

**PERIODIC REPORT OF THE SAHRAWI ARAB DEMOCRATIC
REPUBLIC TO THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES RIGHTS CONTAINING ALL THE
OUTSTANDING REPORTS IN ACCORDANCE
WITH ARTICLE 62 OF THE CHARTER**

October 2011

Table of Contents

Introduction.....	4
Part I: Data on the General Framework for the Promotion of Human Rights in the Sahrawi Republic in Accordance with the African Charter on Human and Peoples Rights.....	7
Chapter One: General Information About the Sahrawi Republic.....	7
i) The Region.....	7
ii) Population.....	7
iii) Language.....	7
iv) Economy.....	7
Chapter Two: The Process of Democratization in Western Sahara	8
Chapter Three: The Legal and Institutional Framework for the Promotion of Human Rights in the Sahrawi Republic.....	14
I. The Constitution	14
II. The Judiciary.....	20
III. The Bar	23
IV. The Constitutional Council.....	23
V. The Body in charge of the Promotion of Human Rights of Women	23
VI. Procedure for Appeal Against Violations of Rights and Freedoms	25
Part II: The Rights, Obligations and Liberties Guaranteed by the African Charter on Human and Peoples Rights.....	26
Chapter One: Civil and Political Rights (Articles 2 – 13 of the Charter)	26
1. Enjoyment of the Rights and Freedoms Guaranteed by the African Charter on Human and Peoples Rights (Article 2).....	26
2. Equality Before the Law (Article 3)	27
3. Individual Freedom (Article 4 of the Charter).....	28
4. The Right to Life and Physical and Psychological Safety (Articles 5 and 6 of the Charter)	29
5. The Right to Fair Trial (Article 7 of the Charter)	30
6. Freedom of Faith (Article 8 of the Charter)	31
7. The Right to Information and Freedom of Expression (Article 9 of the Charter)	32
8. Participation in the Public Life of the Country (Article 13 of the Charter)	34
Chapter Two: Economic, Social and Cultural Rights (Articles 14 – 18 of the Charter).....	37
1. The Right to Ownership (Article 14)	37

2. The Right to Work (Article 15 of the Charter).....	38
3. The Right to Health (Article 16 of the Charter)	38
4. The Right to Education (Article 17 of the Charter)	42
Chapter Three: Peoples Rights.....	45
1. Equality of People (Article 19 of the Charter)	45
2. Equality in Self-Determination (Article 20).....	46
3. The Right of the People to their National Resources (Article 21 and 22 of the Charter) ..	46
4. The Right to Peace and Security (Article 23).....	47
5. The Right to A Peaceful Environment Conducive to Development.....	48
6. The Right to Participate in the Cultural Life (Article 27.2).....	49
CHAPTER FOUR: OBLIGATIONS UNDER THE CHARTER (Articles 25 and 26)	50
1. Sensitization on the Charter (Article 25).....	50
2. Independence of the Judiciary (Article 26 of the Charter)	52
3. Obligations of All Towards Family and Individuals (Articles 27, 28 and 29 of the Charter)	53
Part III: Gross Violation of Human Rights by Morocco in the Occupied Western Sahara Territories	54
Chapter One: Political and Civil Rights.....	54
1. Morocco's Violations of Political and Civil Rights.....	54
2. Violation of the Right to Life and Physical and Personal Safety	57
a) Killings and Severe Torture	57
b) Abductions.....	58
c) Impunity and Unaccountability	60
d) Political Arrests.....	61
Political Trials and the Status of Sahrawi Political Prisoners in Moroccan Prisons	62
Political Trials.....	62
Conditions of Sahrawi Political Detainees in the Various Moroccan Prisons	64
1. Violation of the General Freedoms.....	65
Violation of the Right to Freedom of Association	65
2. Freedom of Expression and the Right to Peaceful Demonstration and Protest.....	66
a) Freedom of Movement	67
Chapter Two: Economic, Social and Cultural Rights.....	68

a) The Right to Work	69
b) The Right to Health	70
Deterioration of the Health Delivery Service	70
c) The Right to Education	71
d) Anti-personnel Mines	72

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Introduction

1. The Sahrawi Arab Republic occupies an important space in North West Africa. It is an African, Arab, Islamic state that forms an indivisible part of the Great Arab Maghreb. It is proud of its diverse cultural and civilization affiliations.
2. The Sahrawi people have made great sacrifices throughout their resistance and struggle for the exercise of their inalienable right to self-determination and independence just like all the other African peoples that gained their independence.
3. The Sahrawi Arab Republic believes in African unity as a primary objective as has been affirmed in the Preamble of the Sahrawi Constitution which stresses the importance of ensuring African Unity, establishment of a world where peace and security prevail based on strong international relations informed by cooperation, solidarity and mutual respect.
4. As a founding member of our Continental Organization, the African Union, the Sahrawi Republic upholds the noble values and principles enshrined in the African Charter on Human and Peoples Rights to which it adhered on 2 May 1986 and which represents a charter of shared ideals and values of the peoples of our continent.
5. This report reflects the Sahrawi State's commitment to the promotion of human and peoples rights and their harmonization with the provisions and contents of the African Charter on Human and Peoples Rights. When preparing this report, the Sahrawi Government has taken into account the directives and recommendations of the African Commission on Human and Peoples Rights as adopted by its 33rd Session held in Niamey, Niger by making fundamental amendments and several reforms affecting all walks of life in the Sahrawi Republic. Despite the challenges and compelling

circumstances (lack of experience and scarcity of financial resources) that impact negatively on the efforts deployed by the relevant institutions of the State concerned with the promotion of the provisions of the African Charter and despite Morocco's occupation of a large chunk of Western Sahara territory and its illegal exploitation of its natural resources, the Sahrawi State has responded to these contents for the development and prosperity of its people as well as promotion of human rights.

6. For the purpose of preparing this report, a media gathering was held on 24 March 2011 during which all participants were reminded of the obligation of the Sahrawi Republic to be submitting such reports.

7. On 16 October 2011, the Sahrawi Ministry of Foreign Affairs held a session to validate this report. All the Departments of the Ministries and Non-Governmental Organizations concerned participated in that session and made their inputs to the report.

The Participating Ministries

The Ministry of Foreign Affairs, Ministry of Justice, Ministry of Education, Ministry of Social Welfare, Ministry of Women's Affairs, Ministry of Youth and Sports, Ministry of Health and Ministry of Civil Service, Training and Employment.

Civil Society Organizations

The National Sahrawi Women's Association, the Sahrawi Youth Association, the Sahrawi Jurists Association, Physicians Association, the Journalists and Writers Association, Society of Guardians of Sahrawi Detainees and Missing Persons and the Sahrawi Bar Association.

8. The report of the Sahrawi Republic to the African Commission on Human and Peoples Rights is being submitted at a time:

- When Morocco continues to appropriate the right of the Sahrawi people to self-determination and independence through the organization of free and fair referendum supervised by the United Nations;
- When Kangaroo trials, torture, rape and forced disappearance of human rights activists in the occupied Sahrawi territories were happening and peaceful demonstrators are being dragged to the courts, including military tribunals and are being denied their civil political, social and cultural rights;
- When Morocco continues its illegal exploitation and systematic plunder of the mineral and marine resources of Western Sahara against the will of its people and in violation of international law;
- Amidst preliminary negotiations between the Polisario and Morocco under the auspices of the United Nations in the run-up to the fifth round of direct negotiations under the auspices of the Personal Envoy of the UN Secretary General in the Western Sahara, Ambassador Christopher Rose;
- Amidst interactive international debate within the UN Security Council and General Assembly and weighty demand by international organizations in the field of human rights for the creation of an international monitoring and reporting mechanism on the human rights situation in Western Sahara through the UN Mission for the Organization of Referendum in Western Sahara (MINURSO).

9. The Sahrawi Government avails itself of this opportunity to commend the African Commission on Human and Peoples Rights for its role in the promotion of human and peoples rights in our continent and it would like to express its willingness to always engage in dialogue and constructive cooperation with the Commission.

Part I: Data on the General Framework for the Promotion of Human Rights in the Sahrawi Republic in Accordance with the African Charter on Human and Peoples Rights

Chapter One: General Information About the Sahrawi Republic

i) The Region

10. The Sahrawi Arab Republic is situated in the North Western part of the African Continent. It is an African, Islamic and Arab Country with Arabic as its official language. It has an area of 288,000 square kilometres. It shares borders with Morocco to the north, Algeria to the east and Mauritania to the south.

ii) Population

11. There are no accurate statistics on the population of the Sahrawi Arab Democratic Republic due to the Moroccan occupation of a large portion of the Western Sahara since 1975. This has made it difficult to carry out a census of the entire Western Sahara population.

12. However, the population of the Sahrawi State in the liberated territories and Sahrawi refugee camps is estimated at 260,000.

iii) Language

13. Arabic is the official language of the country with Spanish as the second language. The majority of the Sahrawi people speak El-Hassaniyya language.

iv) Economy

14. In addition to the traditional economic resources such as livestock and agriculture in the lowlands, the inland areas along the Sahrawi coast are endowed with huge wealth which the Sahrawi people have so far not been able to exploit due to Morocco's

occupation of a large portion of Western Sahara (see economic data contained in the preliminary report of the Sahrawi State to the 33rd Session of the Commission).

15. The fishery resources (along the 1065 square kilometres Sahrawi coast) and phosphate mines in Bucraa (rich with uranium) are not the only natural resources in the region. There are strong indications that there are petrol, gas, iron and other mineral resources in that area.

16. The fishery and phosphate resources are under the Moroccan occupation which exploits these resources to perpetuate its policy of occupation and strengthen its army with more weapons along the military belt it has built towards the end of the 1980s in an area of more than 2,400 square kilometres. It has divided the Sahrawi people and land into two at a time when the Sahrawi people in the occupied cities are being marginalised and are suffering from poverty and discrimination in all walks of life.

Chapter Two: The Process of Democratization in Western Sahara

17. During its 56th Session, the UN General Assembly adopted a resolution in which it affirmed the right of the people of Western Sahara to freedom. By that, the international community for the 45th successive time declared without a shadow of a doubt that the issue of decolonisation of Western Sahara which involves two parties, namely, the Kingdom of Morocco and the Polisario could only be resolved by allowing the Sahrawi people to exercise their right to self-determination.

18. In fact, the conflict in Western Sahara which has been on the list of territories whose destiny has to be determined within the framework of Resolution 1514 (27) of the General Assembly as well as the Declaration on Granting the Colonised Nations their independence. We have already made reference to the political background of the conflict in Western Sahara in the Preliminary Report submitted by the Sahrawi Republic to the African Commission on Human and Peoples Rights during its Niamey Session in Niger in May 2003.

19. For its part, the UN Security Council which has never ceased to emphasise the need for just and lasting solution that guarantees self-determination for the Sahrawi people, reiterated through Resolution 1720 (2006), its determination to work towards reaching a just and negotiated solution that gives the people of Western Sahara that chance of self-determination.

20. On the other hand, it should be recalled that the General Assembly, based on the initiative of Morocco and Mauritania, referred the issue to the International Court of Justice which through a legal opinion issued on 16 October 1975, clearly acknowledged that “the elements and information at its disposal do not establish the existence of any regional sovereignty relationships between Western Sahara on the one hand, and the Kingdom of Morocco and the Mauritanian Entity on the other. Therefore, the Court did not establish any legal ties that could prevent the implementation of Resolution 1514 (15) of the UN General Assembly on the Decolonisation of Western Sahara, particularly implementation of the principle of self-determination through free and genuine expression of the will of the people of the region.

21. In like manner, the same opinion expressed by the UN Legal Adviser on 29 January 2002 at the request of the UN Security Council, has confirmed clearly that Morocco is not the administrative authority in the region. It also confirmed that the 1975 Madrid Agreements have not transferred sovereignty of the region to their signatories. Those agreements have not affected the status of the Western Sahara as a region that has not yet exercised its right to self-determination. “the Madrid Accord has not transferred sovereignty and has not given any of the signatory States the right to become the administrative authority of the region. This status was not given to Spain to be transferred unilaterally. The transfer of the administration of the region to Morocco and Mauritania in 1975 has not changed the status of Western Sahara as a region that has not gained independence.

22. In fact, the UN General Assembly, Security Council, International Court of Justice, and the Legal Section of the United Nations, have all clearly recognized that the

Western Sahara issue is one of decolonisation and that the solution calls for free expression of the will of its people.

23. It is natural, therefore, that efforts to resolve the Western Sahara issue are aimed at enabling the people of this region to seize the opportunity to determine their future through the organization of a referendum on self-determination in a free and fair manner.

24. The Settlement Plan proposed by the United Nations in tandem with the OAU and adopted by the two parties to the conflict, Morocco and the Polisario as well as the UN Security Council in its Resolutions 658 (1990) and 690 (1991), points to that direction. It calls for the implementation of a ceasefire and the organisation of a referendum on self-determination in January 1992 that is free and fair away from any forms of administrative and military pressures. Participation in such a referendum will be confined to the Sahrawi population registered during the 1974 census organised by Spain.

25. The, manoeuvres, rejection and drastic changes in Morocco's position have undermined the implementation of the Plan, culminating in the conclusion of the Huston Accords negotiated and signed by the two parties in September 1997 under the auspices of Mr. James Baker, the Personal Envoy of the UN Secretary General. Those accords provided the opportunity for the resolution of the outstanding problems and fixing of 8 December 1998 as the date for the referendum.

26. To-date, it is possible at any time, to operationalize this Plan if Morocco has the will for that. After frantic efforts, agreement was reached on practical amendments regarding the positioning of troops, return of refugees and organisation of electoral campaign for the referendum. In addition, the Identification Committee of the United Nations has approved the temporary voter list.

27. The other plan duped the Peace Plan for Self-Determination of the People of Western Sahara prepared by Mr. James Baker at the request of the UN Security

Council after Morocco ignored the Settlement Plan, and approved under the UN Security Council Resolution 1495 (2003), agrees in its contents with the Settlement Plan. It stipulates that after four to five years of self-government, a referendum open to Sahrawis and Moroccans residing in the region, should be conducted in December 1991.

28. In addition, as there have been only two options from the onset, joining Morocco or independence, to be decided upon through a referendum, Mr. Baker added a third option, self-governance under Moroccan sovereignty to provide more guarantees for the kingdom of Morocco and to encourage it to accept the Plan.

29. All these efforts were to no avail as Morocco rejected the Peace Plan like it did the Huston Settlement Accords it initially accepted and signed formally.

30. As stated earlier, since its endorsement of the UN /OAU Settlement Plan, Morocco has embarked on a fierce campaign aimed at stifling efforts of the UN Identification Committee which was seized with the preparation of the Sahrawi voters list in implementation of its mandate, by casting doubts consistently on the criteria for the identification of voters and by intimidating members of the Committee and increasing the number of its requests. It eventually succeeded in freezing the activities of the said Committee constantly.

31. James Baker, therefore, had stretched his imagination, through the Huston Accords, to revive the identification processes in addition to the determination and persistence shown by members of the Identification Committee to complete their work and release the temporary voter list by the end of 1999.

32. As the referendum becomes inevitable, with all the conditions having been completed, Morocco declared that the Settlement Plan could not be implemented.

33. Instead of forcing Morocco to stick to its commitments, the UN Security Council asked Mr. James Baker to look for a political solution that would guarantee self-determination for the people of Western Sahara.

34. Based on the conviction that Morocco's rejection of the Settlement Plan and the referendum within its context was due to its fears that the Sahrawi electorate would vote massively in favour of independence, Baker proposed in his Plan, the Peace Plan for Self-Determination by the people of Western Sahara, that the Electoral Board should be expanded so that voters in the approved referendum would include Moroccans resident in Western Sahara as at 31 December 1999.

35. However, Baker was surprised that Morocco rejected his Plan as well under the pretext that the referendum included the option of independence.

36. The UN Secretary General, Mr. James Baker and his successor confirmed before the UN Security Council that it would be unacceptable to hold the referendum on self-determination organised by the UN without the option of independence. However, this also was to no avail as Morocco continues to reject the Plan.

37. Analysing yet the reasons that made Morocco reject the various plans of the United Nations, Mr. James Baker disclosed to PBS Television that Morocco was getting more nervous whenever the referendum was approaching. He added that Moroccans were getting more nervous as they feared that they may lose the referendum. That was why when we managed to identify those who are eligible to vote, Morocco decided to go back on its acceptance of the Plan..

38. On the other hand, it is important to emphasize that UNHCR Mission to Western Sahara recommended in its report of 8 September 2006 that "as it has been emphasised in the various UN fora, the self-determination of the people of Western Sahara should be guaranteed and implemented without delay".

39. Since its rejection of the Plan in 2004, Morocco has not ceased to reiterate that it was not willing to accept any solution to the Western Sahara issue other than that which is implemented within the context of Morocco's sovereignty and territorial integrity, which is referred to by Morocco as self-government.

40. This Moroccan project which it regards as a major concession on its part and which disregards all the efforts made by the United Nations to date for the settlement of the conflict, represents another ploy on the part of Morocco. Its objective is to make the international community accept the status quo. In other words, to accept Morocco's sovereignty over a region that has never exercised its right to self-determination, in breach of international agreements and norms relating to decolonisation.

41. By doing so, Morocco is buying time to push the Sahrawi people into accepting its illegal occupation of the region.

42. But the unilateral illegal Moroccan project is bound to fail as it is based on miscalculation in that it proposes a dangerous unacceptable solution that overlooks the national aspirations of the entire people of Western Sahara.

43. The adoption of a position that considers Western Sahara a Moroccan district is a false premise as Morocco does not by virtue of international legitimacy have any sovereignty over Western Sahara. It is only the Sahrawi people who can determine their own legal status.

44. On the other hand, by declaring self-government status in Western Sahara as the only solution to the problem, Morocco is pre-judging the will of the Sahrawi people and narrowing the options from the onset, to only self-governance. It has, therefore, violated the sacred principle applied to a region that has so far not exercised its right to self-determination in accordance with Resolution 1514(15) and international conventions and norms. This is the principle of self-determination which allows the people of each region to express their will through free and fair referendum, including the option of independence.

45. The self-governance proposal is therefore not the solution and the oft repeated Moroccan proposal is not feasible as it was stillborn and out of sync with international legality.

46. Today, finding a solution to the Western Sahara issue, that is just fair and final based on international legality, is both necessary and possible. A solution is still possible, because with the political will the UN/AU Settlement Plan and the Self-Determination Peace Plan could form an appropriate and a decent framework for finding a solution to the conflict. The United Nations and the African Union which both have special responsibility towards the people of Western Sahara, including their protection and the preservation of their natural resources, should spare no efforts in ensuring justice and prevalence of international legality in Western Sahara in the final analysis, just as has been the case in other parts of the world.

47. At a time the composition of the United Nations is evolving towards becoming a cosmos that embraces nations of various sizes that have determined their final destiny through decolonisation, the Moroccan unilateral stance which negates the inalienable right of the people of Western Sahara to self-determination, should not be condoned.

Chapter Three: The Legal and Institutional Framework for the Promotion of Human Rights in the Sahrawi Republic

I. The Constitution

48. The Sahrawi Constitution underpins the strong will of the Sahrawi Republic to build constitutional and legal institutions within a republican framework based on democratic practices and principles of justice and equality as contained in the 2007 amended Constitution in line with the provisions of the African Charter.

49. Article 13 of the Constitution spells out the major objectives the Sahrawi people seek to achieve and which are reflected by the motto of the State that “the State derives its legality from the will of the people it serves”. Its motto is: “Freedom, Democracy, Unity”. The major objectives the Sahrawi State seeks to achieve, could be summed up thus:

- Freedom is the sacred collective demand of the Sahrawi people in their struggle for freedom from colonial and foreign domination;
- The democratic practice is the proper method of good governance chosen by the Sahrawi people for building their constitutional institutions and legal and judicial bodies;
- Unity means the unity of the Sahrawi people wherever they are, around the Polisario Front and within the context of the Sahrawi Republic in this phase of their struggle for the realisation of their legitimate aspirations for freedom and independence.

50. The Constitution is the supreme law that guarantees all their freedoms and rights contained therein. The Constitution also recognises the principle of separation of the three powers (the Executive, Legislative and Judiciary) in accordance with its Article 124.

51. The President of the Republic is the highest representative of the State who guarantees respect for the Constitution and is responsible for the preservation of the fundamental freedoms of citizens as enshrined in Statutes 51 and 52. He signs all the international laws, treaties, and conventions which are published in the official Gazette of the State after ratification by Parliament in accordance with the provisions of Article 55 of the Constitution.

52. The Preamble of the 2007 Sahrawi Constitution is in consonance with the contents of the Preamble of the African Charter on Human and Peoples Rights, particularly in relation to the objectives, rights and guarantees that should be enjoyed. For example, the Sahrawi Constitution stipulates that;

- Freedom and human dignity can only prevail in a society that upholds the rule of law;

- Determination to build democratic institutions that guarantee fundamental freedoms and human rights, including political freedom and economic, social and cultural rights as the well as the rights relating to the family as the core element of society;
- Compliance with the principles of justice and democracy contained in the Universal Declaration of Human Rights and within the context of the African Charter on Human and Peoples Rights and as stipulated in the international treaties ratified by the Sahrawi State.

53. For the implementation of the provisions of the Constitution on the ground, the Sahrawi Government has in recent years, proposed a body of laws and amendments to other laws and submitted them to the Sahrawi Parliament that ratified them after discussions and appropriate amendments. They entered into force and were published in the official Gazette. They serve and respond to the goals of promotion and defence of human rights in the Sahrawi State.

A. The Major Laws Ratified by the Sahrawi National Assembly (Parliament) in Recent Years

- Act No. 2003/1 dated 7 July 2003 contained in the Law of Events;
- Act No. 04/01 dated 20 April 2004 containing the amendments to the organic Law on Functional Relationship Between Parliament and Government;
- Act No. 04/02 dated 3 July 2004 on the Juvenile Law;
- Act No. 01/2005 dated 12 May 2005 on the Provisions of the Law on Departmental, Regional and Municipal Units;

- Act No. 2005/02 dated 14 May 2005 on the Provisions of the Law on Veterinary Service and Animal Health Protection;
- Act No. /01 dated 31 May 2006 on the Amended Law Supplementary to the Penal Code;
- Act No /02 dated 31 May 2006 on the Amended Law Supplementary to the Law on Juvenile Proceedings;
- Act No. 2007/01 dated 07 June 2007 on the Amended Law Supplementary to the Civil Law;
- Act No. 02/2007 dated 11 June 2007 on the Amended Law on Legal Mechanisms;
- Organic Act No 08/01 dated 12 June 2008 on the National Assembly and the Functional Relationship Between it and Government;
- Act No. 2008/001 dated 20 January 2008 on the Election of Members of the General Assembly;
- Elections Act No. 2009/03 dated 29 June 2009;
- Act No. 10/02 dated 18 July 2010 on the Amended and Supplementary Law No.2006/01 dated 31 May 2006 and Amending and Supplementing the Penal Code;
- Act No. 01/2010 dated 15 June 2010 Amending and Supplementing Act No. 05/01 dated 12 May 2005 on the Departmental and Regional Units;

- Act No. 10/03 dated 19 July 2010 Amending and Supplementing Act No. 04/02 dated 03 July 2004 on Practising Law.

B. OAU/AU Treaties, Agreements and Conventions Signed and Ratified by the Sahrawi Republic

- The African Charter on Human and Peoples Rights ratified on 23 May 1984;
- The African Charter on the Rights and Welfare of the Child, ratified on 23 October 1992;
- The Constitutive Act of the African Union, ratified on 2 January 2001;
- OAU Convention on the Prevention and Combating of Terrorism, signed on 4 March 2002;
- The Protocol Establishing the AU Peace and Security Council, ratified on 26 May 2004;
- The Protocol to the African Charter on Human and Peoples Rights on the Establishment of the African Court on Human and Peoples Rights signed on 25 July 2007;
- The Protocol on the Establishment of the Pan-African Parliament, ratified on 12 June 2001;
- The Treaty on the Non-proliferation of Nuclear Weapons in Africa (The Pelindaba Treaty), signed on 20 June 2006;
- The Convention on the African Energy Commission, ratified 21 May 2007;

- The Treaty Establishing the African Economic Community, signed on 23 October 1992;
- The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women, signed on 4 June 2009;
- The AU Charter on Non-Aggression and Common Defence, ratified on 4 June 2009;
- The African Youth Charter, signed on 25 July 2010;
- The African Charter on Democracy, Elections and Governance, signed on 25 July 2010;
- The AU Convention on the Protection and Assistance to the Displaced Persons in Africa, signed on 23 October 2009;
- The African Charter on Values and Principles of Public Service and Administration, signed on 11 July 2011.

C. The Status of AU Conventions Ratified by Western Sahara within the Context of the Sahrawi International Legislation

54. The Sahrawi Republic subscribes to the theory of integration and considers both the international and internal laws two sources of the national law. This is so because it is among the countries that initiated the process of integrating international treaties and conventions after their ratification and publication.

55. The Sahrawi Republic has adopted the theory that international conventions have precedence over the national law once ratified by the Sahrawi Parliament that has the competence to do so under the Constitution. Once published in the official Gazette,

the national legislation will then be amended and adapted to the ratified convention. For example, the provisions of the Protocol to the OAU Convention on Prevention and Combating of Terrorism, Addis Ababa 2004 signed on 10 May 2006, have been integrated into the Sahrawi Penal Code.

II. The Judiciary

56. Convinced that human freedom and dignity can only prevail in a country that embodies and respects the rule of law, equality and respect for the fundamental human freedoms and rights as defined by relevant provisions of the Constitution on ensuring justice, the Sahrawi Republic has separated them from the remaining powers.

57. Chapter three of part three of the Sahrawi Constitution on the Regulation of Powers, has accorded great importance to justice through the following principles and objectives:

- The Judiciary in the Sahrawi Republic is independent and judicial powers are exercised within the law;
- Fair trial is guaranteed for all on the basis of legality, equality and respect for law;
- There are enough guarantees for fair trial, open proceedings, and judgements are pronounced in public;
- Citizens are equal before the law and have the right of habeas corpus without discrimination;
- The law protects litigants from any deviation or arbitrariness by the Judiciary;

- The State protects the independence of judges and prevents them from interference or pressure in the discharge of their duties, which should be done with impartiality. The State also compensates judges for any damage caused to them, material or moral;
- The State takes care of Rehabilitation and Educational Institutions and juvenile Centres to ensure the integration of the inmates into society.

58. The Sahrawi judiciary is based on the sequencing of courts from the Courts of the First Instance, Court of Appeal and the Supreme Court. Their functions and mandates are defined by the Criminal Act and other supplementary laws ratified by Parliament.

1. **The Courts**

- A. The Supreme Court, it is the highest Court for litigation and is presided over by a judge appointed by the Head of State at the national level;
- B. The Court of Appeal, it is the second court for litigation in the appeal cases from the courts of the first instance;
- C. Courts of the First Instance, they deal with offences, delinquency and civil cases;
- D. The High Judicial Council; it embodies the independence of the judiciary and directs all its facilities. It is the supreme Judicial body. It nominates judges for appointment by the Head of State in judicial positions and defends the material and moral rights of judges and ensures their legal protection. It is composed of the following:

- The Chairperson of the Council appointed by the President of the Republic;
- Two(2) Judges appointed by the President of the Republic;
- Two (2) judges appointed by Parliament;
- Three(3) judges elected by the General Assembly of the Judiciary;
- The statutes of the judges and those of the Supreme Council of Judges regulate and define the judiciary and rights and obligations of the judges.

2. The Judiciary and Its Organs

59. In carrying out its duties, the Judiciary as an institution, is assisted by a group of bodies, experts and regulatory organs under the supervision of the Prosecutor General and its work and mandate are defined in the legal Proceedings Act.

60. The Judiciary under its annual programmes and different competences, goes through a formative period characterised by a series of lectures on the human rights culture, ethics of the profession of the judicial Police Officers and its relationship with guarantees for human rights in addition to the organisation of fora in this regard in collaboration with the human rights organisations and UNHCR..

3. Rehabilitation and Educational Institutions

61. Crime rates in the Sahrawi State are very low due mainly to circumstances under which the peaceful Sahrawi people live and struggle for the full restoration of their national sovereignty. In spite of that, the Sahrawi Government attaches great importance to this sector. In this regard, it has adopted the policy of crime prevention

by establishing a rehabilitation and educational institution under Act No. 96/07 dated 9 November 1996. There is one such institution at the national level under the administrative and judicial supervision of the Directorate of Rehabilitation and Education, Ministry of Justice.

III. The Bar

62. Practising law within the Sahrawi Judiciary System is free and independent governed by Act No. 02/04 dated 03 July 2007 under the supervision of the Sahrawi Bar Association. It is a profession that seeks to respect and preserve the rights to defence and contributes to the proper administration of justice and respect for the rule of law whilst ensuring the rights of litigants.

IV. The Constitutional Council

63. The Constitutional Council is an independent constitutional body in charge of supervision of the constitutionality of international laws, treaties and conventions as well as the constitutionality of elections. The establishment of this Council in 2003 marked an important step in the legal and constitutional processes in the Sahrawi Republic. Given the mandate of the Council, it monitors all the laws enacted by Parliament and its decisions are final and cannot be appealed against as they are binding on all the competent authorities after their publication in the official Gazette. The Five-Man Constitutional Council is composed as follows:

- Chairperson of the Council appointed by the President of the Republic;
- Two (2) members elected by Parliament;
- Two (2) members elected by the Supreme Judicial Council.

V. The Body in charge of the Promotion of Human Rights of Women

64. The Sahrawi State has from the onset accorded great attention to the role and position of women throughout the liberation struggle in the field of education, health, etc.

65. The policy of the Sahrawi Government is to pave the way for women to benefit from education, training and self-development programmes in a bid to expand their role and participation in public affairs unlike what obtained in the traditional society. There has been a great expansion of the scope of their activities covering political, administrative and judicial competences and responsibilities.

66. For the promotion of women, an office was opened in 2003 as an indication of the will of the Sahrawi State to adopt gender equality approach.

67. Since its inception, this office has been carrying out its duties as defined in the policies and programmes of the Sahrawi Government for the promotion of women through:

- Formulation of policies for the promotion and protection of women;
- Promotion and popularisation of rights and obligations of women and the rights of the child in collaboration with the sectors concerned such as the Sahrawi Women's National Association;
- Ensuring access for women and girls to the educational and administrative institutions (enrolment, training, employment etc.);
- Implementation of professional integration programmes for women in different situations (breadwinners for dependants, widows, divorcees with children, spouses of disabled persons, disabled women etc.);
- Psychological , legal and social orientation of women who need such support;

- Urging the Sahrawi women to participate in politics and the electoral processes (Local and Parliamentary) and organising sensitization seminars for the same purpose;
- Promotion of a legislation that guarantees the rights of women, mothers and children through protection, treatment and various aspects of healthcare;
- Efforts by the Secretariat of State for the Promotion of Women to enable people with special needs and displaced persons to benefit from rehabilitation and training programmes for their integration in society;

68. To implement its programmes, the Secretariat of State for the Promotion of Women and Social Affairs, has several regional and local facilities and centres for the promotion of women, education and teaching foreign languages, electronic media, sewing etc.)

VI. Procedure for Appeal Against Violations of Rights and Freedoms

69. The Sahrawi Legal System provides each citizen whose rights are violated means of appeal to the competent judicial authorities (Courts of the First Instance, Court of Appeal and the High Court).

70. In the administrative field, the law enables individuals affected recourse to the administrative councils for redress against any arbitrary decisions by the public service.

71. With regards to elections, the Elections Act 2009/02 provides candidate and voters with the right to lodge complaints to the Constitutional Council concerning the electoral processes and the latter's decisions are final and cannot be appealed against.

72. The Sahrawi authorities in the discharge of their duties have the mandate of enforcing provisions of the Constitution relating to rights and fundamental freedoms of

citizens and are in doing so bound by the provisions of regional and international conventions and treaties ratified by the Sahrawi State with legal guarantees by the Sahrawi national legislation. It is also part of the mandate of these judicial authorities that they should ensure respect for laws and human rights. This includes the Criminal Proceedings Act, application and detailed proceedings for the protection and preservation of rights in addition to the Penal Code that punishes all crimes without discrimination, particularly crimes related to the moral aspect (insult, degradation, etc.) and physical assault (killing, beating, violence, abduction, etc.).

73. In the same vein, an advisory office was created in the Presidency concerned with human rights by virtue of the Presidential Decree issued 23 May 2004. This office has the mandate of assisting the Head of State by providing opinion and making proposals designed to promote human rights performance and dissemination of the human rights culture in the Sahrawi society.

Part II: The Rights, Obligations and Liberties Guaranteed by the African Charter on Human and Peoples Rights

Chapter One: Civil and Political Rights (Articles 2 – 13 of the Charter)

1. Enjoyment of the Rights and Freedoms Guaranteed by the African Charter on Human and Peoples Rights (Article 2)

74. These rights guaranteed by the African Charter on Human and Peoples Rights are contained in the Preamble of the 2007 Sahrawi Constitution where it is stated that the Sahrawi people uphold the following:

- Principles of justice and democracy enshrined in the Universal Declaration of Human Rights of 10 December 1948, the African Charter on Human and Peoples' Rights of 28 June 1981 and the relevant international conventions ratified by Sahrawi Arab Democratic Republic;

- Conviction that human freedom and dignity can only prevail in a society that respects the rule of law and creates the appropriate conditions for social growth in accordance with its values, civilization, culture, religion and modern requirements of work;
- Establishment of democratic institutions that guarantee basic human rights and freedoms, including political, economic, social and cultural rights as well as the right of the family as the nucleus of society;
- Article 11 of the Constitution which affirms respect for the above rights.

2. Equality Before the Law (Article 3)

75. As a founding member of the African Union, the Sahrawi State upholds the principles of justice and democracy as consecrated in the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights, and the provisions of the Sahrawi Constitution, especially Article 21, and Article 25 which both state that every citizen shall enjoy the rights and freedoms guaranteed by the Constitution without discrimination based on race, colour, sex, language, religion or political opinion. Similarly, Article 26 stipulates that all citizens are equal before the law in terms of protection and punishment. To further enhance this principle, the Sahrawi Constitution also stresses that every citizen has the right to vote and to be elected (Article 33) and that everyone has the right to apply for any public office in accordance with the criteria laid down by the law.

76. The principle of equality is the basis of justice in the Sahrawi Republic in accordance with the provisions of Article 126 of the Constitution where it is stated that everyone has access to litigation based on the principles of legality, equality and respect for the rule of the law; The Sahrawi Constitution categorically states that men and women are equal before the law and they both shall have access to litigation and fair trial.

77. Equality has been further enhanced in terms of civil rights by the various legal texts contained in both the Criminal Proceedings Act and the Civil Proceedings Act. On marriage, the Sahrawi law stipulates that 18 years is the age for marriage for both men and women.

78. The Sahrawi law gives male and female equal rights when it comes to contracts and property management where there is no discrimination. Women can freely manage their properties just like men and have the right to use their prerogative in doing so.

79. Women have full right to financial trusts and a husband has no say or influence in that. The Sahrawi law uses the Malikite School of Thought which stipulates that financial trusts between men and women, should not be mixed, each trust is independent of the other. A married woman is free to retain her surname or family name.

80. As regards violence against women, this phenomenon is alien to the Sahrawi society as women in the society are held in high esteem, be it within or outside the family. Sahrawi courts have not registered any such case and whoever tries to use violence against women shall be dealt with by society before the judiciary and the stigma shall ever remain with that person.

3. Individual Freedom (Article 4 of the Charter)

81. The Sahrawi Constitution places great premium on the importance of individual freedom and physical safety as enshrined in the following Articles:

Article 27 which stipulates thus:

- Every citizen is presumed innocent until proven guilty by a judicial body;

- Everyone has the right of defence, including the right to choose his/her defence;
- No one shall be detained or imprisoned except in accordance with the law;
- There shall be no criminal proceedings or punishment except in accordance with the law;
- Duration of detention shall not exceed 72 hours and shall not be extended except by order of the relevant judicial authority.

Article 28: Violation of the Integrity of Human Beings is Forbidden and so is torture or any bodily or emotional harm Against them.

- The sanctity of residence of every citizen is inviolable.

82. The Criminal Proceedings Act defines a body of legal proceedings and measures for the protection and preservation of individual freedoms from arbitration or excess in addition to other provisions of the Penal Code which punishes for any crimes committed against individuals be they moral (defamation, insult, intimidation) or physical assault (murder, injury, beating or abduction etc.).

4. The Right to Life and Physical and Psychological Safety (Articles 5 and 6 of the Charter)

83. The Constitution prohibits any form of torture. Article 28 prohibits violation of human dignity or honour and torture or physical or psychological violence. The Criminal Proceedings Act guarantees for the accused person during detention, the right to contact his family and to be seen by a doctor before being interrogated and at the end of his detention. He has the right to a lawyer. He cannot be placed under custody for more than 72 hours without a legal warrant.

84. Death penalty has never been carried out in the Sahrawi State even though it is stipulated in the Penalty Act in one specific case relating to pre-meditated murder after insistence.

5. The Right to Fair Trial (Article 7 of the Charter)

85. To ensure justice and protect the citizen from any oppression or injustice, the Sahrawi State adopted a complete judicial system with all its legal structures by incorporating in its Chapter Three, Part Two on Powers, the following:

- The Judiciary is independent and operates within the framework of the law;
- The Judiciary is accessible to all and is based on legality and equality;
- Provides guarantee of fair trial where all court sittings are made public and can only be in camera within the limits of the law;
- All state apparatus and institutions are bound by the provisions of the law at all times and in all cases;
- All citizens are equal before the law and they all have the right to resort to the law without any form of discrimination;
- The law protects litigants from any arbitrary treatment by the Judiciary;
- The State ensures the independence of the judiciary and protects litigants from all forms of pressure and interference that may affect the way the judiciary functions and judgements are delivered;
- The State is committed to compensate victims for any possible judicial errors;

- The litigant in need has the right to legal assistance and to a lawyer recruited by the national bar association.

86. The Sahrawi State through the Ministry of Justice, promotes judicial action by:

- developing the judicial institutions by popularising their work through the media;
- implementation of training and retraining of Judges and employees of the legal profession to upgrade their standards;
- paying attention to retaining institutions and juvenile delinquency centres so that they can play a role in the education, training and rehabilitation of inmates for integration in society;
- harmonisation of legislations and proposing laws for adoption by Parliament for the promotion of judicial action and adapting it to the objectives of preservation of justice;

87. To promote free practice of the legal profession and bringing the judiciary closer to litigants, the Sahrawi lawmakers have recently reviewed the Legal Practice Act 04/02 of 3 July 2004 on the Legal Profession which is fully independent as well as the protection of lawyers from any arbitrariness in the discharge of their duties to ensure free and independent practice.

6. Freedom of Faith (Article 8 of the Charter)

88. The Sahrawi society is tolerant and open and there are no sects other than those belonging to the Islamic faith as the religion of the State. The Sahrawi Constitution

guarantees for foreigners the right to perform their religious rites and respects their tenets (Article 44).

7. The Right to Information and Freedom of Expression (Article 9 of the Charter)

89. The media are an important conduit through which the citizens are kept posted of developments that are of concern to them at the national and international levels and in the various walks of life.

90. In recent years, the Sahrawi State provided different types of the mass media to inform the national public opinion of the developments relating to the Western Sahara issue at the national, regional and international levels and to brief them on the national Sahrawi action through peaceful resistance to Morocco's occupation of Western Sahara territories. In this context, the Sahrawi media sector are composed as follows:

The Audio-Visual

- The Sahrawi television channel covering the Sahrawi refugee camps and liberated Western Sahara territories;
- The Sahrawi Satellite Channel RADDTV which broadcast on INTELSAT and covering the North West Africa to Latin America and parts of Europe.

Audio

At the National Level

- National Radio Broadcasting on long and short waves for 12 hours in Arabic and Spanish

At the Regional Level

- There are 4 FM regional radio stations;
- Special Youth FM Radio Station broadcasting from El- Aaiun;
- Women's FM Radio Station from Samara

Print Media

- The Free Sahara Weekly Newspaper in Arabic and Spanish;
- The Future and the Hope Sahrawi Journals;
- The Union, a monthly Journal published by the Association of Sahrawi Journalists and Writers.

91. In addition, there are many journals and newspapers issued by Mass organisations (women writers, the youth and civil society organizations).

Websites

- The Sahrawi Government Website;
- The Sahrawi News Agency Website;
- The Website of the Free Sahrawi Newspaper;
- The Website of the National Radio;
- The National Television Website;
- In addition to websites of several Sahrawi associations dealing with human right issues in occupied Western Sahara.

92. In light of the technological advancement witnessed by the world for better networking with viewers, audiences and readers the world over, all the Sahrawi media outlets could be accessed through the social media of facebook and twitter.

8. Participation in the Public Life of the Country (Article 13 of the Charter)

93. The Constitution recognises the right of citizens to participate in the public life of the country. According to Article 33, every citizen has the right to vote and to be elected and Article 34 stipulates that every citizen has the right to apply for any public office in accordance with the requirements of the law.

94. This right is reflected by the legislative and municipal elections eligibility governed by the Elections Act to which major amendments were made by Parliament which adopted Act 2009/03 of 29 June 2009 which annulled Act 2008/01 on the Election of Members of Parliament, to enhance the principle of equality and equal opportunities for all citizens.

95. Recruitment in State institutions is governed by the Employee and Public Service Act 01/06 of 3 March 2001 which guarantees this right by focusing on the following objectives:

- Equality;
- Equal opportunities;
- Competence by giving priority to the most deserving employees.

96. Recognition of the political rights of the Sahrawi Women has found expression in the declaration by the Sahrawi Republic of the Supreme State law, namely, the Constitution, particularly Article 26 which explicitly states that all men and women shall enjoy equal rights and have equal obligations.

97. The Elections Act accords the same constitutional guarantees to this right. Article 10 states that every citizen who has reached the age of 18 is fully entitled to his/her political rights. This is a constitutional gain guaranteed by the provisions of Article 42 where it is stated that the State shall endeavour to promote women's political,

economic, social and cultural participation in building society and developing the country. This should come through the democratic practice by all citizens without exception whereby the Sahrawi women could massively participate in all electoral processes (Municipal, local and legislative).

98. The status of women has witnessed a quantum leap through their participation in all sectors of public life and they have registered the following:

Elective Councils

The National Assembly (Parliament):

99. The Sahrawi women's participation in the legislative elections (Parliamentary) has significantly increased compared to the 2003 legislative elections in terms of female candidates for seats in Parliament or rate of participation in the polling process.

100. 18 women managed to win seats in the Sahrawi National Assembly of 53 seats representing 33%, a 20% increase in their number in the previous Parliament.

Local Councils (Municipalities)

101. The great efforts and effective measures of the Sahrawi Government represented by its national programme for the promotion of the general performance of the State facilities and adoption of a national plan for sensitization on the importance of the role of women in running the State apparatus, have produced positive results as evidenced by their level of success in the 2007 Municipal elections in which they got 90% and the chairmanship of most of the 110 Municipal Councils.

The Government

102. Out of 17 Ministerial portfolios forming the Sahrawi Government, women have been appointed at the head of three ministries, namely, the Ministries of Education, Culture, Social Welfare and Women's Affairs. The visibility of women in the Executive Arm is a response to the State strategy and choices in line with the directives contained in the Solemn Declaration on Gender Equality in Africa which accords special attention to the participation of women in the decision-making process.

The Judiciary

103. The judiciary which used to be dominated by men due to traditional practices of the past, now includes women through the relentless efforts of the Sahrawi State. They now participate in the management of the Justice sector through the training of many lady judges, lawyers and court clerks.

104. The Sahrawi women have now become judges, presiding over disputes and issuing judgements on behalf of the people in all the national courts at different levels of litigation.

105. The justice sector has been strengthened by female capacities and competences. They are now judicial assistants, clerks, etc. This visibility is an indication of the importance the State accords to women based on the principle of equal opportunities and merits in the performance of their public functions at the various levels of specialization.

Constitutional Council

106. The Constitutional Council is composed of five members among them a woman, after being absent from this constitutional institution from its inception.

107. The membership of the only female on the Constitutional Council after her election by Parliament is an indication of the importance the State attaches to the presence of the female component in all sovereign Sahrawi State bodies.

Pan-African Parliament

108. Out of five Sahrawi representatives in the Pan-African Parliament, two are female.

The Sahrawi Children's Parliament

109. As part of its continental commitments, in dealing positively with the Pan-African Parliament, the Sahrawi State established a Children's Parliament composed of 51 members, 25 of them female to enhance equality and to nurture the emerging Sahrawi Youth by dividing responsibilities between male and female youth stakeholders.

110. The selection of members of the Children's Parliament is done through direct election.

Chapter Two: Economic, Social and Cultural Rights (Articles 14 – 18 of the Charter)

1. The Right to Ownership (Article 14)

111. The Sahrawi Constitution guarantees the right to ownership for all citizens by virtue of Article 35 which states that ownership is recognised by an act prepared by the Government for submission to Parliament in the next legislative sitting. This act governs public and private ownership.

112. The Constitution also guarantees for foreigners residing in the country their right to property in accordance with Article 45 which states that the State guarantees the protection of rights and properties of every foreigner legally resident in the country.

2. The Right to Work (Article 15 of the Charter)

113. Article 38 of the Constitution considers work a right and an obligation for every citizen. Despite the exceptional circumstances in which national resources and wealth are under the control of the occupation force, and despite its limited potentials, the Sahrawi State pursues a prudent policy of creating a conducive environment that guarantees employment for its citizens in the various sectors.

114. The Government through its development programmes and together with a number of partners, has created productive spaces such as farms, cooperatives, training and employment centres for Sahrawi workers in addition to recruitment in departments and public institutions.

115. By the same token, and to take care of the twin sectors of employment and training, the Sahrawi Republic established the Secretariat of State for Public Service, Training and Employment in 2007. It is responsible for the development of plans, programmes and legislations relative to the creation of jobs and training opportunities for citizens at the various levels and in different areas of competence.

3. The Right to Health (Article 16 of the Charter)

116. The Constitution guarantees the right to health in terms of the provisions of Article 37 which stipulates that healthcare and treatment are the right of every citizen. The State guarantees protection from, and control of diseases and epidemics.

117. The Government has adopted a national strategy in the public health sector for the following objectives:

- Preservation of the existing potentials (material and human) and the promotion of new professional and scientific competences;

- Pursuit of a protection policy by adopting sensitization and health orientation policy and by monitoring the state of health in the country as well as taking precautionary measures;
- Provision of medical equipment in the health facilities for upgrading their services;
- On-going work in accordance with the WHO Plan for Combating Epidemic and Communicable Diseases for the protection of the health of society in keeping with the commitment of the Sahrawi State under the relevant AU Decisions on the health sector;
- On-going implementation of the joint health programmes with the Organisation of World Physicians and the Spanish Cooperation Agency and UNHCR.

118. In pursuit of these objectives, the Ministry of Health has built several health facilities in support of the health system.

119. They include the following:

- 45 Clinics;
- 7 regional hospitals;
- 2 central hospitals;
- 2 specialised centres (cancer of the lung and mental diseases);
- 2 specialised facilities (dental and optical);
- 3 schools (paramedical training for nurses and midwives);
- School for auxiliary nurses;
- Veterinary school;
- Pharmaceutical production laboratory;
- A new specialised medical centre for medical analysis;

- Extension of the national hospitals for digestive system diseases and the operation theatre section as well as eye, ear and bone operation theatre.

120. In the field of health care:

- On-going implementation of maternal and children's programmes;
- Implementation of a health programme (examination, follow-up and analysis);
- Provision of drugs and follow-up on the conditions of patients suffering from endemic diseases (diabetes and asthma);
- Operationalisation of school health centres in coordination with the Ministry of Education and undertaking medical missions by students specialising in the optical and dental sections.

In the Field of Prevention

The Policy of Prevention Is Better Than Cure

- Continuous implementation of sensitization programmes in collaboration with the Ministry of Information;
- Production of publications, and flyers and organisation of services and study events for the health sector;
- Celebrations of continental and global occasions by organising seminars with the participation of foreign partners;
- Implementation of the approved vaccination programmes;

- Coordination with the Secretariat of State for Water and the Environment in the implementation of insecticide programmes.

In the Pharmaceutical Field

- Implementation of the programme of distribution of medicine to hospitals and clinics;
- Expansion of the production capacity of the national laboratory for the production of medicine;
- Ensuring that there is a national reserve of essential drugs to cope with emergency cases;
- Monitoring the use of the different imported medicines;
- Implementation of joint programmes with the UNHCR and the European Commission.

In the Veterinary Field

- Monitoring animal health internally and animals across the border and taking necessary measures to prevent the spread of diseases;
- Monitoring animal-to-human diseases and sensitization on such diseases;
- Constant monitoring of conditions of abattoirs and application of hygiene as well as examination of meat and food stuff.

4. The Right to Education (Article 17 of the Charter)

121. The Sahrawi State ensures free and compulsory education in accordance with the provisions of the Constitution. Article 36 stipulates that the right to education is guaranteed. This is incorporated in all the laws and organisational rules. This important sector in the national life has witnessed a new impetus following the ratification of the amendments to the national school legislation of 2005 which guarantee, among other things, reforms of the educational system for it to be responsive to the educational policy objectives of the Sahrawi State based on the national strategy for free and compulsory education at all levels of education. A conducive atmosphere has been created for the enrolment of all children of school going age from within and outside the country. The Government continues its policy of guaranteeing free education as indicated in the preliminary report of the Sahrawi Republic to the 33rd Session of the Commission.

122. Enrolment includes all school going age groups from 3 years and above in the following education levels:

- Preparatory (from 3 – 6 years);
- Primary (from 7 – 11 years);
- Intermediary (from 12 – 15 years);
- Secondary (from 16 – 18);
- University (from 18 and above);
- Focus on the mechanisms for upgrading education through continuous training for staff to improve upon their performance. Attention is given to the school system, networks for evaluation, scaling up field inspection visits,

organising school days in addition to the training of new cadres of teachers and inspectors with attention being paid to sports;

- Deepening of the experience in teaching French and English in our schools and the provision of training courses for the teaching staff;
- Continuation in giving care to the children's centres and nurseries as an important preparatory phase for their future progress in education;
- Continuation in coordinating with foreign collaborators to upgrade the standard of service and school equipment, provision of textbooks, printing production facilities, etc;
- Operationalisation of the role of the parents associations through coordination among those concerned.

123. To achieve these objectives, the Ministry of Education has built a number of centres, schools and nurseries to ensure the creation of conducive atmosphere for enrolment in schools.

124. In coordination with the Ministry of Public Health, the educational institutions are implementing preventive health programmes. (Vaccination, periodical check-ups, sensitization sessions etc.).

125. Despite the great efforts being made by the State in the field of education, scarcity of financial resources has been an impediment to the realisation of the objectives as the sector depends on foreign cooperation for the provision of basic requirements and scholarships for University education.

126. In this context, the Ministry of Education has signed several bilateral cooperation agreements and joint programmes with foreign players for their contribution to school

equipment and scholarships to enable students to further their University education in a number of countries, including Algeria, Venezuela, Spain, Cuba etc.

Eradication of Illiteracy

127. The Government has paid special attention to this area from the onset in the face of the colonial legacy the Sahrawi people suffered from for decades. Several programmes have been initiated for the citizenry. Human and material resources have been deployed to carry out these programmes at the national level and all adults have acquired primary education through a 3-month literacy education programme each year during the summer school holidays when Sahrawi students returning from friendly and sister countries are engaged in the teaching of citizens.

128. Following the positive results produced by these programmes, the Government embarked on a voluntary programme for those interested in illiteracy eradication programmes with the support of the National Congress of the Sahrawi Women. It concentrates on teaching courses to improve the capacity of teachers and lecturers. Lectures focus on the role of the citizen in building a democratic society, family and health sensitization, civic education, ethics etc.

1. Protection of the Family (Article 18 of the Charter)

129. Protection of the family is a constitutional requirement and special attention has been given to this in the general policy of the Sahrawi Republic through the implementation of programmes geared towards education, health and prevention of diseases and social ills.

130. The Sahrawi law makers have emphasised in the Preamble of the Constitution that the Sahrawi people are determined to build democratic institutions in this respect and enact the appropriate laws that guarantee freedoms and political, economic, cultural and family rights.

131. The provisions of Article 39 of the Constitution attach great importance to the family through the efforts of the State to protect mothers, children, the disabled persons and the aged by establishing the necessary relevant institutions. Article 40 stresses that the State shall guarantee for parents and widows of martyrs and their children as well as the wounded and detainees in the prisons of the enemy, the missing persons and victims of the liberation war, their material and moral rights recognised by the law.

132. In this regard, the Sahrawi Government endeavours to create institutions, structures and programmes geared towards the education and health care of the family.

133. The Secretariat of State for Social Welfare and Promotion of Women created for that purpose, caters for these groups in addition to the disabled persons and the mentally retarded and has established special centres for them at the regional level.

134. For the aged, the State provides assistance to their families and monitors their health conditions. Furthermore, the Sahrawi Government has established specialised centres for the disabled persons (the deaf and dumb) in collaboration with foreign partners and takes care of the children of martyrs and victims of the liberation war as well as missing persons as a result of the war.

Chapter Three: Peoples Rights

1. Equality of People (Article 19 of the Charter)

135. The Preamble of the 2007 Sahrawi Constitution affirms the equality of the people by referring to the UN Charter and the African Charter on Human and Peoples Rights as well as the Universal Declaration of Human Rights.

136. The Preamble emphasises the awareness of the Sahrawi people about this noble endeavour and their commitment to the building of the Greater Arab Maghreb and the success of efforts relating to African and Arab Unity as well as the establishment of

international relations based on cooperation, cohesion, mutual respect and maintenance of peace the world over.

137. Article 24 adds that the foreign policy of the Sahrawi Republic is based on:

- Support for the African Union in its efforts to promote Africa's political stability and realisation of the economic integration of African countries;
- Maintenance of international peace and security and contribution to the socio-economic development of the nations of the world based on justice and equality.

2. Equality in Self-Determination (Article 20)

138. The Sahrawi Republic continues its legitimate struggle for the total restoration of its national sovereignty over the rest of its occupied territories and to enable the Sahrawi people to exercise their inalienable right to determine their destiny in accordance with the relevant UN Decisions. Sahrawi diplomacy is based on the ideals and principles enshrined in provisions of the AU and UN Charters on:

- Maintenance of international peace and security and contribution to the socio-economic development of the peoples of the world;
- The principle of respect for the sovereignty of States and good neighbourliness;

3. The Right of the People to their National Resources (Article 21 and 22 of the Charter)

139. The Sahrawi Constitution affirms the right of peoples to, and sovereignty over their natural resources and their use for prosperity and development. Morocco is

illegally exploiting these resources to further enhance its grip on the occupied Sahrawi territories.

140. In this context, the Sahrawi National Assembly has adopted Act No. 2009/03 of 21 January 2009 under which the coastal area of the Sahrawi Republic has been declared an exclusive economic zone over which the Sahrawi people must exercise their sovereignty.

4. The Right to Peace and Security (Article 23)

141. Although the Sahrawi people have been victims of aggression and occupation by Morocco, the Saharawi Republic strives to enhance international peace and security through:

- Provision of facilities for the UN Mission for the organization of a referendum in Western Sahara;
- Support to the efforts of the African Union in the promotion of security and peace keeping in Africa.

142. The commitment of the Sahrawi Republic to these issues is evidenced by its signature of the Geneva Call to Criminalise the Stockpiling and Manufacture of Anti-Personnel Mines on 3 November 2005 at a time when Morocco had not adhered to the Ottawa Convention on the Prohibition of Stockpiling, Manufacture and Transfer of Anti-Personnel Mines and continued to plant mines along the Moroccan military wall that divides Western Sahara into two parts along 2,400 kilometres. Many Sahrawis have fallen victims of these mines.

143. The Sahrawi Republic has also signed a Cooperation Agreement with the Land Mine Action Organisation for the demining of the liberated territories and the training of Sahrawis to carry out this noble humanitarian task.

144. In addition, and as an indication of its adherence to the said Geneva Call, in a ceremony presided over by the Head of State and attended by the Head of the Geneva Call, Ms. Elizabeth Reusse-Decrey, the Sahrawi Government destroyed its stock of anti-personnel mines (more than 3,100 mines).

145. As its diplomatic activity forms part of the international efforts to combat terrorism as a threat to international peace and security, the Sahrawi Republic supports all initiatives taken at the continental and international levels to that end. In this regard, the Sahrawi State has ratified the 2004 OAU Convention for Prevention and Combating Terrorism on 10 May 2006.

5. The Right to A Peaceful Environment Conducive to Development

146. The Sahrawi Republic pays special attention to the preservation of the environment through the creation of the Secretariat of State for Water and the Environment in 2007 charged with the task of creating conducive conditions and enacting appropriate legislation for the preservation of the environment and its components and prevention of its deterioration and pollution thereby ensuring a pollution-free setting within and outside the residential areas. In this regard, the competent ministry has coordinated efforts with many foreign partners, especially Spain, to:

- Develop a general policy for the protection of the environment and a national strategy for its implementation at the national level;
- Preparation of specifications and criteria for the environmental components and modalities of their preservation as well as sensitization of the citizenry on the importance of preservation of the environment;

- Initiation of measures for handling substances that are dangerous and harmful to the environment as well as guidelines on their storage, transfer, disposal and destruction.

147. The Ministry has created conditions for the establishment of national protection zones and borders within the Sahrawi territories under a draft bill designed to govern the environment sector.

6. The Right to Participate in the Cultural Life (Article 27.2)

148. Participation in the cultural life forms an important part of the national life as the cultural ingredients of the Sahrawi people reflect the African, Arab, tamazight and Islamic identities, which gives them diversity and cohesion that make the very fabric of the Sahrawi society so human and social. An identity that has always preserved its diverse cultural peculiarities with openness to other cultures.

149. In this connection, the Sahrawi Ministry of Culture, through its cultural programmes adopted culture as a space for Africa-Arab and Global Cooperation at all cultural levels. It has embarked on sensitization on the importance of the cultural heritage, material and oral alike and the adoption of culture as a mechanism at the service of liberation and construction. This identity has always been the crucible of the resistance of the Sahrawi people throughout colonial history and foreign occupation.

150. To promote culture and preserve the national heritage, the Ministry of Culture adopted the following diverse cultural programmes:

- Study Days on Identity and Heritage;
- Study Days on Book Culture;
- Study Days on Folklore;
- National Week for Songs

151. In the field of international cooperation with foreign partners, the Ministry of Culture has organised various international cultural events such as:

- The World Cinema Festival FISAHARA;
- The International Arts Manifestation ARTIFARITI; and
- The International Cultural Symposium.

152. In addition, the Ministry of Culture concluded an agreement with the World Observatory for the Preservation of Cultural Heritages on contribution to the protection of the Sahrawi heritage from decay.

153. The Ministry also implements several cooperation projects in the cultural sphere in collaboration with the UNHCR. To encourage the Sahrawi creative talents, the Ministry has built two national cinema schools and a theatre school in addition to a number of cultural centres and local and regional libraries.

154. The Ministry preserves ancient historical archives and lends support to the national museum for the preservation of historical and archaeological objects.

CHAPTER FOUR: OBLIGATIONS UNDER THE CHARTER (Articles 25 and 26)

1. Sensitization on the Charter (Article 25)

155. Popularisation of the culture of human rights in general and the provisions of the African Charter on Human and Peoples Rights in particular has attracted great attention on the part of political stakeholders and Sahrawi Civil Rights Organizations.

156. Sensitization symposia, seminars and study days organised by the various governmental and non-governmental sectors provide an occasion for the distribution of documents on the culture of human and peoples rights as contribution to the building of

the Sahrawi person and equipping him with the requisite insight into the noble principles of human and peoples rights.

157. The national media (print, audio-visual, and via the international information network) has an important role to play in the sensitization of citizens on their rights and obligations under the relevant international laws and conventions.

158. In the field of education, the Ministry of Education deploys considerable efforts to develop programmes designed to disseminate and popularise the principles of human rights and values of tolerance and solidarity, among the Sahrawi educational institutions.

159. In this regard and in commemoration of the World Human Rights Day, 10 December, the Ministry of 'Social Welfare and Promotion of Women celebrates the event by focusing on sensitization activities in favour of women and the promotion of the concept of equality in decision-making. The National Association of the Sahrawi Women deploys similar efforts through its Information and Culture Section and in collaboration with a number of intergovernmental and non-governmental organizations.

160. The National Association of the Sahrawi Women in collaboration with other Civil Society Organisations, organises study days and workshops at the national and regional levels on popularising the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women. The Sahrawi Republic also participated in the North Africa Regional Consultation on Strategies for Accelerating Ratification of the said protocol held in Tunis from 2 – 5 April 2004.

161. The Sahrawi Foreign Ministry has circulated copies of the two documents on the African Charter on Human and Peoples Rights and the Protocol on the Rights of Women, to a number of Ministries, training centres and associations with a view to contributing towards the sensitization process at the national level.

162. The Ministry of Justice organises a number of training programmes for the dissemination of the culture of human rights among the personnel of the Judiciary and the Police who benefit from these programmes in addition to other programmes in the same field carried out jointly with the UNHCR.

2. Independence of the Judiciary (Article 26 of the Charter)

163. Convinced that human freedom and dignity can only be realised in a society that upholds the rule of law and equality among men, the Sahrawi Republic endeavours to create conducive atmosphere for the promotion of the role of the judiciary in ensuring justice and bringing it closer to the citizenry.

164. The Judiciary in the Sahrawi Republic is independent and operates within the framework of the law set in Article 124 of the Constitution. The State protects the independence of the Judiciary under the provisions of Article 135 which stipulates thus:

- The State protects judges from all forms of pressures and interferences that may affect them in the performance of their duties impartially and the judgements they pronounce;
- The State protects them from threats, humiliation, insults, assaults of any form during the performance of their duties;
- In the event of any damage, material, physical or moral, the State compensates the judges affected.

165. The penal code reinforces the independence of the Judiciary through the inclusion of Articles on punishing for any interference by any individual or official whatsoever, in the jurisdiction of the judiciary or hindrance to the implementation of orders or judgements.

166. In the area of respect for the rule of law, the Sahrawi Judiciary has since 2004 witnessed sustained reforms that included the following:

- Review of the Sahrawi laws consistently for approval by Parliament;
- Modernization of the work of the Courts by providing them with modern equipment and information gadgets for the development of the judicial administration and for bringing it closer to the citizen;
- Raising the standard of human resources through training and retraining locally and abroad;
- Paying attention to the rehabilitation institutions and delinquency centres for them to play their role in education and rehabilitation.

3. Obligations of All Towards Family and Individuals (Articles 27, 28 and 29 of the Charter)

167. Article 7 of the Constitution stipulates that the family is the core component of society based on religious, ethical and national values and the historical heritage. Article 50 adds that the protection and promotion of the family is the duty of parents, especially the education of their children who in their turn are obliged to obey them and be kind to them.

168. Most legislations and laws contain provisions on rights and obligations that form the appropriate framework for the protection and promotion of the family in accordance with the values of tolerance, ethics and civic education.

169. According to Article 47, it is the duty of each individual to respect the Constitution and laws of the Republic and ignorance of the law is no excuse. The following is incumbent upon all citizens:

- Defending the country and contributing towards its liberation;
- Defending its territorial integrity and renouncing any practices that encourage discrimination.

Part III: Gross Violation of Human Rights by Morocco in the Occupied Western Sahara Territories

Chapter One: Political and Civil Rights

1. Morocco's Violations of Political and Civil Rights

170. Since its invasion of Western Sahara in 1975, Morocco has been perpetuating gross violations of the rights of Sahrawi civilians, including murder, dropping napalm and white phosphate bombs that are internationally prohibited, abduction, torture, political detention, kangaroo trials, forced displacement, deportation, dismissals etc. Most of these violations still continue to be practised by Morocco against Sahrawi citizens for their participation in demonstrations and peaceful protest marches to demand for the right of the Sahrawi people to self-determination and enjoyment of their civil, political, economic, social and cultural rights.

171. Despite the deployment of the UN Mission for Referendum in Western Sahara, since the declaration of the cease fire between Morocco and the Polisario in 1991, the occupied Western Sahara territories have witnessed a number of demonstrations and peaceful protests in demand of civil, political, economic and social rights. Prominent among them are the following:

- The Sahrawi Intifadah in the different occupied Western Sahara cities to demand for the right of the Sahrawi people to self-determination since 2005. This was met by the Moroccan authorities with suppression, killing, abduction, torture, arrests, trials, invading homes of Sahrawis, forcing

hundreds of youths to board death canoes, fleeing from political oppression, to the neighbouring Canary Islands;

- Arrest of 7 Sahrawi Human Rights Advocates on 8 October 2009 and taking them to Rabat to face court martial following their visit to the Refugee Camps (see Annex 1);
- Deportation of Aminatu Haidar, a human rights advocate on 14 November 2009 to the Lanzarote Island in Spain (see Annex 2);
- Military attack on Gdeim Izik Camp accommodating over 20,000 Sahrawi civilian displaced persons on 8 November 2010. This attack resulted in death, injury, burning, destruction and plunder of Sahrawi properties. El-Aaiun also witnessed a wide campaign of abduction of tens of civilians who were subjected to all manner of torture before being arraigned before civilian and military courts (see Annex 3).

172. It is worth noting that a number of international human rights organizations, including Amnesty International and Human Rights Watch have issued reports and statements and made visits in this regard to the occupied Western Sahara after facing difficulties and obstacles in doing so. They met with human rights activists, victims and families of abductees and those whose whereabouts are not known as well as political prisoners . They have released detailed reports and recommendations on the status of human rights in Western Sahara. The UNHCR has also visited the area in 2006 and a European Parliament delegation in 2009. They both recorded the persistent gross human rights violations against the Sahrawi civilians by Morocco, preventing them from exercising their right to self-determination.

173. During the past few years, we recorded the following violations:

- Continuation of the military, media and security embargo on the area as Morocco intensifies its siege following the invasion of the Gdeim Izik Camp of the displaced persons with its resultant infractions in occupied El-Aaiun;
- Use of live bullets against unarmed Sahrawi civilians resulting in the death of some of them (see Annex);
- Continuation of acts of abduction and forced disappearance of Sahrawi citizens and human rights advocates (see Annex 5 on the 15 abductees);
- Continuation of torture and degrading practices against abductees and detainees from Gdeim Izik Camp. Complaints of rape were submitted by some victims;
- Continuation of political detention against Sahrawi citizens and human rights advocates (see Annex 6 and the list of Sahrawi political prisoners);
- Continuation of arraigning Sahrawi citizens and human rights advocates before Moroccan military courts (see Annex 1: Case of 23 political prisoners in Moroccan prison near Rabat);
- Continuation of political trials of Sahrawi human rights advocates and students (Trial of the 7 Sahrawi human rights activists in Casablanca, Morocco);
- Escalation of torture, violence, abuse and punishment in cells against Sahrawi prisoners without medical treatment and without presenting their complaints to the Moroccan judiciary;
- Continuation of harassment of foreign observers and journalists as well as direct assault on 13 Spanish observers in El-Aaiun (see Annex 8);
- Continuation of the Moroccan judiciary's reluctance to open investigations into the complaints lodged by victims and their families against killings, abduction, torture, rape, arrest, invasion of homes and destruction of properties;
- Continuation of refusal of the judicial authorities with impunity, to deal with Moroccan officials implicated some of whom have even been promoted;

- Continuation of hindrance of human rights action by denying Sahrawis their rights of association, demonstration, assembly and freedom of expression as well as restricting the movement of human rights activists;
- Increase in the tempo of gross violations of the rights of women, children, and persons with special needs through arrests and rape;
- Increased use of the militias recruited by the Moroccan Intelligence Service against human rights activists and Sahrawi citizens, after a speech given by the King of Morocco on 6 November 2009 and the resultant incitement and propaganda by the Moroccan political parties, and the official and non-official press;
- Escalation of social protests demanding for the social and economic rights which reached its peak by the establishment of the Gdeim Izik Camp for the Sahrawi displaced persons as a result of discrimination and marginalisation of the Sahrawi elements and exploitation and plunder of their natural resources, including fisheries and phosphate;
- Continuation of the danger of mines and the related fatal accidents due to Morocco's refusal to identify their locations and their demining.

2. Violation of the Right to Life and Physical and Personal Safety

a) Killings and Severe Torture

174. Moroccan authorities resort to endangering the lives of Sahrawi citizens through the use of live and rubber bullets, excessive use of torture leading to the death of 4 Sahrawi citizens, among them a minor. 3 of these citizens died and thousands of the displaced persons among them live in Gdeim Izik Camp, 12 kilometres away from occupied El-Aaiun. These persons have protested against the deterioration of their political, social and economic conditions and their continued marginalisation by the Moroccan authorities.

175. Despite the fact that it has several years ago ratified the UN Treaty Against Torture and all Forms of Punishment, Cruel and Inhuman Treatment and enacted a law in 2006 criminalising torture and withdrew its reservation on Article 20 of the Treaty Against Torture, Morocco still practices torture against Saharawi civilians, abuses them and denies them their right to physical and personal safety.

176. The acts of torture, rape and abuse against Sahrawi citizens, including women, children, the aged and persons with special needs, include psychological and physical torture by the Moroccan intelligence Service operatives in the streets and during raids, in police vehicles and during arrests and detentions:

- **Physical Torture:** beating, inflicting wounds, using clubs and electrical wires, burning with cigarettes and using sharp tools to deform, covering eyes and tying hands and legs;
- **Psychological Torture:** insults, defamation and use of invectives, prevention from sleep, interrogation for long hours, threat to rape, hurting the pride of individuals and their families and relatives;
- **Rape:** Practising all forms of hurting one's pride directly or indirectly by using clubs or glasses or iron cables.

177. A number of reports of international and national human rights organisations contain information that confirms cases of the Sahrawi citizens being subjected to torture and inhuman treatment in recent years at the hands of the Moroccan Intelligence Service operatives.

b) Abductions

178. The Moroccan authorities continued to perpetrate the crime of abduction against Sahrawi civilians in Western Sahara and parts of Southern Morocco because of their

stance on the Western Sahara issue and participation in peaceful demonstrations, demanding the right of the Sahrawi people to self-determination.

179. Most of the political detentions take the form of abduction as the Moroccan authorities often appear in civilian clothes or look casual when they detain the citizens whom they interrogate, harass and sodomise inside police vehicles or in unknown locations before allowing some of them to go after torturing and intimidating them, whilst keeping others in the prisons.

180. The Sahrawi civilians may be abducted for any of the following reasons:

- Writing slogans demanding the right of the Sahrawi people to self-determination;
- Distribution of leaflets or hoisting of Polisario flags on Moroccan institutions or in the streets;
- Participation in peaceful demonstrations demanding political, economic and social rights;
- Participation in solidarity marches with the families of martyrs, prisoners and Sahrawi abductees;
- Accompanying or receiving foreign observers and journalists who manage to enter the region;
- Attending political trials of the Sahrawi prisoners of conscience.

181. The evidence given by the victims of abduction to the Sahrawi and international human rights associations, confirm the acts of torture, cruel and inhuman treatment against them with their eyes covered and hands tied for long periods of time during interrogations that often end up with the forced signature of police statements without reading their contents to them.

182. The whereabouts of 15 Sahrawi youths have remained unknown since 25 December 2005. Their families accuse the State of Morocco of abducting them for

participating in peaceful demonstrations during which they demanded the right of the Sahrawi people to self-determination (see list No.5 attached to this report).

183. Morocco continues to ignore appeals contained in the reports of the UN Secretary General and the African Union, the Pan-African Parliament and campaigns by International Human Rights Organizations on the status of human rights in Western Sahara and queries by the Rapporteur of the UN Task Force on Forced Disappearances.

184. Moroccan had released hundreds of Sahrawis who disappeared in 1991 and spent close to 16 years in secret hideouts, under pressure by International Human Rights Organizations like Amnesty International. It did so after denying any knowledge of their whereabouts throughout the duration of their disappearance. But the whereabouts of almost 500 Sahrawis who disappeared still remains unknown (see List No. 9 attached to this report).

c) Impunity and Unaccountability

185. Despite Morocco's efforts to polish its own image by signing and ratifying the Convention Against Torture and withdrawing its reservation on clauses therein, the Moroccan officials continued to perpetrate crimes of torture against Sahrawi civilians with impunity. This has encouraged them to perpetrate more crimes to the extent that 4 Sahrawis were killed by the Moroccan security personnel in 2010.

186. Morocco has continued to violate the International Humanitarian Law with impunity despite the fact that there is a set of legal humanitarian and ethical considerations that make the principle of accountability sacrosanct whether violations are committed by individuals or official institutions.

187. It was on the basis of criminal or civilian responsibility that Sahrawi and international associations filed a judicial complaint to the Spanish National Court with

universal jurisdiction versus Moroccan civilian and military officials. This complaint is being looked into by the famous Spanish Judge, Battazar Garzon.

188. Morocco has seriously violated the provisions of the Fourth General Convention on the Protection of Civilians in Armed Conflicts. These violations are serious as they affect the responsibility of United Nations not only for ensuring international peace and security and protection of the principles of justice, but also putting pressure on Morocco to respect the human rights of the Western Sahara people.

d) Political Arrests

189. Morocco has continued its campaign of excessive arrests and fabricated allegations against Sahrawi human rights advocates, exposing them to legal pursuits devoid of the simplest conditions of fair trial because of their stance on the issue of Western Sahara and participation in peaceful protests demanding the right of the Sahrawi people to self-determination.

190. Although a group of Sahrawi political prisoners have been released after protracted trials, there are still other groups under political detention in the various Moroccan prisons among them the human rights activist Yahya Mohamed Hafez Ea'aza, member of the Human Rights Advocates Grouping CODESA who is serving a 15- year jail term with hard labour (see List No. 6 attached to this report).

191. This year has witnessed hundreds of political arrests within the ranks of Sahrawi civilians of different age groups, the majority of them against military invasion of the Gdeim Izik Camp and demonstrations in El-Aaiun and Merza on 8 November 2010. There were more than 500 male and female detainees and search warrants were issued in the case of tens of Sahrawi citizens with legal pursuits of 176 male and female detainees, 23 of them arraigned before a military court in Rabat, Morocco and 153 before the Court of the First Instance and the Court of Appeal in El-Aaiun.

Political Trials and the Status of Sahrawi Political Prisoners in Moroccan Prisons

Political Trials

192. The past few years have witnessed a series of political trials in El-Aaiun Tazait, Marrakesh and Casablanca involving a group of Sahrawi human rights activists and civilians. These trials were characterised by the total absence of the minimum conditions of fair trial:

- Lack of independence of the Moroccan Judiciary as it receives directives from the Moroccan Intelligence Service;
- Arraigning a group of Sahrawi human rights activists before a military court;
- Detention beyond the legally prescribed time (late at night);
- Invasion of houses and ransacking them, terrorising families at the hands of the Moroccan Intelligence;
- The secret nature of some of the court proceedings;
- Subjecting Sahrawi political prisoners to physical and verbal assault before the Courts by some Moroccan lawyers, and militias employed by the Moroccan authorities in contravention of the principles of provision of the necessary protection for detainees during trials;
- Harassment of journalists and observers, especially foreigners among them subjected to physical and verbal assault (see List No. 8);
- Use of Moroccan officials and party media and other political groups as well as Members of Parliament, Trade Unions, the Moroccan Bar Association on the directives of the Moroccan authorities, to rally the Moroccan and international public opinion against the Sahrawi human rights activists and political prisoners;
- Spread of racism among some Moroccan circles against the Sahrawi political prisoners;

- Preventing families of Moroccan detainees and human rights activists from attending court sittings and subjecting them to physical and verbal assault at the hands of the Moroccan militias;
- Dependence on court statements devoid of credible evidence;
- Lack of respect for the legal guidelines on treatment under custody (informing families of the legal time frames, allowing detainees to contact their lawyers, ensuring their physical safety etc.);
- Violation of the judicial rules in calling witnesses and those dealing with the files of the human rights activists (Ali Salem Tanek, Dakja Laskr, Ibrahim Dehen, Ahmed Naseri, Saleh Labihi, Bahziah Taruzi, Rashid Sagher) for reinvestigation by the President of the Judicial Body concerned with the file at the Court of the First Instance in Casablanca, Morocco. The deadline set for the judgement concerning this file was 15 days;
- Leaking contents of statements of some Sahrawi political prisoners to some Moroccan media houses, which may compromise the confidentiality of the investigations and due process;
- Detention and investigation of detainees in unofficial locations (secret offices of the Department of Preservation of National Territorial Integrity and other places);
- Lack of response to the requests of the political detainees and their defence in carrying out investigations into complaints of torture before the official from the office of the Prosecutor General and the Investigation Judge;
- Lack of opening investigations into complaints of detainees and their families about torture and abuse during the period they are under custody or in prison;
- Lack of enabling some of those whose cases are before the Court of First Instance to designate lawyers to defend them;
- Lack of visit by the investigating Judge to detainees in prison during their detention;

- Undue delays of trials even when the files for discussion are ready , the purpose being to prolong the duration of custody, thereby creating problems for the defence and foreign observers;
- Filling trial halls with elements of the Intelligence Service so as to prevent families of the political detainees and foreign observers and journalists from following the proceedings.

Conditions of Sahrawi Political Detainees in the Various Moroccan Prisons

193. Sahrawi political prisoners live under very degrading conditions in the Moroccan prisons where the minimum humanitarian conditions do not exist and abuse and torture are rampant.

194. The sufferings of the prisoners take the following forms:

- Arbitrary transfer to prisons far away from their families;
- Isolation and solitary confinement;
- Prevention from communication with the outside world;
- Constant surveillance and inspection;
- Prevention of direct visits;
- Psychological and physical torture;
- Refusal of the Prisons Department to forward the complaints of prisoners;
- Prevention from access to newspapers, books and any other correspondence;
- Being forced to stay in overcrowded cells;
- Discrimination against Sahrawi detainees and inciting common prisoners against them;
- Malnutrition, lack of hygiene and ventilation;
- Lack of treatment and medicine and medical attention in general;
- Families having to meet the cost of food and medicine;
- Prevention from furthering their studies.

195. These violations make the conditions of detainees worse and undermine fair trial in accordance with the international treaties and conventions, particularly the following:

- The UN Covenant on Civil and Political Rights and its 1966 Protocols;
- The Convention Against Torture of 1948 which came into force in 1986;
- The set of principles for protection of persons subjected to any form of detention or imprisonment, 1988;
- The Minimum Rules of Treatment of Prisoners (1971);
- Guidelines on the Role of lawyers;
- 1990 Guidelines on the Independence of the Judiciary, 1985.

1. Violation of the General Freedoms

Violation of the Right to Freedom of Association

196. At a time when Morocco allows associations to exercise their rights inside Morocco, it prevents the Sahrawi human rights associations from exercising the same right in the occupied Western Sahara territories. It prevents them from monitoring the human rights situation and reporting on violations of those rights.

197. In this regard, the Moroccan authorities in El-Aaiun prevent CODESA from exercising its right to organise its Constituent Assembly since 7 October 2007 after finalising all the formalities required by the Moroccan law for the establishment of associations.

198. Despite the fact that a number of international organisations, the European Parliament and Diplomatic Missions accredited to Morocco have made representations to the Moroccan authorities on behalf of CODESA, Morocco stuck to its decision of preventing this Organization from exercising its right to establish without any genuine reasons.

199. This has also affected the Sahrawi Society of Victims of Violations of Human Rights ASVDH even though it has held its Constituent Assembly on 7 May 2005 and despite the fact that a legal decision was issued in its favour by the two administrative courts in Agddir and Marrakesh.

200. Similarly, the Society of the Sahrawi Unemployed Persons established in March 2020 in El-Aaiun has been prevented from carrying out its activities since August 2002 after the detention and trial of its members and ransacking of their headquarters.

201. This has affected all the associations and civil society organizations of human rights activists and former political prisoners.

2. Freedom of Expression and the Right to Peaceful Demonstration and Protest

202. Morocco continued in recent years to prevent Sahrawi citizens from exercising the right to demonstrate and protest peacefully for purposes of self-determination and demand for their economic, social and cultural rights in El-Aaiun, Marsa, Samara and Bojador. This has affected ceremonies for welcoming Sahrawi delegates coming from the Sahrawi refugee camps and some foreign observers. The Moroccan authorities denied the Sahrawi civilians and foreign sympathisers their freedom of expression and the right to peaceful demonstration and protest, by:

- Using excessive force;
- Recruitment of militias made up of Moroccan citizens against Sahrawi civilians;
- Invasion of homes and ransacking them;
- Damaging and commandeering vehicles of demonstrators.

203. These oppressive measures against Saharawi demonstrators in the occupied cities have resulted in the displacement of hundreds of Sahrawis in El-Aaiun, Marsa, Semera and other cities and urban areas as well as the Gdeim Izik Camp which has been housing the largest grouping of demonstrators since the beginning of the Moroccan military invasion.

204. The violent military assault against the Sahrawi displaced persons from the Gdeim Izik Camp (including children, women, persons with special needs, the aged and patients) is a typical example of the violation of the rights of the Sahrawi people to express themselves freely, to demonstrate peacefully and to demand their inalienable right to self-determination and independence.

a) Freedom of Movement

205. Both the international human rights law and the international humanitarian law guarantee the right to establishment, movement and travel in accordance with Article 13 of the Universal Declaration of Human Rights, affirmed also by Article 12 of Covenant on Civil and Political Rights, ratified by Morocco in 1979.

206. Enjoyment of this right by the Sahrawi citizens is still systematically subjected to a number of restrictions and violations by the Moroccan State, including:

- Confiscation of passports of the human rights activists;
- Preventing them from travelling abroad;
- Constant searching and detention of human rights activists and former political prisoners at checkpoints;

- Declaring curfews and prevention from mounting tents in the suburban areas after the mass displacement of Sahrawi citizens outside the cities (Gdeim Izik, 10 October 2010);
- Confiscation of Identification papers as well as documents relating to private cars;
- Recruitment of militias from Moroccan civilians by the Moroccan Intelligence for terrorising Sahrawi citizens and human rights activists upon their return from abroad to attend political trials;
- Visits to the homes of human rights activists and foreign observers at night after their attendance of political trials (Casablanca Trial on 15 October 2010);
- Commandeering and damaging private cars of Sahrawi citizens and human right activists.

207. In this regard, cases of violation of the right to freedom of movement, establishment and travel in respect of Sahrawi citizens and some foreign observers, journalists and sympathisers, have been cited (see Annex 8)

Chapter Two: Economic, Social and Cultural Rights

208. Economic, social and cultural rights should be enjoyed by everyone without distinction. They are guaranteed by binding international and regional treaties and conventions, particularly the UN Convention on Economic, Social and Cultural Rights.

209. Despite the huge natural fishery resources the Western Sahara Region is endowed with and which Morocco continues to exploit in a systematic way in breach of the provisions of the relevant international instruments, the people of the Region are

prevented from exercising their right to self-determination. This is the opinion of the Legal Advisor of the United Nations, Hans Correl as contained in his Report of 29 January 2002 on Natural Resources in the Western Sahara Region.

210. In the run up to free and transparent referendum under the auspices of the United Nations to enable the Sahrawi people exercise their right to self-determination, Morocco must remain bound by the International law under which Sahrawi citizens shall enjoy all their political, economic, social and cultural rights.

211. We have noticed that Morocco continues to prevent Sahrawi citizens from enjoying these rights, including in particular, the following ones:

a) The Right to Work

- Denial of access to work despite the huge national resources that can end unemployment in the region;
- Continued deportation and freezing of salaries of human right activists because of their political opinion;
- Violation of the rights of workers and retirees of Fosbucraa Company and exploration of Sahrawi Phosphates in breach of the provisions of their labour contracts, thereby denying them all the rights they used to enjoy under Spanish colonial rule;
- Conspiracy by Morocco with the employers to exploit workers under indecent and degrading conditions with meagre pay without health and social insurance cover.

b) The Right to Health

Deterioration of the Health Delivery Service

- Shortage of medical and para-medical personnel;
- Poor emergency and delivery services;
- Prevalence of high rates of mortality among pregnant women due to negligence and errors happening during delivery;
- Deterioration of conditions of hospitalisation;
- Rampant of bribery, favouritism and discrimination against Sahrawis;
- Lobbies that cause suffering to the patients because of extortion, involving doctors, nurses, pharmacists and vendors of para-medical equipment;
- Absence of a university treatment centre in the occupied Western Sahara cities; and
- Absence of medical services in the rural areas of Western Sahara.

212. The violations that take place in the hospitals against the Sahrawi citizens who participate in peaceful demonstrations and protest marches include the following:

1. Abduction and arrest of some victims of violence and torture during treatment (the case of Aminatou Haidar);
2. Involvement of some of Moroccan medical teams in concealing cases of violence and torture perpetrated by the Moroccan Intelligence against Sahrawi citizens who they deny medical certificates;

3. Denying some victims of violence and torture access to medical services because of their political stance on the Western Sahara issue;
4. Involvement of some medical and paramedical personnel in further torture of old victims of torture by the Moroccan Intelligence;
5. Absence of a physical and psychological rehabilitation centre for victims of landmines.

c) The Right to Education

- Inconsistence of the Moroccan syllabuses with the cultural and social identity of Sahrawis and Morocco's attempt to Moroccanize Saharawis and impose Moroccan surnames on them in place of their three-compound names;
- Militarisation of some educational institutions transforming some of them into detention cells guarded by Moroccan security and military personnel;
- Spreading of envy and hatred among pupils and students by the Moroccan Intelligence, resulting in bloody confrontations between Sahrawi and Moroccan students;
- Violence and torture against Sahrawi students in the educational institutions;
- Absence of colleges and higher learning institutions in the occupied Western Sahara cities, which hamper scientific studies, especially for Sahrawi girls.

d) Anti-personnel Mines

213. The landmines planted in Western Sahara and Southern Morocco since the beginning of the political and military conflict between Morocco and the Polisario in late 1975, still cause more deaths, especially among the livestock owners and the rural people. The death toll as a result of landmine explosives stands at more than 600 among both sexes and different age groups, with hundreds more being wounded.

214. It is to be recalled that the mines and substances that have not exploded pose a threat not only to human lives, but also restricts the movement of the social sector that depends on breeding livestock as their only source of livelihood. The situation is exacerbated by movement to areas that are hitherto considered safe of these landmines due to natural factors. The United Nations estimated the areas of Western Sahara where those mines have been planted to reach 100,000 square kilometres. This represents more than one third of the region's total area after Morocco's construction of the military wall along the more than 2,400 kilometres, thereby dividing the Sahrawi people and land into two. The military wall is guarded by more than 120,000 Moroccan soldiers and anti-personnel landmines planted there, which causes great loss of lives among Sahrawis.

215. The victims of landmines still suffer from marginalisation and neglect. The Moroccan State has failed to provide them with a physical and psychological rehabilitation centre, coupled with the absence of the necessary psychological treatment and care as well as compensation for damages.

The Sahrawi Human Rights Activists Arrested at Mohamed V Airport in Casablanca

Moroccan authorities have kidnapped 7 Sahrawi Human Rights Activists on 8 October 2009 as they arrived at Mohamed V Airport in Casablanca on board flight No. 561 coming from Houari Bonmedién Airport in Algiers following a visit to the Sahrawi Refugee Camps. Those involved were:

1. Former prisoner of conscience, Ali Salim El-Tamek, 37 years old, Vice-Chairperson of the Sahrawi Human Rights Activists Grouping (CODESA), Member of the Asia Chapter of the Moroccan Society for Human Rights, and member of the Frontline Organization of Human Rights in Ireland;
2. Former prisoner of conscience, Ibrahim Daham, 45 years old, Chairperson of the Sahrawi Society of Victims of Serious Violations of Human Rights, winner of a Swedish award in 2009 and member of the Moroccan Society of Serious Violations of Human Rights (ASVDH);
3. Former Sahrawi abductee and political prisoner, Ahmed El-Naseri, 39 years old, Secretary General of the Sahrawi Committee for the Defence of Human Rights in Occupied Samara, Western Sahara and Chairperson of a chapter of the Moroccan Society for Human Rights in the same city;
4. Former Sahrawi female abductee, El Dakja Lashkr, 51 years old, member of the Executive Committee of the Sahrawi Society of Victims of Serious Violations of Human Rights (ASVDH);
5. Former Sahrawi prisoner, Bahdhia El-Teruzi, 29 years old, Chairperson of El Aaiun Chapter of the Moroccan Society for Human Rights;

6. The Sahrawi Human Rights Activist, Saleh Lebihi, 37 years old, Chairperson of the Forum for the Protection of the Sahrawi Children;
7. Sahrawi Human Rights Activist, Rasheed El-Shaghir, 37 years old, member of the Anti-Torture Action Committee in Occupied Dakhla, Western Sahara.

Report on the Forced Deportation of Aminatou Haidar, a Former Sahrawi Human Rights Activists from Western Sahara

On 15 November 2009, the Moroccan authorities detained Aminatou Haidar (43) a former prisoner of conscience and human rights activist, Chairperson of the Grouping of Human Rights Advocates and Laureate of Robert Kennedy Award for Human Rights in 2008 and Civilian Bravery Award in 2009, USA. She was detained at the Airport as she disembarked from her flight from Las Palmas in the Canary Island, according to members of her family who came to meet her at the Airport. She was surrounded by different Moroccan Intelligence operatives.

Aminatou Haidar's family members waited for her arrival for at least one hour after the disembarkment of passengers, but to no avail. Only their daughter and two Spanish journalist taking pictures of her as she disembarked, remained behind. She was harassed and detained by the Moroccan Police.

In a dangerous precedent, the Moroccan authorities on 14 November 2009 forcibly deported Aminatou Haidar from El Aaiun Airport, Western Sahara and prevented her from her legitimate right to enter the city and meet her family and children, Mohamed and Hayat, 13 and 15 years of age, respectively.

This serious and blatant violation happened after her detention at the Airport for 24 hours. She was subjected to a series of interrogations by the Moroccan Intelligence Personnel and psychological pressures to force her to confess that she was Moroccan in line with the parochial chauvinistic policy applied by Morocco against Sahrawi human rights activists and other citizens and political detainees for their defence of the right of the Sahrawi people to self-determination.

Aminatou Haidar who was put on board a flight bound for the Canary Island refused upon arrival to disembark and demanded to be allowed to go back to her country, the Western Sahara unconditionally.

She did so in protest against her forced deportation after the confiscation of her passport and two mobile phones and against her detention in connivance with the Spanish Government. This was in violation of all international treaties and conventions and the international status of the Western Sahara Region whose people have since 1991 been awaiting their self-determination under the auspices of the United Nations.

The Lanzarote Airport authorities intervened during the first night to prevent Aminatou by force from continuing with her sit-in by locking the Airport gates at 11 p.m. This was to prevent her from continuing with her sit-in the following day surrounded by the media, human rights lawyers and activists, representatives of civil society organisations, committees of solidarity with the Sahrawi people and members of the Sahrawi Community in the Canary Island and other parts of Spain.

On the second day, Aminatou filed a legal suit to the Spanish authorities at the Police Station against her forced deportation. She also gave a series of press briefings with the some newspapers, satellite channels and international human rights organizations. She also met with the International Red Cross Society assigned to monitor her situation after providing her with some basic needs such as bed and blanket.

During the third night, the Spanish authorities violently intervened against Aminatou and her sympathisers by disconnecting light at the Airport to prevent the tens of journalists from taking picture of this blatant intervention and deportation of Aminatou from within the Airport. She was forcibly taken away amidst protests by a large group of Sahrawis and Spaniards who were so concerned about her health condition as she was complaining from some sickness caused by her abduction, torture, detention and hunger strike by political prisoners and human rights activists in Moroccan prisons.

Some of these sicknesses were a result of the delicate operation she underwent and from whose effects she was still suffering.

The peaceful and civilized sit-in by Aminatou Haidar and her hunger strike culminated in an international campaign in which human rights organizations and laureates as well as parliamentarians, trade unionists and women association representatives, human rights lawyers and artists, participated.

As a result of this international solidarity with Aminatou Haidar, Chairperson of the Human Rights Activists Grouping and her 32-day hunger strike, and taking into account her courageous and legitimate defiance of the decision to deport her from her native country, Western Sahara, she was awarded the Lanzarote Prize and later Nelson Mandela Prize for Peace and Solidarity on 11 December 2009. She was also awarded a prize for social creativity in 2009 by Fernando Dominic, Dean of La Laguna University in Spain.

All that was in recognition of Aminatou's human rights activism and rejection of any compromise on her return to her country, Western Sahara in the face of the fierce chauvinistic assault by the Moroccan Intelligence operatives after her forced deportation and the confiscation of all her personal documents at El-Aaiun Airport on 13 November 2009.

The statement issued by the UN Secretary General, Ban Ki Moon, the letters of the US Department of State and Kerry Kennedy, Chairperson of the Robert Kennedy Foundation for Justice and Human Rights to the Moroccan Government, all demanded the urgent resolution of the Aminatou Haider case by ensuring her return to her native Western Sahara in accordance with the International Humanitarian Law which recognises the right of individuals to freely travel and return to their countries of origin without being prevented by anyone from exercising this right.

With international pressure mounting, there was global solidarity with Aminatou Haidar in a number of world capital cities in the face of Morocco's refusal to allow her to return to her country. She was transferred from Lanzarote Island to Arrecife Hospital as her health deteriorated after her 31 day hunger strike in protest against her forced deportation on 14 November 2009.

The worldwide solidarity with Aminatou Haidar was in recognition of the legitimacy of her demand and her courage in reacting to this crime against humanity perpetrated in connivance between the Governments of Spain and Morocco in retaliation against her, by deporting her from her country, family, children and comrades.

It was also to denounce the blatant violations of human rights of Sahrawi citizens, students and human rights activists after the arrest of a group of seven Sahrawi human rights activists and prevention of another group from travelling and confiscation of their identification papers, as well as the arrest and trial of many Sahrawi nationals amidst a constant media propaganda against anyone who expressed any opinion different from the official Moroccan position on the issue of Western Sahara.

By the 23rd day of her hunger strike at the Lanzarote Hospital in Spain and rejection of any medical assistance as the Spanish Government tried to force her to stop her hunger strike, Aminatou's health deteriorated seriously. It was about to create a dangerous humanitarian catastrophe as she could neither stand up nor move whilst she lost weight, unable to talk, and looking pale in addition to other complications.

According to some sympathisers in her just and legitimate struggle, Aminatou's health raised a grave concern. She vomited blood because of sharp abdominal pain, headache and eye sore, pain in her bones and joints.

On 17 December 2009, Aminatou Haidar returned to El-Aaiun, Western Sahara after 35 day forced deportation and 32-day hunger strike. By conniving with Morocco in deporting the Sahrawi human rights activist and casting doubt about her international

human rights awards since 2006 following her release from the local prison, the Government of Spain has deepened its political and moral responsibility towards the Sahrawi people that have been suffering from human rights violations for over 35 years. The international community has failed so far to find a just solution that can guarantee the right of the Sahrawi people to self-determination despite the presence of the UN Mission for the organization of a referendum in Western Sahara since 1991. This has emboldened Morocco in continuing to perpetrate more crimes against humanity and against the innocent Sahrawis, particularly after the speech delivered by the King of Morocco, Mohamed V and the fierce attack on the Sahrawi human rights activists, students and citizens demanding self-determination for the Sahrawi people.

The entire Intelligence Apparatus and the Moroccan Airport authorities surrounded the residence of Amintou Haider who refused to get into the ambulance and preferred to go to her house in an ordinary car. She entered her house walking slowly assisted by her doctor and her sister amidst cheering and clapping by the crowd that gathered there despite the blockade of all the outlets to and from EL-bir El-Jadid Street. This was intended to prevent foreign journalists to cover the event of her return to Western Sahara from exile. Thanks to the pressure the international community brought to bear on the Governments of Morocco and Spain that these journalist were able to witness the event.

The aircraft which Aminatou Haidar and her doctor, Domingo du Kuzman and her sisters, Laila Haidar travelled on from Lanzarote Airport at 11 p.m. arrived at El-Aaiun Airport at 12 midnight after waiting for permission to land for about an hour.

At about 1 a.m., Aminatou Haidar was received with a hero's welcome by a large crowd of Sahrawis at her family house along El-bir El-Jadid. This happened despite the blockade of the whole area in a bid to prevent the Sahrawi people from welcoming her, which resulted in confrontation after the hoisting of the Polisario flag by them and the chanting of political slogans demanding self-determination by the Sahrawi people and solidarity with Aminatou Haidar in her struggle. She was to be accompanied from the

Airport to the city via the Kennedy Centre for Justice, by her Lawyers Ines Miranda but the Morocco authorities refused to grant her permission.

Finally, we would like to state that the Moroccans have given back to the Human Rights activist, Aminatou Haidar her passport which they confiscated on 13 November 2009 at El-Aaiun Airport, Western Sahara before her forced deportation in violation of international human rights instruments.

On Events at Gdiem Izik Camp

10 October represents a turning point for the Saharawi displaced persons at Gdeim Izik Camp 12 kilometres away from the occupied El Aaiun.

From the first week of the establishment of that Camp, the Moroccan authorities deployed soldiers, royal gendarme and paramilitary forces to surround the Camp whilst the Police, the Intelligence Operatives and the Gendarme stopped and took pictures of those coming or leaving the Camp.

On 8 October 2010, the Moroccan authorities deliberately erected a sand wall to place the Camp under siege by the Moroccan armed gendarme and paramilitary troops whilst the Police and elements of the Intelligence Service caught and took pictures of those going to the Camp.

On 20 October 2010, the intervention by Moroccan troops to prevent hundreds of Sahrawis and tens of trucks carrying food, water and personal belongings, from entering the Camp. The Moroccan authorities used force, military cars and trucks, rubber bullets and stone to chase away the Sahrawi cars, damaging them. This resulted in injuries sustained by a large number of Sahrawis, including Fatima Bu Teba'ah, Hurriyya El-Musawi, Ahmed Mahjoub El-Mahdawi, Khadijatu Ma Lainen, Salah El-Jabbar, Saidati El-Shakuti, Wa Heseina Hamadi, Fatma Bushama et al. On the evening of the same day, a solidarity protest was organised by the Sahrawis in occupied El Aaiun in support of the besieged Sahrawi displaced persons.

On 24 October 2010, the Moroccan authorities fired live bullets at a civilian car carrying 6 Sahrawis, including a minor called Najim El-Karhi (14 years old) who died instantly and was buried in the night of 25 October 2010 after putting the family of the victim under pressure. Others sustained serious injuries and were admitted in the military

hospital at occupied El Aaiun under surveillance. Two were taken to court and charged with the offence of covering up for the crime committed.

On 5 November 2010, the Minister of the Interior of the Moroccan Government and his assistants declared their commitment to respond to the demands of the displaced persons after reaching an agreement with the Committee representing the Gdeim Izik Camp. They pledged to implement the said Agreement as of 8 November 2010 after circulating the contents of the agreement to the displaced persons. The displaced persons embarked on the preparation of their necessary identification papers for that purpose.

On 7 November 2010, members of the Committee representing the Camp were taken by surprise for being held responsible for the failure of the dialogue and were branded as criminals, accused of detaining civilians in the Camp. They were also accused of being exploited by foreign forces. Therefore, an arrest warrant was issued by the King's Counsel in El Aaiun Court and published by the official Moroccan News Agency.

Monday, 8 November 2010 after 13.30 p.m.

From 13.30 p.m. and with the arrival of troops that participated in the demolition of the Gdeim Izik Camp, tens of Moroccans, carrying Moroccan flags, the picture of the King and light weapons in large groups under the protection of the Moroccan army and security forces, wreaked havoc in the city.

In the face of this bleak situation in El Aaiun since the first hours of 8 November 2010, it was difficult for those coming out of the Camp, particularly the aged, children, women and people with special needs to carry on. Therefore, some of them had to ease themselves in the open air, spend a night or several nights away from their families, which worried the families.

There were reports that a group of children and infants were separated from their mothers during the raid whilst some women could only find their children days thereafter.

Due to the confrontations of the 8 November 2010 in El Aaiun, many Sahrawis (from the Gdeim Izik Camp, after it was stormed or those fleeing their houses in the morning in search of their people) could not go back. Therefore, they sought refuge with Sahrawi families for a day and in some instances for days.

After storming the Camp, some elements of the army (wearing a uniform similar to that of the security forces) and paramilitary as well as the gendarmes, looted and stole properties and electronic devices of Sahrawi displaced persons in the Camp. It should be recalled that some displaced persons remained in the Camp for a month. The Camp and the cars were later set on fire.

The operation turned from raid into dismantling the Camp coupled with manhunt within the vicinity where many families were subjected to violence, beating, destruction of property and burning of cars.

THE DAY OF THE RAID

Inhabitants of El Aaiun woke up on Monday, 8 November 2010 from 6:30 am, to the raid on the Gdeim Izik Camp and went there to find out for themselves what was happening and to ensure the safety of family members. The sirens of military helicopters and tens of Moroccan Security Force cars, the smoke coming out of the Camp, reports by the first survivors from the Camp, all this caused more fear about the fate of the thousands of the Sahrawis in the Camp. The Moroccan authorities created confusion, cut off mobile contacts in the vicinity. All victims confirmed that events of Monday, 8 November 2010 happened in two stages.

MONDAY, 8 NOVEMBER 2010, FROM 08:00 – 12:00

Various parts of occupied El Aaiun witnessed demonstrations during which the Sahrawi Republic flags were raised and slogans demanding independence were chanted,

No assault by the Sahrawi demonstrators on the homes of innocent Moroccans and against their personal safety, was reported according to the Sahrawi Human Rights Activists Grouping.

Police cars chased innocent pedestrians along Samara Street. Among them was Babi Karkar (36 years old) working with Fosbucra'a Company and, his father and his two children who have Spanish nationality. He died according to eye witnesses after two hours without receiving any help.

By the early hours of Monday, 8 November 2010, it was clear that there was security vacuum, and total disappearance of the Police from most areas of El Aaiun, giving rise to questions as to the reason behind their disappearance.

In areas of the city, especially Dowar Lam Lemkhaznia, Suk Jemal and Hayyul Masira ,large crowds of Moroccan decent assembled, blocking the road to the hospital and other areas, using road blocks and light-weapons to force passers-by among civilians to sing the Moroccan national anthem and praise the King of Morocco whilst beating them at the same time.

MONDAY, 8 NOVEMBER 2010 AFTER `3:30 PM

From 13:30pm and with the arrival of troops that participated in the demolition of the Gdeim Izik Camp, tens of Moroccans, carrying Moroccan flags, the picture of the King and light weapons in large groups under the protection of the Moroccan army and security forces, wreaked havoc in the city damaging cars, storming homes of Sahrawis in the different wards amidst looting, stealing, wanton destruction and violence.

From the early hours, the Moroccan authorities through special trained soldiers stormed houses of Sahrawis, kidnapping the youth and children and dragging them into Police cells. Some philanthropic foundations were turned into secret detention camps for torturing and humiliation of the Sahrawis.

The storming of houses of Sahrawis was carried out amidst a series of practices bordering on racism, crimes against humanity such as the use of rubber and live bullets as well as tear gas in closed places, mass violence and beating of anyone found in their house including children, pregnant women and the aged as well as harassing them sexually.

THE AFTERMATH OF THE STORMING OF GDEIM IZIK CAMP

The city was besieged by the Moroccan soldiers and a curfew was declared in the city that was almost deserted. Many Sahrawis had to leave their homes and be absent from the Eid-El-Adha Prayer. They could not celebrate the Eid, and could not exchange visits with their relatives, the majority of whom suffered from the effects of the raids and were afraid of being abducted. Many among the wounded were not able to go to the hospitals for fear of reprisals and arrests.

Bakeries and shops were closed and students had to stop going to school in the city from the very beginning of the violent confrontations. Some educational institutions

were turned into barracks where the army, the gendarme and paramilitaries linked with each other. Some of the people were interrogated before being sent to Police and Gendarme cells.

On 12 November 2010, the Moroccan authorities announced the death of a Sahrawi citizen arrested on 8 November 2010 called Ibrahim El-Dawdi (40 years old) married with two children at the military hospital of El-Aaiun. He was buried under mysterious circumstances.

On 15 November 2010, tens of Sahrawis the majority of them youth, were arraigned before El-Aaiun Court of Appeal. They were in a terrible condition as a result of torture and were almost barefooted and dressed in their rag tag outfits smelling bad with the wounds of some without bandage according to their lawyers. Most of them minors, were then released but some were kept for investigation whilst some others were taken to La Careel Prison in El-Aaiun and some appeared before the Military Court in Rabat. The third group had their duration of custody extended.

The arrests connected with the storming of the Camp of the displaced Sahrawis continued and according to statistics that have not been updated:

- 160 Sahrawis in the local prison of La Careel Negra Prison El-Aaiun, Western Sahara;
- 20 others in Salé Prison, Morocco;
- 12 Sahrawis temporarily released;

Before dragging the Sahrawis following the raid on Gdein Ezik Camp to the courts, a lot of them were in the local prison in El-Aaiun, Western Sahara whilst some were kept in different prisons in Morocco. They were carried on board trains belonging to the Fosbucra'a, a phosphate extraction mines Company in Bu cra'a, East El-Aaiun. used by the Moroccan authorities on 8 November 2010.

The Moroccan authorities also prevented families of those arrested, victims who were fired at on 24 October 2010 and those admitted at the military hospital of El-Aaiun, from visiting them since 8 November 2010 according to reports received from those families.

The story of the Gdein Izik Camp and the resultant blatant violation of their human and peoples rights, have led to:

- Convening of the UN Security Council twice in a week to discuss the matter;
- The storming of the Camp featured prominently and in an unprecedented manner, in the international and Spanish media;
- A political debate took place in the Spanish Parliament and the intervention by the Moroccan forces was concluded whilst demand was made for accountability by the Spanish Prime Minister Rodrico Isapitero about the Spanish Government's role in the raid;
- The European Parliament met and decided to send a fact finding mission to the region;
- Both Morocco and the Polisario were invited for their views to be heard by the European Parliament on what transpired at the Camp and the El-Aaiun events as well as the resultant violations;
- There was condemnation by several International Organizations, political parties, trade unions, etc.

All that was accompanied by a wave of outrage which pushed the majority of Moroccan officials into settling narrow chauvinist racist scores. A lot of arrests were made Sahrawis were kept for many years in the local prison of La Careel Negra, El-Aaiun, Western Sahara, in addition to about 160 including the aged, and women whose families were left behind and children and pregnant women as well as 20 prisoners in Salé prison in Morocco.

The situation following the storming of the Camp has deteriorated due to Morocco's repressive policy which has paralysed human rights related activities in the occupied Sahrawi cities including the right of association, freedom of expression, assembly and movement, as well as access by the international observers to the region to observe the human rights situation characterised by unfair treatment, silence about torture and lack of investigation into the cases of Sahrawi detainees despite the statements they made before the judiciary.

The tempo of media assault by Morocco intensified represented by the official News Agency and other partisan and independent agencies as well as the chauvinistic tone of official and partisan statements of leaders of the political parties and Parliamentary Groups. The Anti-Sahrawi propaganda also included Moroccan associations, trade unions and Bar Association in Casablanca, all this because the Sahrawis dare demand for their right to self-determination.

The socio-economic situation of the Sahrawis coupled with the continued looting of the national resources of Western Sahara worsened before the initiation of the European Moroccan dialogue on granting Morocco the status of partner with the European Union, by which Morocco will be under obligation to respect human rights and reform its judiciary.

As a result of the non-implementation of the recommendations contained in the reports of the various international rights organizations calling for respect for the human rights of the Sahrawi people:

- A mission of the UN High Commissioner for Human Rights visited the region in 2006;
- A fact Finding Missions by the European Union visited the region in 2002, 2006 and 2009;
- Reports by international Human Rights Watch, Amnesty International etc. against torture were released.

Circumstances Surrounding Certain Deaths

Cause of Death	Circumstances of Death
Two deaths caused by live bullets	Circumstances of Death
Death caused by being ran down by a Moroccan Police car	Case of Sahrawi Minor, El Kudu Case of Sahrawi Youth, Said Dember
Two deaths caused by torture	Case of Sahrawi Youth, Babi El- Karkur
Torture	Case of Sahrawi Youths, Ibrahim El-Dwadi and Hamdi Lambaralli
TOTAL	05 Deaths

Full Name	Age and Mental Status	Date and Place of Death	Those responsible
Najin Karhi	14 years old (minor) student	24 October 2010 at Gdeim Izik, El-Aaiun	He was shot with live bullet on board a car in the company of other Sahrawis near Gdeim Izik Camp, East El-Aaiun
Babi Karkar	36 years old, married with two children	8 November 2010 along Samara Street, El-Aaiun	Ran down by a police car
Ibrahim Dawdi	40 years old married with two children	On 12 November 2010 at the El-Aaiun Military Hospital	He was in hiding at Gdeim Izik Camp from 8 November 2010 until the time his family was informed of his death on 12

			November 2010. One of his family members reported that he was tortured and abused and he ended up in a hospital
Said Denber	26 years old, an unemployed graduate	23 December 2010 at the Xray Section of El Hassan Belmahdi Hospital in El-Aaiun after his family refused to receive his remains before establishing the cause of his death and punishment of those responsible	Members of his family reported that he was shot with two bullets by the Moroccan police, one on the head and the second on the chest. He remained in coma for 20 hours before he was declared dead
Haidi Lambaroki	28 years old unemployed	31 October 2005 in El-Aaiun following participation in the independence Intifadha	His family reported that he was shot and tortured by the Moroccan Police and as a result of his serious wounds and bleeding, he died

15 SAHRAWI ABDUCTEES

The whereabouts of 15 Sahrawis are unknown, as of 25 December 2005. Their families accused Morocco of having abducted them for their participation in a peaceful demonstration for self-determination by the Sahrawi people.

Names of the Abductees	Date and Place of Abduction	Those Responsible According to the Families
Ali Salim Lafdheel Mol Dar		
Mustapha Mohamed Fadhel Yusufi		Moroccan Navy and Gendarme
Khaleehem Bashir Rayis		
Mohamed Ba'isthi	25 December 2005 near occupied Bojadar, Western Sahara	
Sidi Ahmed Abdul Wadoud Aaku		
Saddiq Sedi Ahmed Butiakiz		
Sidi Ibrahim Mouktar Yusufi		
Abdul Rahman Sidi Mohmed Khalifi		
Abdul Raheem Saulali		
Ahmed Azmer		
Habiballah Sidi Mohamed Khalifi		
La'amousi Mbarak Sweihi		
Ahmed Sidi Ahmed Kuwari		
Said La'arousi Akreteh		

Lahabib Bakai Hallab		
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Sahrawi Political Prisoners in Different Moroccan Prisons

Yahya Mohamed Hafix Eaza (45 years old)	1 March 2008 Tantan, South Morocco	Sentenced to 15 years in prison	Local prison of Bait Malulu, Morocco
Cheikh Amidan (27 years old)	26 August 2009, Dakhla Police Checkpoint, Western Sahara	Sentenced to 4 years in prison	“
Bashri Ben Taleb (29 years old)	21 December, El- Aaiun, Western Sahara	“	“
Sahel Rotimi (26 years old)	2 November 2009, Tantan, South Morocco	“	“
Sidi Ahmed Marir (27 years old)	4 November 2009, Tantan, South Morocco	“	“
Mahfudh Habeh (30 years old)	22 October 2009 Dakhla, Western Sahara	“	“
Eisa Buda (25 years old)	4 November 2009, South Tantan, South Morocco	“	“
Mohamed Baulawi (28 years old)	1 March 2008 Tantan, South Morocco	“	“
Mahjoub Eilal (24 years old)	26 June 2009, Tantan, South	“	
Maulaya Ali Bu	13 November,	Sentenced to 4	Tizait local prison,

Amid (23 years old)	Casablanca, Morocco	years in prison	Morocco
Mujaheed Miyara (35 years old)	2 March 2008 Tantan, South Morocco	“	“
Mohamed Salimi (36 years old)	“	“	“
Sakawa Sharafi	17 March 2008	“	Tizuit prison, Morocco
Fakir Lahssam	1 March 2008, Tantan, South Morocco	“	“
Najim Buba	2 March, Tantan, South Morocco	“	“
Hasna Khallad	9 October 2009, Tantan, South Morocco	“	“
Hassan Abdallah	26 January 2006, El-Aaiun, Western Sahara	Sentenced to 10 years, 6 of which is for his participation in a peaceful demonstration for self-determination of the Sahrawi people, 4 and half for carrying political slogans and for organizing a sit-in at the Bait Malulu local prison.	Beir Sulayman local prison, Morocco
Hamdi Sidi Akrinishi	28 September 2011,	Sentenced to 8	Dakhla local prison,

	Dakhla, Western Sahara	months in prison by the Dakhla Court of First Instance, Western Sahara	El-Aaiun, Western Sahara
Mansour Sidi Akriush	“	“	“
Mansour Abha	“	“	“
Aziz Hafidh	“	“	“
Rekibi Mohamed Salim	27 September 2011, Dakhla, Western Sahara	10 Months by Dakhla Course of First Instance, Western Sahara	“
Hayya Lador	27 September 2011, Dakhla, Western Sahara	“	“
Salim Barka Hassan Ali Abdalla	“	“	“
Mohamed Aldo Akwash	“	One year, by Dakhla Court of First Instance, Western Sahara	“
Fadhil Mbarall	“	“	“
Diyya Hanoun (Public Counsellor)	“	“	“
Ahmed Dawdi	24 October 2010 near Wall surrounding Gdeim Izik	Spent about 9 months between the military hospitals of El-Aaiun before being investigated by the Rabat Military Court	Basha Local Prison

Abdel Deim Mustapha (48 years old)	29 October 2008, Basa, South Morocco	3 years sentence and a fine of 50,000 Moroccan Dirham and a ban from public office for 10 years	Basha local prison
Salina Musaid (23 years old)	21 April 2011, Janice Swesi Ward Rabat, Morocco	Preventive detention pending investigation by the Criminal Chamber of the Court of Appeal, Rabat, Morocco	"
Abeelil Said (22 years old)	"	"	"
Lahabib Mansour (21 years old)	"	"	"
Ahmed Ayyub (24 years old)	"	"	"
Mohamed Berk (22 years old)	"	"	"

List of Sahrawi Political Prisoners in Sala Prison to Appear Before the Rabat Military Court, Morocco Because of their Political Positions

Names of Prisoners	Date and Place of Arrest	Sentence Term	Current Place of Detention
Neema Asferi (41 years old)	7 November 2010, Gdeim Izik Camp, El-Aaiun, Western Sahara	Preventive Arrest pending investigations by the Rabat Military Court	Sale Local Prison, Morocco
Mohamed Burial (41 years old)	8 November 2010, Gdeim, Izik Camp, El-Aaiun, Western Sahara	“	“
Cheikh Banka	“	“	“
Mohamed Banie (42 years old)	“	“	“
Mohamed Ayyubi (56 years old)	“	“	“
Attaki Mashdhifi (26 year old)	8 November 2010, Smara Street, Western Sahara	“	“
Abdel Jalil La,anusi Lanighinidh (33 years old)	12 November 2010, Bojador, Western Sahara	“	“
Abdallah Khafawne (37 years old)	13 November 2010, Efaim Elluad, Western Sahara	“	“
Mohamed Bashir Butekiza (37 years old)	19 November 2010, El-Aaiun, Western Sahara	“	“

Names of Prisoners	Date and Place of Arrest	Sentence Term	Current Place of Detention
Sidi Abdellah Abhah (36 years old)	“	“	“
Mohamed Lamine Hadi (27 years old)	20 November 2010, Samara Street, El-Aaiun, Western Sahara	“	“
Abdellah Tubali (31 years old)	2 Dember 2010, El-Aaiun, Western Sahara	“	“
Husein Zawi (36 years old)	“	“	“
El-Dish El-Daf (31 years old)	3 December 2010, El-Aaiun, Western Sahara	“	“
Bashir Khada (25 years old)	5 December, El-Aaiun, Western Sahara	“	“
Mohamed Tahlil (30 years old)	“	“	“
Hassan Aldah (24 years old)	5 December 2010, El-Aaiun, Western Sahara	“	“
Ahmed Subae (30 years old)	8 December 2010	“	“
Sidi Ahmed Lamjid (46 years old)	26 December 2010, El-Aaiun, Western Sahara	“	“
Ibrahim Ismaeli (41	10 November 2010,	Spent 7 months in	“

Names of Prisoners	Date and Place of Arrest	Sentence Term	Current Place of Detention
years old)	El-Aaiun, Western Sahara	La Careel Negra prison where he was detained after his temporary release by virtue of a warrant from the Prosecutor General of the king.	
Mohamed Mbarak Fakir (34 years old)	14 November 2010, El-Aaiun, Western Sahara	“	“

Abuse and Harassment of Foreign Journalists

Name	Nationality	Date and Place	Type of Abuse
6 International Observers	4 Spaniards 1 Argentinian	12 March 2010, Dakhla, Western Sahara	Harassment and seige of the house of the Human Rights Advocate, Ahmed Honiyya, in Oum Tunisi Ward
Berta Herrainz Rafeal Antorrena	Spaniard	9 April, Samara Street, El-Aaiun, Western Sahara during participation in protests in front of the El-Aaiun Court of Appeal Building, Western Sahara	Arrest and confiscation of pictures taken when he was accompanying Sahrawi human rights advocates coming from a visit to their leaders in the Sahrawi Refugee Camps
Ame Peter Baraalme	Dutch	26 June 2010 at check point, South West El-Aaiun, Western Sahara	Arrest by Moroccan Police
Javier Sopena	Spaniard	18 July 2010 in front of the house of the former Sharawi political prisoner, Andur Hassein, El-Aaiun, Western	Assault by elements of the Moroccan Police in civilian clothes

Name	Nationality	Date and Place	Type of Abuse
		Sahara	
Antonio Filazkir	Mexican	23 August 2010 in front of the house of former political prisoner	Beating by the Moroccan Police in civilian clothes
Bilar Alo Medina Fortino	Mexican Spaniard	24 August 2010 in front of the house of the family of the Human Rights,, Activist, Ahmad Hamad	Assault and detention for 10 hours in the above-mentioned house.
Ezabel Tiaraza Rubolo	Spaniard	28 August 2010 along Samera Street, El-Aaiun, Western Sahara	Violent intervention by the authorities to prevent demonstration and demand of self-determination by the Sahrawi people
Anselmo Farinas Milian	Spaniard	“	
Alexis Dorta	Spaniard	“	
Roberto Messa	Spaniard	“	
Karmen Rogor	Spaniard	“	
Eva Solano	Spaniard	“	
Gonzalo Rodriguez	Spaniard	“	
Esperanza Jorge	“	“	
Anna Reyes	“	“	
Silva Messa	“	“	
Pilar Blas	“	“	

Name	Nationality	Date and Place	Type of Abuse
Japci Marrero	“	“	
Pablo Mondero	“	“	
Sonia Diaz	“	“	
Karmelo Ramiriz	“	29 September 2010 at El-Aaiun Airport, western Sahara	Assaued and prevented from receiving a human rights delegation from Algiers
Jose Morelis	Uruguayan		
Joviers Sobena	Spaniard	29 September 2010 along Samara Street	Prevention from solidarity with Sahrawi workers and retirees at Fosbucraa in their peaceful protest in front of representatives of the Ministry of Energy and Mines
Anna Alkardo	“	“	“
Slvia Karsia	“	“	“
Racael Yibiscado	“	“	“
Roderico Albaris	“	“	“
Willy Jolido	Spaniard	29 September 2010, El-Aaiun, Airport, Western Sahara	Assault and prevention by some lawyers and militia
Tiago Viera, Head of the World Federation of Youth	Portuguese	30 October 2010 at Airport Casablanca Court of the First	Prevention from living the Airport and visiting El-Aaiun

Name	Nationality	Date and Place	Type of Abuse
for Democracy		Instance, Morocco	
Antonio Barino	Spaniard	5 November 2010 at the Casablanca Court of First Instance, Morocco	Beating and violence by some Moroccan lawyers and militia
Edwardo Mariena, Journalist and correspondent for Radio Cadenaser	“	“	“
9 Foreign observers from the Spanish Civil Society	“	31 October 2010, El-Aaiun, Western Sahara	Prevention from coming out of the ship from the Canary Island and visiting El-Aaiun in solidarity with the Sahrawi displaced persons in Gdeim Izik Camp
Representatives of National Geography Society	Americana		
Journalists of Cadena SER Radio	Spaniards		
Nicolas Castina, a Journalist	Swede		
Angel Barisoto, Director of the 24 Hours Programme, Spanish TV	Spaniards	November 2010, Mohamed V Airport, Casablanca, Morocco	Prevention from visiting El-Aaiun
Female Journalist			Arrest and

Name	Nationality	Date and Place	Type of Abuse
Angel Cabirera			prevention from going to Western Sahara
M P Jonas Stosledt	Swede		
Belgian Physicians, Mary Jane and Yudero Ann Colly	Belgian	21 November 2010, El-Aaiun, Western Sahara	Deportation and prevention from visiting El-Aaiun, Western Sahara
A group of Spanish Journalists	Spaniard Norwegian	November 2010, Manara Airport, Marrakesh, Morocco	Assault by militias and elements of the Moroccan Police in civilian clothes
Spanish representatives of the Basc Cooperation Society, Escal Fonda	Spaniard	16 March, Tantan, South Morocco	

An inexhaustive List Containing Names of Sahrawi Abductees whose whereabouts are unknown and most of them victims of forced disappearance during the 70s, 80s and 90s.

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Enlilila Ammar Mahjoub	14 June 1976, Sanara, Western Sahara	
Omar Buzeid Ahmed	10 June 1976, Samara, Western Sahara	Moroccan Gendarme
Ahmed Lama'adal Mohamed Mahdi	“	“
Lamam Ibrahim Taib	“	“
Hifz Sidia Mohamed	“	“
Hammadi Sidia Mohamed	“	“
Mohamed Salim Handi Abdellah	“	“
Abdati Mohamed Salim Ibrahim	“	“
Hadhiya Mohamed Mbarak Zaidan	“	“
Lahabib Ghala Hassan	“	“
Hammueli Mohamed Lahabib Beea	“	“
Buzaid Lamine Abdallah	“	“
Hammdu Saleh Ibrahim	“	“
Sidi Ahmed Ibrahim Sidi	“	“
Ali Salim Ibrahim Lamwahad	“	“

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Mohamed Yaslam Amohamed	“	“
Sidi Ahmed Ibrahim Kimuwad	1976, Samara, western Sahara	Moroccan Army
Mohamed Lamine Mohamed Fadhel Cheikh	1976, Samara., Western Sahara	“
Bashri Lamine Wuld Lamine	1976, Amghala, Western Sahara	“
Mohamed Fadhel Bashir Hinan	1976, Samara, Western Sahara	“
Ahuedanah Baraka Lamine Abjabja	December 1975, Samara, Western Sahara	“
Mohamed Salim Laubaid Hama	1976, Samara Western Sahara	“
Mohamed Salim Salek Bal Kasem	“	“
Baba Sidi Ammar	December 1975, Ba Jilreya, Western Sahara	“
Hamdi Ibrahim Salem Mawlaye	27 November 1976, Bereib, Western Sahara	“
Bala Mohamed Mawlid Hana	1976, Mkala, Western Sahara	“
Salnia Daf Side Silk	1976, Bekeib Western Sahara	“
Bashir Silmi Sidi Daf	1976 Bmkala, Western Sahara	“
Amberaka Daf Sidi Silk	“	“
Fatma Cheikh Ahmed	23 June 1993, Samara,	“

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Hammadi	Western Sahara	
Mohamed Fadhel Jadhali Elsid	23 July 1986 Benkajer, Western Sahara	“
Mohamed Aali Abdul Rahma	1976, Mkala, Western Sahara	“
Mohamed Lani Sidi Lahbib Uouba	1976 Bejderia, Western Sahara	“
Mohamed Lamine Lanbadi Gaba	December 1975, Western Sahara	“
Mohamed Mmberale Buhali	1976, Samara, Western Sahara	
Nafei Amilid Utman	1988 Wadi Dara'a	
Sidi Silk Kuri	1976, South Morocco	
Abdi Ahmed Tater	“	
Manie Salik Hamdi	1976 Tafilalat, Western Sahara	
Qadi Khalil Amhamed	1976 Tafudarty, Western Sahara	
Mohamed Salim Ahmed Didi	12 November 1975, Jedeera, Western Sahara	
Mohamed Mbarak Wlad Abdallah	27 November 1975, Jedeera, Western Sahara	
Fatmatu Ahmed Salim Abaad	April 1984, Akader, Morocco	Moroccan Territory Administration
Meubiya Mohamed Baun	11 July 1976, Sanara, Western Sahara	
Maulid Lahasan Baun		
Muhamed Salim Mbarak Ali	10 July, Samara, Western	Morocco Gendarme

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Buhu	Sahara	
Bashir Lahabib Labihi		
Hana Bilali Mohamed Salim	September 1976, Samara, Western Sahara	“
Sidi Ahmed Sughra Janali	20 February 1975, Sanara, Western Sahara	
Arabi Labbat Suqhra	December 1975, Maksla, Western Sahara	
Janali Mohamed		
Mauhid Mohamed Lamine	1976, Echdeira, Western Sahara	Moroccan Territorial Administration
Bu Taba'a Hanafi Mbarak	6 Maula, Echdeira, Western Sahara	Moroccan Territorial Administration
Mohamed Fadhel Ahmed Ali Ahmed	26 Maula Echdeira, Western Sahara	Moroccan Gendarme
Mohamed Lakhaaf Marzuk	1976 Samara, Western Sahara	Moroccan Gendarme
Qutib Hafidh Yahdhiya Ahmed Salik	7 November 1979, El-Aaiun, Western Sahara	
Bashar Ibrahim Mohamed Khalil Abha	“	
Mohamed Bashir Eila	Mrch 1976, Samara, Western Sahara	Moroccan Gendarme
Mohamed salim Sidi Ahmed Lamils		
Sidi Ahmed Beidallah	1976 Echdeira	Moroccan Army and Gendarme
Ahmenan Mohamed Nafei	19 June 1976, Mkala,	Moroccan Gendarme

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
	Western Sahara	
Bu Rahim Mghla Yahdhiya Mbarak	23 March 1985, El-Hagounia, western Sahara	Judicial Police Section
Belawi Ashna Omar Askani	June 1976, Samara, Western Sahara	Moroccn Territory Administration
Faraji Mohamed Salim Abeyi Baraka	6 April, El-Aaiun, Western Sahara	Moroccan Gendarme
Mukhta Mbarak Mohamed Aaliu Abreira	23 March 1976, El-Hagunia, Western Sahara	Moroccan Army
Badad tagie Sidi Mohamed Ibrahim	“	“
Nafa'a Bahir Abdul Kader		
Ibrahim Sidi Hane	3 October 1975, Farsi, Western Sahara	Moroccan Gendarme
Keirawan Saeed Mohamed Ahmed Did	3 November 1992, El-Aaiun, Western Sahara	“
Ghali Mohamed Mocktar Sidi Hammad	February 1976, Samara, Western Sahara	10 July, Samara Western Sahara
Zaiduna Mohamed Ma'ahiam Mohamed Salim	10 July 1976, Samara, Western Sahara	10 July, Samara, Western Sahara
Sidi Ahmed Mohamed Sidi Ahmed	“	“
Mohamed Najam Khalifi	“	“
Ahmed Mohamed Salim Arabi	“	“
Mohamed Mohamed Salim Arabi	“	“
Aba Ali Mustafa Mohamed	“	“

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Saghir		
Ibrahim Salim Atandu Ahmida	7 February 1976 Mkala, Western Sahara	“
Abdul Rahman Mohamed Mbarak Labashir	10 July 1976 Samara, Western Sahara	Moroccan Army and Gendarme
Bulila Lahabib Dawd	12 November 1975, Western Sahara	“
Ahmatu Sidi Abdullah	12 November 1975 Jediriya, Western Sahara	“
Salama Mohamed Ali Kursha	1976, Mkala, Western Sahara	Moroccan Army
Amriba Mohamed Mbarak Saleh	12 April 1976, Samara, Western Sahara	“
Awlad Cheikh Abdul Jalil	1980 Dakhala, Western Sahara	Morocco Territorial Administration
Ahmed Ibrahim Ahmed	20 May 1977, El-Aaiun, Western Sahara	Moroccan Territorial Administration
Mohammed Mohamed Ali Rasheed	1 November 1975, Echdeira, Western Sahara	Moroccan Army
Ajdud Lakhalfa Aali Azriul	1976, Dara'a, Morocco	“
Baba Ahwad Abdul Rahman	April 1976, Western Sahara	“
Faraje Silk Ahmed El Abel	1976, Samara, Western Sahara	“
Abdul Wahab Mohamed Huane	31 October 1976	“
Lahabib Hashim Wuld Hashim	1976, Mkala, Western Sahara	“

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Sidi Mohamed Ahued Ammar	1976, El-Aaiun, Western Sahara	“
Abdullah Malujub Abdul Malik Abilil	1976 Mkala	“
Ibrahim Hasha Dawd	January 19, Jedrify, Western Sahara	“
Mohamed Aali Mohamed Mbarak Aldel	22 November 1975 Jaja, Western Sahara	“
Sidi Ahmed Ja'ae Sidi	“	“
Handi Abdullah Bic Juma'a	“	“
Hadi Khatri Zawi	“	“
Mohamed Salim Blal Salim	“	“
Mohamed Ayyad Omar	“	“
Najan slimmer Omar	1977, Samara, Western Sahara	“
Bashir Hasna Ibrahim	“	“
Mohamed Salim Mohamed Lahabib Allah	October 1977, Agadir, Morocco	Moroccan Territorial Administration
Mohamed Mbaruk Sidi Ahmed Dafa'a	March 1998	“
Mohamed Ahmed Mohamed Abdel Rahman	24 September 1988, El-Aaiun, Western Sahara	“
Ali Sidi Kamal	1996, El-Aaiun, Western Sahara	“
Sululeh Mohamed Bumerah	July 1997 El-Aaiun, Western Sahara	“
La'aamsi Mohamed Abdul Rahman	31 March 1998, EL-Aaiun	“

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Ahmed Lahassan Mahdi	2 February 1976, Dara'a	Moroccan Army and Gendarme
Mohamed Aali Abel Hassan	March 1976 Dara'a	Moroccan Army
Fatma Aali Abal Hassan	1976 Wadi Dara'a	Moroccan Army and Gendarme
Anutitu Aali Mohamed	November 1986, El-Aaiun, Western Sahara	Moroccan Territorial Administration
Mohamed Abdullah Chiekh Ali	1981, EL-Aaiun, Western Sahara	"
Mukaf Mohamed Tahabib	June 1996, E-Aaiun, Western Sahara	Moroccan Army
Mustafa Ibrahim Sidi	1984, El-Aaiun, Western Sahara	Moroccan Territorial Administration
Mohamed Hanafi Bu Tiba'a	25 October 1996, El-Aaiun, Western Sahara	Jucial Police Section
Bahiya Ambirik Baha	1996 El-Aaiun	"
Khundud Mohamed Sulem	December 1975, Lebirat, Western Sahara	Moroccan Army
Moktar Hussein Ramit	1979 Tantan, South Morocco	"
Ahmed Sulem Mohamed Tarfas	1976 Zak, South Morocco	"
Bashir Mbarak Mahjub	1976 Malta	"
Ali Salim Hassan Ibrahim	1976, Samara, Western Sahara	Moroccan Gendarme
Ali Ahmed Bashir Aala	10 July, Kulta, Western Sahara	Moroccan Army
Bashir Mohamed Abdi	February 1976, Kulta,	Moroccan Gendarme and

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
	Western Sahara	Army
Mohamed Fadhel sidi Sid Aala	16 November 1975, Hawza, Western Sahara	Moroccan Army
Mustafa Salih Ahnini	6 November 1975, Samara, Western Sahara	Moroccan Army
Ahmdanah Yahya Benaaser	December 1975, Zak, Western Sahara	Moroccan Army
Mohamed Ruwida Aimar	20 November 1987, El-Aaiun, Western Sahara	Moroccan Territorial Administration
Mohamed Najaa Rukeibi	1976, El-Aaiun, Western Sahara	Moroccan Gendarme
Sidi Mohamed Lamine Bu Juma'a	July 1976, Samara, Western Sahara	Moroccan Army and Gendarme
Hammadi Baba Mbarak Ahsuenaa	1976, El-Aaiun, Western Sahara	Moroccan Army
Buzaid Sidi Ahmed Didi	February 1976, Mkala, Western Sahara	“
Beida Mbarak Ahissena	“	“
Mohamed El Abd Ahmed	6 November 1977, Huza, Western Sahara	“
Fadhli Laubaidi Ahmed	3 November 1976, Bir Lahdu, Western Sahara	“
Mohamed Bashir Ali	November 1976, Samara, Western Sahara	“
Taqi Sidi Mohamed Ibrahim Badad	26 March 1976, Hakui, Western Sahara	Moroccan Army and Gendarme
Mohamed Mahjub Anilid Hajic	14 January 2000, Rabat, Morocco	Moroccan Territorial Administration

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Mohamed Aali Ahmed Hana	1976 Mkala, Western Sahara	Moroccan Army
Mohamed Lamine Mbarak Ibrahim	11 December, Samara, Western Sahara	“
Mohamed Ahmed Arabi	1976, Samara, Western Sahara	“
Lahabib Burhan Ibrahim Khalil	July 1984, Casablanca, Morocco	Moroccan Territorial Administration
Mustafa Mohamed Salim Bilal	September 1997, Agader, Morocco	Ware Gendarme in the Military Camp
Sidi Ahmed Anueh Ahl Sid	14 December 1990 Dakhla, Western Sahara	Moroccan Territorial Administration
Ibrahim Mohamed Ibrahim	January 1976, Samara Western Sahara	Moroccan Army
Salika Bashiriya Abya	1978 Marrakesh, Morocco	Judicial Police Section
Saeed Aala Salima Ja'a	1976 Mkala, Western Sahara	Moroccan Army
Himad Ammar Bayia	“	“
Ibrahim Mohamed Sahi Dahmush	1976, El-Aaiun, Western Sahara	“
Abdullah Lazrek Hussein	1976, Zak, South Morocco	“
Amilid Ibrahim Ali Salim	1976, Samara, Western Sahara	“
Biba Zaid Fadhel Sidi Allah	1975, Mkala, Western Sahara	“
Salma Bahir Mohamed Ladad	1976 Mkala, Western Sahara	

Full Name	Date and Place of Abduction	Those Responsible for the Abduction
Aali Mohamed Mbarak Allah	1975, Hawza, Western Sahara	“
Sidi Salik Salaa Ahmed Hanar	1976, Mkala, Western Sahara	“
Abdul rahman Lahibib Ibrahim Khur	1975 Leraija, Western Sahara	“
Mohamed Salik Najan	1976, Bir Lahlu, Western Sahara	“
Mustafa Ibrahim Mohamed	“	“
Mohamed Maulid Ibrahim Malued	“	“
Sidmu Salma Moluned	1976, Mkala, Western Sahara	“
Salma Mohamed Sidi Ahmed	1987, EL-Aaiun, Western Sahara	“
Mohamed Abdullah Ramadam Mohamed Limine	Samara, Western Sahara, 1976	Moroccan Army
Sidi Mohamed Mohamed Naji	EL-Aaiun, Western Sahara, 1987	National Territorial Department
Mohmed Haji	Casablanca/Morocco, 1999	Not determined

Morocco refused to heed all the appeals contained in reports of the UN Secretary General and during campaigns of the International Human Rights Organizations on the human rights situation in Western Sahara as well as those of the Rapporteur of the UN Task Force on Forced Disappearances.

Morocco released hundreds of Sahrawi civilians in 1991 after they spent maximum sentence of 16 years in secret Moroccan hide-outs in Akaliz, M'gouna, , Erruais, Pissir

Sinir, Elbir, and Sidi Ifni under pressure from international human rights organisations, particularly Amnesty International and after denying that they were in its custody for all that time.