



General Assembly

Distr.: General
9 September 2016

English only

Human Rights Council

Thirty-third session

Agenda item 8

**Follow-up and implementation of the Vienna Declaration
and Programme of Action**

Written statement* submitted by Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15685(E)



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Intervention on Torture and Arbitrary Detention in Western Sahara

The Universal Declaration of Human Rights adopted by the United Nations, states in its 9th article "No one shall be subjected to arbitrary arrest, detention or exile. "It means in simple words, the rejection and the prohibition of all manifestations that would limit the freedom of individuals.

UN Special Working Group on Arbitrary Detention, during its field visit to Morocco and Western Sahara in the late of 2013, noted several human rights arbitrary violations against the Sahrawi defenders and activists, stressing that, despite the fact that Chapter 22 of the Moroccan Constitution provides for the punishment of anyone who engages in any form of torture, but, the Police tends always to torture and Extract confessions by force from arrested people, especially those who are linked with Terrorism, Islamic Groups, or those who are pro-independence of Western Sahara. The Working Group found that there is a systematic practice followed during the period of the detention, by the police officers, specifically the men of DST (Directory of Territorial Surveillance) .The group added also that many people were tried by the same DST, due to the corruption and lack of independence of the Moroccan judiciary.

Mr. Juan Mendez, UN Special Rapporteur on Torture, said that Morocco uses excessively torture against Sahrawi human rights activists and political prisoners in Western Sahara. Juan Mendez said, after presenting his report to the Security Council, "There is a considerable evidence of the use of excessive force." Whenever it comes to the issue of national security, there is a tendency for the use of torture in interrogations, it is difficult to say whether it is common or whether it is systematic. But often it occurs so that the Moroccan government cannot deny. At the conclusion of his visit to Morocco and the Western Sahara he stated at a press conference that he got a "credible testimonies about the physical and moral pressures that are exposed to detainees during interrogations."

Many Saharawi political prisoners are still in detention for long and unjust periods due to the provisions of unjust and unfair trial and after extracting their confessions under torture and duress, without any impartial and independent investigations.

This happens with impunity and the lack of punishment of the perpetrators and those involved in illegal practices. In addition to a deliberate medical negligence, that led to the death of some of them, as it was recorded in reports counterbalanced by international organizations.

Their fundamental rights, that internationally guaranteed, continued to be violated, starting with the conditions of detention which are not appropriate, and the far distance that their families have to travels to be able to visit them (it is not less than 600 km).

Many are the ways and forms of torture that have been exerted on most of those arrested and detained between civilians and defenders of Sahrawi Human Rights. Torture methods vary depending on the political circumstances of the conflict in the region, and according to international pressure exerted on the Moroccan State.

Mostly, the police and security services men hold their interrogations and investigations into secret places that are not subject to monitoring by the judiciary.

In order to extract confessions, they use cruel forms and inhuman methods, and due to the policy of impunity, they have no respect for any law.

Among the forms and methods used, which many released Saharawi political prisoners are still suffering from its effects, there are beatings with electric cables, in places very sensitive of the body the - uproot nails - sleep deprivation - pouring urine in mouths- raping using glass bottles - Isolation in cells for solitary – denial of nutrition - the threat of physical liquidation - cigarette burns. Many international organizations such as Human Rights Watch and Rice Amnesty International have documented testimonies of cases of torture after release.

Although the Moroccan state's commitment to desist from the practices of torture and all forms associated with it, and after signing the Optional Protocol to the Convention against Torture, this did not deter the intelligence services affiliate decreases the brutal methods used by it.

Several cases exposed to types of torture causing hit disabilities and mental illness. Such as the case of the Sahrawi political prisoners of Dakhla's Group who were arrested on 30th September 2015, nearly 12 months after joining and signing the Optional Protocol by Moroccan State.

Similar cases have suffered during the first stage of their arrests systematic torture and were also deprived of all fundamental rights, unaware the places of arrest and unable to follow their cases, as the case of the Saharawi political prisoners arrested following the dismantling of Gdeim Izik camp and that the Moroccan military court sentenced to severe penalties and long periods, on the basis of confessions obtained under duress, before forwarding their case to the Court of Appeal in Rabat, on the 27th of July 2016, while the case was discussed by the Supreme Court three years ago. Reputed organizations have registered all treatment they received like rape with stick, threat of physical liquidation, extraction of nails, leaving them exposed to sunlight for long hours, pour hot water on their bodies, besides punishment and deprivation of food and cure.

Incrimination of the Moroccan constitution for the torture, after the approval of the Moroccan Government of a draft law No. 12-124 concerning Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment , did not provide the necessary legal protection for victims of torture and other Cruel and Degrading Treatment. That law does not give enough space to justice to prosecute those responsible and involved in illegal and inhumane acts after presenting complaints by many victims seeking fairness before the law and to stop impunity policy.

In the context of peaceful protests taking place in the territory of Western Sahara, demanding respect for the right to self-determination and establishing an independent mechanism to protect human rights and report them. The different Moroccan security forces, civilian and military, continue its repressive policy in awarding search warrants against many activists and Human rights defenders, prosecution and arrest, in the part under the control of the Moroccan State. Most activists have complained of retaliation applied in against them, such as falsifying confessions and fabrication of the reports that were prepared in advance, exceeded the period of custody, changing the location of their arrest, denying the communication with their families and refusing the use of defense lawyer as the case of Salahdin Basir that the Moroccan Justice had severely condemned twice; the first he was sentenced to four years in prison, the second for eight months suspended sentence. Amnesty International launched late in 2013 an international campaign in Morocco and Western Sahara to stop torture policy and cruel degrading treatment, Amnesty also called in subsequent reports to the need to release all torture victims and political prisoners, referring to Mubarak Daoudi, who spent more than two years prosecuted by the military justice, carried between prisons of the Moroccan cities, Agadir and Sale and finally he was sent to civilian justice in July 2015 after the entry into force of the Moroccan Military Justice Act which stipulates that civilians cannot be tried before military courts. This prisoner passes the sentence of five years in prison, not counting the period between September 2013, the date of his arrest, and July 2014, the period he spent prosecuted by the military justice.

In the context of re-tried them in a civil court, it is expected that, the Saharawi political prisoners, Group of Gdem Izik, would appear before the Court of Appeal, in the Moroccan capital, Rabat, despite that the date of sessions not specified yet. In order to avoid any potential reprisal, that Moroccan State could play against the detainees of Gdeim Izik, international considerable Organizations, such as Amnesty International, expressed concerns on trial and called for a fair and independent investigation about potential torture and extracting confessions. Amnesty International, at the beginning of the month of August 2016, launched an international campaign to immediately release of these prisoners.

League for the Protection of Saharawi Prisoners in Moroccan prisons, an NGO without consultative status, also shares the views expressed in this statement.