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Human rights situations that require the Council's attention

Written statement* submitted by "Coup de Pousse" Chaîne de l'Espoir Nord-Sud (C.D.P-C.E.N.S), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

* Issued as received, in the language(s) of submission only.

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The Tindouf Camps: a space to confiscate rights and freedoms

Since the creation of the Tindouf camps in southwestern Algeria, the Algerian security services, along with the Polisario, have committed serious human rights violations against the background of the conflict over the Sahara and the resulting human calamities. Although the Polisario has acknowledged human rights violations in the past, it has not provided clear data on the recurrence of enforced disappearances, abductions, extrajudicial or summary killings,¹ torture in detention centers and other cruel, inhuman or degrading practices.

The Algerian mechanisms for redress have been reluctant to address or examine any file of violations against refugees in the Tindouf camps, regardless of the fact that it is the authority to investigate all violations committed within their territory. The Polisario, with the approval of the Algerian authorities, remained the governing party of the camps, contrary to the rules of international law. This is only possible because the host country has granted them immunity and protection, regardless of the gravity of the violations and disregarding the United Nations mechanisms for the protection of Human Rights.

The classification of the Tindouf camps as refugee camps comes with a lot of complexities, especially in terms of the distinction between the population, leadership and members of the Polisario Front. Although these camps are the longest-standing in the world, they have never been subjected to census despite UNHCR's repeated requests² to the host country, Security Council Resolutions³ on the matter, and the European Union's recent request.⁴

Despite the fact that the host country promotes the Saharawi refugees' international discourse, the State of Algeria refuses to recognize the population in the Tindouf camps as refugees, as well as to exercise the resulting rights in fulfilment of their obligations under the Convention and the Protocol relating to the Status of Refugees.

Denial of refugee status for those who have been living in the camps for more than 40 years directly hinders them from enjoying their civil, political, economic, social, cultural and environmental rights.

Civil and political rights

The status of these rights has deteriorated. The Polisario Front imposes a state of emergency and security alert in the camps and surrounding areas on the pretext of countering terrorism. Also, Dissidents of the Polisario Front have been subjected to continuous threats and violations. The leadership exercises oppressive methods on all forms of opposition and on Human Rights defenders whose vision is not in line with theirs. The stigma of treason remains common among Polisario leaders and members on the pretext of unity.

It is also worth noting that there is an absence of any laws regulating imprisonment and detention in the camps, as well as any accurate information regarding the number of prisoners and detainees. In addition, international human rights organizations⁵ and research missions

¹ A 2003 report by the France-Libertés Organization on the execution of prisoners of war by the Polisario without trial after their inhumane detention and torture: see paragraph A, page 20 of the report at the following link: <http://www.mission-maroc.ch/pdf/Sahara/RapportPOWFRanceLibertes.pdf>.

² UNHCR has repeatedly requested the host country - Algeria, in 1977-2001-2005 - to hold census of the Tindouf camps.

³ The Security Council reiterated to Algeria, as the host country of the Tindouf camps, in the reports 1920, 2218, 2285, of the years 2010, 2015 and 2016, respectively, the importance of the census of the Tindouf camps. Efforts were made in this direction through resolutions 2351, 2414 and 2486 of the years 2017, 2018 and 2019, respectively.

⁴ The European Union expressed, before the Fourth Committee of the United Nations General Assembly in 2017, its support for UNHCR's census of the Tindouf camps on Algerian soil.

⁵ Since 2016, the visit of the Euro-Mediterranean Human Rights Network to Algeria has been blocked three times in the last four years. In the first instance, visa applications were delayed. The second time, the visa application was denied to at least one member of the delegation. The third time, the delegation was able to obtain a visa, only to learn, 10 days before the visit, through the Algerian

are often prevented from visiting Algeria and the camps. During his visit to Algeria in 2011, the Special Rapporteur on the right to freedom of opinion and expression urged the Algerian government to "grant access to members of international human rights organizations to carry out their legitimate activities in the exercise of their right to freedom of opinion and expression."

Freedom of expression and establishment

The Polisario monopolizes the political discourse in the camps. Opposition of their main objective of the political self-determination of Western Sahara is rarely heard from. Political parties are constitutionally prohibited.⁶ Since its inception, the Polisario has adopted an unprecedented offensive policy on the right to organize by prohibiting the establishment of any NGO that goes against its ideology. The movement of Khat Chahid has been struggling since 2003 to spread its reformist ideas within the Polisario. Moreover, the 5 March movement, which called for reforms at the level of administration, officials and the rule of national law, was subjected to oppression and arrests by the Polisario Front.

Peaceful Protest

The Polisario organization has imposed a state of emergency in and around the camps and tightened surveillance. The organization's leadership has repeatedly made it known that all forms of protests and sit-ins are completely forbidden. The Polisario also arrests⁷ participants and advocates of peaceful protests, subjects them to unfair trials, and sentences them to long prison terms ranging from six months to a year. Another way the Polisario represses protesters is through arbitrary arrests, torture,⁸ intimidation and defamation campaigns.⁹

Although the Polisario leadership succeeded for more than four decades to hold its grasp on public space by imposing a state of emergency to prevent all manifestations of protest or objection, it also confiscated the right to freedom of expression for voices against the directives of the leadership and those who want to criticize the conditions of living in the camps. It also forbids the creation of NGOs except some of the parallel organizations.

However, despite these hindrances to the work of activists and human rights defenders, for several months now the Tindouf camps knows demonstrations and protests of hundreds of people. Polisario forces systematized a campaign of arrests and abductions of the camps activists who demands their legitimate rights. In addition to the Polisario's arbitrary arrests in the Rabouni events on May 28, which resulted in the detention of 14 activists from the movement, Polisario forces on Monday 17 June 2019 arrested the journalist and one of the coordinators of the Sahara Initiative for Change¹⁰, Moulay Abba Bouzid, who was taking part in a peaceful stand in front of the UNHCR headquarters. On the following day, Fadel Braïka, the official spokesman for the "We are all Khalil Ahmed Braïh" coordination was arrested in Rabouni. After his being threatened, he is added to the list of arrested activists together with the blogger Mahmoud Zaidan stopped on June 19, 2019.

Embassy in Brussels that their visas had been canceled. The Algerian authorities were to send an explanatory letter, which has not yet been received.

⁶ Human Rights Watch report Following the visit to the Tindouf camps in 2013 regarding "Human Rights in the Tindouf camps: <https://www.hrw.org/en/report/2014/10/18/267930>.

⁷ The arrest of a large number of protesters during the 2014 and 2015 demonstrations. See page 13, paragraph 2, of the parallel report of the Observatory of Sahara for Peace, Democracy and Human Rights on the implementation of the articles of the ICCPR by the State of Algeria on the occasion of its fourth report to the Human Rights Committee / Geneva, 6 June 2018 During the 123rd session. Report link:

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/DZA/INT_CPR_CSS_DZA_31386_E.docx.

⁸ The children of Maa Al-AinainSouid were arbitrarily arrested and subjected to torture during the events of the dismantling of the peaceful protest calling for freedom of movement on 29 April 2019.

⁹ Activists of the peaceful protest against the violation of freedom of movement organized a peaceful demonstration on Wednesday, April 10, 2019, in the camp of Samara against the decision of the Minister of internal affairs to limit the number of cars allowed per day. The protest aimed to debunk the defamation and deception campaigns promoted by the leadership through a speech, which can be found in following video link: <https://www.youtube.com/watch?v=uO8InSTp9UM>.

We call for the immediate release of all detainees after camps events while guaranteeing their right to expression, peaceful demonstration and establishment. We express our deep concern regarding the fate of the detainees.

We finally call upon the host country - Algeria - To assume its full legal responsibility for what is happening on its soil and protect the population of Tindouf camps.

Observatoire du Sahara our la Paix la Démocratie, et des Droits de l'Homme NGO(s) without consultative status, also share the views expressed in this statement.