



General Assembly

Distr.: General
15 February 2024

English only

Human Rights Council

Fifty-fourth session

11 September–13 October 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Il Cenacolo, 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.

[22 August 2023]

* Issued as received, in the language of submission only.



Short-Term Enforced Disappearances: A Repressive Tool in Tindouf Refugee Camps

Contexts:

UN human rights mechanisms have identified in different parts of the world, various cases of people disappearing for short periods of time after being arrested by state agents or abducted by non-state actors. These cases documented over the past two decades pushed the UN human rights mechanisms to revisit the definition of ‘enforced disappearance’, by stressing that there is no time limit required for ‘the enforced disappearance’ to take place.

The duration of an enforced disappearance is accordingly unlimited: it can last for hours, days or decades. The crime begins at the moment of abduction and refusal to acknowledge the fate and whereabouts of the disappeared person, and continues until the truth is established, even if this happens several years later. According to international law, every state is responsible for the disappearance of a person on its territory, for as long as their fate and whereabouts remain unknown, and after that, as the state authorities have yet to take adequate measures to hold the perpetrators accountable and provide reparations to the victims.

A worrying trend that deserves particular attention is the recourse by non-state actors in Africa, to enforced disappearances, benefitting sometimes from support and cover up from host countries. One high-profile case is that of the Frente Polisario, which abducted and disappeared more than 131 Sahrawi civilians in secret detention centers inside Tindouf refugee camps, southwest Algeria, and their whereabouts and fate are still unknown. This Algeria-backed non-state actor has increasingly resorted to short-term enforced disappearances against Sahrawis in these camps, with the illegal "de facto authority" devolved to the group by the Algerian government, encouraging its members to unlawfully exercise prerogatives comparable to those normally exercised by government authorities.

Cases of short-term Enforced Disappearances in Tindouf Refugee Camps:

The Frente Polisario founding texts prohibit Sahrawis from creating associations, political parties, unions or any form of emancipatory action, which is faced with repression by the Frente Polisario leaders, including torture, abduction and extrajudicial executions.

In Tindouf Refugee camps, political dissent is not tolerated and often resulted in the torture and enforced disappearance of opponents. Opinion leaders and human rights defenders have systematically been the target of short-term enforced disappearance by the Frente Polisario, as retaliation for peacefully expressing opinions considered critical of its leadership, denouncing the embezzlement of humanitarian aids, or rallying for the basic refugee rights as provided for by the 1951 Geneva Convention. Another commonly targeted group are journalists, who can be victims of enforced disappearance simply for their attempt to unveil the truth about the human rights situation there.

Since the installation of the camps, human rights defenders have reported the existence of a persistent pattern of short-term disappearances in Tindouf refugee camps. The absence of an effective protective mandate together with the jurisdictional void that generates lawlessness in these camps are two main factors that leave civilians there, vulnerable to any form of mistreatment, and exposed to abusive acts by the Frente Polisario. The following cases are of young activists who have been abducted on the Algerian territory, by the Frente Polisario members for short durations, while the Algerian authorities concealed their fate and whereabouts, and refused to provide accurate information on their detention.

Elouali Salek El Barbouchi:

Elouali Salek El Barbouchi is member of the regional branch of the Frente Polisario Youth Union in the so-called 'Dakhla camp'. He was abducted by the Frente Polisario on March 21, 2023, following his posts on social media that criticize the securitization policy of the Frente Polisario and the Algerian authorities in managing the camps. Before his release, El Barbouchi was forcibly disappeared for 21 days in one of the secret detention centers run by the Frente Polisario on the Algerian territory.

Mohamed Salem Maalainine Souid

Spanish citizen by naturalization, Mohamed Salem Maalainine Souid is a young Sahrawi activist in Tindouf refugee camps, who has been held in secret detention in Tindouf refugee camps, since his abduction on 01st May, 2023, by Algerian soldiers who handed him over to the Frente Polisario.

Mohamed Salem Maalainine Souid was targeted by Frente Polisario members in retaliation for leading a peaceful protest on 27th April 2023, with a group of young Sahrawi refugees, and the publication of videos on social media denouncing the corrupt practices of some Frente Polisario leaders involved in the theft and looting of humanitarian aid destined for the Sahrawis in the camps.

Mahmud Zeidan:

Zeidan is a prominent Sahrawi human rights defender and opinion leader. Having suffered a lot from the repressive apparatus of the Frente Polisario in the Sahrawi refugee camps, he escaped from these camps, and is currently granted asylum in France. He was leading media campaigns that exposed the systematic violations of human rights of Sahrawis on the Algerian territory, together with the unrelenting siege imposed on the camps, by the leaders of the Frente Polisario, who brutally repress any voice denouncing their dictatorship and their misappropriation of humanitarian aid provided by the international community.

Detained twice by the Algerian authorities, Zeidan was abducted by the Frente Polisario on June 19, 2019, and secretly detained for more than five months, following his activism as a journalist and a human rights defender in the camps, and his continuous denunciation of the fierce repression against Sahrawis in Algeria.

El Fadel Breika:

El Fadel Breika was abducted on June 18, 2019, after organizing several sit-ins in front of the Algerian Embassy in Madrid and the UNHCR headquarters in Rabouni, to demand the unveiling of the fate of Dr. Ahmed El Khalil Braih, a Sahrawi leader, who has been missing since his abduction in 2009 in Algiers, and of the truth about the case of the Sahrawi little girl S., raped and murdered by one of the Frente Polisario leaders.

El Fadel Breika was put to detention in a toilet in the "Errachid" secret detention center in the Algerian desert, and was held for several days in a sitting position, blindfolded, with his hands handcuffed and feet tied to a chair. Breika was released after five months of deprivation of liberty by the Frente Polisario, and concealment of his fate or whereabouts.

Moulay Abba Bouzeid:

Moulay Abba Bouzeid is an opinion leader and member of the "Sahrawi Movement for Peace", who was abducted by the Frente Polisario on June 17, 2019 while he was taking part in peaceful protests in front of the UNHCR Office in Rabouni, southwest Algeria. The kidnapping of Bouzeid by the Frente Polisario was a brutal reaction to criticizing its leadership on Facebook and to supporting and participating in demonstrations denouncing human rights violations committed against Sahrawi refugees on the Algerian territory.

Bouzeid was subjected to the worst forms of torture and degrading and inhuman treatment, before being transferred to another illegal secret detention center in Tindouf refugee camps, where he remained disappeared for more than five months.

Mrabih Ahmed Mahmoud Adda

Mrabih was arrested at the age of 36 by the Algerian security services in August 2014, and handed over to the Frente Polisario front, who held him incommunicado and tortured him for 64 days for having claimed refugee rights for the inhabitants of the Tindouf refugee camps. Before he was released, and for almost two months, the Algerian government and the Frente Polisario leaders turned a deaf ear to calls from Mrabih's family to unveil the truth about his fate and whereabouts.

Legal frameworks leading to short-term enforced disappearances in Tindouf refugee camps:

Since Sahrawi victims of enforced disappearance are deprived of any form of judicial or legal protection, and left at the mercy of the Frente Polisario members, they often suffer multiple human rights violations, such as enforced disappearance, torture, sexual violence and executions.

Despite the lack of statistics, the circumstances in which enforced disappearances frequently occur in Tindouf refugee camps are clear. The Frente Polisario uses enforced disappearances as a means of exerting pressure in times of unrest in the camps, as part of iron-fist repression and securitization to silence opposition, dissuade dissent and instill fear in the camps population.

Fear of reprisals, impunity and the absence of independent reporting mechanisms, are factors contributing to the under-reporting of cases of enforced disappearances by victims. One other main obstacle facing victims in their quest for justice is the absence of adequate and effective judicial recourse, to ensure redress and reparation, and hold accountable those involved in human rights violations against Sahrawis on the Algerian territory.

Algeria's de facto devolution of powers, particularly jurisdictional powers, to the Frente Polisario is contrary to its obligations to respect and guarantee to all individuals on its territory the rights recognized by the International Covenant on Civil and Political Rights (ICCPR).

The fact that the Algerian state is unwilling to cooperate with the UN human rights mechanisms with regard to the grave violations of human rights committed by the Frente Polisario, on a part of its national territory, constitutes a protection of the perpetrators and encourages them to further repress the camps population, and perpetuate impunity.
