities of fish are sold clandestinely.

On the other hand, the proliferation of selling points along the coast in Enailila, M'Kriou, Edzira, Zbarat, and Tarouma is not followed by the installation of equipment and infrastructure, particularly for the distribution or the conservation of the products⁹⁰.

Deep sea fishing is the third activity in only this region. The lack of equipment slows down this activity contrary to what happens in the harbours of Agadir or Tan Tan (Southern Morocco).

The canning and freezing industries processed 359 000 tons of fish of a value of 409 million dirhams⁹¹.

Yet, according to the Delegation for the fishing industry, this figure is below expectations, and this is explained by the nature of the exploitation. There are 23 industrial units accounted for the year 2000, amongst which 8 units for fish flour and oil, 3 canning units, 8 freezing units, 4 ice production units, and 3 processing units for sea weeds.

For the year 2000, the fish flour and oil industries used 64,2% of the catches, the canning industry 15%, and the freezing industry 2%. The domestic consumption accounts for 9%.

On the other hand, the fishing industry and the sectors depending on it employ an important labour force estimated at 9000 workers for Laayoune harbour only.

Although we were forbidden access to Laayoune harbour, we were able to identify the foreign company IGLOFISH, as well as the OCENIC Laayoune, SYPOMES, SOMATRAPS, and AZAG companies.

What's more, a Spanish freezing company is settled in Boujdour, EL LEON DEL DESIERTO.

2- Salt

⁸⁸ *The stakes of sea resources in Western Sahara*, www.France-linertes.fr, in "Réflexions et échanges".

⁸⁹ See joined document #4

⁹⁰ Source: Statistics for the year 2000 of the Laayoune Region Delegation for the Fishing Industry.

⁹¹ The equivalent of 40 900 000 euros.

Important salt reserves can be found in the Séguiet El Hamra⁹². All along the coast north of Laayoune until the daïra Jamaa Ekhnir, there are the *sebkhas*⁹³ of Tislatin, Oum Rbah, and Tasfoulina.

There are also *sebkhas* along the southern coast, such as the *sebkha* of Foum El Oued.

The abundance of salt gives a considerable importance to this region, since it is the most important national reserve.

Nevertheless, the Delegation of Laayoune-Boujdour Energy and Mines is worried about the fact that the value of the income from the *sebkhas* is largely inferior to the volumes of production.

3- The sand

A few kilometres away from Laayoune, a company belonging to Hamdi Ould Errachid transports huge quantities of sand by trucks that are later exported via the harbour to the Canary Islands⁹⁴. In 1998, 76 630 tons of sand were exported to Spain.

The mission was able to notice the intensity of the loading activity that carry on day and night. Sand is an important resource particularly for the building industry and public works sector.

The sand market is mainly supplied by the coast, and the exploitation happens with little control. Yet the coming scarcity of this resource is a serious damage to the environment.

If the levelling out of the sand hills line carry on, this will bring about eventually the impoverishment of the ⁹⁵farming lands and of the coast.

B- Dakhla

1- The octopus

The fishing sector employs 250 000 persons in Western Sahara mainly in Dakhla, without taking into account seasonal workers.

The town has a big sardine fishing harbour, and over 80 industrial units for cephalopods⁹⁶.

The whole area is particularly rich in octopuses, the superior quality of which makes them primarily suitable for the Spanish and Japanese markets.

Yet the species are fragile, and the conservation of the stocks, which have seriously diminished as far as the cephalopods are concerned, was one of the arguments used by Morocco when it decided not to renew the fishing agreement that bound it to the European Union.

What emerges mainly is that the interests of the Moroccan deep sea fishing industry close to the Monarchy and to the army, could not afford anymore the Spanish competition on the lucrative market of the octopus⁹⁷.

According to our information, a fisherman can earn up to 5000 dirhams for a period of 15 days work.

The mission was also able to see for itself the proliferation of companies specialised in octopuses, while at the same time the periods of biological rest a little if not respected at all. On 15th November, the fishing season stars for the octopus, but at that date, the animal is still too young for reproduction.

If the exploitation of the octopus carries on, the species will become extinct. Yet the competition is rough, and the prevailing interests are not environmental. Hence the fact that in 2002, 5 freezing companies went into bankruptcy.

2- Those of are responsible for the economic plunder of Western Sahara

The persons with whom the delegation met confirmed the information reported in the Moroccan press according to which the natural resources of Western Sahara are hijacked by several individuals occupying political and/or military posts, for their own personal benefits.

⁹² See joined document #5

⁹³ Salty lakes

⁹⁴ *Le Matin du Sahara*, 11th July 2002

⁹⁵ *Le Matin du Sahara*, 5th November 2002

⁹⁶ *Maroc Hebdo International*, 29th March-4th April 2002

⁹⁷ *A quoi sert une politique communautaire de la pêche ?* Christian Lequesne, article published in the European Union publication *L'Europe bleue*, January 2001.

There are at least 82 freezing companies⁹⁸, most of which belong to foreign investors from Spain, France, Germany, and Japan.

DIPROMER is the most important company in Africa, and it is said to have as one of its shareholder, former Minister of Interior Driss Basri. Its exports go to Spain, Germany, Japan, Italy, and Egypt. SEPOMER⁹⁹, a subsidiary of DIPROMER, belongs to Brahim Hammad, and to the Moroccan Minister of Finances and Economy, Mr Kabêche. DAKMAR is said to belong to a DST agent, a certain Joumani El Hamoudi. DERMO GENERAL is said to belong to General Mnaouare.

It is said that the former president of the Laayoune-Boujdour region, Braika Zeroulai, is said to own nearly 20 fishing boats and fishing licences.

A Mauritanian known as Ould Nouigat is said to be associated in the fishing sector to Hassan Derhem¹⁰⁰, a parliamentarian.

On the other hand, those that are called the “Lords of the Sahara” are General Beslimane, Benani, Mnaouare, Kacimi, and Khadiri¹⁰¹. Apart from the fact that they have huge investments in the economy of Western Sahara which they have portioned out, it is said that they are also implicated in the illegal exploitation of fishing licences and boats¹⁰².

For instance, the KB Fish company in Dakhla, which benefits of 4 fishing licences and boats, is said to belong to the Generals Hosni Benslimane and Abdelhak Kadiri¹⁰³.

On 19th August 2001, the new harbour in Dakhla was inaugurated¹⁰⁴. Since then, the new industrial area of the harbour has exclusively handled the sole industrial activities of General Khatry, a notorious torturer according to the testimonies we collected.

Contrary to a cliché according to which nothing grows in the Sahara, the region of Dakhla is extremely fertile. Hence the king of Morocco owns a property located at 13kms from Argoub, where the land produces bananas, and excellent tomatoes, all exported abroad.

C- The interests of the Saharawis

1- A socio-economic marginalisation

Western Sahara is almost only populated along the coast. Thus Argoub, Bir Gandouz, Tichla, Aoussert, Bir enzarane, Rguibat Mfoula, Mijjik, Mlilli and other localities in the vicinity of Dakhla are empty and inhabited since the beginning of the conflict.

Morocco pretended these localities were inhabited in order to encourage the Moroccans to come and settle there, while offering them housing and work.

What’s more, on the road to Smara, we saw many housing complexes completely empty, right next to the road.

Dakhla is a military zone situated more or less at 250kms from the military wall¹⁰⁵. This is why today very few Saharawis nomadise, all the more so that land mines get displaced by the wind

⁹⁸ See joined document #6

⁹⁹ This company fired the President of the Sahara Section of the Moroccan Truth and Justice Forum without any procedure.

¹⁰⁰ Hassan Derhem is the main shareholder of the CCID, a big company specialised in the fishing industry. A branch of CCID, called Derhem Seafood is about to associate itself to a big Spanish company Oro Seafood, and would open facilities in Laayoune.

¹⁰¹ In July 2002, *Essafya* warned that the interests of the generals could lead to the extinction of the octopuses.

¹⁰² *Demain-Magazine*, July 2001.

¹⁰³ Hosni Benslimane heads the Royal military police, and Abdelhak Kadiri heads the military intelligence services.

¹⁰⁴ *Le Matin du Sahara*, 22nd August 2002

And cannot be identified before hand. This is one of the consequences of the conflict, since what used to be a nomadic people got settled by force, in total violation of its socio-economical and cultural rights.

At the same time, Western Sahara lacks medical and social infrastructures. For economic reasons, the access to tertiary education is largely blocked by the absence of any university in the territory and in southern Morocco.

At least 2/3 of the population has no job, whereas it is said that 15 to 20% of the population holds public employment in the context of the National Promotion.

As an example, the monthly rent of an ordinary house amounts to 800 dirhams per months.

2- Clandestine emigration

In such a context, the candidates to clandestine emigration are many. They are not just young unmarried persons, but also parents with young children.

The boats are made in Dakhla, then transported to Tarfaya (southern Morocco) by trucks, as we were able to see. Given the number of roadblocks and controls, there is no doubt that this traffic benefits from the complicity of the Moroccan authorities of the military police. Every month, at least 2 Saharawi persons try to escape from the territory in this way.

For the year 2002, at least 41 Saharawis from Dakhla emigrated in this way to Spain, amongst them many mothers with children.

15 of them are presently held in a retention centre in the Canary Islands, amongst whom the following persons:

- EJEKANI ELHASAN
- ELMOUWI MOHAMED
- ENASIRI CHIEKH
- ENASIRI KRAIMA
- ELKENTAWI HAMOUD
- ESALAMI EBOKAM
- ESALAMI EZAAR
- ELBOUKHARI EMIN
- ELBOUKHARI ANDALAH
- AHMED LARACHI
- FARERA ENAGEM
- EDAH SOEIDI
- ELWALI MRABI

A person who wishes to remain anonymous testified on such a journey. In April 2001, he/she decided to try his/her luck along with other persons. The smuggler took the equivalent of 400 euros. He/she left from Amgraoui, near Tarfaya.

On their way, they saw military policemen in a jeep who let them pass, although they were many and the boats were on the cars.

They then travelled on dirt roads in order to avoid the roadblocks of Laayoune. They waited until 02:00AM, then took their boats.

The person arrived 3 days later in Las Palmas harbour, having had a narrow escape from drowning¹⁰⁶.

If he/she returned to Western Sahara, he/she would be sentenced to 6 months imprisonment.

¹⁰⁵ In 1982, Morocco build a 1500kms long military wall, in order to stop the movements of the Polisario Front army. This area is one of most densely mined zone in the world.

¹⁰⁶ According to *Le Journal Hebdomadaire*, 23rd-29th November 2002, between 4000 and 8000 persons have died in the waters of Western Sahara, Morocco, and Spain since the early nineties.

3- Conclusion

The plunder of the natural resources of Western Sahara also targets water. We had many testimonies putting in question the quality of the water in Laayoune, which would be hazardous due to the bad management of the society in charge of the treatment of the water.

On the other hand, thousands of people do not have access to water. A Moroccan publication¹⁰⁷ attributes the responsibility for this to the President of Laayoune Municipal Council, namely Khalli Henna Ould Errachid. This person is said to hijack everyday from 05:00PM until 09:00PM the water of the town so as to care for the needs of his “palace”. The political officials for the region at least, are said to know about the hijack of a resource necessary for the common good.

Who benefits from the state of plunder of the natural resources? Certainly not the Saharawis, as we saw. It does not benefit either the Moroccan people, mainly the seasonal fishermen who come and settle for entire months in squalid shanty towns along the coast so as to catch octopuses.

We have not seen the new fishing villages announced by the Moroccan authorities, that were conceived as one of the measures aiming at modernising the fishing sector.

But we saw for ourselves an “economic state of exception” contrary to the permanent principle of sovereignty of a non-autonomous people over its natural resources¹⁰⁸.

As long as Morocco will allow such an economic and political state of affairs in Western

¹⁰⁷ *Le Matin*, Arabic speaking daily, 1st November 2002.

¹⁰⁸ UN Charter, article 73.

4- Recommendations

The Fondation France Libertés and the AFASPA are recommending that the Moroccan authorities should act in order:

- To put an end to all the forms of harassment of which the members of the Sahara section of the Moroccan Truth and Justice Forum have been victim. On the contrary, to facilitate the work of this association on the compilation of the list of all the victims of forced disappearance in Western Sahara.
- To establish the truth on the circumstances surrounding all the cases of forced disappearances, and on the places where the remains of the victims can be found.
- To put an end to the impunity of all the torturers, some of whom still come across their former victims on a daily basis, to bring them to justice, and to insure that all the victims obtain compensations.

The Fondation France Libertés and the AFASPA re-iterate their demand that the Moroccan authorities should allow them to visit the Saharawi detainees in the prison of Laayoune.

The Fondation France Libertés and the AFASPA also demand that the Moroccan authorities should act in order:

- To put an end to the violations of the civil and political rights, and of the socio-economic rights of the Saharawis, in accordance with all the international items of legislation ratified by the kingdom, and the United Nations Charter.
- To put an end to the plunder of the natural resources that benefit only a few individuals, to insure the protection of these resources, and to insure the socio-economic development of the Saharawi people.

The Fondation France Libertés and the AFASPA are recommending that Spanish authorities should act in order:

- To re-instate in their rights the former Saharawi workers and to compensate them in an equitable way since the Spanish state is a shareholders of the Phosboucraa company.
- To investigate all the systematic and arbitrary practices that were recounted to us on the mining site of Bou Craa.
- To compensate the Saharawis and their families who suffered gross violations of human rights between 1975 and 1976 while the presence of Spain was effective in the territory.
- To facilitate the arrival of the Saharawis who ask for protection to Spain, and to facilitate the arrival of the Saharawi refugees in accordance with the status of Spain as the *de jure* administering power in Western Sahara.

The Fondation France Libertés and the AFASPA demand that the Polisario Front should act in order:

- To free all the Moroccan Prisoners of War, in accordance with International Humanitarian Law.

The Fondation France Libertés and the AFASPA recommend that the European Union should act in order:

- To strictly respect international law, including in its economic relations with Morocco and the non-autonomous territory of Western Sahara.

- To intervene urgently so as to have the persons who met with the Ad'Hoc Delegation of the European Parliament during its visit to Western Sahara, be re-instated in their rights, as they fell victim to arbitrary sanctions imposed by the Moroccan authorities.

The Fondation France Libertés and the AFASPA recommend that the various special *rapporteurs* of the United Nations should act in order:

- To travel to Western Sahara so as to see for themselves the violations of Human Rights.

The Fondation France Libertés and the AFASPA call on the United Nations to:

- Give themselves the means to enforce the respect of the fundamental rights of the Saharawi people, and first and foremost, its right to self-determination in accordance with Resolution 1514¹⁰⁹.

- Make sure that the MINURSO¹¹⁰ that is present in Western Sahara, effectively guarantees the safety of the civilian population and resumes its activity towards holding of the referendum of self-determination for the Saharawi people.

¹⁰⁹ Adopted on 14th December 1960 by the General Assembly of the United Nations

¹¹⁰ MINURSO : Mission des Nations Unies pour un Référendum au Sahara Occidental

5- Joined documents

Remark: All the information presented on the following pages are excerpts from official documents that are not public but were handed to us during our mission.

Joined document #1

Sample of the Phosboucraa workers who were downgraded in the labour scale after May 1977.

Noms	N°	Grades au 30/09/76	Grades après mai 1977
Abdala Beljer Ahmed Salec	5833	III	III
Abdati Mohamed	5176	IV bis	II
Abdela Mohamed Badinia	5929	III	III
Abdela Mohamed Mequi	6062	III	III
Abdelah Brahim	5031	VI	VI
Abderrahman Heiba Buyem	5219	IV bis	IV
Abdesamed Labeid Brahim	5567	III	III
Abdeslam Brahim Ahmed	5521	IV bis	IV
Afeluat Ahmed Mulud	5907	IV bis	IV
Ahmed Ali Salem Mohamed	5899	III	III
Ahmed Azman Mohamed	6064	III	III
Ahmed Mesud Suilem	5781	III	IV
Ahmed Mohamed	5672	III	II
Ahmed Salem	5038	IV bis	IV
Ahmed Sid Ahmed Musa	5988	IV	III
Ahmed Zuber Sid Ahmed	490	IV bis	IV
Ali Mohamed Guezan	442	III	III
Aomar Mohamed Bachir	5969	III	VI
Aulad Sidi Abdrahman	5333	IV	III
Bachié Embarec Furih	5759	III	II
Brahim Embarec Mohamed	5859	IV	IV
Brahim Mbarec Ayad	477	V	IV
Brahim Mouloud	5981	IV bis	IV
Buyéma Eluali Salec	426	V	IV
Buyemaa Ahmed Ali	5273	V	IV
Buyemaa Ahmed Mohamed	5900	III	II
Buyemaa Mbiric	5295	IV	III
Embarec Barca Yahdih	5914	III	II
Embarec Mohamed Abdela	6013	IV	III
Embarec Mohamed Fadel	5757	III	II
Hamadi Baba Hach	5353	III	II
Hamdi Nayem Nfaa	5246	IV	IV
Hameido Sidahmed	491	V	IV
Hamudi Mohamed Fadel	5438	IV	III
Hanafi Aomar Lahsen	5931	III	III
Hdda Amin Mbarec Ayad	6055	III	III
Hossei Brahim Said	5959	III	III
Ismail Mohamed El Uali	5763	VI	VI
Jadir Sid Mohamed	5170	VI	V
Jalifa Hadif	5277	III	III
Jatri Brahim Dris	5627	III	II
Laabd Suidi Hosein	5743	III	III
Lahbib Ahmed Mohamed	5985	IV bis	III
Lahbib Bachir	5938	IV bis	IV

Lahbib Jalifa Lefkir	6018	III	IV
Lahsen Mohamed	5272	IV bis	IV
Larosi Matala	5143	VI	VI
Laroso Aomar	496	V	III
Lehbib Mohamed Chej Laros	5804	III	III
Limam Mohamed Telmidi	5543	IV bis	IV
Maelainin Brahim Salem	5395	IV	III
Mami Isa Ali	5620	IV bis	IV
Mami ould Mohamed	96	IV bis	IV
Mbarec Mohamed	5146	III	III
Mhamed Aomar	5078	IV	V
Mohamad I. Hamma Azman	5705	IV bis	IV
Mohamadu Nayem Benyara	5547	IV bis	IV
Mohamed Abdella	5122	IV bis	III
Mohamed Ahmed Hammada	6056	III	III
Mohamed Ali Lahbib	5645	IV bis	III
Mohamed Ali Salem	5174	V	IV
Mohamed Bacay Mohamed	5345	IV	IV
Mohamed Brahim	5275	VI	III
Mohamed Cherif Ahmed	5878	IV bis	III
Mohamed Embaec	5790	III	II
Mohamed Fadel Souidi	55056	VI	IV
Mohamed Lamin	5026	VI	V
Mohamed Lamin Abdeluadud	5922	III	II
Mohamed Lamin Aberrahman	5426	IV bis	VI
Mohamed Lamin Hasanna	5457	III	II
Mohamed Lamin Maelainin	5392	VI	VI
Mohamed Mbarec Hosein	495	VI	VI
Mohamed Mohamed Mouloud	5292	III bis	III
Mohamed Mohamed Salma	5932	III	IV
Mohamed Said Mohamed	6009	IV	IV
Mohamed Salah Mohamed	5664	III	III
Mohamed Saleh Hosein	5343	VI	III
Mohamed Salem Abdelkrim	5173	IV	IV
Mohamed Salem Ramdan	5072	VI	V
Mohamed Yahadi Maatala	5955	III	III
Moilid Yuduf Embarec	5439	IV	III
Mostafa Embarec Rahal	6058	III	III
Mrabi ould Mohamed	341	VII	IV
Nayem Hamma	5130	VI	V
Nayem Hosein Larosi	5440	IV	IV
Ramdan Mohamed Mustafa	5425	IV bis	IV
Said Labras Ahmed	5376	IV	III
Saidi	5818	V	V
Salama Mohamed	5339	III	IV
Salec Abdelmati Abdula	5731	III	III
Salec Bachir Mohamed	5054	V	VI
Sid Ahmed Abdelah Sidi	5436	III	III
Sid Ahmed Ahmed Amhaimid	5870	IV bis	III
Sid Ahmed Salec Brahim	5453	IV bis	IV
Sid Enhmed Mulud	5855	III	III
Sidahmed Mohamed Ali	5061	V	IV

Sidati Maelanin	5283	III bis	III
Sidi Ahmed Lahsen	5718	III	II
Sleimanould Deich	430	V	IV
Uleida Sid Ahmed Hamudi	5864	III	IV
Yacobould Boira	474	VI	V
Yahadi Alisalem Mohamed	5956	IV bis	III

Joined document #2

Comparative elements pertaining to the differences in salaries, labour scales and work groups between the Spanish and the Saharawi employees.

Spanish workers

Noms	Catégories	Dates d'entrée	Salaires mensuels en 1975	Groupes	Niv.	Salaires annuels en 1994	Groupes	Niv.
Arencibia Jose	Chef d'équipe TAMCA	06/11/74	25.400 pts	VIII	1	396.100 dhs	XI	1
Grejalva Diaz	Employé de grande catégorie	04/06/75	23.100 pts	VII	1	362.510 dhs	VIII	1
Fleitas Dominguez	Employé de petite catégorie	14/08/75	14.800 pts	IV	1	308.570 dhs	VII	1
Prendes Fernandez	Chef de chantier	08/05/73	43.230 pts	XI	2	357.840 dhs	Ingénieur	3

Saharawi workers

Noms	Catégories	Dates d'entrée	Salaires mensuels en 1975	Groupes	Niv.	Salaires annuels en 1994
Sidi Moh. Ramdan Ahlelouali	Chef d'équipe TAMCA	30/03/65	31.020 pts	VIII	1	63.720 dhs
Sidi Mahmud Moh Lahklifi	Employé de grande catégorie	19/08/71	24.370 pts	VII	1	86.784 dhs
Mohamad du Nayem (Bnejara)	Employé de petite catégorie	17/05/74	14.820 pts	IV	2	69.960 dhs
Sidi Mhamed Meled Cherkaoui	Employé de petite catégorie	15/04/75	12.570 pts	IV	1	50.288 dhs
Mohamed Moh. Laaroussi	Ouvrier	01/04/62	17.430 pts	III	5	7.080 dhs

Remark : Between 1975 and 1995, these Saharawi workers did not benefit from any upgrading of their status either in terms of their groups or levels, and this is why it not mentioned here.

Joined document #3

Statistics from the Regional Delegation for Energy and Mines relative to the Phosboucraa company.

EXPLOITATION	1996	1997	1998	1999	2000
<i>Extraction</i>	1 318 211	1 691 979	2 051 723	1 847 175	2 210 146
<i>Production commerciale</i>	1 277 485	1 860 923	1 990 790	2 035 522	2 224 042
<i>Production brute</i>	1 332 744	1 759 607	2 043 252	1 902 482	2 196 943
<i>Phosphates traités</i>	1 277 485	1 860 923	1 990 790	2 035 522	2 224 042
<i>Ventes</i>	1 306 242	1 733 923	1 795 920	2 271 093	2 059 050

RESSOURCES HUMAINES	1996	1997	1998	1999	2000
<i>Nombre d'employés</i>	2194	2128	2113	2038	1999
<i>Ouvriers techniciens</i>	1722	1658	1656	1599	1567
<i>Agents de surveillance</i>	432	431	424	399	393
<i>Cadres administratif et hors cadre</i>	40	39	37	41	39

Joined document #3 (continued)

Quality of the Phosboucraa phosphates loaded at the harbour over the period starting on 18th September 1998 until 4th February 1999.

DESTINATION	CLIENTS	CHLORE SOLUBLE	HUMIDITE
ESPAGNE	FORET	250 270	1,5
JAPON	ZEN NOH	250 270	1,5
NOUVELLE-ZELANDE	RAVENSDOWN	230 280	1,5-1,7
POLOGNE	CIECH	480	2
CROATIE	PETROKEMILA	380	1,5-1,7
NOUVELLE-ZELANDE	BOP	300	1,5-1,7
INDE	GSFC	230	2
THAÏLANDE	NFY	230	1,5
VENEZUELA	TRIPOLIVEN	180	1,5
	CSBP INCITEC PIVOT	230 280	1,5-1,7
AUSTRALIE			
ETATS-UNIS	PCS	-	2,05-2,75
	CEBRA FERTIL ISUSA	230	2
BRESIL			
	PFI (INDRAGO) CING (INDRAGO) SYNEL	380	1,5-1,7
GRECE			

Joined document #4

Statistics for the year 2000 from the Laayoune-Boujdour Delegation for the Fishing Industry.

TYPE DE PECHE	ESPECES PECHEES	NOMBRE D'UNITES	TOTAL DES UNITES	TONNAGES
Pêche hauturière	Poissons pélagiques	4	4	880 000
Pêche côtière	sardine	24 13 5	42	2 484 449
Pêche traditionnelle		358	358	50 120
Totaux		404	404	3 865 649

TYPE D'ACTIVITE	NOMBRE DE SOCIETES	NOMBRE DE POSTES
Marins pêcheurs		7486
Industries marines	16	1132
Ramassage des algues	3	665
Congélation	4	72
Essence et carburants	4	20
Réparation mécanique	1	4
Réparation des barques	1	2
Commerce de poissons	4	72
Approvisionnement en carburant	4	20
Procuration économique	9	25
Total		9498

Annexe 5

Statistics for the year 2000 of the Regional Delegation for Energy and Mines relative to the production of salt.

INDICES	1996	1997	1998	1999	2000
<i>Extraction du sel brut (en tonnes)</i>	7800	4800	6000	1400	7200
<i>Valeur de la production (en dirhams)</i>	546 000	336 000	420 000	98 000	504 000
<i>Quantité vendue localement(*) (en tonnes)</i>	7 800	4 800	6 000	1 400	7 200
<i>Valeur des ventes locales (en dirhams)</i>	546 000	336 000	420 000	98 000	504 000

(*) Maroc et Sahara Occidental.

Annexe 6

Freezing companies for the fishing industry established in Dakhla and/or Laayoune and Boujdour.

- AFRO PESCA
- CONGEDARE
- CONGEL BABA
- CONGEL DAK
- COSA PECHE
- DAKINTER
- DAKMAR
- DAKNAVE
- DERMO GENERAL
- DIPROMER
- FERTIMAR
- FRATER B PESCA
- FRIGO ADNANE.
- FRIGO BNISSI
- FRIGO CHORFA
- FRIGO KHALLIGE
- FRIGO MANAL
- FRIGO MASSIRA
- FRIGO SMOKO
- FRIGO TAN TAN
- FRIOCONDAL
- GOLD SEA FISH
- GPL
- IFRI FRIGO
- INDISMAR
- JOUMAD FRIGO
- KACEM PECHE
- KB FISH
- MARCOMAR
- MELLAL PECHE
- OCEANO FISH
- PESCADOS DAKHLA
- PESCOBE MORO
- RIO EXPORT
- RIO GLACE
- SAGINE HAMRA
- SARGA FRIGO
- SERCODA
- SOCIETE OCEMIC LAAYOUNE
- SOCIETE RIJAL SAKIA EL HAMRA
- SOTRAGEL
- SOTRANOS
- SOUZA COPA
- TECHNA PECHE

TABLE OF CONTENT

FIRST PART :

FROM DENIAL OF INTERNATIONAL HUMANITARIAN LAW TO THE DENIAL OF HUMAN RIGHTS.

I- The occupation of Western Sahara and the protection of civil population	5
A-The opposability of International Humanitarian law	5
1- To Spain.....	5
2- To Morocco	6
B-...and the facts	6
1- “Attacks against life and physical integrity(...) [are prohibited]”	7
2- “(...) in particular murder under all possible forms (...) [is prohibited]”	7
3- “Any person who is legitimately suspected, as an individual, of harming the security of the occupying power is treated with humanity (...)”	8
4- “(...) [any person] is treated with humanity, and if brought to justice, has the right to an equitable trial”. 9	
5- “Mutilations, cruel treatments, tortures and inflicted pains (...) [are prohibited].....	10
6- “(...) pregnant women will be the focus of special protection and respect.”	11
7- “No physical or moral constraint may be exercised towards protected people, particularly to obtain from them, or third party, information.”	12
8- “The detention or house arrest of protected people can only be ordered if the security of the Power in the control of which these persons are, makes it absolutely necessary.”	12
9- “The death of any detainee shall be assessed by a medical doctor, and a certificate stating the causes of death and the conditions in which it occurred shall be established.”	13
10- “The protected people living in an occupied territory shall under no circumstances be deprived of the benefits of the present Convention, (...) as a result of the invasion (...) of either part or the totality of the occupied territory.”	14
II- The annexation of Western Sahara and the respect of Human Rights	15
A- The status of political and civil rights.....	15
1- “None shall be submitted to any torture, pain, nor any cruel, inhuman or degrading treatments.”	15
2- “Each individual has the right to freedom and to enjoy personal safety. Nobody can be the object of either arbitrary arrest or detention (...)”	15
3- “(...) each individual placed under arrest shall be informed , at the time of arrest, of the reasons behind this arrest (...)”	16
4- “Each individual arrested or detained on penal charges will be presented to a judge in a court of law within the shortest delay.”	16

5- “ (...)each individual has the right to a public and equitable hearing in a court of law.”	18
6- “States commit themselves to insure that any person whose rights and freedoms as acknowledged in the present agreement have been violated, will have access to a useful appeals procedure, even if such violations were committed by people acting within the context of their official functions.”	19
B- The state of socio-economic rights	20
1- The association of unemployed Saharawis	20
2- Economic sanctions against freedom of association and expression	21
3- Conclusion	23

SECOND PART :

THE SOCIO-ECONOMIC SITUATION OF THE SAHARAWIS OR THE STATE OF PLUNDER OF NATURAL RESOURCES IN WESTERN SAHARA

I- The respect of the will of the Saharawi workers in the exploitation of phosphates	25
A- At the time of the transfer of direction of the Phosboucraa company to Morocco	26
1- The circumstances of the transfer	26
2- The consequences on the status of the Saharawi workers.....	26
2-1 <i>Acquired rights</i>	26
2-2 <i>Equality of treatment</i>	27
2-3 <i>Trade union freedom</i>	27
2-4 <i>Hygiene and safety on the work place</i>	28
B- During the joint exploitation the Bou Craa phosphates	28
1- The value of the phosphates	29
2- The interests of the OCP	29
3- The interests of the SEPI, the public Spanish company	30
II- The respect of the interests of the Saharawis in the exploitation of the marine resources, as well as salt and sand resources.	31
A- Laayoune and Boujdour.....	31
1- The fishing sector	31
2- Salt.....	31
3- The sand.....	32
B- Dakhla.....	32
1- The octopus	32

2- Those of are responsible for the economic plunder of Western Sahara	32
C- The interests of the Saharawis	33
1- A socio-economic marginalisation	33
2- Clandestine emigration	34
3- Conclusion	35
4- Recommendations	36
5- Joined documents	38

France Libertés

Fondation Danielle Mitterrand

France Libertés was founded by Danielle Mitterrand in 1986 from the merger of three human rights organisations. It is state-approved and has a consultative status with the United Nations ECOSOC.

France Libertés is at the core of a network of national and international relays of associations, individuals and collective partners, in France, Europe, Africa, the Middle East, Asia and South America.

France Libertés is committed to :

- denounce the violations of liberties and human rights
- support local initiatives that favour the right to justice, education, health, housing and land
- relay the voice of the “voiceless”.

France Libertés - Fondation Danielle Mitterrand

22 rue de Milan 75009 Paris - FRANCE

Tél : (33)1 53 25 10 40 Fax : (33)1 48 74 01 26

contact@france-libertes.fr

www.france-libertes.fr

AFASPA

Association Française d'Amitié et de Solidarité avec les Peuples d'Afrique

The AFASPA was founded in 1973, in the French context of a continuous struggle against colonialism. Its willingness to undertake actions fits within a tradition of solidarity with Africa.

Today, the AFASPA continues its actions towards peace in Africa and in the world, and towards the economic, social and cultural development of Africa. The AFASPA makes its voice heard on all the aspects relating to the life of African people, in all national and international institutions.

AFASPA

Association Française d'Amitié et de Solidarité avec les Peuples d'Afrique

Bourse du Travail - 13, rue P. & M. Curie - 93170 Bagnolet - FRANCE

Tél : (33)1 49 93 07 60

www.afaspa.org