

REPORT

OF AN INDEPENDENT COMMITTEE OF INQUIRY INTO ALLEGATIONS OF VIOLATIONS OF HUMAN RIGHTS, CRIMES, ABUSES AND VARIOUS OTHER IRREGULARITIES BROUGHT AGAINST THE POLISARIO FRONT

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TABLE OF CONTENTS

I PREAMBLE	3
1) Historical background and object of the mission, and methodology	3
1.A. Historical background and object of the mission	3
1.B. Methodology of the Commission of Inquiry	5
II THE ALLEGATIONS OF CRIMES AND ABUSES MADE AGAINST THE POLISARIO FRONT	7
2) The events of the end of May and the beginning of June in the Tindouf camps.....	7
3) Allegations of arbitrary arrests and the reasons given	8
4) The manner of arbitrary arrest: extra-judicial abduction	9
5) The use of torture.....	10
6) Summary executions	11
7) The absence of even the minimum level of judicial process.....	11
8) The conditions of detention	12
9) Forced labour	13
10) Malnutrition of prisoners	13
11) The absence of medical care.....	13
12) The abduction of Moroccan citizens within the internationally recognised frontiers of Morocco.....	13
13) The separation of families.....	14
14) Rape	14
15) Identifying the torturers	14

III THE ALLEGATIONS MADE AGAINST THE POLISARIO FRONT REGARDING EDUCATION AND EMBEZZLEMENT OF AID	16
16) An education system more concerned with indoctrination than learning..	16
17) Allegations of the "deportation" of Western Saharan children to Cuba.....	18
18) Contacts between the Polisario Front and terrorist groups	19
19) Allegations of misdirection of humanitarian aid by the organs of the Polisario Front.....	19
IV TWELVE EXEMPLARY CASES	22
V THE POSITION OF ALGERIA.....	30
20) Specific Allegations against Algeria	30
VI CONCLUSIONS AND RECOMMENDATIONS	32
A. Conclusions	32
B. Recommendations	33
APPENDIX	36

I

PREAMBLE

1) Historical background and object of the mission, and methodology

1.A. Historical background and object of the mission

On the night of 31 May to 1 June 2006, several leading representatives of Western Saharan humanitarian organisations situated in Spain contacted the ESISC (European Strategic Intelligence and Security Center) to announce that camps in Tindouf in Algeria run by the **Polisario Front** (FP) were being cut off from the outside world, and there was reason to think "*something serious was about to happen*".

It was no surprise that these agencies should turn to the ESISC, the research centre having published a high-profile report on the Polisario Front in November 2005¹.

In the next few hours, ESISC's working contacts in several North African countries, including Algeria, confirmed the initial information and spoke further of "*riots by Saharan refugees*" which had allegedly been "*severely suppressed*" by the Polisario Front.

On 1 and 2 June, Moroccan media broadcast the same information².

Three days later the website of the French weekly *Le Nouvel Observateur* in turn reported grave and worrying events: "*Electricity and telephone lines were cut in the region of Tindouf (western Algeria) on the border with Western Sahara, raising concerns for the safety of refugees in camps run by the Polisario Front*"³.

On 2 June, ESISC published a communiqué announcing it had "*decided to send an independent mission of experts to the area the better to evaluate the situation. ESISC will make contact with the Algerian authorities to request them to ensure the mission goes smoothly*"⁴.

¹ *The Polisario Front: credible negotiating partner or after-effect of the Cold War and obstacle to a political solution in Western Sahara?* – The report is available in three languages (French, English and Spanish) on the ESISC website: www.esisc.eu.

² Notably the MAP press agency and the daily newspapers *Le Matin* and *Aujourd'hui le Maroc*.

³ www.nouvelobs.com, 5 June 2006, 11.04 CET.

⁴ For the full text of the communiqué, see the Annex to this report.

In the days that followed, the mission (hereafter called the Commission) was set up, composed of the following persons:

- **Denis Ducarme, Belgian member of parliament (Mouvement Réformateur)**
- **Pierre Legros, lawyer, former head of the Order of Advocates of Brussels and founder of the NGO Lawyers Without Borders;**
- **Antoine Leroy, criminal lawyer in Brussels;**
- **Farid Jeddi, jurist and sociologist;**
- **Frédéric Moser, director of European Affairs for ESISC;**
- **Claude Moniquet, chair of ESISC.**

While the Commission was not officially an organ of ESISC, the mission was coordinated from ESISC's headquarters in Brussels by Ms. Genovefa Etienne.

On 29 June, ESISC wrote to H.E. Mr. Halim Benattalah, ambassador of Algeria to Brussels, to obtain visas to travel to Tindouf⁵.

In the meantime, the announcement of the mission's creation had caused a certain amount of emotion among the people of Western Sahara, and among Saharans living in Europe. Many statements of testimony came to us, speaking of numerous violations of human rights committed by Polisario over the last thirty years not only on their own members and sympathisers but also on refugees who were supposed to be under Polisario protection.

The members of the Commission decided therefore to widen the scope of their inquiry to take account of this testimony. The Commission decided on the one hand to go to **Algeria** (Tindouf), **Morocco** (Rabat), **Western Sahara** (Laayoune) and **Spain** (Madrid) to meet witnesses, and on the other hand to carry out documentary research from **Brussels**.

However the Commission received no response, and indeed not even an acknowledgement of its request, to the visa application made to the Algerian embassy in Belgium. In mid-July, **Denis Ducarme** requested the Belgian foreign affairs minister to make enquiries to find out what response Algeria intended to make to the application. On 19 July the foreign minister's office wrote back as follows: "*Information obtained today from the Algerian embassy in Brussels reports that your visa applications have been passed to Algiers. The embassy awaits a reply. The delays in responding are for the time being within the normal range, we have been told*"⁶.

As this report goes to press (30 September 2006) the "*normal delay*" referred to by the Algerian embassy in its reply to the foreign affairs ministry appears still not to be at an end. Three months almost to the day since the time of our application, the embassy still has not issued a visa, and still has not offered any explanation for what

⁵ A copy of the letter can be found in Annex 2 of this report.

⁶ Since this exchange is a result of a pure courtesy of the foreign affairs ministry, it will not be made public. The above exchange took place on 19 July 2006.

we are forced to regard as a de facto refusal to allow us to carry out inquiries on the ground.

It should be noted nonetheless that one of the members of the Commission, Mr. Denis Ducarme, finally had contact at the end of September 2006 with the Polisario Front's representative in Brussels, Mr. **Fahdi Bouhali**⁷, as well as with the Algerian Ambassador H.E. Mr. **Halim Benattalah**⁸. Both men pledged to allow the Commission of Inquiry to visit the Tindouf camps "*as soon as possible*" but without stating any precise date.

The Commission has taken note of this suggestion and awaits it becoming a reality, without any condition being placed on who may be authorised to travel to Tindouf and with no restrictions being placed on their freedom to work, to meet people and to move around.

At the end of July, the Commission decided to begin its inquiry on the ground and went to Madrid (24 to 27 July), to Rabat (28 July to 1 August) and to Laayoune (5 to 9 September).

1.B. Methodology of the Commission of Inquiry

During these three missions, the Commission met with and interviewed at length dozens of witnesses, and took possession of a number of documents which subsequently allowed it to arrive at its opinion.

On their return to Brussels, the members of the Commission, and especially MP Mr. **Denis Ducarme**, had further contacts with European civil servants familiar with the Western Sahara case-file, as well as with the Polisario Front representative in Brussels and the Algerian Ambassador to Belgium.

From the point of view of methodology, we should note that all interviews took place on an individual basis, with each witness appearing alone and of his own free will in front of the members of the Commission who were interviewing him – and who never were fewer than two at any time.

The Commission took care to set aside any statements that appeared to them to lack credibility, which were insufficiently exact and which were too clearly politically motivated.

Finally, professionals with experience of working with the victims of torture, physical violence and other forms of abuse know that telling of one's experiences can be difficult, among other reasons because the victim is forced to re-enter into the traumatic experience he has already lived through. The members of the Commission, conscious of that fact, took all necessary precautions during the questioning of witnesses, allowing them to go at their own pace, find their own words and use the expressions they themselves find most suitable to describe their experience.

⁷ The afternoon of 27 September and the morning of 28 September.

⁸ 28 September at 12.00.

To avoid any danger of misunderstanding or confusion, the interviews took place in Arabic or in Hassaniya⁹, with the few exceptions noted in the report. Interpretation was provided by Mr. **Farid Jeddi**, a member of the Commission of Inquiry.

⁹ An Arabic dialect spoken in Mauritania, in south-west Algeria, in the north of Mali and other Saharan and sub-Saharan regions. Hassaniya is the vernacular of the people of Western Sahara.

II

THE ALLEGATIONS OF CRIMES AND ABUSES MADE AGAINST THE POLISARIO FRONT

2) The events of the end of May and the beginning of June in the Tindouf camps

Not having been able to visit the Tindouf camps themselves, much to its deep regret, the Commission could only interview victims and first-hand witnesses to the events which took place in the Polisario camps in the last days of May and the first days of June 2006.

However, it was possible to meet a certain number of Western Saharans who had lived for years in the Polisario camps and had returned recently to Morocco (in June-July 2006). The interviews with these witnesses allowed the elaboration of a credible version of events as they took place¹⁰.

The interview subjects were in agreement in describing a "simple and everyday" situation which "*rapidly degenerated*": at the end of May, a man driving an off-road vehicle was going back to his camp in the Tindouf area when he was stopped at a checkpoint manned by the **Military Security** (SM) arm of the Polisario Front (FP) which demanded a bribe to allow him to pass without having his vehicle searched. This type of corruption seems to be extremely common within the ranks of Polisario security details.

The man was known as a smuggler active in the traffic in cigarettes. It appears that the driver and the SM men failed to agree on the amount of the bribe concerned, when the SM tried to seize the trafficker's vehicle – something, according to witnesses, "*which is just not done: they get paid, they can seize all or part of the disputed goods, but they never seize vehicles. In the camps, without your own transport, you are nothing.*"

Insults were traded, then blows. The man was arrested, but members of his tribe (the Ayacha) immediately came to plead his case, which increased the already explosive atmosphere in the camps.

During about ten days there were then small-scale riots and sporadic fighting. The FP feared the trouble might spread to the rest of the camps, and decided to isolate them, with the aid of the Algerian Army which surrounded the camps.

¹⁰ This reconstruction of events is based mainly on the testimony of **Ahmed Salah, Ahmed Chaabane Ahmed** (born in 1925 and Sheikh of the Salem tribe); **Mohamed Said**, who returned to Tindouf on 29 July 2006 via Oran and Casablanca and was interviewed in Rabat on the same day; and Mr. **Aguai**, who despite having left the Polisario and the Tindouf area in the early 1990s, has retained many friendly contacts with people within the organisation.

There is no mention of any fatality or even a serious injury, but 12 people were arrested and sentenced by summary justice to seven years in prison. The trial took place *"with one judge sitting alone, without lawyers, and with no possibility of appeal"*¹¹.

This type of incident has been described as *"pretty frequent"*: *"This kind of fight,"* one witness said, *"happens every six or seven months. You have to understand that life is very, very difficult in the camps. So, those who can, and who have their own car try to deal in anything they can find, on the black market with Mali or Mauritania. Polisario security demands its cut, when it's not directly taking part in the traffic, that is. Sometimes things go wrong."*

This version of events is confirmed by **Mustapha Bouh**, known as **Barazani**, formerly a senior political and military representative of the Polisario Front who nowadays lives in Morocco, and who has maintained many contacts within his old organisation¹².

Aside from the incidents of late May-early June 2006, the Commission also took an interest in other allegations of crimes and abuses by the Polisario Front. The result of the Commission's investigations can be read below.

3) Allegations of arbitrary arrests and the reasons given

The Commission heard several dozen witnesses¹³ complain of having been arbitrarily arrested by the Polisario Front in the 1970s and 1980s and held sometimes for years.

In the cases reported to the Commission, arrests and detentions were accompanied by torture and ill-treatment, to which we will return in some detail below.

Since the Polisario operates in a barely democratic way¹⁴ (or not at all: with few exceptions, it has been run by the same group for decades, whose composition varies only according to the preferences of some Moroccan leaders) it has suffered, as totalitarian organisations do, from repeated purges aimed at eliminating potential competitors to President Mohammed Abdelaziz, as well as to justify the fact that Polisario lives on a continual war footing and severely restricts the movements of the Saharan refugees living in the camps. Militarisation and restrictions can thus be presented as necessities arising from the "threat" of more or less imaginary enemies.

¹¹ Testimony of **Mohamed Said**, who returned to Tindouf on 29 July 2006 via Oran and Casablanca and was interviewed in Rabat on the same day.

¹² **Mustapha Bouh** was interviewed in Rabat on 30 July 2006.

¹³ At the end of this report can be found twelve specific witness statements which we have selected to publish as they seem to be exemplary of the way in which repression was carried out within the Polisario Front over the years.

¹⁴ For a history of the Polisario and its way of operating, see the ESISC report *The Polisario Front: credible negotiating partner or after-effect of the Cold War and obstacle to a political solution in Western Sahara?*

Another explanation for the recurrent waves of repression is the "need" to restrain the tribespeople who are often jealous of their independence and too rebellious. These waves are characterised by hundreds of arrests, executions and other outrages.

The Commission's investigations revealed that in most cases, the people arrested by the security services of the Polisario Front – whether they were isolated arrests or part of frequent mass arrests – were accused of being "*Moroccan agents*"¹⁵ or "*Spanish spies*"¹⁶ or "*French spies*" or of taking part in various completely invented plots serving only to justify purges within the organisation or the refugee population.

So the cases known as the "Tekna network"¹⁷, the Rgueibet El Foula network"¹⁸ and others provided their contingent of prisoners and justified the retention in prison of people who could rightly be accused by the Polisario of no more than a general unease or membership of one or other tribe.

The Commission, based on testimony and examination of documents, can class the repression into four main waves between 1974 and 1982:

- **The case of the TEKNA network (1974)**
- **The case of the RGUIBET EL FOULA network (1978)**
- **The case of the LA CHABAKA network (1982)**
- **The case of the FRANCO-MAURITANIAN network (1982)**

As we have seen, to these major waves of repression can be added various smaller-scale cases and a great many individual arrests.

4) The manner of arbitrary arrest: extra-judicial abduction

Witnesses corroborate each other's account of the manner in which these arbitrary arrests were carried out. Some victims were brought by ruse to the Polisario Front's offices (for example in the administration complex at **Rabouny**, not far from Tindouf) or the offices of FP military security. They were then transferred in secret to places of detention and torture (usually **Rachid prison**, nicknames the **Black Prison**).

Others were arrested at work, during their military training or in their camps. In general, the victims of arbitrary arrest were transferred to Rachid prison in early evening or at night, hands tied behind the back, eyes blindfolded or the whole face hooded to prevent recognition of their captors or the place they were being taken.

At no time, at this stage, were they informed of the charges against them or even the fact that they were under arrest. They were simply taken in the night, handcuffed and blindfolded.

¹⁵ As was the case with witnesses **Abdellah Ahbir, Mohamed Mouloud Echouiaar, Ayad Largani, Mr. Ahssana** and Mrs. **Guahwana**.

¹⁶ As in the case of witness **Ahmed Mahmoud Alla**.

¹⁷ See the testimony of **Saadi El Walli Sadik**.

¹⁸ See the testimony of **Mohamed Nafaa el Kebch**.

In the Commission's view, this technique is the equivalent of extra-judicial abduction, and closely resembles the practice of death squads (particularly in Latin America in the 1970s and 1980s) which some members of the Commission came to know during other missions and other inquiries.

5) The use of torture

In the 1970s and 1980s and into the 1990s, torture was systematically used by the security services of Polisario to force detainees to confess to being foreign agents or being engaged in conspiracies.

In general, torture took place in the hours immediately following an extra-judicial abduction, sometimes one or two days later if the detainee became uncooperative.

The Commission is in possession of a detailed list of 36 clearly identified persons (with photo, full name, number of identity card, date and place of birth, date of arrest and length of detention, and place of torture) who complain of having been tortured by the security services of the Polisario Front.

In addition, the Commission is in possession of a list of 43 persons who died under torture or as a direct consequence of the ill-treatment suffered. These lists require further investigation in order that they might be completed, clarified and authenticated.

The Commission also met dozens of witnesses who claimed to have been direct victims of torture, sometimes for a period of weeks. Some of these people still carry the scars of the treatment they received, 10 to 30 years after the fact.

Thus, one witness¹⁹ had an eye taken out, another²⁰ still carries on his shoulders, chest and upper back the scars of deep burns and blistering indicating poor scar-tissue formation as a result of the lack of proper medical care.

The testimony given to the Commission shows the existence of the following torture techniques:

- **systematic beating with electrical cables and clubs;**
- **electrocution by cables connected to truck-batteries;**
- **surface or deeper cuts made with knives;**
- **salt or salt-water applied to open wounds;**
- **simulated drowning in icy water ("water-boarding");**
- **scalding with boiling water or burns with petrol or lighters;**
- **prisoner hung between floor and ceiling, and a rock suspended from the genitals by a rope;**
- **"barding" of prisoners with a red-hot iron. The brand, according to numerous witnesses, consists of two letters about ten centimetres high on the back: FP, for *Front Polisario* or *Frente Polisario*;**

¹⁹ Abdellah Ahbir.

²⁰ Mohamed Nafaa El Kebch.

- **one witness²¹ spoke of women being scalped, and of one "Moroccan of 75 torn apart by camels";**
- **psychological torture: the torturers confront the prisoner with someone he knows and torture the third party to cause the detainee to "crack"²².**

One witness, a former FP nurse, told of children being tortured, without specifying the ages of the children concerned²³. The same witness claimed to have been tortured because her brother "*was suspected of being a Moroccan agent*".

6) Summary executions

Witnesses told of several cases of summary executions.

One witness claimed to have been present at the murder of a young man of 17 years, Hussein Moulay Ahmed, nicknamed *Touri*, who was killed "*as an example ... one Friday in August 1975*"²⁴.

7) The absence of even the minimum level of judicial process

The Commission was struck by the fact that no witness ever spoke of any court-ruling regarding his case, with the exception of the repression of May-June 2006 (see Point 2 of this report) when several people were convicted, albeit without having had a defence and with no possibility of appeal.

The Commission decided to put the question to all witnesses. What emerged clearly is that in the 1970s and 1980s, people who were "arrested" never appeared before a judge or any sort of tribunal with any legal form whatever. These people clearly had no right to defend themselves. They were not informed of their conviction on any charges, or the sentences passed against them.

The procedure was unvarying:

- arrest, or as we have seen, a simple abduction;
- torture;
- imprisonment for an unknown length of time, with no formal charges and no right to a defence;
- finally, release at the whim of the captors.

In the Commission's view, then, the whole procedure took place outwith the bounds of the minimal judicial system in place.

²¹ **Mr. Aguai.**

²² Testimony of **Mohamed Mouloud Echouiaar.**

²³ Testimony of Mrs. **Guahwana.**

²⁴ Testimony of **Saadi El Waali Salik.**

Arrest, detention, the length of sentence and the means of its implementation are therefore political and administrative matters under the control of the political organs of the Polisario Front or its military security.

8) The conditions of detention

The conditions of detention for FP prisoners seem to have been particularly unpleasant and inhumane.

Rachid prison, one of the main penitentiary establishments of the FP and one of the main torture centres, is described in similar terms by all of the prisoners the Commission spoke to who had passed through there.

Three buildings above ground housed the administrative offices, the infirmary and guards' quarters.

Underground, meanwhile, around a sort of central courtyard, prisoners had dug dozens of holes measuring two metres long, one metre wide and 1.5 metres deep (and so too shallow to stand upright in) with the roof made of a sheet of corrugated iron. These pits were known as the "*tombs*". Two witnesses spoke of 180 tombs used in Rachid prison.

Prisoners in detention were stripped of their identity and from arrival addressed only by the number of their pit. Those who were made to take part in forced labour left their hole from 07.00 to 18.00. The others were allowed out only briefly to take care of their natural needs and to fetch water. Of course, toilets and basic hygiene were non-existent. Former detainees explained that they had lived for several years in the same rags, rendered stiff with dirt and blood.

Some detainees were kept chained for days, sometimes even weeks.

The prisoners had no bed-covers, and by the very nature of the "*tombs*" with their metal roofs, were exposed to the extremes of temperature of the desert: in the tombs they baked or they froze depending on the hour or the season.

Many former prisoners spent time in the *tombs* of between two and almost twelve years.

Such conditions of detention, aggravated by forced labour, malnutrition and the absence of medical care, as we shall see below, could only make existing psychological problems dangerously worse. Cases of insanity were mentioned, as well as suicides.

One witness recalled²⁵: "*At Rachid prison, friends of mine committed suicide by throwing themselves into the pit where we emptied our toilet-buckets. That led the guards to change the way we gained access to the pit.*"

²⁵ **Ahmed Tarouzi.**

9) Forced labour

The Commission heard from several witnesses who complained of having been forced to work during periods of more than 20 years²⁶.

Forced labour most often consisted of brick-making, putting up administrative buildings (including schools) as well as constructing tribunes on which foreign FP visitors would crowd to see various organisation ceremonies.

10) Malnutrition of prisoners

All of the witnesses interviewed by the Commission complained of serious malnutrition.

During periods of torture, prisoners sometimes went days without eating or drinking. When the torture stopped and they returned to "normal" conditions of detention, things barely improved from that point of view. Food on the whole consisted of a plate of lentils once a day. One former detainee even testified that he and others had, at certain times, had been given only raw meat torn from the carcasses of donkeys dead for three or four days and already beginning to putrefy²⁷.

Similarly, for their thirst the prisoners only received the equivalent of one bottle of brackish water (often stored in rusty metal drums which gave the water a colour and a taste of rust).

11) The absence of medical care

According to the witnesses interviewed by the Commission, medical care was practically non-existent in the detention centres. At Rachid prison one had to be "*extremely ill*" to be admitted for several days to the infirmary.

One witness²⁸ recalls that in 1982, a fellow prisoner named Boula Alem had a leg amputated without anaesthetic following an accident, and died following the operation.

12) The abduction of Moroccan citizens within the internationally recognised frontiers of Morocco

In January 1979, commandant **Lahbib Ayoub**, one of the most prestigious FP military leaders, attacked the town of Tan Tan within Morocco's internationally recognised borders, and occupied it for several hours. On withdrawing, the "**Kataeb**" of the FP took several civilians with them.

²⁶ Notably the witnesses **Mohamed Nafaa El Kebch** and **Saadi El Walli Salik** ("Mandela").

²⁷ **Mohamed Nafaa El Kebch**.

²⁸ **Ramdan Messoud**.

The Commission interviewed one witness, Mrs. Ballalli²⁹, who reported having been abducted by the FP at Tan Tan on 28 January 1979 and taken to Algeria with three other women and two men. She was taken to Dakhla camp (the furthest removed from Tindouf) and held against her will until July 1993. Mrs. Ballalli was not only forced to work throughout her time at Dakhla, she was also made to marry a member of the FP.

13) The separation of families

One of the recurring practices of the Polisario towards opponents or people who were being persecuted without reason, following denunciations or the dismantling of imaginary conspiracies, seems to have been to split up families by force or by subterfuge, notably by the use of fake letters of divorce.

The Commission heard of the case of one woman³⁰ separated from her baby of two months when she was abducted by the FP at Tan Tan in January 1979, as well as other cases of people persecuted and separated from their families by force.

One witness³¹ told how during his detention, FP military security had fabricated a letter in which he demanded a divorce from his wife. When he was freed after eight years in the tombs of Rachid, his wife had remarried and had had four children with another man.

14) Rape

One of the witnesses interviewed, Mrs. Ballalli, claimed to have been present in the 1980s at the rape of a refugee by a member of the Polisario Front.

The Commission lacks the elements necessary to take a position on the use of rape on detainees and refugees by FP officials.

15) Identifying the torturers

The Commission is at present in possession of a list of the names of 35 alleged torturers, and will work to identify these persons more precisely, and to establish the exact facts of which they are accused.

Several witnesses have also formally identified members of the Polisario or its security branch who have committed torture. The Commission will also work on those allegations.

The Commission has remarked that several of the names of the alleged torturers cited are those of high functionaries of the Polisario Front presently occupying senior posts

²⁹ Interviewed at Laayoune, 8 September 2006.

³⁰ Mrs. **Ballalli**, a resumé of whose testimony can be found at the end of this report, in the section devoted to "Specific documented cases".

³¹ **Ahmed Tarouzi**.

in Europe and Latin America, in particular in Spain, Italy, Portugal and Argentina. Other former FP torturers appear to have entered the civil service of Morocco on demobilisation, according to witnesses we have interviewed.

The Commission continues to gather testimonial evidence on this matter, and will contact the governments concerned once we are in possession of the necessary concrete elements.

III

THE ALLEGATIONS MADE AGAINST THE POLISARIO FRONT REGARDING EDUCATION AND EMBEZZLEMENT OF AID

As part of its mission, the Commission gathered testimony and documents not only on crimes and violations of human rights carried out by the Polisario Front, but also on other deplorable actions and behaviour of the FP.

16) An education system more concerned with indoctrination than learning

The Commission heard from two witnesses³² who taught within Polisario camps, as well as young men and women who had been educated in FP schools.

These two witness statements speak of extremely biased education in which stress is laid on political indoctrination and military training, to the detriment of education as such.

Witnesses spoke of political indoctrination in favour of the Polisario "cause", as well as the teaching of hatred towards Morocco.

Witness **Mohamed Said** taught for three years (1986-1989) in the **El Ayuun** camp about 20 kilometres from Tindouf. He explained that from the age of about 13-14 years, children followed military training in uniform and with real weapons: "*These adolescents learn to shoot as well as to strip down and reassemble firearms*".

Military training can last up to six months and be repeated at regular intervals during the summer holidays.

Corporal punishment exists, although it is impossible to say if it is habitual or even regular. Witness **Mohamed Said** stated: "*I saw children being struck, but never without a valid reason, such as persistent late-coming or repeated absences*".

In a six-page written statement, **Ahmed Tarouzi** told the Commission: "*Polisario education derives from its independentist political line, and aims to create an individual split off from his origins and his place in society. This is achieved by a programme of instruction that corresponds to no pedagogical method known in the history of sociology*".

³² **Mohamed Said**, interviewed at Rabat on 29 July 2006, and **Ahmed Tarouzi**, interviewed at Laayoune on 7 September 2006.

He goes on: "*The education programme of the Polisario is a means of early mystification of young people which denies any historical relationship between the Saharans and Morocco*".

Each student of the 12 October School was made, for example, to recite by heart the "**Nine Principles**" praising the following values and behaviours:

- **revolutionary brutality**
- **sacrifice**
- **secrecy**
- **self-confidence**
- **scientific analysis**
- **seizing opportunities**
- **criticism and self-criticism**
- **respect for the imperatives of time**
- **revolutionary frankness.**

A student who forgot one of these principles could be punished by being made – in order to "improve the installations of 12 October" -- to lay five to 1,000 bricks according to the student's age and the extent of the forgetfulness.

To ensure the collective's power over the children, several witnesses said, they were gradually separated from their mothers from the age of 12 months, to be completely separate by the age of six years from which time they lived all year in a school centre. Witnesses report that in order for this system to be operated, teachers were under strict surveillance and subject to regular – sometimes even daily – reports.

An education system such as described by witnesses, who were themselves teachers or pupils in Polisario schools, raises many questions regarding violations of the International Convention on the Rights of the Child.

Over and above this fundamental conclusion based on multiple first-hand witnesses, Denis Ducarme was able, with the cooperation of EU Commissioner Louis Michel, to consult with EU functionaries from the Echo department responsible for aid to the Western Saharan people, and make a number of observations regarding the European aid granted to the region for educational matters.

In fact, part of the EU envelope of € 9.311 million in 2005 was set aside by Echo for "*restoration or construction of schools at the district level*"³³. This European aid to an education system run by the Polisario in breach of the principles of the International Convention on the Rights of the Child can be called into question on many aspects. Mr. Ducarme will be questioning the EU institutions on this matter, with the aim of demanding they organise further inquiries into the educational programme for the children of the Polisario schools, and its compatibility with the International Convention.

³³ EU Commission Directorate-General For Humanitarian Aid – ECHO. Reference number of the decision: ECHO/DZA/BUD/2005/01000.

He will furthermore ask the European institutions to look into the schools' role in carrying out Polisario Front policy on the selection of children to be sent to schools in Cuba.

The EU Commission will be asked to rule on the suitability of European aid for the development of an educational system contrary to the values of the International Convention on the Rights of the Child and to look into what changes need to be made to the schools system if European aid is to continue to be granted.

17) Allegations of the "deportation" of Western Saharan children to Cuba

Several witnesses confirmed that children are regularly selected (every 4 to 5 years, it seems) from schools in the Tindouf camps and sent to Cuba to have their education "*finished*". Others are sent to Spain, Libya and Algeria, but it is the fate of the children sent to Cuba which, witnesses report, gives most cause for concern.

The selection concerns several hundred young people (in 2006, for instance, some 200 children have been sent to Cuba).

According to witnesses, children are selected from about the age of ten years. Their families are not consulted. Their departure for Cuba is considered by many families as compulsory – a deportation, in other words.

The young people thus taken away to Cuba are accompanied by Polisario Front officials. The children remain in Cuban schools for periods sometimes longer than ten years. Contact with their families is practically non-existent (one witness spoke of a single letter from home in a period of 12 months spent in Cuba). The education they receive is naturally on party politics (Marxism, Polisario policy, the rejection of Morocco) with other courses covering the handling of weapons. Half of a typical day is taken up by gardening and agricultural work (in the sugar-cane plantations) which is tantamount to forced labour or the exploitation of child-labourers.

According to Mr. **Bouhali M. Fadli**, the Polisario Front's representative in Brussels, who met with Mr. Ducarme on two occasions at the end of September³⁴, "*Between 1,000 and 2,000 Western Saharan children are at present in Cuba*". In addition, the Polisario representative claimed that the young Saharans work in the fields and plantations "*voluntarily*".

Many of these young people are minors, some of them aged under 12 years. And since their parents, by definition, have not given consent for them to work, the Commission considers this "volunteer" excuse dubious at best as a justification for forced labour. The free movement of the young people during their stay in Cuba is severely restricted.

Witnesses have given statements on sexual abuse committed on young Saharans, the enforced prostitution of young girls, cases of drug addiction and unexplained disappearances.

³⁴ 27 and 28 September 2006.

The Commission wishes to stress that the diploma obtained in Cuba is not recognised in most Maghreb countries, which places the young people on their return in a position of total economic and social dependency on the Polisario Front.

18) Contacts between the Polisario Front and terrorist groups

One witness³⁵ claims to have seen about ten members of the Basque terrorist organisation ETA and 20 members of the PFLP (Popular Front for the Liberation of Palestine, a Marxist group led by Georges Habache) taking part in explosives training in autumn 1981, in a Polisario camp where he was posted as head of section, 60 km to the southwest of the Rabouny "administrative city".

The members of the Commission have noted that several months later, on 1 March 1987, ETA leader **Txomin Iturbe Abasolo** ("Txomin") was killed in a car accident in Algeria, which proves the presence of ETA members in Algeria at the time (a fact which is anyway not disputed). In addition, the Polisario continues to enjoy good relations with the Basque nationalist movement.

19) Allegations of misdirection of humanitarian aid by the organs of the Polisario Front

Numerous allegations have been made over the years regarding the embezzlement of a large share of the humanitarian aid granted to the region by officials of the FP.

The Commission considers it worthwhile to note, firstly, that humanitarian aid is not supposed to be conditional on the type of regime in power, its sole object being to improve the lives of refugee populations, whatever the political preferences of those populations or the governments or other groups in authority over them. There is therefore no reason whatever to deprive the Polisario camps of legitimate aid which the people there require.

That being the case, however, it is abundantly clear that better supervision is needed over how this aid is handled.

At the same time, given some of the testimony the Commission has taken, it seems appropriate to put the following questions:

- What is the status of the Western Saharan population living in the camps in the Tindouf region? In particular, what is the situation regarding their right to come and go freely?
- If in the view of international institutions and NGOs these people are refugees, then, in the light of testimony received and points raised above, one question arises: are these in fact refugee camps, or are they prison camps?

³⁵ **Ramdan Mesoud**, interviewed in Rabat, 1 August 2006.

It is worth remembering on that aspect that the Polisario Front and the Saharawi Arab Democratic Republic (RASD) get their legitimacy from these people who they are supposed to represent politically. They also get a large part of their financing from the same source, in the form of international aid most often filtered in through the Algerian government or national NGOs, as well as in grants from the World Food Program.

At the present time, the main European donor countries are (2005 figures):

- ECHO (European Union)	€ 9 311 000
- Spain	3 716 514
- Sweden	1 773 500
- Italy	1 520 000
- Belgium	500 000³⁶
- Finland	400 000
- Denmark	36 681

One of the members of the Commission, **Denis Ducarme** MP, has obtained confidential information showing that the programmes of certain NGOs dealing with aid to Western Saharan refugees *"are without any rigour at all, and lack the minimum structure and evaluation required"*.

In addition, it appears from contacts between Mr. Ducarme and officials of the EU Commission that that body would like *"in general at a national level for audits of NGOs and the system for humanitarian aid monitoring to be carried out according to European requirements. That is not the case at present."*

The Commission of Inquiry wishes therefore to stress that the misdirection of part of the humanitarian aid granted was discovered in 2003, with aid being sold on the market in Mauritania. The EU Commission, however, *"has not been able to establish to this day that such misdirection is actually the work of an organised network"*³⁷.

We should also stress that *"the exact number of refugees present in the camps is not known to the EU Commission"*³⁸ – which is problematic, since the general volume of aid, and so the amounts to be financed, is determined by just that number. We know that the numbers accepted by the UN are disputed by others.

Some officials close to the EU Commission have told us the Commission *"met with some resistance by Polisario in carrying out its mission, especially since the 2003 decision to strengthen its system of monitoring humanitarian aid"*³⁹.

Finally, we would note that the Commission of Inquiry has obtained a confidential document⁴⁰ of the World Food Program dated 13 May 2005 and concerning an inspection of the Tindouf camps.

³⁶ Belgium has decided to halve this sum in aid for 2006.

³⁷ Interview by **Denis Ducarme** with EU Commission officials, 25 September 2006.

³⁸ Idem.

³⁹ Idem.

⁴⁰ *Report of Inspection : WFP ALGERIA* (3 to 17 March 2005), dated 13 May 2005; reference number CSDI/592/05.

"The inspectors noted a certain number of weaknesses in aid control and management both in the logistic chain and in distribution and considers there is a risk that objectives will not be attained," the report states.

IV

TWELVE EXEMPLARY CASES

The Commission decided to single out the cases of 12 witnesses it judged to be representative of the various allegations brought against the Polisario Front.

➤ **Gaïd ould Sidi Youssef Dahi AGUAÏ**

Born in 1954, **M. AGUAÏ was one of the founding members of the Polisario Front.** Between 1970 and 1972, he took part in all the demonstrations held by the saharawi youth against Spanish colonial occupation. Subsequently, in May 1973, after the founding Nouakchott congress, he became one of the Front's leaders and was designated to head the **Southern Region Military Committee**, a post he retained until his arrest in 1974.

Arrested for his opposition to Algeria's domination of the PF, Mr. AGUAÏ spent six years in prison.

He was beaten and his legs and arms were burnt, he suffered immersion in baths of freezing water, was hung by the legs, etc. The tortures he was submitted to made him sterile and Mr. AGUAÏ can no longer have children.

Released in 1980, he spent several years under surveillance before being allowed to leave Algeria in 1990.

The witness was questioned by the Commission in Madrid, on July 25th, 2006.

➤ **Abdellah AHBIR**

Born in 1938, Mr. Abdellah AHBIR arrived in the Tindouf in 1975.

At some unspecified date towards the end of 1977, he was arrested by Algerian Military Police (MP). Accused of being a "*Moroccan spy*" because he was found in possession of a press report on the "Green March", he was beaten and tortured for 30 days.

His ill-treatment primarily consisted of being beaten with electric cables for hours on end. Mr. AHBIR also had an eye put out during interrogation sessions aimed at making him admit to being employed by the Moroccan secret service.

It is interesting to note that Mr. AHBIR claims to have been detained and tortured in Algerian military establishments, notably at Bechar and Mers El-Khebir between November 1977 and December 1979. He was later

brought back to Tindouf, where he was detained against his will for 12 years. He managed to escape in 1988.

Mr. AHBIR was interviewed by the Commission of Inquiry on September 8th, 2006 in Laayoune.

➤ **Mr. AHSSANNA**

Born in 1954, Mr. AHSSANNA was arrested in July 1977 after being suspected of being a "*Moroccan spy*" and was held at the RACHID prison, where he was tortured for a number of days in succession and detained until 1985.

The witness managed to leave the camps in February 1992.

He was questioned on September 8th 2006 in Laayoune.

➤ **Ahmed Mohamed ALLA**

Born in 1951, Mr. ALLA was a chauffeur in Spain before deciding to volunteer for the Polisario Front in 1980. Based in Tindouf, he was employed as a chauffeur by the PF from 1980 to 1987.

Accused of being a "*Spanish agent*", Mr. ALLA was arrested and detained in the RACHID prison from 1987 to 1991. He was left with his hands tied behind his back for so long that he suffered from temporary paralysis of the hands and was also severely beaten on several occasions. Freed without explanation in 1987, he was left in the Tindouf, from whence he managed to escape in 1993.

Mr. ALLA was questioned by the Commission of Inquiry on September 8th, 2006, in Laayoune.

➤ **Mrs BALLALI**

Born in 1940, Mrs BALLALI was kidnapped from Tan-Tan (Morocco) on January 28th, 1979 when the Polisario Front attacked the town and briefly occupied it. She was forced to abandon her two-month old baby and to follow the Polisario militia, who took her to Algeria with 3 other women and two men.

Held against her will in the Dakhla camp, some 120 kilometres from Tindouf (the Dakhla camp is the furthest from Tindouf), Mrs BALLALI was forced to stay there until 1993 and was assigned to forced labour during this entire period.

She was forced to marry and bore two children. Mrs BALLALI complains of frequent beatings by members of the camp security force during the 13 and a half years she spent in the Dakhla camp and claims to have been party to the rape of a refugee by a PF member at some unspecified date during the nineteen-eighties. The assailant was left unpunished. She managed to escape from the camp on July 5th, 1993.

Mrs BALLALI was questioned by the Commission in Laayoune, on September 8th, 2006.

➤ **Mohamed Mouloud ECHOUIAAR**

Born in 1958, Mr. ECHOUIAAR was a high-school student in Tan-Tan (Morocco) in 1974 and travelled to the western Sahara on April 8th, 1975, when it was under Spanish occupation. As he did not have the correct papers he was immediately arrested by the Spanish and detained at the prison in Laayoune. After the departure of the Spanish, the Polisario Front seized dozens of prisoners who were being detained in Laayoune and sent them to Tindouf. The prisoners were then invited to join the SPLA (Sahrawi Popular Liberation Army, the military branch of the Polisario Front) and 52 of them accepted, while 2 others refused.

Mr. ECHOUIAAR was a member of the group of those who agreed to join the SPLA. After being transferred to Bechar he underwent a variety of military training courses that lasted 7 months. He then entered the units led by Lahbib AYOUB, one of the first (and most prestigious) of the PF military leaders.

However, on November 16th 1977, Mr. ECHOUIAAR decided to attempt to escape to Morocco. He was arrested during this attempt and imprisoned. He was tortured over a long period in an attempt to force him to admit to being a "*Moroccan spy*" but was too embarrassed to wish to give details of this. However he did describe the "*moral torture*" that was employed, saying, "*If you refused to talk, they brought in someone you knew and tortured him in front of you*".

Mr. ECHOUIAAR was released on November 13th, 1985.

He was questioned by the Commission in Laayoune, on September 7th 2006.

➤ **Mrs GUAHWANA**

Born in 1967, Mrs GUAHWANA arrived at the camp at Rabouni (the Polisario's administrative centre) in 1976.

She worked as a nurse for the Polisario, and was particularly involved in treating torture victims, including children.

She was herself arrested in October 1988, after her brother had been detained under suspicion of being a "*Moroccan spy*". She was beaten and tortured.

She was questioned by the Commission in Laayoune, on September 7th, 2006.

➤ **Mohamed Nafaa EL KEBCH**

Born in 1956 in Spanish-held Sahara, Mr. EL KEBCH was arrested by the Spanish after having journeyed to Morocco. As in the case of Mr. ECHOUIAAR, Mr. EL

KEBCH passed directly from the custody of his Spanish prisoners to that of the Polisario Front when the colonialists withdrew from the Sahara.

Having refused to join the ranks of the SPLA "*because he felt himself Moroccan*", Mr. EL KEBCH was not released, but was sent to the RACHID prison, although the only charge the PF had against him was his refusal to join their military wing.

In 1977, the PF accused him of being a member of the **GLEIBATE EL FOULA group**, which Mr. EL KEBCH now sees as simply a pretext in order to keep him under detention.

At this point he was tortured over a number of days. During the first week of torture, Mr. EL KEBCH was seriously burned by his persecutors and still bears marks of this at the top of his chest, his shoulders and in the upper half of his back. When he was being mutilated in this manner, Mr. EL KEBCH was half unconscious, due to blows from electric cables, and from having been suspended from his feet for lengthy periods of time, as well as from the lack of food and water. Because of this, he does not remember how he was burnt, but the marks on his body indicate that he was scalded or burnt from some inflammable liquid. He can only remember regaining consciousness after having been suspended from the feet and beaten: "*My back and chest were hurting terribly and I realized that I had been burned. I passed out again. They gave me some basic medical treatment but the next day my wounds had become infected and they applied pure alcohol to disinfect them*".

When, a few days later, his wounds had begun to heal, Mr. EL KEBCH was brought back to the torture room and again subjected to several days of beatings.

During the period of his detention, he was recruited into forced labour, which primarily involved the manufacture of bricks.

On April 10th 1992, taking advantage of being on duty outside the camps, Mr. EL KEBCH and three other prisoners attempted to escape towards the cease-fire line that separated the area of the Western Sahara controlled by the PF from that under Moroccan control. A patrol surprised the escapees and fired a number of shots in their direction. Mr. EL KEBCH was hit in the left ankle and recaptured, while his companions managed to reach the Moroccan-controlled zone. After receiving basic medical care, the Algerians handed him over to the PF military police on June 16th 1992.

He was then taken to the RACHID prison. After his failed escape attempt, Mr. EL KEBCH stated that neither the Algerians, nor the PF security services tortured him.

Mr. EL KEBCH claims that he, and the other detainees, had at times to eat raw meat torn from the bodies of donkeys that had been dead for several days and was putrifying.

Detained by the Polisario at the age of 19, Mr. EL KEBCH spent 25 years in detention for no reason at all.

The witness was interviewed by the Commission in Laayoune on September 7th, 2006.

➤ **Saadi EL WALLI SALIK known as "Mandela"**

Born in 1954, in the Spanish-controlled Sahara, Mr. EL WALLI SALIK sympathised from a very young age with the independence movement and in 1970 he participated in youth demonstrations when he was only 16 years old. In 1974, **he was one of the founder members of the Polisario Front** together with Mustapha EL OUALI.

February 1975 saw the beginning of a period of repression measures carried out against members of what was known as the "Tekna group". These took place in three stages, in February, April and July 1975. "Mandela" was one of the last to be arrested, on July 1st 1975.

At the time of his arrest, the witness was taking part in military exercises in the border zone between Algeria, Mali and Mauritania. During the course of these exercises, the instructors received orders from the Saharawi military police to isolate around 15 of the militia (90 soldiers were involved in the training courses) and to imprison them. Torture was immediately applied and lasted about 20 days. The prisoners were blindfolded, their hands tied behind their backs, their arms pulled back and they were beaten. The ritual question was continually repeated: *"Do you admit to being spies sent in by Morocco?"*.

"We received almost no food, only a little water from time to time. We were constantly punched, kicked and beaten with electric cables. They also used electricity from a Pegaso lorry battery. After a few days of this our clothes were stiff with dirt and dried blood".

After this initial stage of torture, the prisoners were transferred to the "administrative centre" in Rabouni, about twenty kilometres south of Tindouf.

The lorries stopped not far from Rabouni. All the prisoners accused of involvement in the "**Tekna plot**" appear to have been present as the witness described at least 70 people. *"They gave us spades and pickaxes and ordered us to dig, following the lines they had drawn on the ground. These were the "cells" in which we were to be held, although they were nothing more than holes in the ground, covered with pieces of cloth"*.

"Two weeks later, one Friday in August 1975, they gathered us together again. They separated me and another four prisoners and told us, *"You are the brains behind this, if you weren't Saharawis, you would already be dead"*.

*"They then pulled a young boy, **Hussein Moulay AHMED, known as "Touri"** out of the line-up, two men stood behind him and fired a bullet into each ear. He died in front of our eyes. They killed him in front of 80 witnesses to make an example of him. He was buried right there, in a simple trench, in the middle of the desert. They chose him because he came from a very small tribe and had no family in the camps. All his family lived in Laayoune. They didn't risk anything by killing him. He was 17 years old"*.

The other prisoners were then divided up into groups: *"The group I was in, which consisted of about twenty people, was led to Rouada where we were recruited into forced labour. We were made to build what was to become the Bechir Salah*

hospital. We had to work from 7a.m. to 1 p.m., then there was a half-hour break and we began again at 1.30 to 6 P.M. We were barefoot and covered with lice and vermin. We slept on the ground, under torn tents, with no covers, despite the cold nights".

In November 1975, the witness was taken to the RACHID prison. During the day he worked with the other prisoners building houses for the militia or "improving" the RACHID prison, which was known as the "black prison": *"The cells were simply holes in the sand. One metre wide by 2 metres long, 1.5 metres deep, and with a cloth roof. We called them "the tombs". There were 180 of them. Once we were all in our "tombs" we were only called by our number. I was number 48. We were tied up at night and those who did not work remained tied up during the day".*

The prison manager, Sid Ahmed BATTAL regularly took part in ill-treating the prisoners, so much so that one of his deputies, nicknamed "Salazar" (from his real name, Mohamed Salem SANOSSI) said: *"As soon as they felt that someone "smelled of Morocco" as they referred to it, they went all out and savaged him ... "*

In 1988, a rebellion broke out in several of the camps. Faced with strong opposition, the PF leaders had to make certain concessions and released a number of prisoners: *"In June 1989, they began preparing us by feeding us better and giving us new clothes. Then Abdelazziz, the President of the PF, visited RACHID, they got us all together, and he said that "despite what we had done", the Front had decided to release us".*

In 1992, Saadi EL WALLI SALIK managed to escape and returned to Western Sahara.

The witness was questioned in LAAYOUNE, on September 7th 2006.

➤ **Ayad LARGANI**

Mr. Largani was born in 1936. A French labourer, in 1979 he was "invited" to visit the Polisario camps in the Tindouf region and then quickly arrested as a *"Moroccan spy"*. Between 1979 and 1982, he was recruited into forced labour and then, in 1992, transferred to a detention and torture centre where he was imprisoned until 1990.

He was beaten on several occasions with electric cables.

The witness was interviewed in Laayoune, on September 7th 2006.

➤ **Ramdan MESSOUD**

Born on August 17th, 1963, Ramdan MESSOUD grew up in the Canary Isles and studied law in Spain before deciding with two friends, in May 1981, to join the ranks of the Polisario Front. With the help of the Algerian embassy in Paris, he reached Algiers and, from there, the Tindouf camps.

After a few months of military training at the October 12th barracks, he was assigned to a military base close to the Moroccan border. Here he was in distant contact with a dozen ETA members and around 20 members of the PFLP (Popular Front for the

Liberation of Palestine) who were primarily undergoing training in the handling of explosives and did not mix with the Polisario militia.

In February 1982, Ramdan MESSOUD was chosen to complete his military training in Yugoslavia. However on February 27th 1982, he was summoned before the Military Police in Rabouni, where it was announced that they now had *"other plans for him"*. He stayed at the MP headquarters for two days and was well treated there. At the end of the two days, at sunset, Mr. MESSOUD was taken by Land Rover to an unknown destination. The journey lasted two hours and was particularly testing: the witness was hooded, his hands were tied very tightly behind his back and he was thrown onto the floor of the vehicle. After the two hours he arrived at a place he would later identify as the "black prison" or Rachid.

After a short night spent in an underground cell that resembled a trench (a "tomb"), Mr. MESSOUD was taken to the interrogation room. One of the MP leaders, Lmahjoub HMAIDI, known as "LINCOLN" told him: *"It is in your interest to cooperate, and if you do so everything will be fine. Otherwise we will have to change our methods"*.

The interrogation aimed to force him to admit his part in a plot described as "French" or "French Mauritanian", which had been "discovered" and would lead to the arrest of almost 150 Polisario members.

Question after question was asked over a period of several days, but accompanied by no ill-treatment. They wanted Mr. MESSOUD to admit to participating in the plot, but also to having studied at the military academy at Meknes, despite the fact that he had never set foot in Morocco. After three days, "LINCOLN" delivered his verdict: *"This bastard is never going to talk, hang him up by his feet"*. *"From that point on it was hell. They beat me with electric cables and with their fists. From time to time they knocked me down and kicked the hell out of me, or they stuck a funnel down my throat and forced me to drink disgusting warm whisky"*.

According to Mr. MESSOUD, a representative of the Algerian Military Police was present during the torture, but did not take part in it: *"On the second or third day I found myself alone with him. He told me, "Things are going badly for you, you should admit to what they want ... ". I followed his advice and admitted everything they wanted me to. That immediately made me one of the lucky ones, but it didn't last for very long"*.

Having signed his admission, Ramdan MESSOUD was returned to confinement (a "tomb"). He was to spend two years there. In 1984, "LINCOLN" managed his release and simply told him, *"We made a mistake. We know now that you are OK. But mistakes can occur in every revolution"*.

Back on his feet again and re-integrated into the SPLA, Ramdan MESSOUD was then sent to Batna to attend a new military training programme, this time organized by the Algerian army. Having provided sufficient proof of his loyalty he was sent to the Canary Isles between 1984 and 1991, to represent the Polisario "unions". This was where he defected.

The witness was interviewed in Rabat on August 1st, 2006.

➤ **Ahmed TAROUZI**

Mr. Ahmed TAROUZI was born on December 15th 1958. He joined the PF in 1979, when he was 21, and became a teacher.

Mr. TAROUZI was arrested on October 25th, 1982, during the wave of repressions against what was referred to as the "*Franco-Mauritanian plot*".

He was tortured on a number of occasions, being beaten with electric cables, burnt, deep gashes were made under his arms by knives and salt water rubbed into the wounds. He identified his main torturers as being Mohamed Salem SENOUSSE and M'Barek KOUNA.

On his release from prison in 1990, he discovered that the MP had forged a letter from him requesting a divorce. His wife had remarried someone else.

Shortly after this, he was authorized to depart for Mauritania and from there he moved into Moroccan-controlled Western Sahara.

The witness was interviewed in Laayoune, on September 7th 2006.

V

THE POSITION OF ALGERIA

The fact that the Tindouf camps are located on Algerian soil and that the Algerian security forces and the Polisario Front military police act in close cooperation (neither of the parties contest the reality of this cooperation, in fact Algeria is the major political supporter of the PF) places Algiers at the forefront of the events described in this paper.

The Commission has gathered together a number of precise allegations concerning the direct involvement of Algeria in the human rights violations imputed to the Polisario Front.

20) Specific Allegations against Algeria

- The Commission heard from one witness, Mr. **Abdellah AHBIR**⁴¹, that he was arrested by the Algerian Military Police (MP) in November 1977 and held until December 1979 in Algerian military establishments (in Bechar and Mers El-Khebir). During the period of his detention, **the Algerian Military Police tortured him for 30 days to force him to admit that he was a "Moroccan spy"**. This ill-treatment caused Mr. AHBIR to lose the use of an eye.
- The witness, **Ahmed CHAABANE AHMED**, Sheik of the SALEM tribe, who is all the more credible because he has no personal complaint of ill-treatment and only cites events that he personally witnessed, refusing to relate facts he gained through hearsay, claims that "***the Polisario is only a puppet in Tindouf, with no real power. The real master is Algeria. Everything is decided in Algiers***"⁴².
- The witness **Ramdan MESSOUD**⁴³ claims that **an officer from the Algerian Military Police was present during his interrogation and torture in March 1982**, but adds that he was not physically involved.
- Many witnesses also confirmed that **members of the Algerian MP were present when they were interrogated** and that they frequently "*whispered questions to the torturers*".
- The witness **Gaïd ould Sidi Youssef AGUAI**,⁴⁴ who held high military posts in the Polisario in 1973-1974 and then again during the eighties, claims

⁴¹ Interviewed in Laayoune, on September 8th 2006.

⁴² Interviewed in Rabat, on July 29th 2006.

⁴³ Interviewed in Rabat, on August 1st 2006.

that members of the Polisario Front Military Police were trained by the Algerian MP, mainly at the **CHERCHELL** academy. According to Mr. AGUAI it was the **Algerian MP "who taught the Polisario MP most of the torture techniques they used"**.

Finally, the Commission wishes to highlight the fact that the Tindouf camps are located on Algerian soil and as, from a legal point of view, the Polisario Front cannot exercise any extraterritorial rights for these camps, all the abuses and crimes committed there are, ipso facto, committed on Algerian territory. It follows from this that the Algerian police and judiciary are under an obligation to make all efforts to put an end to them as quickly as possible. Not only has this never been done, but the eye-witness reports make it clear that, in the past, and certainly up until the events of May-June 2006, the Algerian security forces collaborated, to some degree or other, in the commission of certain crimes and/or human rights violations by the PF's security forces.

In addition to this, by surrounding the Tindouf camps, as they did for example in May-June 2006, or in rounding up escapees who were then handed over the PF security services, the Algerian security forces can be considered guilty of complicity in the crimes and human rights violations committed by the PF.

At the very least, in failing to intervene to put an end to these crimes, which they were obviously well aware of, as members of the Algerian security forces were regular witnesses to them, and in view of the fact that they were committed on Algerian territory, the Algerian authorities can be deemed to be accomplices to these crimes.

⁴⁴ Interviewed in Madrid, on July 25th 2006.

VI

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

As it concludes, **the Commission can only, once again, regret the fact that the Algerian authorities did not follow up on the requests for visas within a reasonable time, which would have enabled it to visit Tindouf.**

It does however take good note of the opening made and the commitments undertaken by His Excellence the Algerian Ambassador to Brussels when he met Mr. Denis DUCARME, as well as the commitments made by the Brussels representative of the Polisario Front and expects the rapid implementation of these commitments.

At the end of two months of inquiry, large numbers of contacts and its interviews with dozens of properly vetted witnesses, the Commission feels that the **following conclusions** can be drawn:

- Over the past three decades, and at any event between 1974 and the beginning of the nineteen nineties, the Polisario Front and its various bodies have been guilty of **serious violations of human rights.**
- These violations range from **extrajudicial kidnapping and assassination, through illegal confinement, torture and inhuman acts, forced labour and forced disappearance.**
- These human rights violations have affected **hundreds of victims over a period of at least twenty years.**
- **The scale and repetitiveness of these acts can only lead us to conclude that, far from being isolated cases or "mistakes", they do in fact represent the true policy of the Front leaders.**
- This conclusion is supported by **the fact that no sanctions have been taken against the people directly responsible for these abuses and crimes and that, on the contrary, a certain number of these people have been well-rewarded and currently occupy important positions within the PF hierarchy or even act as its representatives abroad.**
- These violations have also been made possible by the **complete absence of a judiciary system worthy of the name within the PF.** None of the

victims interviewed by the Commission were given the right to any trial, without even going as far as to discuss the option of a fair trial.

- **Along with other factors, it has been Algeria's failure to take even the minimum measures needed to prevent them that has enabled these gross violations of human rights to take place repeatedly, despite the fact that this is occurring on Algerian soil.**
- Various factors lead the Commission to consider that, **although minor progress has been made (some of the May-June 2006 "rioters" were "judged", although they were still not offered the option of legal representation and there was no possibility of appeal), the PF continues to be characterized by the total lack of a judicial system that guarantees basic rights for the defendants, whatever their crime.**
- The Commission finds that **doubts remain concerning the direct handling of humanitarian aid destined for the Saharawi people. A number of unknowns remain concerning the existence of one or more groups who may be misappropriating international aid.**
- The Commission finds that **the educational system set up in the Polisario Front camps does not correspond to the minimum standards for a system of education worthy of that name and that it also constitutes a serious violation of several articles of the international Convention on the Rights of the Child**⁴⁵.
- The Commission finds that **the manner in which certain children are sent to Cuba is contrary to their rights and their interests and can be considered to be forced displacement. This practice constitutes a serious violation of the international Convention in the Rights of the Child**⁴⁶.
- The Commission finds that, in addition to the Algerian Government, certain NGO and people engaged in providing political support for the Polisario Front (such as **Mr. Pierre GALLAND**, President of the ***European Coordination of Saharawi People Supporting Committees***) in view of their involvement and their proximity to the PF, could not be unaware of the crimes and abuses committed by them and could therefore also be considered to be "moral accomplices" to these acts.

B. Recommendations

Following on from the above, the Commission recommends:

⁴⁵ In particular Articles 9 (« *Non separation of the child from his parents* »), 14 (« *Liberty of thought, conscience and religion* ») and 29 (« *Objectives of the education* »).

⁴⁶ In particular Articles 9 (« *Non separation of the child from his parents* ») and 32 (« *protection from economic 'exploitation'* »)

➤ **That the Polisario Front**

- Immediately and unconditionally open the Tindouf camps to any human rights organization and commissions of enquiry who request access.
- Do all it can to identify those responsible for the human rights violations listed in this report and those who prompted them and turn them over for trial.
- End the forced displacement of children to Cuba and repatriate those who are there now.
- Reform the educational system currently existing in the camps to make it compatible with the international Convention on the Rights of the Child and with generally accepted international standards.
- Establish a judicial system that respects human rights and is under international control.

➤ **That Algeria**

- Do its utmost to identify those of its security officers who are guilty of complicity with the crimes and abuses documented in this report, or who have participated in them, and to hand them over for trial.
- Terminate its collaboration with the repressive apparatus of the Polisario Front.

➤ **That the UN, the European Union and countries contributing humanitarian aid to the Tindouf camps**

- Refer the matter to the International Criminal Court for a preliminary enquiry to be launched into the allegations of crimes and human rights violations brought against the Polisario Front.
- Encourage NGOs that are active in the human rights area and independent commissions of enquiry to work to the same ends.
- Immediately to begin implementing control procedures aimed at investigating possible misappropriation of humanitarian aid and at preventing any new misappropriation in the future.
- Freeze all education-related aid until the Polisario Front has effected a complete reform of its educational system in order to make it compatible with international law, and in particular with the international Convention for the Rights of the Child.

➤ **That NGOs working with the Polisario Front and supporting it**

- Put pressure on the Polisario Front to agree to apply the recommendations existing in the present report with a view to improving the human rights situation in the camps controlled by this organisation.
- In the event that the PF refuses to apply these recommendations, to end any cooperation with it other than strictly humanitarian aid.

APPENDIX

PRESS RELEASE

SERIOUS CONCERN FOLLOWING INCIDENTS IN THE SAHRAWI REFUGEE CAMPS IN TINDOUF ESISC SENDS A MISSION TO THE AREA

According to the latest information, serious incidents have been taking place over the last few days in Sahrawi refugee camps in Tindouf, in the south of Algeria.

Violent demonstrations broke out in the Tindouf camps, apparently as a result of attacks carried out by members of the Polisario security forces on some Sahrawi refugees. Demonstrations were brutally put down by Polisario, who went on to arrest many people, some of whom were transferred to unknown locations. There have been reports of many people injured.

Given the scale of the demonstrations, Polisario leaders are said to have asked for reinforcements from the Algerian army. The Algerian government on Monday cut off all telephone and other communications contact with the Tindouf camps. No links with the people in the camps have been able to be established for two days, and the fate of the refugees is giving cause for grave concern.

ESISC, as a research centre specialised in questions of strategic security which, in addition, published a report on the Polisario Front in November 2005, has decided to send in a mission of independent experts to the area, in order to get a precise picture of the situation. ESISC will make contact with the Algerian authorities in order that they may assist in ensuring the smooth running of this mission.

Brussels, 2 June 2006



Bruxelles, le 29 juin 2006

**A la haute attention de
Son Excellence Monsieur Halim BENATTALLAH**

**Ambassadeur de la République Algérienne
Auprès du Royaume de Belgique**

**207 Avenue Molière
1050 Bruxelles**

Par porteur

Excellence,
Monsieur L'Ambassadeur,

Centre de recherches et d'analyse indépendant basé à Bruxelles, L'ESISC a été saisi, ces dernières semaines, d'informations inquiétantes sur des événements graves qui se seraient produits dans les camps du Polisario, dans la région de TINDOUF. Les éléments que nous possédons proviennent de Sahraouis vivant au Maroc et en Espagne et qui font état de graves violations des droits de l'homme qui se seraient déroulées dans les camps précités depuis la fin du mois de mai à l'occasion de la répression par la direction du camps Polisario de mouvements de contestation au sein de la population réfugiée.

Par ailleurs, la presse (notamment *Le Nouvel Observateur*, sur son site web) a publié, au début du mois de juin, des informations allant dans le même sens.

S'étant déroulés sur le territoire algériens, ces événements, s'ils sont avérés, ne peuvent laisser votre gouvernement indifférent.

Nous souhaitons envoyer une mission d'évaluation sur place pour vérifier la véracité de ces informations et enquêter sur ces éventuelles violations des droits de l'homme qui se seraient produites à Tindouf et dans les environs ces dernières semaines.

Cette mission sera composée des personnes suivantes :

- **Monsieur Denis DUCARME, de nationalité belge, Membre de la Chambre des Représentants**
- **Monsieur Pierre LEGROS, de nationalité belge, avocat, ancien bâtonnier de Bruxelles, Fondateur d'Avocats sans Frontières**
- **Monsieur Farid JEDDI, de nationalité française, politologue et spécialiste en relations internationales**
- **Monsieur Claude MONIQUET, de nationalité belge et française, Président de l'ESISC**

Nous vous remercions de bien vouloir délivrer des visas aux quatre personnes précitées, de demander à votre gouvernement de les assister dans leur déplacement d'Alger à Tindouf et d'assurer leur sécurité pendant leur séjour en Algérie.

Nous sommes certains que, dans la mesure où la responsabilité de l'Algérie est engagée par le simple fait que les camps du Polisario sont situés sur son territoire, l'Algérie aura à cœur de nous assister dans cette mission.

Dans l'attente de votre réponse, je vous assure, Excellence, Monsieur l'Ambassadeur, de ma haute considération,

Claude MONIQUET
Président de l'ESISC