**Mohammedia, Morocco**

**23/07/2017**

**Report "concerned people" in connection with violations of human rights in relationship with prisoners of war (civilian/military) during the Sahara conflict**

Introduction:

“We can betray everyone for certain time, some forever, but we cannot betray each of us eternally”.

There is no greatest vastest desert than a heart unemotional towards human suffering. If the error is human, justice is divine.

These are expressions of a son of disappeared father, who has relied on your honesty and objectivity of your administration.

Ladies and Gentlemen,

Our dead go on talking, our disappeared people keep on screaming, crying. Our prisoners and sequestered people ask for justice, truth, equity dignity and freedom.

Our families fight for justice, recuperation and reconciliation.

I’m just a simple child who lost his father at the age of 13 in 1979; I do remember that the day when Mum and I accompanied him the train station of Guercif. It was a great honor and feeling of pride to see a great number of soldiers moving towards Sahara.

My love and my feelings for him have increased in me up to now.

Time for truth has come for our family.

Either we will see him alive, or it will be the last time to have the opportunity to kiss him.

We clung tightly for a moment and he uttered “you are now the man in charge of the family”. I didn’t know it was the last time I would see him.

My childhood period was destroyed because of the responsibility towards my 6 brothers and sisters as I and the elder brother.

My sad story is not only a real tragedy for thousands of Moroccan families (civilians / Military), but also a degradation of international laws.

The collectives of families of disappeared and sequestered Moroccans in penitentiaries in Tindouf COFADISE-MAPETI in collaboration with victims who were ancient prisoners in Algeria (civilians / Military).

The collective of families of disappeared and sequestered Moroccans in Tindouf penitentiaries in a Non-Governmental Organization that militates against tyranny, injustice, denunciation of war crimes practiced daily for almost 40 years in Algerian jails.

A crime against humanity with no judgment, and an outcry of sadness, hopelessness and injustice remained without verdict, is lasting for long.

Allow me to introduce that report on behalf of civilian and military victims in addition to their families. It is a hopeless call, shown to you today, with the aim to understand our deep feelings and our cause we fight for “We believe in justice under your leadership”.

It is high time the international community knew the truth of those victims, with untruthful propaganda launched by Algerian authorities.

We are fully convinced that our cause may urge you to stand for legitimate human rights and to struggle against mistreatment, suffering poor health of victims in penitentiaries in Tindouf.

I’m not politician I’m a defender of a long lasting cause.

I believe my wish will come true under your executive committee. I’m a son of disappeared father in Algerian prisons, orphan as well as other members of other many families of disappeared and sequestered. I make my voice heard as an outcry against injustice impartiality, suffering to be known by international community.

We keep on crying our dead and our disappeared that we couldn’t see or bury. It is out right to know about those unfortunate people (civilian/military), we have requested from Algerian authorities clarification of the situation of those people (dead or alive) and get back their corpses, but with no result.

“If no material proof or precise circumstances are presented clearly, I can’t do the mourning”.

It is highly intended to expose reality as it is nowadays so that everyone assumes responsibilities.

Thousands of detained (civilian/military) since 1991 ceasefire are waiting for justice and reparation. On behalf of families of disappeared and sequestered, we don’t know if we keep on waiting for them to turn up or neglect the idea of seeing them later.

***Our actions:***

In Morocco we have led certain of campaigns of sensitization by organizing many sits-in in front of the U.N council in Rabat, in front of the European Union agency in Rabat from November 4th to the 5th 2015.

We attended many press conferences and many sits-in beside Hassan II foundation of Ancient combatants in addition to sits-in front of human right council in Rabat, with the presence of Mr. Pierre Barras vice president of regional delegation of international committee of “Red Cross”.

***Abroad:***

* A personal complaint was sent to international Amnesty organization on the 27th August 2009
* Meeting in Paris with Miss Nasser DETOUR president of the collective and in charge of communication with families of disappeared in Algeria.
* We have had opportunities where we talked about our cause with some European deputies in Brussels.
* For other NGOS such as Euro-Mediterrean.
* On July 7th 2016 our collective has obtained a letter of reply sent by the European union services following dialogues with Algerian authorities about the Issue of the disappeared and detained Moroccans (civilian/military).

(A joined copy is available)

* March 9th 2017 a meeting in the United nations Headquarters in Geneva (special procedures division) and with people representing the work group on forced or involuntary disappearance.

# Presentation of cases:

## Algerian regime and prisoners (Civilian/Military)

1. **Moroccan prisoners of won in Algeria:**

During the conflict in Sahara, the first prisoners were detained in 1976. The last ones were captured some months before the ceasefire in 1991. The number of prisoners is estimated to 1157 according to – in 2003 include 14 civilians.

The degree of implication of Algerian authorities interesting forces that remains as a proof of responsibility as far as the treatment of detained persons in A protected by Geneva Convention is concerned. These crimes were committed on the Algerian territories not far from Tindouf:

Rabouni where most polisario administrative institutions are located with full honesty and credibility, our accusations are legitimate. Since the beginning of the conflict, more than 460 Moroccan prisoners were detained in Algerian jails.

After their arrest, Major Military officers and soldiers were first interplead in Rabouni, and then were taken by plane to Blida Military Headquarters. Others were put in jail in Boufarik and Jeffa camp, 300kms south of Algiers. They were then sent to Ksar El Boughar 150km south of Algiers in MEDIA regions.

In 1987, 115 detained persons in El Boughar, 35 captured in Bechar were put in change with Algerian prisoners captured in Angola.

These historical events show clearly the implication of Algerian Regime, under the authority of General Med Liamine MEDIENE, president of Intelligence services, who violated laws of the third convention of August 12, 1949, concerning treatment of prisoners of war. (Article 45)

“Persons under protection could not be transferred to Non-recognized state with no boundaries does not belong to the convention.

In 1987, the Algerian authorities broke laws of the convention by transferring 273 Moroccan detained in El Boughar penitentiary to Rabouni for Polisario authorities. According to witnesses (ex-prisoners), 25 Moroccan prisoners passed away in El Boughar prison because of mistreatment, torture, diseases, hunger, enmity, hatred.

Mr. Charkaoui Brahim nicknamed SARFATI who was imprisoned in El Boughar prison confirmed the reality of the things. They were mistreated, some tortured till death by Algerian agents. There were cases of suicide; other prisoners were dead because of physical torture such as NAGMA Med / Sadik TAGMA and adjutant Driss. On May 5th 1981, the Algerian authorities ordered his transfer to Rabouni with 4 other persons: Lieutenant HAYDARA Mahfoud, AINA Mahfoud, BARKAN Ahfida and BARKAN Ahmed.

Once in Rabouni, polisario agents put in jail ERRACHID until his release.

These facts and witnesses show cruelty used by the Algerian Regime towards prisoners (Civilians/Military), with complete neglect of laws Geneva Convention in connection with prisoners of war.

1. **Prisoners of war in Tindouf:**

They don’t enjoy their rights established in Geneva Convention (article 13) dealing with general protection of prisoners of war.

* **Investigations / Interrogations:**

The first investigations were directed by Algerian officers in terrible conditions with fear, terror and insults. The following part of investigations was led by polisario agents whose aims are to obtain information under torture.

* **Hard labour:**

Since their captivity, Moroccan prisoners of war (Civilian/Military) were used as means of hard manual work. From 1975 to 1991 building material and maneuvers were ordered to them. Each prisoner must make 120 cement lumps daily. Those unfortunate people started work at 4 am till sunset. Among these building constructions

* Detention center (South of Tindouf) named Chahid EL HADDAD
* Hospital of DAKHLA camp and Tifanite.
* **Civilian prisoners of war:**

125 civilians were used as drivers, workers, navy helping hand in Morocco. They remained in Tindouf jail (from 10 to 24 years). A transfer of some others from El Boughar prison in Algerian to Tindouf started in 1981. According to witnesses of some civilians, who belong to our collective: Ahmed Majid, Zitouni Ali, Brahim Ait Bella, Tawfik Brahim and Med Hajouj. All of them confirmed the truth of these events. They were kidnapped by armed groups (different nationalities) Algerians, Sahraouis, Malians under authority of Brahim GHALI. They were submitted to hard labor, cruel treatment, inhuman behavior (rape/castration…). They felt like beasts taken to slaughter.

During their captivity, they were deprived of any kind of contact and in complete discretion. With assistance of Military prisoners who unveiled atrocities and inform humanitarian organizations, the Red Cross of their existence.

A certain number of certificates delivered by the International Committee of Red Cross to those prisoners are available (Part annex). After their release, the majority of prisoners could not delete nightmares tragedies, they went through in the past. They suffered enormously on psychological, sexual, social and economic levels.

It is high time you found solutions, made justice and fair judgments.

Knowing that the additional Protocol of June 8th 1977 to Geneva Convention of August 12th 1949, dealing with protection of victims in armed conflicts (Article 51): Civilian population must not be targeted.

In case there are any visits made by ONGs or any Assistance International organizations to prisoners, Algerians Authorities and polisario officials make a change of prisoners who work with Sahraoui workers providing them with a list of names for remunerations.

Moroccan prisoners have never had any payment or Indemnities for their work. This is considered as Violation of human rights (Article 60, 61, 62) of the convention dealing with work of prisoners of war.

* **Executions or disappearances**

According to witnesses (Ex-prisoners) SAMIR Abdeallah, LAFTIRI Jilali, LALAN Hamid etc… So many tried evasion, but failed. Intercepted prisoners were under interrogations and investigations led by Algerians agents in Tindouf, taken by Rabouni under the authority of polisario officials to be led to Errachid penitentiary which is considered as the most horrible hell spot for Interrogations. So many of them perished there.

In 1988, prisoners Lahcen Bensidi BIBI and Omar tried to evade Oued El Ma. They disappeared afterwards.

Lieutenant Mozun was killed under torture in 1991 in 9th June prison. The under chairman of that prison was responsible for Interrogations and Investigations under torture named Mbarek Ould Mouilid. A lot of attempting evasions were hopeless and followed the same procedure.

According to the same witness who confirmed that arrestation operations and the search of undetained or escaped prisoners were done by Algerian Agents (Helicopter-Jeep radars availability of material and logistics).

These acts were committed by Algerian agents in collaboration with polisario agents towards escaped prisoners, which is a great violation of convention III of (12-8-1949) dealing with prisoners of war.

Section VI: Reports of prisoners of war with authorities. Article 89, 90, 91, 92

* **The disappeared and the right of their families:**

The number of prisoners is limited to 452, bur=t our collective possesses only 292 names and their date of disappearance.

Any act leading to forced disappearances is concerned as violation of International Laws of Human Rights. Our collective remained preoccupied with the situation of the disappeared. We are fully convinced that the Human Rights council would defend our cause.

Our families express their sorrow, their will to know about their disappeared or lost people and impel International Community for an engagement to grant the right of truth, justice and reparation.

Inspite of initiatives search we did, all attempts failed because of blockade from Algerian Authorities. Though, it is considered the main responsible for their disappearances.

According to released prisoners witnesses, 25 years died en Ksar El Boukhari and El Boughar penitentiaries whereas 121 other prisoners are buried not far from Rabouni. There are the main motives which we wish your assistance could help hopefully and open fair investigation to elucidate this issue; localize their copses, with the use of ADN tests.

According to witnesses who were detained in those jails, confirm many victims are buried with complete ignorance of their names whereas other victims are named.

It is high time we called the Algerian authorities for cooperation to deal with our issue and to put an end to our sufferings due to this misunderstanding, which has empoisoned thousands of Moroccan families. It is noted that our children are also victims, directly or indirectly.

“The loss of a disappeared is considered as a serious violation of fundamental rights of children”.

The elucidation of truth and justice are main elements for reparation as a financial indemnity, moral rehabilitation for alive victims and their families whose rights are legitimate.

It is high time we asked ancient polisario decision makers, who now live in Morocco, about the clarification of bloody events, injustice and destiny of disappeared and sequestered prisoners (Omar HADRAMI, Ayoub LAHBIB, Brahim HAKIM, Gajmoula bent be who occupied high ranked positions in the polisario front.

**Recommendation:**

The Algerian authorities pretend that the Sahara Conflict and the question of prisoners was not their concern.

* How the Algerian authorities explain the existence of 460 prisoners of war (civilian/military) in Ksar El Boukhari and El Boughar until 1987. The year of the transfer to Rabouni?
* What judicial basis on which the Algerian ordered the transfer of 460 prisoners towards jails of polisario in Tindouf?
* What are the motives that led Algeria take this decision? We wish the Algerian state replied to the following questions.
* Material and moral of prejudices lived by prisoners of war.
* The Algerian state should elucidate the issue of disappeared people, localize their tombs and inform their families.

The Algerian state should stop blockade to requests from families of victims. Visits of cemeteries where probably our parents are buried, which is the situation in Rabouni.

* Indeminization of the families of disappeared and former prisoners of war during their exploitation hard forced work.

Families of civilian victims and victims still ask themselves about:

* The motives of arrestations
* The years they spent in Algerian jails and request justice and reparation.

When the ceasefire took place, liberation of prisoners should have been global and immediate (Article 10) of the convention III. Why the Algerian didn’t respect that legislation?

The unjustified delay in the homeland reception of prisoners war is a violation of the convention (Article 84, 85 of the first additional protocol of Geneva Convention.

**Conclusion:**

Sahara conflict has created along lasting crises, wich has a great impact on the conditions of life and survival of victims and their families.

Excellency:

It is high time those ho made contributions to pacifications of kidnapping, enprisonment operations, disappearance and torture, should replay to our questions. Among them, on the Algerian side: Generale Mohammed Liamine Mediane Taoufik.

On the polisario side: Omar Hadrami, Ayoub Lahbib, Brahim Hakim, Gajmoula Bent Bi. Who are residents in Morocco Nowadays. And Brahim Ghali the actual leader of polisario.

What we expect from those people is to be able to answer our questions and elucidate the truth to make an end to our fufferings.

With full honesty, those people know the truth about the disappeared and sequestered prisoners. All we expect is to clarify our issue of Moroccan prisoners of war. It is our legitimate right to know about their destiny. In addition to that, we intend to preserve this historical memory of our martyrs.

**Annex**

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