



Cell in the Moroccan Black Prison of Laayoune, occupied Western Sahara

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# Adala UK report Saharawi Political Prisoners

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2015



## 1. Introduction

Adala UK is an international NGO based in London with members in several countries. Adala UK raises awareness of the ongoing conflict and human rights violations in Western Sahara, predominantly in the UK. We work with a number of Saharawi human rights activists who are based in the Occupied Territories of Western Sahara and in Morocco. Adala UK's activities include the organisation of and participation in speaker events, sending letters and petitions to the appropriate decision makers and authorities, and gathering information about human rights violations, including interviews with the victims or families of victims of human rights violations in the Occupied Territories to produce reports.



One area Adala has focused on over the last two years is the situation of Saharawi political prisoners in Moroccan prisons. This report is based on direct observations by our members in the Occupied Territories, interviews with current political prisoners, their lawyers and family members, ex-political prisoners, as well as several international observers who have attended trials of Saharawi political prisoners and reports of various human rights organisations<sup>1</sup>.

Cases of arbitrary detention, abduction, ill-treatment and torture of Saharawis by the Moroccan authorities are well-documented by national and international NGOs including Amnesty International and Human Rights Watch and feature in the reports submitted by Mr. Christopher Ross, special envoy of the Secretary General the United Nations, as well as the 2013 [report](#) of Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez .

Morocco does not adhere to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it ratified on 14 June 1993, nor to the UN Standard Minimum Rules for the Treatment of Prisoners in dealing with Saharawi political prisoners.

Western Sahara is illegally occupied by the Moroccan Kingdom and Saharawi citizens are forced to carry Moroccan Identity Cards and Passports. This means that the entire judicial process has no legal basis as Moroccan authorities have no legal jurisdiction over the territory.

Moreover, Saharawi citizens are often abducted and transferred to prisons in the Kingdom of Morocco. Legal procedures and international requirements were not observed with the over 50

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1 ([Human Rights Watch](#); the last report of the [Working Group on Arbitrary Detention of the United Nations - A/HRC/27/48/Add.5](#)).

Saharawi political prisoners that are currently in Moroccan jails – their trials were unfair and the only ‘evidence’ of their alleged crimes were confessions obtained under torture.

## 2. Western Sahara Legal Status

In 1963 Western Sahara was listed as a non-self-governing territory by the United Nations. In 1966 the United Nations’ General Assembly adopted its first resolution<sup>2</sup> on the territory, urging Spain to organise, as soon as possible and under UN supervision, a referendum on self-determination. In 1975, the International Court of Justice’s (ICJ) advisory opinion on the Western Sahara question concluded by 14 votes to 2, that while there had been pre-colonial ties between the territory of Western Sahara and Morocco, these ties did not imply Morocco’s sovereignty over Western Sahara. Thus, the Court did not find legal ties which might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.<sup>3</sup>

On 6 November 1975, Morocco occupied and later annexed Western Sahara, through the so-called “Green March”. This constituted an act of aggression and violated the UN Charter. The same day, the UN Security Council, in Resolution 380, called upon Morocco “immediately to withdraw all the participants in the march.” Shortly thereafter, Morocco, Mauritania and the colonial power Spain, entered into an agreement which transferred the administration of the territory to Morocco and Mauritania. The agreement did not, however, transfer sovereignty explicitly. (Mauritania later rescinded and left the whole territory to Morocco.)

The people of Western Sahara (the Saharawis) have a right to self-determination, which can be fulfilled through the creation of a fully sovereign state, if they so choose. Under that principle, they also have the right to “freely dispose of their natural wealth and resources”<sup>4</sup>. The Moroccan occupation and annexation of the territory is a serious breach of International Law. Western Sahara is not a part of Morocco and Morocco has no legal title or claim to the territory. Morocco has an obligation to respect the right of the people of Western Sahara to self-determination and to end its illegal annexation and occupation of Western Sahara.

- UN General Assembly 1966

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2 UN General Assembly, 1966, Resolution 2229 (XXI).

3 ICJ Reports, 1975, p. 68, para. 162.

4 Common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

"Invites the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to this end:

To create a favorable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting inter alia, the return of exiles to the Territory;

To take all necessary steps to ensure that only indigenous people of the Territory participate in the referendum;

To refrain from any action likely to delay the process of the decolonization of Spanish Sahara; ..."

- UN-Security Council, 1975 (after the "Green March")

"Call upon Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march; ...."

- UN Security Council, 1991

"Expresses its full support for the efforts of the Secretary-General for the organization and the supervision, by the United Nations in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with the objectives mentioned in this report; ..."

- UN-Security Council, 2013

"Reaffirming its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect, ..."

### 3. Saharawi Political Prisoners - Violations by the Moroccan Authorities of the UN Standard Minimum Rules for Treatment of Prisoners

Adala UK has monitored the situation of Saharawi political prisoners for over two years and verified violations of **40 articles** of a total of 55 articles of the general applications and all articles of the rules applicable to special categories of the UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of

Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, in the case of Saharawi political prisoners.

### 3.1 Discrimination

#### *Basic principle (RULES OF GENERAL APPLICATION)*

*6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

Saharawi political prisoners are discriminated on a daily basis by prison guards and prison administrators. They are insulted and humiliated with reference to their nationality and their political beliefs and opinions. Even in the courtrooms the judges insult them.

During the Gdeim Izik trial, the Saharawi native language Hassania was classified by the Judge as "gibberish", "spoken by uneducated, ignorant people".

The same judge, during the same trial, asked a prisoner, who declared that he was forced to sign the document that was presented in court under torture:

"You are an educated man, why didn't you write underneath your signature - this was signed under torture?"

These kinds of remarks, comments and statements are made in the presence of international observers – without the presence of international observers we receive information that insults are even worse.

Inside prison, guards encourage Moroccan prisoners to discriminate against Saharawi political prisoners and to participate actively in the public humiliation of Saharawi prisoners.

Each cell has one or two Moroccan prisoners that act unofficially as "chiefs". These "chiefs" are usually the most violent prisoners imprisoned for grave criminal offences like murder. Prison guards support them by smuggling drugs and other contraband into prison which the "chiefs" pay them for. They also follow their orders not to sell any "sleeping space" to Saharawi prisoners and not to let them wash. Saharawis' clothes and belongings are also frequently stolen.

## 3.2. Separation of categories

### *Basic principle (RULES OF GENERAL APPLICATION)*

*8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,*

*(b) Untried prisoners shall be kept separate from convicted prisoners;*

*(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;*

*(d) Young prisoners shall be kept separate from adults.*

Saharawi political prisoners are held in the same cells as prisoners who have committed a criminal offence. This is the case for all Saharawi political prisoners currently imprisoned in Moroccan prisons. Some of them have been awaiting trial for several months. Mr. Mbarek Daoudi, detained in Sale, Rabat was arrested on the 28th of September 2013 and is still waiting for his trial. He is in an overcrowded cell with other prisoners who have committed criminal offences.

Similarly, prisoners diagnosed with contagious diseases are kept in the same cells as other prisoners. Saharawi political prisoner Brahim Daoudi, detained in Inzegane, was diagnosed with tuberculosis at the beginning of October 2014. When he returned from hospital, he was sent to the same cell he shares with other 72 prisoners, without a place to sleep and no medication.

Abdallahi Boukioud suffers from various health problems due to the torture he has been subjected to, including a viral inflammatory intestinal condition. Boukioud was transferred from Ait Melloul to Tiznit prison in January. He was 'welcomed' with severe beatings and torture. Although he has extreme diarrhea, the prison administration put him in an overcrowded cell without minimal hygienic conditions together with criminal offence detainees.

Mr. Bouchalga Lekrim, currently detained in Black Prison of Laayoune, suffers from severe depression and anxiety attacks. Despite the appeals of his family and of the fellow inmates, he has not been seen by a psychiatrist and is held in the same cell as other prisoners.

## 3.3. Accommodation

*Basic principle (RULES OF GENERAL APPLICATION)*

*9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.*

*(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.*

*10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.*

*11. In all places where prisoners are required to live or work,*

*(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;*

*(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.*

*12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.*

*13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.*

*14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.*

The majority of Saharawi political detainees are imprisoned in narrow cells that do not meet minimum health and hygiene requirements.

Cells are overcrowded and lack adequate ventilation. They get extremely hot in summer and extremely cold in winter. There are no facilities for showering and basic requirements for cleanliness are not upheld. The shortage of cleaning materials and resources to deal with insect



infestations aggravate the health conditions of prisoners.

According to reports of several detainees from Ait Melloul, the Black Prison in Laayoune, Tiznit, Inzegan and Sale, some cells are so overcrowded and lacking in ventilation that the walls and ceiling drip water.

The light provided in the cells is from one light bulb; the electrical cables are exposed and represent therefore extremely dangerous. Former prisoners of the Black Prison in Laayoune explained to Adala UK that during their incarceration fires broke out in their cells more than once due to electrical faults.

There are no windows in most cells, other than narrow slits above the door.

Many Saharawi political prisoners do not have a bed; they have to sleep on the floor. There are cells measuring 6x7m where over 50 prisoners have to sleep, resulting in a system called "soup", where each prisoner has to lie on his side completely stuck between other prisoners.

The lack of space and beds results in extreme violence inside the prison cells and prisoners often have to fight or pay for sleeping spaces.

On September 11th 2014, in the Black prison of Laayoune, Saharawi political prisoners Sarir, Baber, El Haysen, Dalal, Moussaoui and Lomadi were transferred to a cell with capacity for 1 person. On September 12th 2014 the ceiling of this cell collapsed. At the time of the collapse the inmates were in the prison yard and there were no injuries. The prisoners refused afterwards to be put in another cell that was unclean, without minimal hygiene and safety conditions. By late afternoon they were in the prison yard surrounded by guards who did not let them use the bathroom, insulted and beat them. After several days of protests by the prisoners, on September 17th 2014, the same seven Saharawi political prisoners were tortured for several hours in the courtyard of the Black Prison of Laayoune, in front of all the prisoners and guards. At 16.00 they were divided into two cells: Moussaoui, Sarir and Lomadi in one cell with handcuffs and El Haysen, Lekrim, Baber and Dalal were handcuffed in another cell. The floor of the cell was flooded with water by the guards, and the prisoners had to sleep on this wet floor.

### 3.4 Personal hygiene

*Basic principle (RULES OF GENERAL APPLICATION)*

*15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided*

*with water and with such toilet articles as are necessary for health and cleanliness.*

*16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.*

Saharawi political prisoners are not provided with any toiletries by the prison administration, everything they need has to be bought or brought by their families. Water for washing is often denied as part of the punishments they receive and in the periods they are in isolation there are no means for them to wash themselves.

Several detainees told Adala UK that they have been "drizzled with urine" by the guards and with oil from empty sardine cans.

All this contributes not only to a lack of cleanliness and consequently to health problems but also adds to the humiliation of Saharawi prisoners and aims to destroy their self-esteem.

Clothes have to be washed by the prisoners inside their cells. Due to the lack of sufficient water and cleaning products in the majority of prisons, the prisoners live in unclean conditions most of the time. The fact that the cells are overcrowded contributes makes the situation even worse and leads to infestation with lice and dermatological diseases and scarring.

In Saharawi culture, cleanliness is very important, not only do they have 5 ablutions per day, they also eat with their hands and have to wash before and after each meal. Therefore, the unhygienic conditions in prison represent a serious humiliation and punishment.

### 3.5. Clothing and bedding

*Basic principle (RULES OF GENERAL APPLICATION)*

*17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.*

*(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.*

*(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.*

*18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.*

*19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.*

It is common practice in all jails where Saharawi political prisoners are detained, to punish them by forcing them to be naked and to sleep on wet floors without a mattress or blankets.

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### 3.5. Food

#### *Basic principle (RULES OF GENERAL APPLICATION)*

*20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.*

*(2) Drinking water shall be available to every prisoner whenever he needs it.*

Food is scarce and lacks nutrients. The typical prison diet consists of watery tea or coffee in the morning with a bit of bread and a watery soup, couscous or rice at midday. Once a week, there is some kind of meat with couscous. In the evening the prisoners have to eat what is left over if anything. There is never enough food for all prisoners, they have to buy milk and bottled water themselves. Once again this situation not only worsens their health issues but also creates

violence and corruption inside the prisons.

The prisoners depend on family visits as these provide them with money to buy food and other essential items. Without the food that is bought by their families, prisoners are at risk of malnutrition and vitamin or protein deficiencies. The majority of the Saharawi political prisoners have some kind of diet related disease such as kidney diseases, diarrhea, high blood pressure, diabetes, anaemia etc.

Prison guards often steal or demand food from those prisoners that receive food from their relatives.

### 3.6. Exercise and sport

*Basic principle (RULES OF GENERAL APPLICATION)*

*21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.*

*(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.*

Most prisoners spend between 10 and 12 hours a day confined inside their cells. None of the Saharawi political prisoners have any work related occupation. In Ait Melloul, Inzegan, Tiznit, Kenitra, Oudaya - Marrakesh El Mohamadia - Casablanca and the Black Prison of Laayoune, Saharawi political prisoners don't have any opportunity for sport activities.

### 3.7. Medical services

*Basic principle (RULES OF GENERAL APPLICATION)*

*22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.*

*(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment,*

*furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.*

*(3) The services of a qualified dental officer shall be available to every prisoner.*

*24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.*

*25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.*

*(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.*

*26. (1) The medical officer shall regularly inspect and advise the director upon:*

*(a) The quantity, quality, preparation and service of food;*

*(b) The hygiene and cleanliness of the institution and the prisoners;*

*(c) The sanitation, heating, lighting and ventilation of the institution;*

*(d) The suitability and cleanliness of the prisoners' clothing and bedding;*

*(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.*

*(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.*

Medical services for Saharawi political prisoners are either non-existent or inadequate. In some cases, prisoners have been given medicines that are completely unrelated to their illnesses or have been over-medicated. In one case, a prisoner received 18 different medicines, including 3

different antibiotics with contrary effects. Pills are given without proper identification or explanation.

Chronic diseases are not monitored and when medical tests are done, or blood samples are taken, the results are not made available to the prisoner, their family or lawyer.

The prisoners Brahim Ismaili, Sidahmed Lemjeyid, Abdeljalil Laaroussi, Houcein Zawi, Deich Eddaf, Mbarek Daoudi from Sale Prison, Adallahi Boukioud, currently in Tiznit, Brahim Daoudi in Inzegane and Bouchalga Lekrim all suffer from severe health problems and have been provided with inadequate or no medical attention.

In January of this year, Houcein Zawi, detained in Sale, who suffers from severe asthma, had an attack in the middle of the night without having the proper medication in his cell. He and another prisoner started shouting for help, but he was only taken to the prison medical ward one and half hours later.

Mr. Abdeljalil Laaroussi has been suffering from rectorragia (loss of blood in the faeces), epistaxis (nose bleeding), extremely high blood pressure (150/250; 140/210) and loss of consciousness since his detention in 2010 as a result of prolonged torture. He is not given proper medical care.

Sidi Abdallahi Abahah, also detained in Sale prison, has been complaining about heart pain and numb arms, hands and fingers for several weeks; however, the doctor ignored his request to be seen.

Mr. Bouchalga Lekrim, as already mentioned, has psychiatric problems that are ignored and Mr. Abdallahi Boukioud and Brahim Daoudi are also denied medical assistance.

In September 2014, Mr. Hassan El Wali, detained in Dahkla prison, died after months of severe medical neglect.

Mbarek Daoudi, detained without trial in Sale prison has a severe heart condition but was told by the prison doctor that he did not care if Mbarek Daoudi lived or died.

Several political prisoners of Gdeim Izik group testified in court in front of the international observers, that among their torturers there had been several nurses and medical prison staff.

### 3.8. Discipline and punishment

*Basic principle (RULES OF GENERAL APPLICATION)*

*27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.*

*29. The following shall always be determined by the law or by the regulation of the competent administrative authority:*

*(a) Conduct constituting a disciplinary offence;*

*(b) The types and duration of punishment which may be inflicted;*

*(c) The authority competent to impose such punishment.*

*30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.*

*(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.*

*(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.*

*31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.*

*32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.*

*(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.*

*(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.*

Saharawi political prisoners are "punished" arbitrarily by prison staff. They are frequently beaten, tortured, denied food and water, denied medical care, put in isolation, insulted and humiliated. There were several complaints filed by prisoners to the Moroccan authorities and the Moroccan CNDH (Conseille Nationale de Droits des Hommes) without ever receiving an answer or being investigated.

During torture and beatings, political prisoners are frequently handcuffed and blindfolded and the guards do not speak in order not to be identified.

When prisoners go on group hunger strikes, the guards call upon auxiliary forces who then beat and torture the prisoners.

### 3.9. Instruments of restraint

#### *Basic principle (RULES OF GENERAL APPLICATION)*

*33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:*

*(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;*

*(b) On medical grounds by direction of the medical officer;*

*(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.*

*34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.*

Saharawi political prisoners are frequently handcuffed with metal and plastic handcuffs. They are also handcuffed with one hand to the bars of the cell door, and remain with the arm lifted like that for several hours and up to three days. This has been reported by prisoners and ex-prisoners from Ait Melloul, Inzeganeh, Tiznit and the Black Prison of Laayoune.

### 3.10. Information to and complaints by prisoners

#### *Basic principle (RULES OF GENERAL APPLICATION)*

*35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements*



*of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.*

*(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.*

*36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.*

*(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.*

*(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.*

*(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.*

All the prisoners state that they were never informed about their rights at any point during their arrest or imprisonment. Complaints to the prison administration or to the General Administration of Penitentiaries, the Minister of Justice and the CNDH are consistently ignored.

Upon arrival in prison, the guards take away prisoners' belongings, including their belts and their shoelaces. Sometimes they are tortured when they arrive too.

### 3.11 Contact with the outside world

#### *Basic principle (RULES OF GENERAL APPLICATION)*

*37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.*

*39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.*

Family visits take place once a week for 15 minutes in a room with several prisoners at the

same time. The prisoners have 5 minutes per week to speak on the phone. However, these visits and phone calls are often suspended arbitrarily by the prison administration whenever.

The long distances from Western Sahara to prisons in Morocco make it almost impossible for families to visit regularly. Families informed us that often, once they had spent the time and money travelling to Ait Melloul, Tiznit, Inzegane and Kenitra prisons in Morocco, visits were suspended without reason.

Except in Sale prison, any kind of writing material is strictly forbidden to Saharawi political prisoners.

Newspapers, periodicals or special institutional publications and listening to wireless transmission lectures are forbidden, except in Sale prison.

## 4.12. Books

*Basic principle (RULES OF GENERAL APPLICATION)*

*40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.*

The only prison where Saharawi political prisoners have access to books is Sale prison.

## 4.13. Notification of death, illness, transfer, etc.

*Basic principle (RULES OF GENERAL APPLICATION)*

*44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental afflictions, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.*

*(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone*

*(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his*

*transfer to another institution.*

Prisoners' families are not usually informed of a prison transfer, or cases of illness or serious injuries by the prison administration.

When the family arrives to visit and the prisoner is ill, the prison administration informs them that they cannot visit that day or that the prisoner in question did not want to see them.

Political prisoners are also not informed about the death of their relatives and are not allowed to attend their funerals.

Similarly, when close relatives of Saharawi political prisoners in Sale prison died, the prisoners were not allowed to attend the funeral.

Hassan Dah lost his grandmother who raised him and his father; Sidahmed Lemjeyid lost his mother; Sidi Abdallahi Abahah lost his sister; Abdallhi Toubali lost his brother; Mohamed Bani lost his father, his uncle and his aunt and Brahim Ismaili lost his mother.

The fathers of prisoners Abdeljalil Laaroussi and Abdallahi Lakhfauni are both in critical state in hospital.

## 4.14. Removal of prisoners

*Basic principle (RULES OF GENERAL APPLICATION)*

*45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.*

*(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.*

Prisoners are transported in police vehicles. They are handcuffed during the transport and the vehicle is closed so that nobody can look in or out. When the prisoners are presented in court and make any political statement of chant slogans for the freedom and independence of Western Sahara, they are beaten inside the police vehicle on their return to prison.

## 4.15. Institutional personnel

### *Basic principle (RULES OF GENERAL APPLICATION)*

*46. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.*

*(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.*

*(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.*

*47. (1) The personnel shall possess an adequate standard of education and intelligence.*

*courses of in-service training to be organized at suitable intervals.*

*48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.*

*49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.*

*(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.*

*50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.*

*(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.*

*54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.*

Prison guards are offensive, aggressive and racist towards Saharawi political prisoners. This behaviour is encouraged by the prison administration. In September 2014, the warden of the Black prison in Laayoune participated actively in the torture of seven Saharawi political prisoners in the court yard of the prison in front of all detainees and guards.

The low salary of prison guards means that they often steal prisoners' belongings and leads to corruption inside prisons. The long working hours (12 hours per day, 7 days per week) with only 15 to 20 days of vacation per year adds to the aggressive behaviour and stress of prison guards.

Prison guards work in weekly rotating day / night shifts.

None of the prisons where the Saharawi political prisoners are detained have specialist staff such as psychiatrists, psychologists, social workers or teachers.

## 4.16. Inspection

*Basic principle (RULES OF GENERAL APPLICATION)*

*55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.*

If there are inspections exists, they have so far not produced any improvements in prison conditions for Saharawi prisoners.

## 4. Gdeim Izik Group

This group of 21 Saharawi political prisoners – civilians tried in a military court – continue to serve their long prison sentences (ranging from 20 year to life sentences) after over 4 years in prison, despite wide recognition among the international community that their trial was illegal, with the only evidence presented consisting of confessions extracted under extreme torture.

These torture cases were reported to the Committee against Torture and include techniques such as suffocation, electrocution, rape with objects like broken bottles and chair legs, cigarette burns, forced extension of the members, intake of urine and faeces, burns and poisoning with

chemical products, tearing of nails, starvation, confinement in isolations cells, deprivation of light, sleep deprivation, airplane position, brutal beatings, flagellation, insults, threats towards their families, amongst others.

Torture scars were exhibited by the prisoners in court and witnessed by more than 40 international observers, but despite the appeal of the prisoners to the judge, he denied any medical examination.

The Moroccan parliament itself passed a law in August 2014 which would make this trial illegal, which meant that either the political prisoners would have to be released or be tried again in a civilian court, but neither has happened yet.

Adala UK is part of the consultative council of Fundación Sahara Occidental that attended, along with 5 international observers, the whole trial and issued a judicial report (annex 1) which clearly stated that the proceedings did not respect Human Rights norms and took place in an extraterritorial court.

*...2<sup>nd</sup> -The Military Court, in charge of this procedure, which carried out the trial's stages and decision, in Rabat, capital of the Morocco State, is an EXTRATERRITORIAL COURT. Its competence to judge the facts and acts produced outside the Reign of Morocco territory, makes it INCOMPETENT, according with the United Nations Security Council's resolutions, once these facts , are circumscribed within the Western Sahara, a non-autonomous territory, military and illegally occupied by Morocco ( the " occupant country"), contrary to international law and therefore, outside the sovereignty, competence and jurisdiction of this same Rabat's Military Court, the process developed in itself being NULL and VOID.*

*(see annex 1)*

Adala UK sent several letters to the General Administration for Penitentiary and Reintegration asking for an authorization to visit all political prisoners in Sale 1 prison in Rabat. After several faxes and e-mails that were sent over several weeks and never answered, as well as several phone calls to the General Administration for Penitentiary and Reintegration, we decided to send one of our members to present herself at the General Administration to find out why we could not get an answer.

On the morning of the 4<sup>th</sup> November, Mrs. Lourenço went to the General Administration for Penitentiary and Reintegration, and presented a copy of the correspondence asking to meet with the responsible official. This was only possible after 4 hours of waiting and continued insistence. Mrs. Lourenço was then received by an official that informed her that the prisoners Adala UK asked to visit were under direct jurisdiction of the Minister of Justice, since their trials were in the "court of cassation" and therefore only the Minister of Justice himself could grant authorization to visit these prisoners. Our member informed Mrs. Lysan that we already sent

several letters to the Minister of Justice but that we never received an answer, and asked if she could please give some kind of direct e-mail contact. She said that she could not help.

The Gdeim Izik Group currently has some "privileges" compared to other Saharawi political prisoners namely, better accommodations, longer visiting time (Sale is over 1,000 km from Laayoune) and access to books and newspapers. Some of the detainees are studying. These "privileges" are due to enormous international pressure.

## 5. Torture

Information about prison conditions and torture are similar in all reports; methods of torture include:

- 'Airplane' - Victims are forced to bend over while standing with their legs straight. The person's head is bent down until it cannot go down any further, while the hands are pulled up and held up to the highest point. The hips have to point upwards.
- Beatings
- Burning with cigarettes
- Chemical burns
- Chemical inhalation
- Removal of finger and toe nails
- Light deprivation
- Pretend Drowning
- Electrocutation
- Whipping of feet

- Force -feeding
- Hanging by the feet
- Mutilation
- Oxygen deprivation
- Rape/sexual assault
- Roasted Chicken - victim is suspended from a pole or spit
- Sodomy with sharp objects such as broken bottles, iron rods, legs of chairs
- Solitary confinement
- Sleep deprivation
- Starvation
- Strappado/squassation (also known as reverse hanging and Palestinian hanging)
- Stress positions
- Sweden drink - ingestion of urine and faeces
- Ta'liq - hanging from a metal bar
- Waterboarding

These torture methods are reported not only by former political prisoners, they also frequently feature in the reports of observers of trials where prisoners denounce torture and demand medical examinations; however, these claims are never investigated by the judge.

Other prisoners with whom Adala has had contact over the phone also confirmed these methods of torture.

Torture is on-going and is used to obtain confessions but also to "subdue" and "re-educate" Saharawi political prisoners.

When arriving at prison or when being transferred to another prison, Saharawi political prisoners are almost always received with a torture session know as the "Welcome".



## 6. Hunger Strikes

The prisoners, which have been on hunger strikes since the beginning of 2014 are:

Lagazal Ibrahim,

Mossa Elmalkil,

Khaiss Haiba,

Mohamed Hassanoui,

Hassan Gazoiani,

Mohamed Hamou,

Mohamed Daoudi,

Eshoiaar Hassan,

Bojamaa Yaza,

Mohamed Khalfoune,

Yossef Elaatar,

Chikhi Azouz,

Mohamed Lamine Elaatar,

Mohamed Lamine Eshoiaar,

Cekrad Yahdih,

Mbarek Daoudi

Mohamed Lakfauni

Mahmoud El Haysen

Mohamed Baber

Abed Fatah Dalal

Aliyen Moussaoui

Abdel Motalib Sarir

Abdeslam Lomadi

Bouchalga Abed Lekrim

Hassan Dah

Mohamed Yahya Elhafed Iazza for 45 days,

Salek Lassiri for 36 days,

Sidi Bouamoud for 38 days

Abdallahi Boukioud for 67 days

Abed Khalik Elmerkhi for 26 days

Mr. Mbarek Daoudi for 52 days

Omar Daoudi for 50 days (he was released on August 6th 2014, after the end of his sentence but now has severe health issues)

None of these prisoners received medical attention after their hunger strikes. The health of Mr. Salek Lassiri, Mr. Sidi Bouamoud, Mr. Abed Khalif Elmerkhi, Mr. Abdallahi Boukioud Mr. Mbarek Daoudi and Mr. Omar Daoudi is severely affected.

Mr. Abdsalem Lomadi was forcibly taken from his cell on September 20<sup>th</sup>, without any warning and transferred to Ait Melloul prison. Mr. Lomadi was not allowed to take personal belongings with him and went to Ait Melloul Prison barefoot. He continued his hunger strike there for 7 days, although he suffers from several illnesses, has grave injuries from as a result of torture and suffers from tuberculosis.

On September 23<sup>rd</sup>, Mr. Abdallahi Boukioud entered an open hunger strike, demanding medical attention and access to basic rights. On November 3<sup>rd</sup> 2014 he was sentenced to 4 years

imprisonment. In January he started an open hunger strike again, in protest against the unfair trial (where none of the evidence of the defence attorney had been admitted) and against the abhorrent prison conditions of Ait Melloul. He was transferred to Tiznit and tortured at his arrival.

The entire prison population (Moroccan and Saharawi, political prisoners and criminals) of Dahkla prison went on a 48h hunger strike on 29<sup>th</sup> and 30<sup>th</sup> of September after the death of Mr. Hasana El Wali who died due to serious medical negligence.

## 7. Conclusions

The situation of Saharawi political prisoners is unsustainable and a grave breach of international treaties, covenants and agreements. The International community urgently needs to take action and break the silence around these issues.

Adala UK concludes that:

- A visit of the Red Cross or another independent medical body to all Saharawi prisoners is required in order to examine them and provide medical expertise to confirm their claims of torture and identify the grave illnesses they suffer;
- The judicial processes are illegal and the liberation of all political prisoners should be immediate since there are no evidence to confirm the crimes they are accused of;
- The United Nations Security Council should urgently include a mechanism to monitor human rights in Western Sahara. One year after this, a census should have been completed and the referendum put in place - until this is done, the illegal detainment of Saharawi Human Rights Activist will go on;
- The international community cannot continue to make commercial and other agreements that directly affect Western Sahara, with Morocco; all agreements should be denounced until the realisation of the referendum;
- The International community has all tools at its disposal to assure a peaceful solution and the decolonization of Western Sahara;
- There are no violations of any agreements or the cease fire on the part of the Saharawis. They have been waiting peacefully for a solution and their trust in the international community cannot be betrayed.