

**A parallel report by**

**T**he **O**bservatory of **S**ahara for **P**eace, **D**emocracy and **H**uman **R**ights

on the implementation by the State of Algeria of the articles of International Covenant on Civil and Political Rights

submitted to the Human Rights Committee / Geneva

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**Context:**

1. This paper aims at highlighting the degree of the implementation of the state of Algeria of the articles and the requirements of the International Covenant on Civil and Political Rights. This paper is based on the state party’s fourth periodic report addressed to the Human Rights Committee[[1]](#footnote-1).

2. Through this report, the Observatory of Sahara for Peace, Democracy and Human Rights[[2]](#footnote-2) (OSPDH) aims at providing the Committee with information about whether the state of Algeria fulfills its obligations under the International Covenant on Civil and Political Rights. The report focuses primarily on the right to self-determination (article 01) , ways of equity and justice (article 02), the right to life (article 06), combating torture ( article 7 ), protection from enforced disappearances (article 09), the independence of the judiciary ( article 14 ), freedom of expression (article 19), the right to peaceful assembly and freedom of association (articles 21 and 22) . The examples listed in this report reflect grave violations which have been committed and are still being committed against individuals and groups throughout the territory of Algeria. It is useful to clarify that the majority of the reports on the rights and freedoms in Algeria do not mention the condition of people who live in Tindouf camps where decent living conditions are non-existent.

These people have been living in these camps over four decades, completely isolated from the world and from the monitoring and documenting of the international organizations working in the field of human rights due to the complete closure imposed by the state party on the area of the camps. Nobody is allowed access to this area, including The Human Rights Council Special Procedures, the international organizations working in the field of human rights, except those that support Polisario claims.

3. This contribution is part of the review process of the condition of the rights and freedoms in the state party, through the recommendations of The Human Rights Committee presented in 2007[[3]](#footnote-3), and the concerns raised in the list of questions[[4]](#footnote-4) pertaining to the fourth report of the state of Algeria to the Human Rights Committee.

**1. Self-determination**

4. The state party insisted that the issue of self-determination for the territory of Western Sahara should be included in the concluding observations of the treaty committees. It urged friendly nations to make recommendations in order to include this issue in the report of the working group on the Universal Periodic Review .The state party also worked hard to promote the self-determination of sahraoui people, who live on both sides of the security fence. All this is not matched with the same determination to allow the self-determination for Kabyle people[[5]](#footnote-5) who have been demanding a separate statehood from Algeria for decades and who have been subjected to grave violations by different Algerian security forces.

5. The mounting protests by the Kabyle people who demand their legitimate and historical rights, have fallen on deaf ears .The Kabyle people have been asking for the right to preserve their cultural identity and their Amazigh language as a principal source of national identity. These protests were met with repression and excessive violence against protesters. Grave violations were committed against the Kabyle people in this area .This was intended to punish them for embracing the protest movement that calls for a territorial separation of the Kabyle area from the state party[[6]](#footnote-6)  . As a result, The Kabyle people have suffered from injustice and discrimination.

6. Including the Amazigh language into the Algerian constitution has not been accompanied by measures to enforce this right in the laws, policies and administrative practices. The state party has not ceased to suppress popular protests that demanded that Amazigh people are granted their identity rights. This empties the procedure of including the Amazigh language in the constitution from its content. Thus, the delineation of the Amazigh language remains unfulfilled in practice. It should be noted that the state party has never, during its delineation of the Amazigh language addressed the Hassani cultural component as one of the linguistic components of the state party's culture, particularly in the southwestern Sahara region in Algeria.

**The Observatory of Sahara for Peace, Democracy and Human Rights therefore wishes to draw the committee's attention to the fact that:**

**- the state of Algeria should offer the necessary guarantees to respond to the aspirations of the inhabitants of the Kabyle region to enjoy their historical rights, and to preserve their Amazigh identity so that the Amazigh language could be found in all aspects of life.**

**- The State party should take steps and actions to achieve reconciliation in the Kabylie area and compensate its inhabitants for past human rights violations. It is also important to reveal the truth of past events, punish the perpetrators for committing such violations and provide guarantees of non-recurrence of these violations.**

**- The State party should recognize the cultural Hassani component[[7]](#footnote-7) as one of the main linguistic expressions that constitute the culture of the state of Algeria.**

**2. Right to Redress and Justice**

7. The Algerian constitution, amended in 2016, stipulates in article 150 the precedence of international treaties over laws; however these treaties are granted a lower ranking in the constitution[[8]](#footnote-8) . This would render the ratification of treaties devoid of meaning. The Algerian legislator has continued to ignore that many articles in the constitution are a breach of the provisions of the International Covenant on Civil and Political Rights.

The Observatory has noted that the state party has intervened in the work of governance institutions when it created a National Human Rights Council[[9]](#footnote-9) to promote it. This amendment, however, is a violation of the independence of the council as a national human rights institution that should be neutral and independent in accordance with the Paris Principles.

This breach of the Paris Principles consists in controlling the appointment of the members[[10]](#footnote-10) of this council, not to mention that the headquarters of the National Human Rights Council are inside the headquarters of the presidency of the republic of Algeria, which prevents individuals, victims and their family’s access to it. The Observatory regrets the significant delay in the publication by the National Human Rights Council of its annual report on the situation of rights and freedoms in Algeria for the years 2016 and 2017[[11]](#footnote-11) .

8. The Observatory notes that the law of The Charter for Peace and National Reconciliation, which came into force in 2005 and its internal statute approved in 2006[[12]](#footnote-12), remains an obstacle to the victims of the grave violations committed by the Algerian state and its organs as well as an obstacle for the victims’ families. A simple demand by anyone to reveal the fate of the victims of enforced disappearance or denounce their disappearance by word of mouth or in writing could expose the person to imprisonment and a financial fine[[13]](#footnote-13) . This has further complicated the life persons who have been victims of enforced disappearance[[14]](#footnote-14) because of fear of prosecution.

**The Observatory therefore requests that the Committee:**

**- Recommends that the State party strengthens the independence of the National Council for Human Rights in accordance with the Paris Principles, including the separation of its headquarters from the headquarters of the Presidency of Republic. The council should have an equitable representation of all members of the council. It should also a review the selection process as well as issue an annual report on the situation of human rights in Algeria.**

**- Recommends that the State party amends Act No. 06-01, on the implementation of the Charter for Peace and National Reconciliation and its executive regulations in conformity with international standards contained in the International Covenant on Civil and Political Rights and remove all articles that impede the right to access national redress mechanisms.**

**- Recommends that the remaining international mechanisms for the protection of human rights and international equity should be accelerated.**

**3. The Right to Life**

9. The Algerian security services and the Polisario organization have committed serious violations of human rights since the creation of Tindouf camps in south-western Algeria as the of the dispute over Western Sahara[[15]](#footnote-15) . Many human tragedies occurred, namely the recurrence of enforced disappearances, kidnappings, extrajudicial killings, summary killings, identity killings and torture in detention centers[[16]](#footnote-16)  and other cruel, inhuman and degrading treatment[[17]](#footnote-17) or punishment.

10. Three young Sahrawis were subjected to intense firing by elements of the Algerian army on January 05, 2014, in the « Oudayat Tutrat » area in ​​the Algerian-Mauritanian borders. These men are “Khatri Ahmedouha Khandoud“, “Aliyene Mohammed Abih” and “Maichan Saleck Al-Bukhari”. The incident resulted in the killing of “Khatri Ahmedouha Khandoud” and “Aliyene Mohammed Abih”, immediately, while “Maichan Saleck Al-Bukhari” was seriously injured in the head by gunfire[[18]](#footnote-18).

11. The systematic nature of the killings committed by the Algerian army and gendarmerie forces against Saharawi refugees is clearly demonstrated by the frequency of such cases during close periods without punitive action being taken against those who committed such violations.

The young Sahrawi "Bara Mohammed Ibrahim"[[19]](#footnote-19)  was killed in February 2017 after he succumbed to critical wounds in the stomach. He was shot by members of the Algerian army near Tindouf, a town neighboring the camps in southwestern Algeria. The killing of the young Sahrawi man, "Hafdallah Abdou Ahmed Baibout "[[20]](#footnote-20),   on the night of Wednesday May O4, 2017 in an ambush in in the southwestern Sahara region in Algeria is also an example of the state party's systematic policy to keep the Sahrawis in the camps in inhuman conditions so as to use their suffering exert to pressure at the regional and international level .

12. During the reporting period, the Polisario organization security services killed Ibrahim Ould Salek Ould Abraika[[21]](#footnote-21) on Sunday, June 3, 2018. Ibrahim was imprisoned in the infamous Dhaibia prison in poor and degrading conditions.

13. Human rights defenders in Western Sahara conclude that the killing of the Saharawi youth in the camps; shot in the head and chest by the Algerian army forces, is clear evidence of a systematic policy of killings of the Sahrawis. This policy also aims at silencing critics and exploiting the suffering of the inhabitants of the camps in many international forums. These victims could not criticize their inhuman situation nor demand international protection against the encroachment of the Algerian security services and the Polisario forces.

**While the Observatory regrets the above-mentioned killings, it hopes that the committee:**

**- Recommends that the state party takes the necessary measures to prevent excessive use of force against defenseless refugees and ensure independent and impartial investigations into all extrajudicial killings, including those committed in the southwestern Sahara region in Algeria, and that the perpetrators should be brought to justice .**

**4. Anti-Torture**

14. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has not yet been ratified by the state party, which is a manifestation of the unwillingness of the state of Algeria to fulfill its international obligations to combat torture.

15. The failure to grant the victims of torture and other serious violations in the Tindouf camps access to judicial and administrative remedial mechanisms at the national level confirms the state party's intention to continue to delegate its jurisdiction to the Polisario to manage the Tindouf camps . These practices compound the deteriorating health and psychological conditions of the victims and their families, leaving them subject to various types of torture practiced by the Polisario organization, without any control of the host state and with the absence of international monitoring mechanisms and international organizations working in the field of human rights.

16. Polisario continues to commit such violations and systematic torture because the state party’s jurisdiction, administration and security authorize such acts since the establishment of the camps in 1975. The perpetrators of these crimes were not held accountable. This policy of impunity is reflected in the exclusion of the Algerian judiciary of any grievances or complaints made by the victims of Polisario officials in Algerian courts. This is a violation of the relevant rules of international law.

17. The State party has not yet expressed its desire to grant the population of Tindouf camps[[22]](#footnote-22)  their rights, which are guaranteed by international instruments, especially the status of refugee, the refugees convention and the protocol relating to the status of refuge. The state party still rejects any attempt to issue statistics of the exact number of refugees within the camps, which is a violation of the relevant Security Council resolutions[[23]](#footnote-23) . This practice has deprived the residents of the camps of having a refugee status.

18. Responding to the second point on the list of questions[[24]](#footnote-24) concerning the request to comment the information received by the Human Rights Committee. The state party justified its failure to ensure the commitment of all individuals in its territory to respect the provisions of the Covenant by claiming that transferring some of its responsibilities to Polisario in Tindouf camps and delegating its jurisdiction to Polisario is an act of solidarity with the Sahrawis and their cause and that this is done in accordance with the tradition of Algerian hospitality, thereby granting asylum to the Sahrawis in Tindouf area and reaching an agreement with the Polisario leadership to run the camps .

All these practices clearly show that the state party denies its responsibility under the provisions of the International Covenant on Civil and Political Rights to protect the inhabitants of the camps from gross violations committed by a military organization which uses these people to prolong the conflict and to protect its interests and leadership positions within the organization.

19. Under international law, the state party has an obligation to extend its jurisdiction over all of its territory, including in the southwestern Sahara region in Algeria . It should not allow an armed group to control the camps and use them as open detention centers where the most severe violations affect the safety and well-being of the camps populations. Reaching an agreement with Polisario organization to run the camps does not justify delegating the responsibilities of the Algerian government .The state party has international obligations once it has ratified the International Covenant on Civil and Political Rights.

20. In dealing with the problems of illegal migration[[25]](#footnote-25) , the Algerian government has not stopped the deportation of immigrants from the sahelo-saharan states to their countries or neighboring countries, in inhuman conditions, thus failing to take responsibility to improve their situation and to consider their applications for residence .The Algerian state has also supported hostile campaigns against migrants, refugees and asylum seekers in the Algerian territory, calling for the expulsion of

black Africans from the country[[26]](#footnote-26)  and exposing them to violence and slavery-like practices and human trafficking[[27]](#footnote-27). .

**The Observatory draws the Committee's attention that action should be taken:**

**- To urge the state of Algeria to speed up the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

**- To accelerate the opening of a thorough and urgent investigation into the cases of torture and grave violations in the southwestern Sahara region in Algeria, provide redress to the victims[[28]](#footnote-28) and reveal the truth of what had happened as well as provide guarantees of non recurrence of these violations.**

**- To ensure that the Algerian Charter for Peace and National Reconciliation includes all the victims residing in the national territory, including the victims of grave violations committed in Tindouf camps in south-western Algeria.**

**- To grant refugees in the camps of Tindouf the position of refugees and this must be consistent with the rights under the convention relating to the status of refugee and the protocol relating to the status of refugee.**

**- To take legislative, administrative and judicial measures to address the campaigns on social networking sites that call for the expulsion of foreigners as well as the growing waves of discrimination against African migrants from the Sahelo-Saharan countries. The Algerian state should improve their situation and facilitate their integration into the Algerian society.**

**5. Enforced Disappearances**

21. Enforced disappearances are a common practice of the Algerian security services against political opponents, human rights defenders and activists. These practices include killings, kidnapping[[29]](#footnote-29), torturing and restricting people’s actions[[30]](#footnote-30) to deter them from denouncing gross violations of human rights. Practices that are contrary to the norms of international human rights should be monitored, especially the requirements of the International Covenant on Civil and Political Rights.

22. Algeria issued a presidential decree No. 06-01 dated February 27, 2006, which includes the implementation of a charter for Peace and National Reconciliation, following the tragic decade incidents in Algeria[[31]](#footnote-31). This decree aims at reducing the fighting over power between the army and the armed islamic groups.

23. However, this law did not guarantee the right of the victims and their families to access justice or seek redress. This law also covered the cases of enforced disappearances and information related to these disappearances, thereby contributing to the consolidation of a policy of impunity throughout the Algerian territory. This law did not include the enforced disappearances, the extrajudicial killings and the torture committed in the southwestern Sahara region in Algeria.

24. The Observatory notes that the charter for peace and reconciliation was confined to the events that took place on Algerian soil during the outbreak of the internal conflict over power in the 1990s[[32]](#footnote-32) without including covering the events and grave violations over the whole Algerian territory, including the crimes committed in the Tindouf camps by the Polisario front, in total violation by the state party of its international obligations under the International Covenant on Civil and Political Rights on the protection of all persons from murder, abduction and torture. The state party has delegated its security and judicial responsibilities to a non-state military organization whose officials enjoy the immunity of the host state from any judicial follow-up, despite the demands of international organizations and sahrawi human rights defenders to bring the perpetrators to justice.

**The Observatory therefore looks forward to the following:**

**- That the committee recommends that the State party’s ratification of the International Convention for the Protection of all Persons from Enforced Disappearance should be speeded up ;**

**- Drawing the attention of the Algerian government to the need to determine the fate of the hundreds of cases of victims of enforced disappearance, women and men . This should include all events that over the whole Algerian territory since independence, including the crimes of enforced disappearance in Tindouf camps in the southwestern Sahara region of Algeria since their creation.**

**6. Independence of the judiciary**

25. The camps area has remained outside the scope of the rule of law and general customary international law due to the exclusion of the Tindouf camps area from the jurisdiction of the state party[[33]](#footnote-33) as well as the absence of the law[[34]](#footnote-34) which is applicable in Algeria in the camps. This is due to the fact that the Algerian state has delegated the running of the camps to Polisario[[35]](#footnote-35).

26. This abnormal situation, which has escaped international scrutiny, has led Polisario to continue to commit grave violations against the inhabitants of the camps and the persons of different nationalities[[36]](#footnote-36) via tightening its security grip on the area, exempt from any legal obligation to protect the individuals present in the Tindouf area and with full authorization from the Algerian government since 1975 to do so. The host state has in many cases provided the services of its security apparatus to the Polisario front to abuse, torture and subject individuals to a degrading treatment in detention centers outside the control of the Algerian judiciary or the monitoring of international mechanisms and organizations.

**The Sahara Observatory for Peace, Democracy and Human Rights therefore recommends:**

**- Urging the state of Algeria to extend its jurisdiction over all its territory, in compliance with the rules of international law and ensuring that the Sahrawi refugees have access to the national mechanisms for the protection of human rights in the state of Algeria, as well as the justiciability before the Algerian courts.**

**7. Freedom of expression**

27. The state party imposes strict restrictions on freedom of expression and the movement of journalists. There have been numerous arrests of journalists, both during their coverage of organized protests in Algiers and during press coverage of major events, such as the renewal of the current president's term for the fourth time[[37]](#footnote-37).

28. In order to ensure a policy of closure against the press and foreign activists, the Algerian government has placed many obstacles such as extending the period of applications for visas to the Algerian territory[[38]](#footnote-38). Journalists have also been forced to adhere to pre-defined locations. Besides, the visas expire three days after polling day.

29. The Algerian government is reluctant to make a real legislative reform to guarantee freedom of the press. Despite the amendment of articles 144 bis and article 146 of the penal code, and articles 296 and 298 of the criminal code, heavy fines still exist in Law No. 11-14 dated August 2, 2011. Journalists can be imprisoned for defamation of individuals, thus severely impeding their work and making them exercise self-censorship .

30. There has been a severe attack on the press sector in Algeria since 2014 .when the Algerian government has tightened its grip on the media sector in general. It is difficult for journalists and bloggers[[39]](#footnote-39), some of whom were arrested, to work freely or find sources of funding.

All these practices have contributed to the decline of Algeria to rank 136 out of 180 countries in the press freedom index published by Reporters without Borders[[40]](#footnote-40) .

31. Although the Algerian law stipulates that freedom of expression and access to information must be guaranteed, practice has shown that the application of the criminal law to arrest journalists and activists and to charge them with fines is common practice in the state party. The objective is to circumvent the law and to silence dissident voices.

32. The State party has continued to tighten its grip on the activities of various non-governmental organizations throughout the territory of Algeria, namely the freedom of expression in Tindouf camps. Polisario organization harasses human rights defenders[[41]](#footnote-41), activists, journalists[[42]](#footnote-42)  and opinion-makers in order to silence their voices and reduce the margin of freedom of expression in the camps. Polisario has also tightened the security closure of Tindouf camps on Algerian soil and suppressed all opinions that criticize the regime under the pretext that these views harm public order and security. In fact, these are broad and vague pretexts that do not depend on any legal basis, thus raising the concerns of many public observers in the state party.

33. The Algerian Government prohibits all activities that would educate individuals in the field of human rights and enable people to know their rights that are stipulated in international covenants and treaties.

34. The freedom of expression in the Tindouf camps continues to be severely restricted due to the imbalances in the laws and legislations related to the right to freedom of expression, whether at the level of legislation, relevance or enforcement, such as Law No. 12-06 , the Algerian penal code and Law No. 06-01 . Polisario has also continued to use customary rules in the south-western Sahara region in Algeria[[43]](#footnote-43) to suppress the views that are contrary to the orientations of Polisario organization.

35. The continued restrictions on freedom of expression in the Tindouf camps in south-western Algeria could be explained by the full mandate granted by the state party to Polisario. The state party has a responsibility to protect persons residing in that area, within the framework of its jurisdiction. The example of Mustafa Salma Ould Sidi Mouloud[[44]](#footnote-44), who was abducted from the Ameheirez region, accused of espionage and treason and later expelled from the camps, is clear evidence of the continuing violation by the state party of article 19 of the International Covenant on Civil and Political Rights.

36. The above practices were not an exception. In fact, prohibiting activities and clamping down on civil society activists have continued in the Tindouf camps in the south-west of Algeria. These practices have targeted the Martyr's Line Movement “Khat Achahid“ , which has advocated change since 2003 and worked hard to fight corruption and spread its ideas as a reformist movement within the Polisario organization. The emergence of 5 March movement in 2011 was accompanied by a popular movement in the southwestern Sahara region in Algeria, calling for reforms in the administration , a change of officials and the rule of the national law. However, this movement was suppressed by the Polisario organization and its members were arrested .

37. As a continuation of the series of killings, kidnappings and harassment of human rights defenders and activists, Polisario security forces tortured the 5 March activist, Brahim Ould Salek Ould Abraika on Sunday June 3 , 2018 . Brahim was imprisoned in the notorious Dhaibiya prison because he was active in 5 March youth movement. The young members of this movement refused the way Polisario runs the Tindouf camps, thus making them feel desperate that a solution to the issue of Western Sahara, which lasted more than four decades, could be found.

**The Observatory is looking forward to the Committee's recommendation that the state party:**

**- Amends all laws restricting freedom of expression, including Law No. 12-06, Law No. 06-01, and the Penal Code, and that journalists should not be prosecuted under arrest .**

**- Allows Special Procedures to visit the state party, including the southwestern Sahara region in Algeria.**

**- Opens an investigation into the murder of young Brahim Ould Salek Ould Abreika on Sunday, June 03, 2018, and all cases of the killings of human rights defenders and the punishment of those responsible for such violations, committed in the Algerian territory, including in the Tindouf camps.**

**8. Association and peaceful assembly**

38. The Algerian authorities have tightened their grip on public space and placed strict restrictions on the formation and functioning of associations throughout the country. The state has not left the establishment of associations to the will of natural persons according to their interests and activities. One example of these obstacles is that the associations’ objectives and activities should be consistent with the common good, national values, public order and public morals[[45]](#footnote-45). These are broad and vague issues which the authorities can use in the face of any dissenting association that criticizes its policies .The state party has consolidated its authority in the establishment of non-governmental organizations by determining the number of members belonging to these associations and linking the establishment of associations to a licensing procedure, which will be eventually delivered , if approved, after a long period of time[[46]](#footnote-46) .

39. The state of Algeria has worked to restrict the actions of activists[[47]](#footnote-47) and human rights defenders[[48]](#footnote-48) and undermine their activities in an exaggerated manner. Activists have been prosecuted before the courts on broad and vague charges such as harming security, public order and public morals, which has weakened the independence of the judiciary[[49]](#footnote-49)and made it subordinate to the executive.

40. The south-western Sahara region in Algeria was no exception to the prevailing atmosphere in the state party. Polisario officials tightened their grip on whoever dares to criticize the conditions in the camps. They also placed obstacles to the work of activists and human rights defenders, subjecting them to enforced disappearances[[50]](#footnote-50), torture[[51]](#footnote-51) and sometimes deportation simply because they had expressed dissenting views to the political orientation of the Polisario organization. Punishments are more severe in the case of activists who express their support for proposals that contradict the organization's attitudes to resolve the Western Sahara issue[[52]](#footnote-52).

41. The Polisario continues to prohibit the establishment of non-governmental organizations that do not adopt its ideology. Peaceful demonstrations are not allowed in the camps, except in the case of parallel organizations. Polisario is also obstructing the right to self-expression and freedom of movement of individuals who oppose its policies. Individuals cannot leave the camps unless the Algerian authorities make sure they have obtained permission from the Polisario authorities.

42. The inhabitants of Tindouf camps cannot enjoy their right to freedom of movement unless they abide by the instructions of the Polisario organization .The Algerian police will question and confiscate the papers of anyone who has a tendency to criticize Polisario. This has prevented many individuals from returning to their areas residence and work abroad, such as the situation of some female detainees in the camps[[53]](#footnote-53) who were prevented from returning to their countries of residence, in flagrant violation of the right to move outside the camps.

**The Observatory requests that the Committee takes steps towards:**

**- Urging the state party to take adequate measures to grant people the right to peaceful assembly and association, simply by addressing a statement to the administration , and ensuring the protection of human rights defenders while doing their job throughout the national territory, including in the south-western Sahara region in Algeria.**

**- Investigating the killing of Saharawi activists and stopping the mandate granted to Polisario organization and its jurisdiction.**

**- The camps inhabitants should have the right to seek redress before Algerian courts, including human rights defenders, opponents of Polisario policies and victims of grave violations committed by the Polisario organization.**

**Appendix 1: A publication by Polisario organization, whereby it is prohibited to publish, write or film any press or media work that contrary to the editorial line of the Polisario organization .**



1. It concerns the report of the state party submitted to the Human Rights Committee.

   <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fDZA%2f4&Lang=fr> [↑](#footnote-ref-1)
2. The Observatory of Sahara for Peace, Democracy and Human Rights(OSPDH), is an NGO that aims at spreading a culture of human rights in the Sahel and Sahara region. It acts to protect human rights, monitor and document any serious violations committed in the region. Its headquarters are in Laayoune, Western Sahara. [↑](#footnote-ref-2)
3. See recommendations of the Committee of Human Rights of the state of Algeria, in ninety first round, during the examination of its third report on December 12, 2007.

   <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fDZA%2fCO%2f3&Lang=fr> [↑](#footnote-ref-3)
4. See the link of the list of questions addressed to Algeria on the of the review of its fourth report to the Human Rights Committee:

   <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fLIT%2fDZA%2f29589&Lang=fr> [↑](#footnote-ref-4)
5. The Kabile people are the Amazigh people living in this mountainous region in the north-eastern part of the state of Algeria. This region includes the provinces of Tizi Ouzou, Bejaia, Bouira, Jijel, Boumerdes, Setif and Bordj Bou Arreridj. It is home to an estimated eight million people. [↑](#footnote-ref-5)
6. It should be noted that the state of Algeria's grave violations related to enforced disappearances, extrajudicial killings and prolonged torture were the result of the fact that the Kabyle inhabitants had embraced The Kabyle Movement for Self-Determination of Tribes (MAK), which called for the separation of the territory from the state of Algeria . This movement was set up in the town of Egyel Ali in Algeria. [↑](#footnote-ref-6)
7. This Hassani component is found in the regions of Bashar, Tindouf, and Umm Lassel and inside the Tindouf camps in south-western of Algeria. [↑](#footnote-ref-7)
8. See Article 150, which states the precedence of international treaties ratified by the President of the Republic over the law , which means that they are inferior to the Constitution. [↑](#footnote-ref-8)
9. The National Council for Human Rights was created by Law No. 16-13 on November 03, 2016, which replaced the National Consultative Committee for the Promotion and Protection of Human Rights, which was established by a presidential decree No. 01-71 on March 25, 2001. [↑](#footnote-ref-9)
10. See articles 10 and 11 of the Law 13.16 dated 03 November, 2016, that created the National Council for Human Rights on the selection of the members of the National Council, which stipulates that the president has the power to nominate four members directly and create a committee to consider the proposals submitted under articles under 3, 4 and 11 and 12 . There may be up to 22 members in the committee. [↑](#footnote-ref-10)
11. Article 8 of Law No. 16-13 , dated 30 November 2016 states: "The Council shall prepare its annual report to the president of the republic, to parliament and to the prime minister on the situation of human rights as well as proposals and recommendations to promote an strengthen human rights. The council will publish the report and make its content public."

    <http://www.joradp.dz/FTP/JO-FRANCAIS/2016/F2016065.pdf> [↑](#footnote-ref-11)
12. The Charter for Peace and National Reconciliation is part of a long series of Algerian laws designed to immunize persons accused of enforced disappearances, as stipulated in article 45 from Order No. 06-01, which prohibits any follow-up of the defense and security forces individually or collectively because of what they had committed before the Charter for Peace and Reconciliation was issued, which is inconsistent with the need to apply the policy of impunity [↑](#footnote-ref-12)
13. See article 46 of Order No. 06-01 dated 27 February 2006, which provides for imprisonment from 3 to 5 years for anyone who speaks about , writes or otherwise refers to the serious violations committed during the years of internal conflict following the victory of the Islamic current in the elections in the 1990s of the last century and accusing the person of exploiting the wounds of a national tragedy to harm state institutions, to weaken Algeria, damage the reputation of its agents and distort the image of the state at the international level . [↑](#footnote-ref-13)
14. The State party has not yet responded to the demands of the Algerian human rights movement to open the file of the grave violations, especially those related to enforced disappearances and extrajudicial killings so as to achieve a genuine reconciliation a transitional justice process. [↑](#footnote-ref-14)
15. The Western Sahara conflict between the Kingdom of Morocco and the Polisario military organization with the direct support of the Algerian Republic, especially at the diplomatic and military level. [↑](#footnote-ref-15)
16. Since the beginning of the Polisario military organization’s running of the Sahrawi refugee camps, the organization’s leadership has been killing, torturing and kidnapping hundreds of people from different nationalities, from Western Sahara, southern Morocco and various parts of Mauritania and northern Mali so as to fill the camps with more inhabitants and to get international sympathy . All this was happening with an unconditional military support from Algeria and a media blackout . Thus , it was impossible to reveal what had happened in those camps where the minimum living conditions with human dignity are non-existent . [↑](#footnote-ref-16)
17. The Observatory has non-exhaustive lists of Mauritanian, French, Sahrawi, Moroccan and Spanish victims, among whom are victims of extrajudicial executions in the southwestern Sahara region in Algeria. [↑](#footnote-ref-17)
18. According to the testimonies of witnesses and information obtained by members of the families of the victims and the statement of defense. More than 100 youths protested in front of the Office of the United Nations High Commissioner for Refugees in the southwestern Sahara region in Algeria, demanding to reveal the truth of the killing of two youths and to punish those responsible for the ongoing violations against the Saharawi refugees. These protests were dispersed by force. [↑](#footnote-ref-18)
19. A young Sahrawi shot dead by the Algerian army, near Tindouf. He succumbed to his wounds on February 28, 2017. His family was not informed until March 06, 2017. The family refused to receive her son's body until the circumstances of his death were investigated and the perpetrators punished. [↑](#footnote-ref-19)
20. The Observatory launched an appeal to investigate the crime committed in the Sahrawi countryside in south-western Algeria during the 35th session of the Human Rights Council in Geneva and during its interaction with the Special Rapporteur on extrajudicial, summary or arbitrary executions. It also got in touch with many permanent representations in Geneva after the Observatory submitted its parallel report of the state party's report during the third session of the Universal Periodic Review mechanism [↑](#footnote-ref-20)
21. Polisario officials claimed that the young Ibrahim Ould Salek Braika committed suicide in the prison of Dhaibiya, which is utterly untrue, The Observatory has a recording of a relative of the dead man stating that his relative was killed under torture in the terrible prison of Dhaibiya because of his views and positions which were anti- Polisario and because he was active in the March 5 movement and the Youth for Change opposition movement in the camps . [↑](#footnote-ref-21)
22. The camps population consists of Sahrawis, people from Mauritania and Western Sahara, and other nationalities, who have formed the hard core of the camps since their creation in 1976. Polisario officials kidnapped hundreds of people from Western Sahara, southern Morocco and Mauritania to run these camps as well as bring in hundreds of Algerian citizens of Saharan origin from the Tindouf area and from Bashar and its surrounding areas, based on the sociological and cultural peculiarities of the Sahrawi population, . [↑](#footnote-ref-22)
23. Security Council resolutions 1920 and 2218 stipulate a census should be organized in the Tindouf camps through the mechanism of individual dialogue. [↑](#footnote-ref-23)
24. A list of questions addressed to the state party during the discussion of its fourth report before the Human Rights Committee.

    <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fDZA%2fQ%2f4%2fAdd.1&Lang=fr> [↑](#footnote-ref-24)
25. According to the International Organization for Migration (IOM), The Algerian state expelled hundreds of African migrants from the Sahelo-Saharan countries in agreement with Nigeria.

    <https://www.iom.int/fr/news/loim-au-niger-fournit-une-aide-au-30eme-convoi-de-rapatries-dalgerie> [↑](#footnote-ref-25)
26. In an interview with Algerian Minister of Foreign Affairs and Cooperation, Abdelkader Msahel in Al-Nahar newspaper on July 11, 2017 , he called for a need to stop the flow of migrants

    <http://pdf.ennaharonline.com/ar/files/11_07_2017_381526171.pdf> [↑](#footnote-ref-26)
27. See the U.S. State Department’s report on trafficking in human beings in 2016, the case of Algeria:

    <https://www.state.gov/documents/organization/258876.pdf> [↑](#footnote-ref-27)
28. The victims of torture and serious violations committed in Tindouf camps in southwestern Sahara region in Algeria come from different nationalities , including Morocco, Mauritania, Spain, Western Sahara, France, South Korea and Mali. They have been subjected to various types of torture such as suspension, writing with fire, breaking the bones, genital mutilation, rape, hard labour and forced labour for years. [↑](#footnote-ref-28)
29. Such as the case of Ahmed Mahmoud Barih, nicknamed Khalil Ahmed, one of the founders of the Polisario Front , who was kidnapped on June 06, 2009 by the security services in the centre of Algiers. He was likely kidnapped because of his disagreement with the Polisario leaders on the serious human rights violations that took place in Tindouf camps when he was in charge of the human rights. The Alkarama organization has contacted the human rights committee on the situation of Khalil Ahmed on November 17 , 2016. Since then, he has been a forcibly disappeared person while the Algerian authorities’ continue its denial of his whereabouts despite his son's complaint to the United Nations working group on enforced disappearance, after exhausting all avenues to reveal his fate. Al-Karama organization in Geneva referred his case to the Human Rights Committee, on behalf of his family, in 2016. [↑](#footnote-ref-29)
30. The Monitoring Group in the Observatory of Sahara for Peace, Democracy and Human Rights has documented dozens of testimonies of extrajudicial killings, enforced disappearances and torture of Sahrawis and Mauritanians in secret detention centers in Tindouf camps. [↑](#footnote-ref-30)
31. A description of the 1990s decade in Algeria lived when the army stopped the democratic process, following the victory of the islamic parties in the municipal elections by an overwhelming majority. This period witnessed a lot of violence that killed hundreds of thousands people, left injured and missing people and caused a huge devastation of the economy. [↑](#footnote-ref-31)
32. The working group on enforced or involuntary disappearances announced that it had received 3,000 communications of enforced disappearances in Algeria, but did not include cases of serious violations that have occurred so far in the south-western Sahara region in Algeria. [↑](#footnote-ref-32)
33. Algeria remains responsible under international law for the protection of the rights of all persons on its territory, including the southwestern Sahara region in Algeria, near Tindouf. [↑](#footnote-ref-33)
34. See the US State Department report on human rights in Algeria, 2016

    <https://www.state.gov/documents/organization/265702.pdf> [↑](#footnote-ref-34)
35. An irregular armed organization runs the Tindouf camps in the south-western Sahara region in Algeria. [↑](#footnote-ref-35)
36. Polisario officials have not only committed abuses against Sahrawis living in Tindouf camps, but also those abducted from Western Sahara or southern Morocco. Polisario has also organized mass kidnappings from different parts of Mauritania and Mali, including, Koreans, French and Spanish citizens. [↑](#footnote-ref-36)
37. Journalist Zineb Benzita of Al-Shorouq newspaper was arrested along with several journalists while covering a protest against the renewal of the custody of Algerian president Abdelaziz Bouteflika for the fourth time in the Algerian capital. Journalist Ali Abboud was also arrested because of he is a journalist and an active member of “Barakat Movement”. Cartoonist Gamal Ghanem was also arrested, charging him of insulting the president. Journalist Hasan Al-Wali was arrested while covering a sit-in organized by the Barakat movement, [↑](#footnote-ref-37)
38. For example, French journalists working for L'Epxress, Le Point, Le Journal du Dimanche, Le Monde, BFMTV, the German daily FAZ, the German channel ZDF, as well as Spanish journalists from EFE and Diario del Mundo. [↑](#footnote-ref-38)
39. Blogger Marzouq Touati was arrested in January 2017 after an interview with a foreign diplomat. He was sentenced to ten years imprisonment and 50,000 Algerian dinars fine . Journalist Said Chitour was arrested in June of the same year on charges of spying and selling secret documents to foreign diplomats. He is charged before a criminal court with charges that can reach life imprisonment. [↑](#footnote-ref-39)
40. See the press freedom index, case of Algeria :

    <https://rsf.org/en/algeria> [↑](#footnote-ref-40)
41. Such is the case of Kamal al-Daoudi, who was subjected to torture and to a cruel , degrading treatment together with Sidi Ahmed El-Arousi Boumedi . Both of them belong to the Youth for Change Movement in the Sahrawi countryside in the western countryside of south-west Algeria. There is also the case of the minor child Abdelhayy Ibrahim Kori , who was arrested in 2010 . He was barely 10 years old at that time. [↑](#footnote-ref-41)
42. The case of the journalist Salek Slouh, a member of the Editorial Board of Al-Mustaqbal Sahrawi magazine, who was arrested by the Polisario forces on Tuesday, October; 01 , 2013 and released shortly thereafter because the magazine published articles that criticized the organization's military officials . [↑](#footnote-ref-42)
43. See Appendix 1: A publication by the Polisario organization that prohibits the media from writing or photographing any press or media work that is contrary to the official editorial line of Polisario. [↑](#footnote-ref-43)
44. Mustafa Salma Ould Sidi Mouloud, a Sahrawi who was kidnapped and imprisoned in a detention center in the southwestern Sahara region in Algeria for expressing his support for the autonomy proposal as a solution to the Western Sahara conflict , which was submitted by the Kingdom of Morocco in 2007. After his release, he was deported and separated from his family who lived in Laayoune camp. He is currently a refugee in Mauritania since 2010. [↑](#footnote-ref-44)
45. Article 02 of Law No. 12-06. [↑](#footnote-ref-45)
46. Article 08 of Law 12-06 [↑](#footnote-ref-46)
47. The state party's crackdown on the mobility of civil society is evidenced by the arrest of a large number of protesters in 2015 when protests started in southern Algeria against hydraulic rock breakage. The state party has also fueled sectarian conflict between the Beni Mezab –Amazigh Ibadiya tribe and the Sunni Arabs belonging to the Chaamba tribe. This sectarian conflict killed 25 people on both sides in July 2015. This incident has fueled feelings of violence, hatred and harassment of some sects like the Ahmadiyya sect. [↑](#footnote-ref-47)
48. Such as the cases of journalist and activist Hassan Bouras , Taher Jheich and Okacha Mahda and the group that includes Dahman Zanani , aged 44 , Dahman Kirami (22 years old) , Abdelali Ghallam (34 years old), Mohamed Boukhari ( 32 years old), Ahmadin Zamit (32 years old) , Fathi Himmi (32 years old) and Mbarek Ramdani (53 years old ) who faced charges of disobedience, participation in an unarmed assembly and inciting others to join unarmed gatherings during the protests in 2014 and 2015. [↑](#footnote-ref-48)
49. The European Parliament noted that there has been an increasing government harassment of human rights activists and expressed its concern about the abuse of the judiciary as a tool to suffocate opposition in the country.

    <https://www.hrw.org/ar/news/2016/06/07/290733> [↑](#footnote-ref-49)
50. Such as the case of Ahmed Mahmoud Barih, nicknamed Khalil Ahmed. He was a member and among the founders of Polisario Front. He was kidnapped on June 06, 2009. His family believes that he was kidnapped because of his disagreement with the organization's officials on the file of the grave human rights violations in the camps. [↑](#footnote-ref-50)
51. The case of the artist Allal Najem Daf, an artist interested in issues of change, democracy and justice in Tindouf camps. He was repeatedly arrested and tortured and survived an assassination attempt following his sit-in in front of the UNHCR in the camps. Polisario imposed house arrest on him and prevented him from organizing any artistic activity. He was also a victim of defamation, and was accused of treason. [↑](#footnote-ref-51)
52. The case of Mustafa Salma Ould Sidi Mouloud, who was abducted on September , 21 , 2010, from the Amheiriz region , south of Algeria, after he announced his support for the proposal made by the Kingdom of Morocco to grant autonomy to Western Sahara. He is still a refugee in Mauritania and is deprived of seeing his family in the Tindouf camps because of his opposition to Polisario. [↑](#footnote-ref-52)
53. Polisario prevented many women from returning to their countries of residence after visiting their biological families in the desert countryside of southwest Algeria Among them are Spanish women of Saharan origin, namely Maalouma Morales, Najiba Mohamed Belkacem, Darja Mbarek Salma , Mahjouba Mohammed Hamdi Daf, Salka Abeida, Elkouriya Bdbad Elhafed and others whose identities the Observatory could not confirm .Polisario accused these women of being morally corrupt after offering them to Spanish families for adoption at an early age . <http://www.elmundo.es/sociedad/2016/05/20/573e003ce5fdea35468b458c.html>

    <https://www.hrw.org/es/news/2016/03/04/sahara-occidental-retienen-mujeres-en-campamentos-de-refugiados> [↑](#footnote-ref-53)