Response to call for input to a report on killings of human rights defender

5 October 2020

**THE OCCUPIED TERRITORIES OF WESTERN SAHARA**

**AND THE KILLINGS OF HUMAN RIGHTS DEFENDERS**

**A submission by (edited for public release):**

The Norwegian Support Committee for Western Sahara

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The Right Livelihood Foundation

American Association of Jurists

Asociación Española Para El Derecho Internacional

De Los Derechos Humanos (AEDIDH)

The League for the Protection of Saharawi political prisoners held within Moroccan jails

**With the following Saharawi NGOs in support of the submission:**

Asociación de Familiares de Presos y Desaparecidos Saharauis (AFAPREDESA), Assocoiation For the Monitoring of Resources and for the Protection of the Environment in Western Sahara (AMRPEN), Asociación Hijas de Saguia y el Rio, Asociación por la Justicia y los Derechos Humanos, Saharaui para la Protección y Difusión del Patrimonio cultural Saharaui, Asociación Saharaui contra la Tortura, Association Sahraouie des Victimes des Violations Graves des Droits de l’Homme Commises par l’Etat Marocain (ASVDH), Bentili Media Center, De Defensores de Derechos Humanos (CODESA), Comisión Nacional Saharaui por los Derechos Humanos (CONASADH), De soutien au Peuple Sahraoui, Comité de Defensa del Derecho de Autodeterminación (CODAPSO), Comité de Familiares de los 15 Jóvenes Secuestrados, Comité de Familiares de Mártires y Desaparecidos, Comité de Familiares de los Presos Políticos Saharauis, Comité de Protección de los Defensores Saharauis – Freedom Sun, Comité de Protección de los Recursos Naturales, Comité Saharaui de Defensa de Derechos Humanos (Glaimim), Comité Saharaui de Defensa de Derechos Humanos (Smara), Comité Saharaui de Defensa de Derechos Humanos (Zag), Comité de Victimas de Agdaz y Magouna, Coordinadora de Gdeim Izik Coordinadora de los Graduados Saharauis Desempleados, Grupo por la renuncia de la Nacionalidad Marroquí, Ibsar Al Khair Association for the Disabled in Western Sahara,, Liga de Estudiantes Saharauis en España, Liga de Mujeres Saharauis en España, Observatoire des Médias Saharaouis pour documenter les violations des droits de l’homme, Observatorio Saharaui por el Niño y la Mujer, Organización Contra la Tortura en Dakhla, Saharawi Association for Persons with Disabilities in Western Sahara, Saharawi Association in the USA (SAUSA), Saharawis Against the Plunder (SAP), Saharawi Center for Media and Communication, Saharawi Media Team, The Saharawi Organ against Moroccan Occupation (ISACOM), Unión de Juristas Saharauis (UJS), Unión Nacional de Abogados Saharauis, Unión Nacional de Rio de Oro (UJSARIO), Unión Nacional de Mujeres Saharauis (UNMS), Unión Nacional de Trabajadores de Saguia El Hamra y Rio de Oro (UGTSARIO), Unión de Periodistas y Escritores Saharauis (UPES)

1. **Introduction**

This joint submission is prepared by human rights organizations concerned with the current human rights and humanitarian situation in the occupied territories of Western Sahara.

The aim of this joint submission is to provide the Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor, with an overview of the systematic targeting of Saharawi human rights defenders; with the objective of reaching a deeper understanding of the humanitarian crisis currently taking place in the occupied part of the Non-Self-Governing Territory of Western Sahara. This is done by submitting joint responses to the questions posed in the Questionnaire (section 2.1.), with the highlighting of the killings of Saharawi activists Sabah Anjouri, Abdel Rahim Badri, Mohamed Ali Massik and Hassanna El Wali in addition to the events of Gdeim Izik with the cases of Nayem Elgarhi and Said Damber (section 2.2.). ***The examples provided are solely intended for illustration purposes. The list is not to be deemed as being exhaustive.[[1]](#footnote-1)***

As in accordance with the stated objectives of the report, the undersigned organizations wish to underline that a part of Western Sahara has been placed under occupation by the Kingdom of Morocco since 1975 and subsequently illegally annexed. To this day, the situation in the territory remains a humanitarian crisis with systematic, gross human rights violations and breaches of international humanitarian law being committed as direct consequence of the prolonged illegal military occupation. Morocco has, as the Occupying Power, the *de facto* control, both over most of the territory *and the people living on the occupied land,* who are deprived of their civil, political, economic, social and cultural rights.

Saharawi human rights defenders are targeted by both State and non-State actors; with the lack of effective preventive and protection measures. It is underscored that the available *international* mechanisms lack the necessary comprehensiveness and effectiveness to ensure the safety of Saharawi human rights defenders; with the available *regional and local mechanisms* lacking the necessary independence and impartiality in order to ensure safety for Saharawi human rights defenders.

In our view, the current human rights monitoring mechanisms in place for the safety of Saharawi human rights defenders – and the people of Western Sahara - are not adequate nor efficient, as they do not provide security or accountability. Claims are not investigated, and perpetrators of grave human rights violations are not being prosecuted. We are under the understanding that impunity is the norm.

The undersigned organizations of this submission agree to the publication of the present submission.

1. **The killings of Saharawi human rights defenders** 
   1. **Responses to the questions posed in the Questionnaire**

Our joint response to the questions posed in the Questionnaire is as follows:

1. The undersigned organisations accept the legitimate right to defend human rights, including the right to self-determination. The organizations aim to publicly condemn documented cases of killings of human rights defenders, on the basis of the principle of doing no harm.
2. During the time period of June 2019 until July 2020, we witnessed one case of killing of a young Saharawi attending a demonstration in the occupied territories on 19 July 2019.

The young Saharawi was ran over by two Moroccan police cars during a demonstration held, and subsequently left in the street before being taken to the hospital. No investigation has ever been carried out, despite calls from both local and international organizations.

1. There have been no convictions of perpetrators of killings of human rights defenders from June 2019 until 30 June 2020.

One of the believed perpetrators into the killing of a young Saharawi student activist in May 2018 was, however, arrested late spring 2020. He is currently awaiting trial. It is believed that the arrest of one of the persons came in response to numerous calls coming from both local and international organizations.

The undersigned find reason to underscore that despite numerous calls coming from both local and international organizations, the Moroccan authorities have not initiated an investigation into the other cases as highlighted under section 2.2.

The undersigned organizations have rather witnessed that the families of the victim are being targeted due to their call for investigation and prosecution; being subjected to acts of reprisals such as arbitrary arrest, harassment/intimidations, loss of income and continued surveillance.

1. The undersigned organizations aim to address death threats, as with other forms of persecution of human rights defenders, by securing documentation, issuing reports and/or submit complaints on an international level and to publicly condemn such threats towards human rights defenders.

The undersigned organizations place importance on doing so in close contact with and in cooperation with the victims, on the basis of the principle of doing no harm.

1. The undersigned organizations have and are willing to put in place protection measures for human rights defenders to the maximum extent possible. The undersigned organizations however find reason to underscore that in the occupied territories of Western Sahara, and in light of the ongoing humanitarian crisis, it nearly impossible to put in place effective protection measures. As highlighted by the UN Secretary-General in his report of 23 September 2020 (S/2020/938), “Lack of access by OHCHR to Western Sahara continues to result in substantial gaps in human rights monitoring in the Territory. Human rights defenders, researchers, lawyers, and representatives of international non-governmental organizations also continue to experience similar constraints”.

The undersigned find reason to underscore that the UN General Assembly has a special obligation to protect the rights of peoples of Non-Self-Governing Territories. The fact that no Administering Power today assumes the obligations to protect the rights of the people of Western Sahara makes it particularly important that the UN mechanisms act to protect these rights. It is only the UN that may ensure such protection for Saharawi human rights defenders by ensuring the implementation of the inalienable right to self-determination for the people of Western Sahara; as killings and other forms of human rights violations against Saharawi human rights defenders occurs in direct response to their advocacy in favour of the right to self-determination.

Moreover, it is only the UN that may ensure heightened scrutiny by, for example, the appointment of a UN Special Rapporteur designated to monitor the situation in the occupied Western Sahara. Similarly, it is crucial that the UN Special Rapporteurs take urgent public actions in order to address the systematic targeting of Saharawi human rights defenders. It is underscored that the international civil society finds itself effectively being prevented from ensuring effective protection due to the prolonged military occupation and the expulsion of international observers.

1. It is the undersigned organizations understanding that documentation and public advocacy is crucial to protect the lives of Saharawi human rights defenders and to ultimately hold the Moroccan authorities accountable. The undersigned organizations have achieved results in cases where monitoring and documentation has proven possible.

However, in many instances, such monitoring and documentation is *de facto* impossible due to the continued prolonged military occupation with the current persecution of Saharawi activists and journalists and corresponding expulsion of international observers.

* 1. **Cases of murdered Saharawi human rights defenders**
* **Sabah Anjouri, murdered 19 July 2019**

Sabah Anjouri, a 23-year-old young woman, was according to eyewitnesses and friends, deliberately run over by a police officer driving a police vehicle during protests held in El Aaiún, Western Sahara, on the evening of 19 July 2019.

On 19 July 2019, the Saharawis in the occupied territories of Western Sahara had gone out to the streets to celebrate the win of the Algerian national football team in the Africa Cup of Nations. The celebrations emerged into grand demonstrations against the Moroccan occupation, in support of the right to self-determination for the people of Western Sahara.

The celebrating Saharawis found themselves trapped by the Moroccan military, auxiliary and police forces that closed down the streets, and subsequently attacked the civilians with tear gas, rubber bullets and water cannons. Military and police cars were also used in order to attack and disperse the demonstrators, leading to the death of Sabah Anjouri.

Eyewitnesses report that Sabah was hit by two cars belonging to Moroccan forces chasing demonstrators down Smara boulevard in El Aaiún. The police left her in the street after having run her over. The victim was transported to the local hospital in El Aaiún by an ambulance approximately 15 minutes later, and died in the ambulance during the transfer. Friends and family of Sabah have announced that they were prevented from entering the hospital when wanting to visit Sabah, and that they did not receive information from the Moroccan authorities concerning her fate.

Reportedly, no investigation has ever been carried out by the Moroccan authorities despite numerous calls coming from the family of Sabah Anjouri and human rights organizations. The family continues to demand information about the cause of death and to know what happened to Sabah; including to hold the responsible accountable.

* **Abdel Rahim Badri, murdered 19 May 2018**

On 19 May 2018, a 24-year-old Saharawi student activist named Abdel Rahim Badri was attacked in front of the University of Agadir, Morocco. Badri had come to the university site to hang up posters of a group of Saharawi student activists imprisoned in Moroccan jails, calling for the release of his friends.

Badri was calling for the release of the so-called “Student Group” as treated in Opinion No. 67/2019 by the UN Working Group on Arbitrary Detention. The Student Group is a group of Saharawi students that was arrested and imprisoned in 2016 in response to their student activism and their support for the right to self-determination for the people of Western Sahara.

According to information from eyewitnesses, Badri was attacked by several perpetrators with machetes. Ambulances were reportedly prevented from coming to his rescue, leaving Badri bleeding for hours before he died.

After the death of Badri, his family and friends called on the Moroccan authorities to investigate the death and to hold the perpetrators accountable. The family and friends have been harassed for their campaigning.

In December 2019, one of the released members of the Student Group, Brahim Mouyssaih, was arrested and threatened with imprisonment after having demanded footage from the surveillance cameras located outside of the university. Two other Saharawi students were also arrested. The family of Badri has also experienced intimidations, harassments and threats from the Moroccan authorities.

In response to the pressure excerted on the Moroccan authorities and the continued call for investigation coming from local and international organizations, one of the persons believed to be responsible for the death of Badri was arrested late spring 2020. The friends and family of Badri learned of the arrest in June 2020.

Reportedly, the person arrested is charged with violence resulting in death without the intent of causing it. He is currently awaiting his trial after his trial was postponed due to COVID-19. He is currently held in Ait Melloul 2 prison (Agadir, Morocco).

* **Mohamed Ali Massik, died 16 September 2016**

Mohamed Ali Massik is a Saharawi from Western Sahara, born in 1979. He was a Saharawi student activist, advocating for the independence of Western Sahara, and was part of the organization of “unemployed in Western Sahara”.

On 6 March 2014, the health of Mohamed started to deteriorate, and he later passed away on 16 September 2016 after having suffered from cirrhosis for over two years. His death was a result of systematic medical negligence, wherein the administration of the Moroccan Ministry of Health refrained from undertaking necessary procedures to enable a liver transplantation.

The family had, prior to the death of Mohamed, provided a donor for a liver transplantation. The doctor at the local hospital in El Aaiún, Hassan II hospital, had approved the procedure and had stated that Mohamed was in good health.

It is believed that the Moroccan authorities retaliated against Mohamed, with the usage of the Ministry of Health, in response to Mohamed´s human rights activism and his participation in a demonstration organized by the unemployed in May 2011 in El Aaiún.

To this day, the family of Mohamed is calling for an investigation into the death of Mohamed, and to hold the responsible accountable for his death. The family has also submitted a complaint to the Moroccan judiciary. The complaint was never responded to, and the Ministry of Health continues to refuse to provide the family with the medical history of Mohamed.

The brother of Mohamed, Malainine, continues to be systematically targeted and subjected to excessive violence by the Moroccan forces in response to his campaigning. The Massik family has also fallen victim of continued harassment, intimidations and threats, with their home being stormed by the Moroccan occupation forces.

* **Hassanna El Wali, died 28 September 2014**

Hassanna El Wali is a Saharawi human rights defender that was arrested 5 January 2012. He was later sentenced to 3 years.

After more than two years in a Moroccan prison, Hassanna died on 28 September 2014 in the military hospital in Dakhla, Western Sahara, after having been transferred to the hospital on 24 September 2014. The family of Hassanna had not been informed of his life-threatening condition and was surprised by his sudden death.

Only one day later, 29 September 2014, the General Commission of Prison Administration declared the death of the Saharawi political prisoner Hassanna. In the communication issued, the Commission declared that Hassanna had received all necessary care and medical examinations at the local hospitals of El Aaiún and Dakhla, Western Sahara. The communication was confirmed by the Court of Appeal in El Aaiún on 3 October in a statement issued. On 4October 2014, Hassanna was buried in secrecy with a strong military presence, without the family of Hassanna being informed.

Ever since, the family has sought to clarify the real cause of Hassann’s death, calling for a judicial and medical investigation with complete access to the medical file and history of Hassanna. The family has never received a response from the Moroccan authorities and the family has still not been given access to his medical file.

The same complaints were submitted to the Moroccan National Human Rights Council (CNDH) in Dakhla. No response has ever been given.

* **The events of Gdeim Izik and the cases of Nayem Elgarhi and Said Damber (2010)**

The Gdeim Izik was a provisional protest camp in 2010 situated outside of El Aaiún. Moroccan authorities held the areas surrounding the camp under surveillance from the beginning with armed trucks, helicopters and army vehicles circulating the camp areas with the authorities constructing roadblocks and checkpoints around the camp.

On 24 October, the Moroccan authorities opened fire on a vehicle trying to enter the campsite with food supplies. A 14-year-old boy (Nayem Elgarhi) died. He was buried in secret by the Moroccan authorities. His family still demands that the officers who shot Nayem shall be tried. No investigation has ever been carried out by the authorities.

On 8 November, the Moroccan military attacked the Gdeim Izik camp. Camp residents reported use of rubber bullets, real bullets, hot-water cannons, tear-gas, truncheons and stones. As panic took over, clashes between the army and the protesters ensued, leading to casualties and injuries on both sides. Street riots broke out in several cities of Western Sahara. The killing of Saharawi demonstrators has never been investigated by the Moroccan authorities, and no one has been held accountable for the atrocities that occurred during the dismantlement of the Gdeim Izik camp; and in the days that followed.

Following the violent dismantlement of the Gdeim Izik camp, the city of El Aaiún was placed under a siege. During this siege, the young Saharawi activist Said Damber was murdered on 21 December 2010.

On the evening of 21 December 2010, Said was walking in the street after having finished watching a football match, when he was stopped by two policemen dressed in civil clothes that asked for his ID. According to eyewitnesses, Said didn’t have his ID on him which led Said to discuss with the policemen. At this moment, one of the policemen took his gun and shot him in the head, without any apparent reason.

Following the murder of Said, the house of the family was surrounded by Moroccan intelligence forces and the brother of Said was brought to the Moroccan Governor of El Aaiún, where he was given a suspicious story about what happened. The governor of El Aaiún tried to buy the silence of the family.[[2]](#footnote-2)

Since that date, the family has demanded from the Moroccan authorities to carry out a judicial investigation and to hold the once responsible accountable. The Moroccan authorities have never initiated any investigation into the murder of Said and the policeman was never held accountable. In response to the campaigning of the family, the Moroccan authorities have intimidated and pressured the family.

1. As the submission is a joint submission written by five different organizations covering different cases of killings of Saharawi human rights defenders, the submission exceeds the requested word limit. We ask for an exception in this regard and thank for the understanding. [↑](#footnote-ref-1)
2. <http://www.smalgangen.org/pa142x1023> [↑](#footnote-ref-2)