

General allegation

101st session (4–13 November 2013)

Morocco

96. The Working Group received information from credible sources concerning obstacles encountered in the implementation in Morocco of the Declaration on the Protection of All Persons from Enforced Disappearance.

97. It has been reported that from 1975 to 1993 there were over 400 cases of disappearance on the Territory of Western Sahara and that those cases were attributable to Moroccan security forces. About 80 per cent of such disappearances allegedly occurred between 1975 and 1977.

98. It is alleged that, in February 2013, human remains were found in Fadret Leguiaa in the region of Smara, near Amgala and Meheris, in an area under the supervision of the United Nations Mission for the Referendum in Western Sahara (MINURSO). It is reported that a forensic research team exhumed two graves and found the remains of eight persons. The research team came to the conclusion, on the basis of anthropological and DNA analysis, that the remains were those of eight persons, including two minors, who had been executed by firearms and superficially buried. The victims were Bedouins who made their living by herding camels and goats. According to the source, the case corresponds to extrajudicial executions that had been reported by an eyewitness of the events that took place on 12 February 1976.

99. It is further alleged that the report of the Equity and Reconciliation Commission (IER) and further reports by the Consultative Council on Human Rights (CCDH) did not provide proper information on the cases of those disappeared persons. Information had been provided on four of the eight persons identified. No information was provided on the other four, although they were arrested on the same day and in the same place and despite the fact that a relative of one of the four filed a petition with IER on 25 November 2003 and again on 13 December 2004, to which no follow-up was given. The source further reports that the information provided on four of the eight cases is inaccurate, as it is stated that these persons had been arrested in Amgala and then taken to Smara headquarters, where they died in custody.

100. The source reports that other locations of mass graves are well known and have been identified by relatives or survivors. Most of them are allegedly in the Territory of Western Sahara under the de facto administration of Morocco. Others may be situated near detention centres in Morocco. The source indicates in particular that there have been reports alleging that a mass grave exists in Lemsayed, but that the State never investigated those reports.

101. The source further alleges that the families' right to truth was not respected, that no investigations have been undertaken and that the perpetrators of those acts have not been punished.

102. According to the source, the majority of the relatives of the disappeared currently live in refugee camps and are mostly women. The source further alleges that those victims have not benefited from any kind of recognition of the human rights violations they experienced, nor have they had access to information or to the procedures to request the opening of an investigation. Reportedly, those relatives were also excluded from any contact with institutions such as the Arbitration Committee, IER or CCDH and were thus not in a position to file complaints or to obtain compensation, as those living in the Territory of Western Sahara did.

103. According to another source reporting on the same facts, the discovery made by the forensic team highlighted the limits of IER and the efforts of CCDH to uncover the truth about hundreds of enforced disappearances in Morocco and Western Sahara, and the need for further independent, impartial and thorough investigations to be

conducted. The same source further alleges that IER increased Sahrawis' feelings of marginalization by failing to address the particular breadth of violations they suffered, to acknowledge that the region suffered disproportionately and to rebuild trust with victims, families and civil society organizations in Western Sahara.