



Layounee, Western Sahara, 28 June 2018. Photo by Equipe Media

VISIT OF THE UN SPECIAL ENVOY FOR WESTERN SAHARA, MR. HORST KHÖLER

The creation of a siege, a wave of arrests, police violence,
demonstrations and a media blockade



**Report of Adala UK
6 July 2018**

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VISIT OF THE UN SPECIAL ENVOY TO WESTERN SAHARA

The United Nations Mission for the Referendum in Western Sahara (MINURSO) was established by Security Council resolution 690 of 29 April 1991, in accordance with the “settlement plan”. The settlement plan, as approved by the Security Council, provided for a transitional period for the preparation of a referendum in which the people of Western Sahara would choose between independence and integration with Morocco. The Special Representative of the Secretary-General was to have sole and exclusive responsibility over matters relating to the referendum.

Secretary-General António Guterres announced 16 August 2017 the appointment of Horst Köhler, former President of the Federal Republic of Germany, as his Personal Envoy for Western Sahara. The Special Envoy, after having visited the Saharawi Refugee camps in Tindouf, Algeria, arrived in the capital of Western Sahara, Layounee, on 28 June 2018, in order to gain a deeper insight of the conflict. The Special Envoy toured the region until Sunday, 1 July 2018. In the press release published on 2 July 2018, the Special Envoy highlighted that:

“The Envoy met local authorities, members of a great number of civil society organisations and members of the business community. President Köhler was briefed on the social and economic situation and on the human rights situation in Western Sahara. The ongoing debate about the right use of natural resources was another topic that the President’s interlocutors raised with him repeatedly. In his meetings, President Köhler stressed the importance of making progress towards a just, lasting and mutually agreeable political solution to the conflict which will provide for the self-determination of the Sahrawi people”.¹

The press release issued by the office of the Special Envoy did not comment on the human rights situation in the occupied territories of Western Sahara, nor does it address the apparent growing repression on the Saharawi civil society nor the

Western Sahara

- In 1963, Western Sahara (Spanish Sahara) was listed as a non-self-governing territory by the United Nations. In 1975, the International Court of Justice (ICJ) rendered an advisory opinion concluding that both Morocco’s and Mauritania’s sovereignty claims were baseless, and that the people of Western Sahara must exercise their right to self-determination.

- The Moroccan occupation of Western Sahara started in 1975, when Morocco occupied and later annexed parts of Western Sahara. The same day, the UN Security Council, in Resolution 380, called upon Morocco to “*immediately withdraw all the participants in the march.*” When Morocco later expanded the occupation to the southern parts of Western Sahara, the UN General Assembly in Resolution 380 (1975) called on Morocco “*to terminate the occupation of the territory*”.

- Morocco and Western Sahara were in an armed conflict until 1991, when a cease-fire entered into force, and the United Nations Mission for the Referendum in Western Sahara (MINURSO) was established. MINURSO does not have human rights monitoring within its mandate.

- Western Sahara is today enlisted by the UN as a non-self-governing territory, and the territory is subject to the right to self-determination in conformity with the principles contained in General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). The status of the territory is separate and distinct, and shall remain separate and distinct until the people of the non-self-governing territory have exercised their right of self-determination in accordance with the Charter.

¹ United Nations, MINURSO, Press Release, Laayounee, 2 July 2018 <https://minurso.unmissions.org/sites/default/files/press_release_02_july_2018.pdf> [5 July 2018]



growing police violence towards demonstrators in direct relation to, and during, the visit of the Special Envoy.

The human rights situation in the occupied territories of Western Sahara is cause for great concern. Saharawi's face significant discrimination when it comes to education, employment, access to social service, and treatment in both the administrative service and justice system.² The Saharawi people suffers under marginalization, and unemployment is growing. Due to the influx of Moroccan settlers, the Saharawi people have become the minority. According to the information provided by the Norwegian government,³ around 400-500 000 Moroccan settlers live in the Moroccan controlled parts of Western Sahara. Due to an active settlement policy, the number of settlers increase by 3 % annually. Among one third of the settlers are military personnel who leaves the territory at the end of their service.

Saharawi's advocating for the right to self-determination is persecuted and systematically targeted by the local Moroccan police and military forces. In the occupied territories of Western Sahara, the Moroccan authorities exercises power arbitrary through the power of the police and military forces in order to control the activities of the citizens, to limit people's freedom. In particular, in order to prevent further support for the call of the right to self-determination The Committee against Torture, The Special Rapporteur on Torture and the Working Group on Arbitrary detention have all expressed their concerns regarding the systematic use of force against the Saharawi population, and highlights that people advocating for the right to self-determination are subjected to comprehensive police violence, abductions, torture, and subjected to arbitrary arrest and arbitrary detention.⁴

**Report of the Working Group on Arbitrary Detention, Mission to Morocco
(A/HRC/27/48/Add.5), para 64-65**

“The Working Group received numerous complaints indicating a pattern of excessive use of force in repressing demonstrations and in arresting protestors or persons suspected of participating in demonstrations calling for self-determination of the Sahrawi population. During their transfer to or upon their arrival at a police station, people arrested are beaten, insulted and forced to reveal the names of other protestors. The Working Group received information about the alleged abandonment of the victims in rural areas after the assaults. Reports indicate that those practices are aimed at punishing and intimidating protestors in order to prevent further support for the call for independence. On occasion, protests become violent and the security forces are attacked by demonstrators. Even on those occasions, it is the duty of law enforcement bodies to ensure public order without resorting to excessive violence. Other allegations indicate that Moroccan police forces regularly raid the private homes of alleged or known supporters of independence for Western Sahara, using procedures that include beating and ill-treatment of the inhabitants.”

² The Equal Rights Review, *Torture and Discrimination in Western Sahara*, vol. 4, 80, (2009), <<http://www.equalrightstrust.org/ertdocumentbank/testimony%20new.pdf> > [5 July 2018]

³ The Norwegian Country of Origin Information Centre (“Landinfo”), “Activism in Western Sahara” (“Aktivisme i Vest-Sahara). 3 March 2015. <https://landinfo.no/asset/3083/1/3083_1.pdf > [5 July 2018]

⁴ See: Committee against Torture, Consideration of reports submitted by States parties under article 19 of the Convention, concluding observations of the Committee against torture (CAT/C/MAR/CO/4). Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez. Mission to Morocco (A/HRC/22/53/Add 2). Report of the Working Group on Arbitrary Detention. Mission to Morocco (A/HRC/27/28/Add 5).



THE CREATION OF A SIEGE

Prior to the visit of UN Special Envoy Mr. Horst Köhler, the Kingdom of Morocco systematically intensified the grip of repression in the occupied territories of Western Sahara.

According to Equipe Media, a Saharawi media outlet, thousands of police officers, auxiliary and gendarmerie forces arrived in Western Sahara, prior to the proclaimed visit of the UN Special Envoy. According to Equipe Media, the strengthening of the presence of police forces was intended to prevent the holding of demonstrations in the cities of Western Sahara.

Eyewitnesses reported on 28 June that the main avenues of Layounee, Smara and Dakhla were guarded by numerous police and military vehicles, leaving the streets empty, creating a siege around the centres of the cities.



Layounee, Western Sahara 28 June 2018
Private photo

A WAVE OF ARRESTS

In addition to the growing presence of police and gendarmerie forces, the Moroccan authorities commenced with a wave of arbitrary arrest and attacks of Saharawi houses on 21 June, with the aim of preventing Saharawi's from protesting during the visit of the UN Special Envoy. The Moroccan authorities have systematically arrested Saharawi's who allegedly participated in demonstrations in the neighbourhoods of Shara Tan Tan, Batimat, Mazwar, Jamal Din Lafghani and Shara Smara in Layounee, and in other cities of Western Sahara.

More than 50 Saharawi's have been arrested in the occupied territories in relation to the visit of the Special Envoy, as a response to their outspoken criticism of the Moroccan regime and use of violence by the police, and their alleged participation in the planning of demonstrations during the visit of the United Nations Special Envoy.



Layounee, Western Sahara, 28 June 2018. Photo by Equipe Media

Adala UK has already received the names of the over 50 Saharawi's who have been arrested during the last days in the occupied territories of Western Sahara. The majority are presumed members of groups that claim self-determination. Apparently, some were arrested in connection with the preparation of demonstrations demanding the right to self-determination, and may have



to face criminal charges. Some of the Saharawi's who have been arrested in the last days has been held in unknown locations and in incommunicado detention.

Whilst many already have been arrested, others run the risk of being arrested and prosecuted, facing constant threats from the Moroccan authorities. Adala UK is concerned that there is a danger that the arrested individuals have been or will be subjected to torture.

THE ARREST OF TWO CHILDREN

Two children are amongst the protestors who has been arrested during the last days: Hamza Aalbouhekra and Mansour Moussaoui. Both children reported to the court that they had been tortured and subjected to other kinds of inhumane treatment and harassments whilst held in custody.

Both children were charged with the use of violence against public officials and throwing of stones at police cars. The spokesperson of the League for the Protection of Saharawi prisoners within Moroccan jails stated in relation to the arrest of the two children:

“These charges are fabricated by the Moroccan authorities as revenge for the peaceful struggle of the two minors and their participation in peaceful demonstrations that demand freedom and independence and respect for the right of the Saharawi people to self-determination”.



Mansour Moussaoui

The two children, Mansour and Hamza, were presented to the Court of Appeal in Layounee on Saturday 23 June 2018. The case of Hamza was postponed until Friday July 6. He was not granted provisional release, despite being a minor, without further justifications from the court. According to the mother, the King prosecutor informed the mother that

“we are going to re-educate your son better than you”.



Hamza Aalbouhekra

The other minor, Mansour was granted provisional release pending trial, but was given a fine of 10 000 dirhams. On 25 June, the case of Mansour was postponed until 2 July 2018.



POLICE VIOLENCE & DEMONSTRATIONS

Despite the siege imposed by the Moroccan regime and police, demonstrations were held in the biggest cities of Western Sahara on 28 June 2018 until 1 July 2018.

The demonstrations held in the occupied territories of Western Sahara lasted three days, during the whole visit from the UN Special Envoy. Protesters were chanting slogans in favour of the right to self-determination, demanding justice after more than 40 years of Moroccan occupation and repression, and above all, to send a message to the UN Special Envoy.



Layounee, Western Sahara,
28 June 2018.

Photo by Equipe Media

During the demonstrations held in the biggest cities of occupied Western Sahara on 28 June, over 120 Saharawi demonstrators were left with serious injuries, after being subjected to comprehensive police violence. Most of the protesters were detained, threatened and others badly treated. When entering the streets, the demonstrators found themselves surrounded by the police forces, and were systematically attacked by the police in the streets of Western Sahara.

Both demonstrators and other civilians who happened to be in the streets at the time of the demonstrations were subjected to arbitrary police violence. The police arbitrarily attacked civilians situated in cafés, and forced some coffee shops to close. Upon entering the most crowded streets of the city, the police did not use police sirens, which caused chaos in the busiest streets of Western Sahara, such as Skaikima and Bokraa, where the police proceeded to exit their vehicles carrying truncheons, and subsequently commenced with threatening drivers and by-standers.



Layounee, Western Sahara, 28 June 2018.

Photo by Nuchatta

The violent response of the authorities to these demonstrations has worrisome



implications for the human rights situation in the occupied territories.

The brutal beatings of demonstrators, including several young people and women, who came out to exercise their rights to freedom of expression and peaceful assembly, will be remembered as another black day in the recent history of the repression of the Moroccan occupation of the Saharawi people.

THE CASE OF AYOUB RICH

Ayoub Rich, an 18-year-old Sahrawi, was, according to eye witnesses and the family of the victim, deliberately hit by a police man driving a police car during the protests held in Layounee, Western Sahara, on 28 June 2018. After the car accident, the victim was taken to the local hospital in Layounee. He was held in a critical condition, and was deliberately held isolated from his family and friends.

Members of Adala were able to visit the hospital in Layounee. Upon arrival, El Aiún hospital was surrounded by police, both uniformed police officers and police officers wearing civilian clothes. Some of these policemen were found inside hospital rooms, preventing friends and families from visiting the injured. In some cases, the police men interrogated the injured demonstrators.

Adala UK was able to affirm that the young man, Ayoub, is in a very critical condition, and held at the El Aiún hospital in Ben Mah. The victim was operated, in order to stop the internal bleeding that had occurred as a result of the car accident. The doctors affirmed that the young man would be transferred to the hospital in Marrakech, fearing that his condition will deteriorate. During the visit, a young relative of Ayoub said to Adala UK:

"The Moroccan policemen here are a kind of mafias. They use cars to run over the Sahrawi citizens, use knives to slash people and throw stones directly at the faces and heads of the demonstrators from a short distance. That's how they are "

The 18-year old victim Ayoub was, whilst held in the hospital of Layounee in a critical condition, without access to his family, interrogated by the Moroccan police. Several police officers entered the hospital and interrogated the victim from his hospital bed. The victim, whom found himself surrounded by police, told the police that he had been hit by a civilian car, and not a police car.



Screenshots of the interrogation movie of Ayoub, circulating on the internet, from within the hospital room.



The movie was later leaked, and have been circulating on social media and published in the Moroccan media.⁵ The footages of Ayoub, lying in his hospital bed, alone, surrounded by police, with a camera pointed at him, serves as additional evidence of human rights violations and abuse in Western Sahara, and illustrates how rule by law has been replaced with the rule of law.

The aunt of Ayoub made a declaration on 1 June.⁶ The aunt affirmed that Ayoub had been deliberately hit by a police car. The aunt further declared that the family of Ayoub had been prevented from visiting him in the hospital, and that the family has not received information from the Moroccan authorities. According to the family, they have been held in “the dark”, and is unaware of whether their son is dead or alive.

The aunt declared that the entire family had been threatened by the Moroccan police and that several of the family members had been subjected to police violence, when the police had entered their house in Layounee. The aunt stated that she had been arrested by the police and held for five hours of interrogations. The aunt told that she had been beaten on her head, and that the police had pulled her hair. She told that her younger brother had been arrested for 24 hours. The police had denied the arrest of her brother, leaving the family unaware of his location. Meanwhile, the family was prevented from visiting the victim. The mother of Ayoub had been violently beaten when she tried to visit her son. His younger sister had also been subjected to police violence. Additionally, the family house has been surrounded by police since the accident, in order to prevent visits. In the declaration given by the aunt of Ayoub, published on social media, the aunt declared:

“He [Ayoub] is now in a situation closer to death than life. When we request to see him, they refuse that. They go in and out of his room in the hospital and do whatever they want with him. We think that he is dead, or almost. (...)



He is the son of the people. Other Saharawi's sacrifice the same today or tomorrow. Every day and every night

we are living in this situation. We will not grieve for Ayoub if he dies, but for not being allowed to see him. They prevent us from seeing him. All we wanted is a goodbye kiss. We don't want anything else, and we do not exchange our sons for money. (...)

He is the son of the Saharawi people. All Saharawi mothers are living the same suffering. Every day as their sons goes out, they are not sure if they will be back safe.”

⁵ News story in the Moroccan Media: “The young 'Ayoub al-Ghun' is transferred from the eye hospital to Marrakech and denied being run over by a police car”, <<http://achwakaa.ma/m/news9402.html>> [5 July 2018]

⁶Declaration of the Aunt of Ayoub. Published on Facebook with english subtitles <<https://www.facebook.com/Mahjoub.Mleiha/videos/10212156433295674/UzpfSTgzODI2NTQ0NDoxMDE2MDYxMTE4NDA1MDQ0NQ/>> [5 July 2018]



MEDIA BLOCKADE

Freedom of the press is severely constrained in the occupied territories of Western Sahara. In relation to the urgent need of human rights monitoring, we note that the “media blockade” in the occupied territories of Western Sahara is tightening, and that self-censorship is the norm. According to witnesses,

“The Moroccan authorities instruct the local and national media channels not to cover the events or interview people who could criticize the political situation in Western Sahara in general.”

Moroccan law prohibits independent journalism on the Western Sahara issue. As such, Saharawi journalists are operating in conflict with Moroccan law facing threats of imprisonment, and are consequently not granted a license, and are not admitted as members of unions concerned with the protection of press freedom and the security of journalists. Saharawi journalists are consequently compelled to work “underground”, and are operating without any real means of protection.

According to members of Adala UK, at least seven Saharawi journalists have been injured since the demonstrations began and at least three have had their equipment stolen, while the transmission of several websites and Facebook accounts and independent local news blogs that covered the demonstrations have been blocked or censored.

Simultaneously, the Moroccan media is subjected to strict repression, and self-censorship is the norm. According to reports received by Adala UK, the strategy of repression seems to have been ordered from the highest levels of the government of the Moroccan occupation. The Moroccan authorities repeatedly demonized the demonstrators, and publicly denied that people had been treated badly, while some victims were denied medical attention. In the Moroccan media, the protesters have been proclaimed as “traitors and saboteurs”, who received money from foreign powers, and cases of police violence have been denied.

Adala UK urges that due to the current “media blockade” in the occupied territories, with the expulsion of international observers and journalists, monitoring and reporting on the human rights situation in Western Sahara has become an almost impossible task.

Moroccan law and freedom of expression

The Moroccan Penal Code provides that journalists can be prosecuted and imprisoned for speech deemed to harm Islam, the monarchy, or Morocco’s territorial integrity, as well as for defaming state institutions, insulting public officials, inciting hatred or discrimination, and denigrating court decisions. The reference to the territorial boundaries of the Kingdom of Morocco is related to Western Sahara, and the Kingdom’s sovereignty claim. Independent journalism related to the Western Sahara conflict or carried out in Western Sahara are violations that can lead to prison sentence ranging from six months to two years in jail under the Moroccan Penal Code. In addition, media outlets can face suspensions and websites can be blocked if they are deemed to undermine the “territorial integrity” of the kingdom, in accordance with articles 71 and 104 of the Press Code.



CONCLUSIONS & RECOMMENDATIONS

- Adala UK urges the Kingdom of Morocco to respect their international obligations. Adala UK urge that every human being has the right to peacefully participate in demonstrations, and to exercise their right to freedom of expression and assembly. As an Occupying Power, Morocco holds the responsibility of ensuring that these rights are respected.

Adala UK urges that the Moroccan authorities must end the current repression against demonstrators, after more than 120 demonstrators have been injured, and admitted to the hospital in Layounee, or transferred to the hospital in Marrakech, after being subjected to excessive use of force by the police.

- In relation to the excessive use of violence against demonstrators, Adala UK is particularly concerned by the fact that the police and security forces in Western Sahara are receiving inadequate training, which leads to the excessive use of force by the police, and could lead to hundreds of injured.

Adala UK holds that it is the duty of law enforcement bodies to ensure public order without resorting to excessive violence.

- Adala UK highlights that Morocco has ratified the Convention against Torture and other Inhumane treatment, and the Convention on Civil and Political Rights, entailing prohibitions against the use of torture and arbitrary detention. Morocco is legally obligated to investigate all complaints submitted upon the use of torture, and is obliged to hold perpetrators accountable, and to compensate the victims. Confessions signed under torture cannot be used as evidence in criminal proceedings, and it is the responsibility of the Kingdom of Morocco to make sure that no such evidence is used.

Adala UK urges the Moroccan authorities to carry out an "impartial, independent and neutral" investigation into the allegations on comprehensive police violence against demonstrators, arbitrary arrests, torture, and to ensure that confessions extracted through the use of torture are not used as evidence in criminal proceedings, and to unconditionally release all prisoners held on arbitrary detention.

- Adala UK calls on the United Nations and the Security Council to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) to include a mechanism to monitor the situation of human rights in Western Sahara, to ensure that human rights violations are reported and documented, and to end the current climate of impunity.



Adala UK, 6 July 2018

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