
Report Saharawi Political Prisoners November 2016



Cell in the Moroccan Black Prison of El Aaiun, occupied Western Sahara (foto: Sidi Mohamed Balla)

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1. Introduction

My name is Isabel Maria Gonçalves da Silva Tavares Lourenço, I have Portuguese nationality, and am a member of Fundación Sahara Occidental and collaborator of www.porunsaharalibre.org.

In February 2013 I attended the entire trial of the Gdeim Izik Group as an International Observer with accreditation from Fundación Sahara Occidental, in 2014 I have visited the occupied territories of Western Sahara and attended the trials of 4 political prisoners in Western Sahara and one in Agadir, travelling from El Aaiun to Rabat by the same route and in public transportation passing several prisons throughout the way to size the difficulties and distances families have to overcome and travel to see the Saharawi political prisoners. In Rabat I had meetings with several embassies and also with a representative of the General Administration of Penitentiaries and Social Reintegration. I stayed in the apartment of the families of the Gdeim Izik group in Salé. In 2015 when I was travelling to attend the trial of two Saharawi journalists that where illegally detained I was expelled by force by the Moroccan authorities without any explanation other that I was "persona non grata". A few months afterwards I have attended another trial in Agadir, always under huge pressure and surveillance.

During all my visits police and other representative of the Moroccan authorities, in uniform as well as in plain clothes, continually followed me. I was filmed and photographed and even detained, and my passport was repeatedly taken for long periods of time by the police officers.

These visits gave me an insight, and a very clear perspective of the current situation in Western Sahara and the general feeling of the population, as well as the situation of the political prisoners.

It is obvious that the occupation is only possible due to the huge presence of military, police and auxiliary forces and their brutal tactics, and also due to the fact that the international community is complicit with the silence about the occupation and the stalemate in the United Nations Security Council.

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25 years after the ceasefire that was never broken by the Saharawi, who resist peacefully, the patience of the population is coming to an end and a peaceful and just solution must be implemented in the last African colony.

As a Human Rights Activist I work with a number of Saharawi human rights activists and Organizations who are based in the occupied territories of Western Sahara as is the case of CODAPSO, CODESA, AFRAPEDESA, ASVDH, CSPRON, and with Saharawi media and journalists that work mainly underground as is the case of Equipe Media and RASD TV. My main goal is to denounce the grave violations of human rights and all agreements and covenants signed by the Moroccan Kingdom to decision makers and authorities, and follow up on the situation of the political prisoners.

For the last three years I have been gathering information and denouncing the situation of the Saharawi political prisoners in Moroccan jails in the occupied territories as well as in the Kingdom of Morocco, for that I have the help of the above mentioned organizations, family members and of Mr. Sidi Mohamed Balla, ex-political prisoner and human rights activist, I also attend trials with accreditation of Fundación Sahara Occidental.

My reports are based on direct observation during trial and visits, interviews with family members of current political prisoners, and ex-political prisoners, as well as several international observers who attend trials of Saharawi political prisoners. In some cases it was possible to have direct phone contact with Saharawi prisoners.

Arbitrary detention, abductions, ill-treatment and torture, are a reality vastly documented by numerous national and international NGOs including Amnesty International and Human Rights Watch and present in the reports submitted by Mr. Christopher Ross, special envoy of the Secretary General the United Nations. and the 2013 report of special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez . Mr. Méndez reaffirmed in a press conference,¹ on the 18th October 2016, in the UN headquarters in New York , in answer to the question of InnerCityPress about torture of Saharawi

¹ <http://webtv.un.org/media/watch/jens-modvig-committee-against-torture-malcolm-evans-subcommittee-on-prevention-of-torture-and-juan-mendez-un-special-rapporteur-on-torture-press-conference-18-october-2016/5175282306001>

Political Prisoners, that it is a common practice in Morocco and his request for a follow-up visit to Morocco and Western Sahara was unsuccessful.

Neither the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Morocco ratified on 14 June 1993 nor the UN Standard Minimum Rules for the Treatment of Prisoners are respected in the case of Saharawi political prisoners.

Western Sahara is illegally occupied by the Moroccan Kingdom and Saharawi citizens are forced to carry Moroccan Identity and Passports, the whole judicial process is corrupted from that start since Moroccan authorities have no legal jurisdiction over the territory.

Saharawi citizens are abducted from their homeland by the occupying forces and transferred to prisons in the Kingdom of Morocco, the legal procedures and international requirements were not observed with the over 60 Saharawi political prisoners that are currently in Moroccan jails, their trials were faulty, with no evidences produced other than confessions obtained under torture. Currently all Saharawi political prisoners are detained in the Kingdom of Morocco, hundreds and thousands km from their homeland.

This report is far from exhaustive and the cases mentioned given are only an example of the continues and grave ill treatment of the Saharawi Political Prisoners.

2. Western Sahara Legal Status

In 1963 Western Sahara was listed as a non-self-governing territory by the United Nations. In 1966 the United Nations General Assembly adopted its first resolution² on the territory, urging Spain to organize, as soon as possible, a referendum under UN supervision on the territory's right to exercise its right to self-determination. In 1975, the International Court of Justice (ICJ) rendered an advisory opinion on the Western Sahara question, concluding by 14 votes to 2,

² UN General Assembly, 1966, Resolution 2229 (XXI).

that while there had been pre-colonial ties between the territory of Western Sahara and Morocco, these ties did not imply sovereignty.

Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.³

Shortly thereafter, on 6 November, Morocco occupied and later annexed Western Sahara, through the famous "Green march". This constituted an act of aggression in violation of the UN Charter. The same day, the UN Security Council, in Resolution 380, called upon Morocco "immediately to withdraw all the participants in the march." Shortly thereafter, Morocco, Mauritania and the colonial power, Spain, entered into an agreement, which in convoluted terms transferred the administration of the territory to Morocco and Mauritania. The agreement did not, however, transfer sovereignty explicitly. (Mauritania later rescinded and left the whole territory to Morocco.)

The people of Western Sahara (the Saharawi) have a right to self-determination, which can be fulfilled through the creation of a fully sovereign state, if they so choose. Under that principle, they also have the right to "freely dispose of their natural wealth and resources".⁴ The Moroccan occupation and annexation of the territory is a serious breach of International Law. Western Sahara is not a part of Morocco and Morocco has no legal title or claim on the territory. Morocco has an obligation to respect the right of the people of Western Sahara to self-determination and to end its illegal annexation and occupation of Western Sahara.

- UN General Assembly 1966

"Invites the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to this end:

³ ICJ Reports, 1975, p. 68, para. 162.

⁴ Common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

To create a favorable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting inter alia, the return of exiles to the Territory;

To take all necessary steps to ensure that only indigenous people of the Territory participate in the referendum;

To refrain from any action likely to delay the process of the decolonization of Spanish Sahara; ..."

- UN-Security Council, 1975 (after the "Green March")

"Call upon Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march;"

- UN Security Council, 1991

"Expresses its full support for the efforts of the Secretary-General for the organization and the supervision, by the United Nations in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with the objectives mentioned in this report; ..."

- UN-Security Council, 2013

"Reaffirming its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect, ..."

3. Violations of the UN Standard Minimum Rules for the Treatment of prisoners⁵

Since 2013 and based on reports from several ONG's, as well as the information provided by the families and ex-political prisoners after their release, 40 of a total of 55 articles of the general applications and all articles of the rules applicable to special categories of the UN Standard Minimum Rules for the Treatment of Prisoners⁶ are violated in the case of the Saharawi political prisoners.

⁵ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx>

⁶ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at

Discrimination⁷ - Saharawi political prisoners are discriminated on a daily basis by the prison guards and prison administrations. They are insulted and humiliated, referring to their nationality and their political beliefs and opinions. Even in the courtrooms the judges insult them.

During the Gdeim Izik trial, the native language Hassania was classified by the Judge as "gibberish" , spoken by uneducated, ignorant people.

The same judge and during the same trial, asked a prisoner, who declared that he was forced to sign under torture the document that was presented to him in court:

"You are an educated man, why didn't you write underneath your signature - this was signed under torture?".⁸

This kind of remarks, comments and ironic statements are made in the presence of international observers, without the presence of international observers we receive information that insults are worse and humiliating.

In the jails guards encourage Moroccan prisoners to discriminate and persecute Saharawi political prisoners and participate actively themselves in all kinds of public humiliations. Each cell has one or two Moroccan prisoners that act unofficially as "chiefs". These "chiefs" are usually the most violent prisoners imprisoned for grave criminal offences like murder. The guards of the prison give them unofficial support by introducing drugs and other contraband items into the prison, the "chiefs" pay the guards but also obey their orders to not sell any "sleeping space" to Saharawi and not to let them wash themselves, they also steal their clothes and belongings.

The 21 political prisoners of the Gdeim Izik Group who are currently detained in El Arjat (since August 31st 2016) have being repeatedly beaten and insulted and

Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

⁷ Basic principle 6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

⁸ In the trial report published by ACOSOP (Associação de Cooperação e Solidariedade entre os Povos) -Portugal

humiliated by the guards and in presence of the director of the prison since their arrival.

Separation of categories⁹ - Saharawi political prisoners are kept together with prisoners imprisoned by criminal offense. This is the case of all Saharawi political prisoners currently imprisoned in Moroccan jails. Some of them are awaiting trial for several months.

Even prisoners diagnosed with contagious diseases are kept in the same cells as not infected prisoners. Saharawi Political prisoners Brahim Daoudi, whilst detained in Inzegane was diagnosed with tuberculosis in the beginning of October 2014, when he returned from the hospital visit he was sent to the same cell that he shared with other 72 prisoners, without a place to sleep and no medication.

Abdallahi Boukioud suffers from various health problems due to the tortures he has been subjected to, he also has a viral inflammatory intestinal condition. Boukioud is being transferred from prison to prison and given a "welcome package" at each transfer that consists in a severe beating and torture. Although he has extreme diarrhea, the prison administration put him in an overcrowded cell without minimal hygienic conditions together with the criminal offense detainees.

On August 31st the 21 political prisoners of the Gdeim Izik group were transferred without notice from Sale Prison to El Arjat Prison (near Rabat) and put in a holding block for persons imprisoned by reason of a criminal offence.

Accommodation¹⁰ - The majority of the Saharawi political detainees are

⁹ Basic principle (RULES OF GENERAL APPLICATION)8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,(b) Untried prisoners shall be kept separate from convicted prisoners;(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;(d) Young prisoners shall be kept separate from adults.

¹⁰ Basic principle (RULES OF GENERAL APPLICATION)9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.(2) Where dormitories are used, they shall be occupied by prisoners

imprisoned in cells that do not meet minimum requirements.

Cells are overcrowded, lacking adequate ventilation, in summer extremely hot and extremely cold in winter, with water dripping from the walls due to humidity, there are no facilities for showering and basic requirements for cleanliness are not upheld. The shortage of cleaning materials and resources to deal with insect infestations aggravate the health conditions of the prisoners.

According to the reports of several detainees from Ait Melloul, Tiznit, Inzegane, Taroudant, Bouzakarn, Oudaya, Sale and El Arjat some cells are so overcrowded and lacking in ventilation that the walls and ceiling drip water.

In the case of group cells the light provided is from one light bulb; the electrical cables are exposed and represent an extreme danger. Mr. Mohamed Balla ex-prisoners of the Black Jail in El Aaiun denounced that during his incarceration the cells were set on fire more than once due to the electrical cables.

Windows are none existent in most cells, or replaced by a narrow slit over the door. Inside the cells the stench is unbearable.

Almost none Saharawi political prisoners have a bed; they have to sleep on the ground. There are cells with 6x7m where over 50 prisoners have to sleep, that results in a system called "soup", where each prisoner has to lie on his side completely compressed between two other prisoners.

The lack of space and beds result in extreme violence in the cells and one thing

carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.¹⁰ All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.¹¹ In all places where prisoners are required to live or work, (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.¹² The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.¹³ Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.¹⁴ All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

more prisoners have to fight or pay for.

On September 11th 2014, in the Black prison of El Aaiun the Saharawi political prisoners Sarir, Baber, El Haysen, Dalal, Moussaoui and Lomadi were transferred to a cell with capacity for 1 person. On September 12th 2014 the ceiling of this cell collapsed. At the time of the collapse the inmates were in the prison yard and there were none injured. The prisoners refused afterwards to be put in another cell that was unclean, without minimal conditions of hygiene or safety.

The political prisoners of Gdeim Izik in El Arjat are currently in individual cells and sleep on top of cement blocks, the humidity is extreme, they only have a few blankets.

Personal hygiene¹¹ - Saharawi political prisoners are not provided with any toilet articles by the prison administration, the family has to provide them with all necessities, which in most cases is not possible. Water for washing is often denied as part of the punishments they receive and in the periods they are in isolation there are no means to wash themselves.

All this contributes not only to lack of cleanliness and consequently to health problems but also to an added humiliation and is an intent to destroy their self-esteem.

The cloths have to be washed by the prisoners in the majority of prisons the prisoners are in unclean conditions most of the time. The fact that the cells are overcrowded and the prisoners are "stacked" upon each other contributes even further to lack of hygiene that leads to infestation with lice and also dermatological diseases and scaring.

Clothing and bedding¹² - It is common practice to punish Saharawi political

11 Basic principle (RULES OF GENERAL APPLICATION)15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

12 Basic principle (RULES OF GENERAL APPLICATION)17. (1) Every prisoner who is not allowed to wear his own

prisoners with forced nakedness and sleeping on wet floors without any mattress or blankets.

On September 17th 2014, 7 Saharawi political prisoners were tortured for several hours in the courtyard of the Black prison of El Aaiun, in front of all the prisoners and guards, at 16.00 they were divided into two cells, Moussaoui, Sarir and Lomadi in a cell with handcuffs and El Haysen, Lekrim, Baber and Dalal handcuffed in another cell, the floor of the cell was flooded with water by the guards, and the prisoners had to sleep on this wet floor.

On October 1st 2016, Mohamed Khouna Babeit, political prisoner of the Gdeim Izik Group was stripped naked by the guards in El Arjat prison, after he protested against the brutal beating of Housein Zawi.

Food¹³ - Food is scarce and lacking in nutrients. The typical prison diet consists in watered tea or coffee in the morning with a bit of bread and a watered soup, cuscus or rice on midday. Once a week there is some kind of meat with cuscus. In the evening the prisoners have to eat what is leftover if there is any. Food is never enough for all prisoners. Once again this situation not only increases their health issues as well as the violence and corruption inside the prisons.

The prisoners depend on family visits as these provide them with money to buy food and other essential items they need. Without the food that is bought by the

clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

13 Basic principle (RULES OF GENERAL APPLICATION)20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.(2) Drinking water shall be available to every prisoner whenever he needs it.

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families, malnutrition is a reality. Vitamins, protein and other deficiencies in the diet are another manifestation of their deteriorating health, as well as drinking of water that is not bottled (bottled water has to be bought by the prisoners). The majority of the Saharawi political prisoners have some kind of diet related disease, kidney diseases, diarrhea, high blood pressure, diabetes, anemia and others.

Prison guards often steal or demand food from the prisoners that receive groceries from their relatives.

The Daoudi family was prevented several times to deliver vegetables and fruit to Mr. Mbarek Daoudi , currently in Bouzakarn prison, his sons were insulted and ill treated when they tried to deliver food.

The family members of the Gdeim Izik group in El Arjat reported similar problems.

Due to the great distances (in some cases over 1000km) that separate the families that live in the occupied territories of Western Sahara from the political prisoners that are in prisons inside the Kingdom of Morocco it is almost impossible for them to visit and deliver the necessary food.

Exercise¹⁴ -Most prisoners spend between 10 to 12 hours in confinement inside the cells, some of them even 20 hours. None of the Saharawi political prisoners has any work related occupation.

Medical services¹⁵ - Medical Services for the Saharawi political prisoners are

14 21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits. (2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

15 Basic principle (RULES OF GENERAL APPLICATION)22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.(3) The services of a qualified dental officer shall be available to every prisoner.24. The medical officer shall see and examine every prisoner as

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non-existent or in such a manner that can be classified as grave medical neglect.

Medical assistance is denied to most of them and in the cases they receive some kind of medical attention it is inadequate, insufficient and in some cases the medicines that they receive are completely unrelated to the illnesses they have.

Overmedication is also applied having in one case a prisoner received 18 different medicaments simultaneously, among them 3 different antibiotics with contrary effects.

Chronicle diseases are not monitored and when some kind of medical tests, imaging or blood analyses are made, the results are not transmitted to the prisoner, his family or lawyer. Pills are given without proper identification or explanation.

On the 30th September 2016 Houcein Zawi detained in El Arjat, asked to see a doctor due to intense pain in his knee (due to the torture he suffered) the prison ward told him he would have all the medical attention he needed after his death and he was brutally beaten.

Mr. Abdeljalil Laaroussi suffers since his detention in 2010 and after the

soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.²⁵ (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.²⁶ (1) The medical officer shall regularly inspect and advise the director upon:(a) The quantity, quality, preparation and service of food;(b) The hygiene and cleanliness of the institution and the prisoners;(c) The sanitation, heating, lighting and ventilation of the institution; (d) The suitability and cleanliness of the prisoners' clothing and bedding;(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

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prolonged and violent tortures he was submitted to, from rectorragia (loss of blood in the faeces), epistaxis (nose bleeding), extreme high blood pressure (150/250; 140/210) and loses conscious frequently and is not given proper medical care.

Sidi Abdallahi Abahah also whilst detained in Sale prison, complained during several weeks about heart pain and numb arms , hands and fingers, the doctor ignored his request to be seen.

Mr. Bouchalga Lekrim, had severe psychiatric problems that were ignored and Mr. Abdallahi Boukioud and Brahim Daoudi also were ignored and denied medical assistance.

In September 2014 Mr. Hassan El Wali, detained in Dahkla prison, died after months of severe medical neglect.

Mbarek Daoudi, whilst he was detained in Sale prison (without trial) was told by the prison doctor that he didn't care if Mbarek Daoudi lived or died and that he had a severe heart condition.

Prisoners suffering from Asthma are ignored, having several of them denounced that sometimes they wait without any medication for up to 7 hours before given oxygen

Several political prisoners of Gdeim Izik group, testified in court in front of the International observers, and named their torturers, among the torturers are several nurse and medical staff of the prisons.

Discipline and punishment¹⁶ - Saharawi political prisoners are "punished" at will

16 Basic principle (RULES OF GENERAL APPLICATION)²⁷. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.²⁹ The following shall always be determined by the law or by the regulation of the competent administrative authority:(a) Conduct constituting a disciplinary offence;(b) The types and duration of punishment which may be inflicted;(c) The authority competent to impose such punishment.³⁰ (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.³¹ Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or

at all possible occasions by the prison personnel and administrations. They are frequently beaten, tortured, denied food and water, denied medical care, put in isolation, insulted and humiliated. Complaints filed by the prisoners to the Moroccan authorities never receive an answer or any investigation takes place.

There are neither accusations nor defence, all "punishments" applied to the Saharawi political prisoners are in clear violation of the Moroccan National Law and constitution and international laws, covenants and agreements ratified by the Moroccan Kingdom. Prisoners that are awaiting trial are "punished" in the same manner or even worse.

During the tortures and beatings it is frequent that the political prisoners are handcuffed and blindfolded and the guards do not speak in order not to be identified.

When the prisoners make group hunger strikes the guards call upon the auxiliary forces that enter the prisons and beat and torture the prisoners.

Since the transfer of the Gdeim Izik group to El Arjat prison, the prisoners were repeatedly "punished" with beatings.

On October 24th 2016, political prisoner Abed Khalik Elmerkhi, received a brutal beating from the guards in Bouzakarn prison.

Instruments of restraint¹⁷ - Saharawi political prisoners are frequently handcuffed

degrading punishments shall be completely prohibited as punishments for disciplinary offences.³² (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

17 Basic principle (RULES OF GENERAL APPLICATION)³³. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;(b) On medical grounds by direction of the medical officer;(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.³⁴. The patterns and manner of use of instruments of restraint shall be decided by the central prison

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with metal and plastic handcuffs. They are also handcuffed with one hand to the bars of the cell door, and remain with the arm lifted like that from several hours up to three days.

Prisoners and ex-prisoners reported this from Ait Melloul, Inzeggan, Tiznit and Black prison of El Aaiun.

Most of the released prisoners and the prisoners I saw during trial have scars resulting from prolonged use of plastic handcuffs.

Information to and complaints by prisoners¹⁸ - All the prisoners stated the same, when asked; they were never informed about anything concerning their rights. Complaints to the prison administration are ignored as well as complaint to the General Administration of Penitentiaries and the Minister of Justice.

Contact with the outside world¹⁹ - Family visits are once a week for 15 minutes in a room with several prisoners at the same time. The prisoners have 5min per week to speak on the phone. However this visits and phone calls are suspended

administration. Such instruments must not be applied for any longer time than is strictly necessary.

¹⁸ Basic principle (RULES OF GENERAL APPLICATION) 35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

¹⁹ Basic principle (RULES OF GENERAL APPLICATION) 37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits. 39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

arbitrarily by the prison administration whenever they want.

The long distances from Western Sahara to all prisons in Morocco make it almost impossible for the family to visit regularly. Families informed us that many times after spending the travel money and the time to arrive at Ait Melloul, Tiznit, Inzegan, Kenitra, Taroudant, Oudaya and El Arjat the visit is suspended without reason.

Except in El Arjat prison the entry of any kind of writing material is strictly forbidden to Saharawi political prisoners.

Newspapers, periodicals or special institutional publications, hearing of wireless transmissions lectures or by any similar means are forbidden by the prison administration.

Books²⁰ - Saharawi political prisoners have no access to books, some of the prisoners had books in Sale Prison where they were allowed to study but this changed after their transfer to El Arjat in August 2016.

Notification of death, illness, transfer, etc.²¹ - The family is never informed of the transfer, illness or serious injuries of a Saharawi political prisoner by the prison administration. The most recent transfer of the Gdeim Izik Group on August 31st 2016 was made without notification of the prisoners, their lawyers or families.

When the family arrives to visit the prisoner and his ill, the prison administration informs them that there is no visit this day or that the prisoners in question didn't

²⁰ Basic principle (RULES OF GENERAL APPLICATION) 40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

²¹ Basic principle (RULES OF GENERAL APPLICATION)44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

want to come to the visit.

Several close relatives of the Saharawi political prisoners of the Gdeim Izik group, died. Not one of these prisoners was allowed to attend a funeral.

Removal of prisoners²² - The transport of prisoners is made in police vehicles. Prisoners are handcuffed during the transport and the vehicle is closed so that nobody can see in or out. When the prisoners are presented in court and make any political statement or chant slogans for the freedom and independence of Western Sahara, they are beaten inside the police vehicle on their return to the prison.

Institutional personnel²³ - Prison guards are rude, with very low academic level,

²² Basic principle (RULES OF GENERAL APPLICATION) 45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form. (2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

²³ Basic principle (RULES OF GENERAL APPLICATION) 46. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends. (2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used. (3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work. 47. (1) The personnel shall possess an adequate standard of education and intelligence. (2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests. (3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals. 48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect. 49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors. (2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers. 50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience. (2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency. 54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defense or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

trained to torture. They are offensive, aggressive and racist towards the Saharawi political prisoners. This behavior is encouraged by the prison administrations.

The low salary of the guards, promotes the theft of the belonging of the prisoners and also the corruption inside the prisons. The long working hours (12hour per day, 7 days per week) with only 15 to 20 days of vacation per year adds to the aggressive behavior and stress of the prison guards.

The prison guards work in weekly rotating day /night shifts.

None of the prisons where the Saharawi political prisoners are detained include in their personnel specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

Inspection²⁴ - Regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority are never heard of and if that kind of inspections exists until now it did not produce any improvement or approximation to the most basic minimum standard conditions of human treatment for the Sahrawi political prisoners nor are the norms and laws that are written down respected.

4. Gdeim Izik Group

The group of 21 Saharawi political prisoners, civilians tried in a military court continue after over 6 years in prison and have sentences of 20 years to life imprisonment, despite the recognition and reporting of the international community that it was an illegal trial, without presentation of any evidence, and that it is based solely on confessions extracted under extreme torture.

²⁴ Basic principle (RULES OF GENERAL APPLICATION) 55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

These torture cases were reported to the Committee against Torture and include techniques of suffocation, electrocution, rape with objects like broken bottles and chair legs, cigarette burns, forced extension of the members, intake of urine and faeces, burns and poisoning with chemical products, tearing of nails, starvation, confinement in isolations cells, deprivation of light, sleep deprivation, airplane position, brutal beatings, flagellation, insults, threats towards their families amongst others..

Brands and resulting scars of these tortures were exhibited by the prisoners in court and witnessed by 40 international observers, despite the appeal of the prisoners to the judge, he denied any medical expertise.

The Moroccan parliament itself passed a law in August 2014 outlawing this trial, which meant that either the political prisoners would be released or target of a new process in civil court, but this was not done and the process in the parliament waits still for ratification from the higher chamber.

Fundación Sahara Occidental has participated with 5 international observers the entire trial and issued a judicial report where it is clearly stated that the proceedings did not respect Human Rights norms being Null and void and took place in an extraterritorial court.

...2nd -The Military Court, in charge of this procedure, which carried out the trial's stages and decision, in Rabat, capital of the Morocco State, is an EXTRATERRITORIAL COURT. Its competence to judge the facts and acts produced outside the Reign of Morocco territory, makes it INCOMPETENT, according with the United Nations Security Council's resolutions, once these facts, are circumscribed within the Western Sahara, a non-autonomous territory, military and illegally occupied by Morocco (the " occupant country"), contrary to international law and therefore, outside the sovereignty, competence and jurisdiction of this same Rabat's Military Court, the process developed in itself being NULL and VOID.

(See annex 1)

The Gdeim Izik Group had some "privileges" compared to other Saharawi political prisoners namely, better accommodations, longer visiting time (Sale is over 1000km from El Aaiun), access to books, newspapers and some of the

detainees were studying. These "privileges" were due to the enormous international pressure. However medical neglect was applied to all the detainees in Sale, and in some cases deliberate medical neglect by administrating for instance of three antibiotics with contrary effects at the same time, excessive use of X-Rays, denial of medical assistance, medication that is not related to the complaints of the detainees.

Since the transfer of this group to El Arjat prison all "privileges" were removed and they have been victims of abuse, malnutrition and even beatings.

On October 18th 2016 the group of Saharawi political prisoners of Gdeim Izik, currently imprisoned in El Arjat, received an individual resolution for each of the 21 detainees from the Civil Criminal Court in Rabat, to inform that their appeals presented in 2013 had been accepted.

The Civil Criminal Court's decision is dated July 27 this year and the prisoners were informed on 18th October. The Moroccan judicial system, withheld this information for 82 days.

The group was transferred from prison Sale1 to El Arjat after this decision.

The Saharawi political prisoners of Gdeim Izik should be freed at once since their trial was null and void under international law and have the above-mentioned decisions of the Moroccan parliament and civil court.

5. Saharawi Students - political prisoners

14 Saharawi Students and activists were detained in the first trimester of 2016 after their participation in peaceful protests in the university sites in Agadir and Marrakesh. The students denounced that their detention was mainly due to their political beliefs towards the cause of Western Sahara. They were arrested and suffered torture and ill treatment on the hands of the Moroccan police. The Moroccan authorities have fabricated a false accusation against these students, who are charged with murder. In the absence of a serious investigation and a fair trial, as well as the respect for their status as political

prisoners, they decided to enter an open hunger strike in March 2016 which lasted over a month.

The trial of these students was already postponed three times. They are now in prison for over 8 months without trial. (List of the students see annex II)

6. Journalists - political prisoners

In the last three years several Saharawi journalists were detained and tortured. Some of them are now on parole others completed their sentences. In October 2016 the only journalist in prison is Mr. Salah Eddine Lebsir who was detained on June, 6th, 2015, in Smara, occupied territories of Western Sahara because of his activity as a journalist and his participation in peaceful protests. He was repeatedly tortured and transferred from jail to jail. Currently he is in Ait Melloul. In April 2016 he entered a hunger strike protesting against the cruel and inhumane treatment, torture and the conditions of the prison.

On a weekly basis Saharawi journalists are detained and tortured, most of them are freed after a few days, but are continuously followed and have their houses under surveillance.

7. Mbarek Daoudi

Mbarek Daoudi was born in 1956 and detained in September 2013, accused of being in possession of a firearm and bullets. The firearm is over 100 years old and a family heirloom from his ancestors which he had buried in the garden of a family country house.

These accusations were produced after he indicated the location of a mass grave with Saharawi corpses to a group of a foreign NGO.

After being detained by the police he was tortured in front of his sons and the sons in front of him.

In December 2014 he made a 52 days of hunger strike demanding a trial.

He waited over 17 month for a trial in military court and was then presented to the civil court of first instance in March 2015 that sentenced him to 3 months, but was not released, only a few weeks later he was presented to court again and sentenced to additional 3 months, but not released. He was transferred again from South of Morocco to Salé Prison in Rabat.

Currently he is in Bouzakarn prison with a 5 year sentence. The time he was in detention without trial (over 17 months) was never taken in account. He is in an isolation cell and has no communication with other prisoners.

Four of his five sons were also imprisoned and continuously tortured. They have all completed their sentences but, Mohamed Daoudi was detained again early October 2016 and tortured until he fell in a coma. He is now at home with severe health problems.

8. Mohamed Yahya Elhafed Iazza

Mr. Iazza was born in 1966 in Tantan and detained in February 2008. He serves a 15 year sentences and is currently in Taroudant prison. Mohamed Yahya Elhafed Iazza is a human rights activist, member of CODESA and AMDH (Moroccan Human Rights Association) in Tantan, he suffers from several chronically diseases as asthma, haemorrhoids and rheumatism. He was subjected to ill treatment and torture. In April 2014 in spite his severe health problems, the administration of Ait Melloul prison denied him any kind of medical assistance. In April/May 2014 he made a 45 day long hunger strike and was transferred from Ait Melloul prison to Oudaya, Marrakesh. He had already made a 17th day hunger strike before for the same reasons and in 2008 was on hunger strike for over 30 days. He was put in isolation cell several times during his incarceration in Inzegnan Prison, in 2009 in the night of his transfer to Ait Melloul he was tortured by more than 30 guards after that he entered anew in hunger strike.

He was kidnapped from his traditional Saharawi cloth shop on 29/02/2008 for participating in a peaceful demonstration in Tantan (Southern Morocco) and sentenced to 15 years' imprisonment.

On the same day he was brought to the police headquarters in Tantan, where he was tortured for 3 days together with other young Saharawi. A group of special police arrived for the torture session.

For 3 days his family was unaware of his whereabouts and his asthma medication was taken from him.

Mr. Iazza identified some torturers as Mustafa Kamour, police chief and a police officer called Abed Jalil Elwaaziz and another called Dekir Ahmed.

He was 3 days without food or water, without any blankets on the floor.

They hung him upside down by his feet, then in the Dajaja position (like a roasted chicken), they beat him with batons, they threatened him and he was "watered" with urine and garbage.

In Ouyada Prison he was in a 5x4m cell with bunk beds together with 26 other prisoners (common law prisoners), there was no appropriate ventilation, the cell always full of smoke and very dirty, the food was scarce and lacked basic nutrients, the drinking water had to be bought.

The current situation in Taroudant Prison is similar.

9. Salek Lassiri

Mr. Lassiri was born in 1984 and arrested on the 15th October 2004 in Tantan; he is currently detained in Ait Melloul. He was sentenced to life imprisonment for participating in a peaceful demonstration in Tantan, falsely accused of having murdered a police officer. Since his detention he made several long hunger strikes against the ill treatment and tortures he receives from the prison guards and the appalling conditions of the prison.

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On September 20th 2016 he was put in an isolation cell for a period of 30 days.

10. Tortures

Information about prison conditions and torture are similar in all reports; methods of torture include:

- 'Airplane' - Victims are forced to bend over while standing with their legs straight. The person's head is bent down until it cannot go down any further, while the hands are pulled up and held up to the highest point. The hips have to point upwards.
- Beatings
- Burning with cigarettes
- Chemical burns
- Chemical inhalation
- Removal of finger and toe nails
- Light deprivation
- Pretend Drowning
- Electrocution
- Flagellation
- Whipping of feet
- Force -feeding
- Hanging by the feet
- Mutilation
- Oxygen deprivation
- Rape/sexual assault
- Roasted Chicken - victim is suspended from a pole or spit
- Sodomy with sharp objects such as broken bottles, iron rods, legs of chairs
- Solitary confinement
- Sleep deprivation
- Starvation
- Strappado/squassation (also known as reverse hanging and Palestinian hanging)
- Stress positions

- Sweden drink - ingestion of urine and faeces
- Ta'liq - hanging from a metal bar
- Waterboarding

These torture methods are reported not only by former political prisoners, they also frequently feature in the reports of observers of trials where prisoners denounce torture and demand medical expertise; however, these claims are never investigated by the judge.

The families of the current political prisoners also confirmed these methods of torture.

Torture is on-going and is used to obtain confessions but also to "subdue" and "re-educate" Saharawi political prisoners.

When arriving at prison or transferred to another prison Saharawi political prisoners are almost always received with a torture session know as the "Welcome".

11. Conclusions

The situation of Saharawi political prisoners is unsustainable and a grave breach of all International treaties, covenants and agreements. It is urgent that the International community takes action and that the silence surrounding this issue is broken. None of the Saharawi Political Prisoners are in their homeland; all of them were abducted and brought to prisons in the Moroccan Kingdom.

The judicial processes are illegal and the liberation of all political prisoners should be immediate since there is no evidence to confirm the crimes they are accused of.

6th of November 2016

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Annex I - Fundación Sahara Occidental report- Gdeim Izik Trial

GDEIM IZIK GROUP TRIAL: NULL AND VOID
WESTERN SAHARA FOUNDATION REPORT - GDEIM IZIK TRIAL
17th February 2013

This Foundation accredited Juan Andrés Lisbona, Isabel Maria Lourenço, Rita Marcelino dos Reis, José Manuel de la Fuente Serrano e Rosário García Díaz, to be present at the audiences / hearings of the military trial which took place at the Rabat's military court, against 25 Saharawi prisoners. Upon the taking place of the mission in question, uninterruptedly, on the 1st, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th February last, this Foundation concludes:

1st- Concerning the Justice Administration, notwithstanding the Human Rights norms and international instruments, rectified by Morocco and, although holding a strong police and judicial contingent, it did not take into account,

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along the judicial process, the current law, therefore WEAKENING, in judicial seat, dependencies and institutions, the appliance legislation, this process having proved to be: a NULL and VOID.

2nd -The Military Court, in charge of this procedure, which carried out the trial's stages and decision, in Rabat, capital of the Morocco State, is an EXTRATERRITORIAL COURT. Its competence to judge the facts and acts produced outside the Reign of Morocco territory, makes it INCOMPETENT, according with the United Nations Security Council's resolutions, once these facts , are circumscribed within the Western Sahara, a non-autonomous territory, military and illegally occupied by Morocco (the " occupant country"), contrary to international law and therefore, outside the sovereignty, competence and jurisdiction of this same Rabat's Military Court, the process developed in itself being NULL and VOID.

3rd -The Rabat Military Court is INCOMPETENT under the constitutional and criminal law, according to article 127, of the recent - ratified Constitution of the Reign of Morocco, dated from the 29th July 2011, being in fact an EXCEPTIONAL COURT, prescript and forbidden, the developed process being of RADICAL NULLITY. The Rabat Military Court, presided by an ordinary judge "Zehhaf", judged, violating the application law, 25 Saharawi civilians , not holding the necessary jurisdictional faculties. The form and tone of interrogation to many of the latter, stating they had no sufficient education competences, in order to pronounce the court's legality, was totally inadequate.

4th- As this mission proved, in practice, the preliminary round phase of the crime, was converted into the dominant and decisive part of the criminal process, contaminating it in a serious and irremediable manner. The accusation and justice administration system, regarding the proofs which might have been obtained illegally, is very defective. A reality which this mission realized that prisoners' sexual violations and tortures, as means of obtaining confessions, which took place at the Royal Gendarmerie police premises and amid the military and pro-military corps which "in fact" operate in the Western Sahara, inflicted during weeks or even months, and whose wounds were exhibited in court, during the plenary and instruction phases, with many denounces, which were not under investigation, as it was denied, including the oral phase of the proving of such acts, and the possibility of their validity, therefore giving place to FRAGILITY OF THE DEFENCE RIGHTS.

5th- The oral testimonies ,were registered ,years upon the taking place of the

acts, along with the inappropriate /unjustified prolonging of detention, in police and penitentiary premises, amid tortures, physical and psychological coactions, postponing the trials and keeping the accused under protective imprisonment, contrary to international conventions and the Morocco law.

6th- This mission witnessed, that although the passed time, since the 8th November 2010, the date when the alleged acts took place, and the capacity and preparation of both the security corps and forces, as well as the Morocco courts and judges, an ILL, INCOMPLETE, SLANTING AND ILLEGAL INSTRUCTION. The inexistence within the process of the identity and circumstances on the dead victims, inexistence of forensic autopsies (an important item to determinate the cause of death, the place, moment and circumstances); inexistence of digital impression proofs and white weapons analysis; inexistence of morphologic studies and identification in films, consider not valid , in absolute, the dictated sentence. And once that none of the accused are identified in the presented films, the instruction and supposed accusation proofs obtained in the instruction phase and presented at the plenary, they are TOTALLY UNKNOWN REGARDING THE ACCUSED, together with the manner the King's Procurator presented and formulated the accusation. The existence at the time, of the violent dismantlement of the Gdeim Izik camp, under siege, surrounded by numerous state effectives and equipments (which included aerial means and at least five film cameras), make the "modus operandi" inconsistent / incongruous , reported by the accusation, with the reported facts, with plenty of void and IMPRECISOES, which made it absolutely impossible to recognize who, how and when, provoked the death of victims and if was violent. (The crimes appointed by those condemned were desecration of bodies, criminal and murder association).

This defective instruction, made the King's Procurator, at the Plenary, the very same day the trial hearings begun, to present, in a suppressive manner (in non-accomplishment with the previewed legal terms) the inclusion in the process of nine ocular witnesses of the acts and whose statements could bring some light on the authors identification and the circumstances of the crime perpetration. Hawadi Radouan, the first witness, declared he was present as an auxiliary corps, on the 13th February, at 13.15, local time, not having recognized any of the accused. The court's president, in the exercise of his stated conferred powers, forbid the plenary of hearing the rest eight witnesses. Therefore, impeding the defense of the possibility of proving the accused had had no participation in the violent acts.

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The only admitted defense witnesses and able to testify were:

Mohamed Salmani, Bachir Salmani, Mohamed Balkasmi, Mohamed Abhaoui and Hassan Dalel.

7th- Absence of guarantees in a lawful process and a correct appliance of justice, given that the police, judicial procedures and the oral trial phase, were deeply affected by the accused political activities and opinions, which overcame the circumstances. This mission regarded the inexistence of an impartial and independent justice during the trial, this process ought to be classified as a POLITICAL TRIAL and the prisoners as CONCIENCE PRISONERS.

8th- The observer mission proved numerous vices amid the proceedings , which ought to have provoked null and void, from the instruction phase in concrete and regarding the law applied within the territory:

- the underlined absence(and denounced repeatedly along the whole trial) of accusation proofs presented by the King's General-Procurator and the Judge of Instruction, MAKE THE WHOLE PROCESS AS NON-VALID, as the latter did not exercise their lawful guarantee function, thus violating the effective judicial protection principle (in accordance with its criminal system) and the presumption of innocence, accepting the police statements obtained, as declared by all the witnesses, under unimaginable forms of torture, IN THE ABSENCE OF ANY REAL PROOF along all the process.

- Absence of identification of the held forces by the security guards, holding incriminatory proofs in the instruction phase itself; signifying that they were arbitrarily imprisoned and by the fact of being Saharavis, of associations' members, in the defense of Human Rights, members of the Gdeim Izik negotiation commission or for opinions on the Western Sahara auto-determination, having been taken away unto detention centers before, during and upon the Gdeim Izik camp, with no connection with the mentioned acts, having been kept for days under unaccounted whereabouts.

- Violation of the right of defense, through the systematic refusal of proof of innocence, both during the instruction phase as during the plenary, impeding in concrete, the possibility of proving innocence, having been specially grotesque the proof presentation denials, insistently demanded by the defense, throughout all the plenary progress, as doctors for proving torture and important witnesses, such as the Minister of the Interior of Morocco and the MP (member of parliament) Gajmoula Ment Abbi.

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- Absence of lawyers during detentions, at the police and judicial quarters.
- Absence of communication towards the prisoners' families.
- The use of violent police methods, tortures and physical coactions and all orders at the judicial quarters, carried out in the presence of the instruction judge Bakkall Mohammad, deceased, to obtain signatures in digital impression , at the end of the version of the guilt confessions.

9th- This mission proved the violation of freedom of expression, conscience, meeting and association rights within the territory, awaiting the decolonization from the United Nations and the celebration of an auto determination referendum carried out by the Saharawi people; and the expression of political opinions which are carried out during the exercise of civil rights, recognized by the international treaties, subscribed by Morocco, are hindered. During the oral testimonies phase, the court intended to annul, at any moment, and avoid such statements; and only were permitted / allowed, upon a strong defense from lawyers and a closed meeting among the court and the latter.

10th- Detention, torture and sentence, as well as the Saharawi's demonstrators detention, correspond to the decided and systematic repression policy towards the political activists within the Reign of Morocco and the Western Sahara territory, as a method to minimize the Saharawi people growing movement demanding their right to auto- determination, recognized by the United Nations, in the defense of their rights, which ultimate expression was the Gdeim Izik camp.

11th- The state of terror which witnesses mention, the reports on torture and repression, reported during the plenary, violate the Morocco criminal law, which is applied to the Western Sahara inhabitants, the international agreements subscribed by Morocco, as the International Convention on the Elimination of All Forms of Racial Discrimination (1966), the international Agreements on Civil, Political, Economic, Social and Cultural rights(1966), the Agreement for the Prevention and Sanction of the Crime of genocide and Crime of Tortures, (rectified by Morocco in1950).

12th- This observer mission could prove, that the necessary conditions for the ongoing of a just, equitable and independent process were not to happen. The excessive and unjustified police presence, in the hearings room, the court's

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premises and in the outdoor surroundings, where hundreds of anti- order vehicles, lorries with water canyons prepared to intervene, situated in visible places, together with the stress / pressure the observers suffered, both inside the hearings room both all over the court, the threats upon translators, whose families had been "visited" in Western Sahara, having been adverted that translation activity was not to be convenient, frequency deterrent effects all round the zone, impeded phone communication, together with the media pressure on the Morocco media, that along with the police force, carried on filming and taking photos of the observers, and , specially, of the prisoners, having been published in papers and magazines with no permission, constitute an inadmissible exercise of the power of state, which played its direct influence on the justice process, deterring it.

This Foundation STATES ITS REPULSE REGARDING THE IMPRISONEMENT, INHUMAN TREATMENT AND THE SENTENCES THE MOROCCO REGIME HAS CARRIED OUT, QUALIFYING THIS PROCESS AS ILLEGAL; CONTRARY TO HUMAN DIGNITY AND THE PEOPLE'S RIGHTS.

Our solidarity and support are equally expressed to the prisoners, their families and the Saharawi people, for their suffering and violence they undergo.

Annex II - List of Saharawi Students - political prisoners

1. **Ahmed Abba Ali**, detention No. 4327, student in Agadir, detained in Marrakesh, responsible of contacts with Moroccan students and student groups born in 1993 in Tantan, arrested 24/01/2016;
2. **Mohammed Rgueibi**, detention No. 4331, student in Agadir, detained in Marrakesh, born in Guelmin in 1994, arrested 24/01/2016;
3. **Ali Shargui**, detention No. 4335, first year student in Agadir, detained in Marrakesh, born in 1994 in Assa, arrested on 24/01/2016;
4. **Mohammed Dada**, student in Marrakesh, detention No. 4482, born in Smara, arrested in El Aaiun 29/02/2016;
5. **Omar Beijni**, student in Marrakesh detention No. 4661, borin in El Aaiun, arrested in El Aaiun 15/03/2016;
6. **Ibrahim Almasih** detention No. 4329, student in Agadir, born in Assa in 1993, arrested on 24/01/2016 in Marrakesh;
7. **Hamza Rami**, detention No. 4330, student in Agadir, spokesperson of the Saharawi Students in the Science university of Agadir, born in 1992 in Tantan,

arrested on 24/01/2016 in Marrakesh;

8. **Salek Baber**, detention No. 4332, student in Agadir, born in 1993 in Tantan, spokesperson of the first year Saharawi Students in Agadir, arrested on 24/01/2016 in Marrakesch;

9. **Aziz Aluahadi**, detention No. 4400, student in Agadir, member of the student association of Agadir, born in 1993 in Emhamid Elghezlan, arrested on 06/02/2016;

10. **Mustafa Burkah**, detention No. 4326, student in Agadir, born in Assa in 1990, arrested on 24/01/2016 in Marrakesh,

11. **El Kantaoui Albar**, detention No. 4328, student in Marrakesh, coordinator of Saharawi Students in Marrakesh, born in 1992 in Assa ,arrested on 24/01/2016 in Marrakesh;

12. **Omar Laajna** detention No.4325, student in Marrakesh, member of the Saharawi student association, born in Tantan, arrested on 24/01/2016 in Marrakesch;

13. **Abedmoula Elhafidi**, detention No.4780, student in Marrakesh, human rights activist and former political prisoner, born in Boujador, arrested on 16/04/2016 in Boujador;

14. **Hassan Eraji**, student in Marrakesh, born in El Aaiun in 1993, arrested on 19/05/2016 in Marrakesh