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Human rights situations that require the Council's attention

Written statement* submitted by Il Cenacolo, 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.

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

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Arbitrary detentions against Sahrawi Refugees on the Algerian Territory

El Cinacolo submits this written statement to share concerns and recommendations on the issue of arbitrary detention against Sahrawi refugees in Algeria. The statement is intended to raise awareness of the international community of the pattern of abuses and systematic violations of rights of Sahrawi refugees who dare to express different opinions from those of Algeria and Polisario regarding the Sahara conflict.

Legal and institutional challenges

Algeria, in a flagrant prejudice of its obligations arising out of international human rights conventions, has transformed Tindouf refugee camps into zone of lawlessness through an alleged devolution of jurisdictional powers to Polisario Front, a non-state armed group illegally running the Sahrawi refugee camps on the Algerian territory.

In this regard, It is worth recalling that the Human Rights Committee, in its concluding observations on the fourth periodic report of Algeria, has expressed its deep concerns over Algeria's "de facto devolution of authority to the Frente Polisario, especially jurisdictional authority", which is considered as inconsistent with the State party's obligation to respect and guarantee all rights for all persons within its territory (CCPR/C/DZA/CO/4, para. 9). This recommendation has been reiterated by the UN Secretary General who evoked the issue of 'devolution' in his report on the Western Sahara, by stressing that "as a result, victims of violations of provisions of the Covenant in the camps do not have access to an effective remedy in the State party's courts" (S/2018/889, para. 67).

Along the same vein, Human Rights Watch in their report entitled "Off the Radar: Human Rights in the Tindouf Refugee Camps" have stressed that "whatever arrangements the Algerian authorities have made, they remain accountable for any Polisario violations committed in Algerian territory". This statement has been reaffirmed later by Lama Fakih, the acting Middle East and North Africa director at Human Rights Watch, who underlined in a communiqué issued by the same organization that "Algeria cannot subcontract the protection of human rights on its territory and turn a blind eye if the Polisario violates them".

The UNHCR which is present in the camps should act accordingly to fulfil its mandate, and overcome all obstacles that hamper its mission regarding the protection of Sahrawi refugees in these camps.

Worth mentioning that as a result of this unlawful situation, victims of violations of human rights in the Tindouf camps do not have access to an effective remedy in Algeria's judicial system. This 'de facto devolution' is a blatant contradiction and violation of Algeria's international commitment. It has been the main cause for arbitrary arrest and detention, and to this day remains as a source of deep angst for human rights defenders fearing oppression in Tindouf Refugee Camps run by the Polisario Front. It also provides a cover-up for Polisario's illegal actions since 1975, aiming to suppress all dissenting voices who have a different stance on how Algeria manage the Sahara Conflict.

Documented arbitrary detentions against Sahrawi Refugees

Based on numerous and alarming reports from the camps south-west Algeria, a pattern of arbitrary detentions has been unleashed by the Polisario that will stop at nothing to make sure that the dissenting voices who oppose the Polisario Front are suppressed. This is a longstanding practice against any form of opposition in Tindouf camps. In 1988, a mass uprising has taken place in the Tindouf Camps, led by a group of Polisario high-ranking members, who protested against the leadership of the Front and the oppressive method adopted in managing the Sahara issue. These members were arrested, tortured and abducted following the mass protests. These practices persist currently in attempt to silence the emergent dissident voices of Sahrawi who stand against Polisario, and it is unfortunate that

leading international Human rights organizations have failed to bring these voices to the world outside the besieged camps.

Algeria seems to unfortunately impose silence and absolute blackout on what is going on in Tindouf Camps. The Euro-Mediterranean Human Rights Network has taken several steps with the diplomatic representations of Algeria in France and Belgium to be allowed to visit the Tindouf refugee camps for an eventual assessment of the human rights situation. However, the Algerian government has forbidden this organization from conducting such mission in these besieged camps.

We gradually hear more and more stories that confirm the magnitude and severity of repression there, and we are afraid that the perpetrators of human rights violations continue to enjoy impunity and the complicit protection of Algerian authorities.

Over three days of June 2019, three prominent Sahrawi opinion leaders and human rights defenders were kidnapped by the Polisario members:

- Fadel Breika, a Sahrawi refugee carrying the Spanish Nationality, has been kidnapped by the Polisario Front, and taken to one of the camps illegal detention centres. Breika is a human rights defender and member of the "Saharawi Initiative for Change". Since July 15, 2019, he decided to go on a hunger strike to protest against the illegal detention and maltreatment by Polisario. His health is deteriorating, without any medical care provided to him.
- Moulay Aba Bouzeid is an opinion leader and member of the "Saharawi Initiative for Change" that advocates for a new approach to resolve the conflict of the Western Sahara. Bouzeid was kidnapped by the Polisario on June 17, 2019, for his criticism of the Polisario leadership on Facebook, and his support of protests condemning the human rights violation committed against Sahrawi refugees on Algerian territory. Bouzeid decided to go on hunger strike since 15 July 2018.
- Mahmoud Zedan, a former journalist in Polisario TV channel, blogger, and founder-coordinator of the Sahrawi Youth Forum for a Solution, was kidnapped by Polisario on 19 June 2019 at the Ouserd refugee camp. He used his Facebook page to criticize the grave human rights violations perpetrated in Tindouf refugee camps. On 18 July 2019, Zedan started a hunger strike.

Family members of the victims have confirmed through communiqués diffused on the media that an armed personnel of Polisario have kidnapped these activists, and took them on military vehicles to unknown secret detention centers. The families have also reported that the three were blindfolded and handcuffed, and that unknown injections were administered in their bodies by unidentified individuals.

24 days after their kidnapping, Polisario disclosed the whereabouts of the activists. Families reported to El Cincaolo that Breika, Bouzeid and Zedan have decided to go on a hunger strike to attract the attention of the international community to their deteriorating health, and call on UN Human Rights Council and other international organizations to take urgent action and effective measures to save their lives and gain their freedom.

The crackdown on these three human rights activists by the Polisario Front is extremely alarming. An arbitrary detention of opinion leaders in Tindouf camps on the grounds that their exercise of free speech on various sources including the internet "causes disturbances and disrupts social order in refugee camps", violates international human rights protections such as the guarantee of freedom of speech recognized by the Universal Declaration of Human Rights and other international human rights frameworks.

We support and embrace the universal values underpinning human rights and the rule of law, and we aim for the improvement of the situation for human rights defenders and access to justice for all. It is in this light that we wish to remind you of your continuous pledges to uphold the rule of law worldwide. There is an immediate need for the Human Rights Council to address the situation of human rights in Tindouf Camps, as the recently reported arbitrary detentions are irrefutably disquieting.

Observations and recommendations:

- Against this backdrop, we call on you to dedicate your attention to ensure that Algeria honors its commitments to the UN principles and the international conventions on human rights protection, and consider taking the following actions:
- Immediately release all Sahrawi human rights defenders and others unlawfully detained by Algerian authorities and Polisario;
- Ensure that the rights of those detained, including their right to remedy and to adequate medical treatment are fully enforced.
- Immediately investigate the alleged cases of torture, inhumane and degrading treatment in Polisario's illegal detention centers;
- Immediately repeal the 'de facto devolution of authorities' from the Algerian government to Polisario, and guarantee the protection of human rights of all Sahrawi refugees on Algerian territory, in compliance with international standards and best practices;
- Honor the responsibilities of Algeria, as country hosting Sahrawi refugees, by ensuring respect of their freedom of movement, expression and employment, and especially by authorizing the registration by the UNHCR of all Sahrawi refugees as incessantly requested by UNSC resolutions.
- Implement the recommendations of the Human Rights Committee and the relevant recommendations from other UN human rights mechanisms addressed to the Algerian government on the matter.

LSDDH (la ligue du Sahara pour la démocratie et les droits de l'homme) NGO(s) without consultative status, also share the views expressed in this statement.