

**H.E. Mr. Peter Maurer
President of the
International Committee of the
Red Cross
Avenue de la Paix 19
1202 Geneva**

Geneva, 9th October 2017

Open letter concerning the situation of the Sahrawi prisoners in the detention centres of the Kingdom of Morocco

Mr. President,

The signatory organisations call upon your attention over the situation of 19 Human Rights defenders, originating from the Non Self-Governing Territory of Western Sahara, who are detained after having been condemned to long term imprisonment¹ by the Appeal Tribunal of Rabat on last 19th July in the framework of the trial known as the Gdeim Izik case.

These convictions were pronounced at the end of a unfair trial marked in particular by the taking into account of confessions signed under torture. On 17th February 2013, along with five other Saharawi activists who had been freed, the Human Defenders were condemned to similar penalties by the Permanent Military Tribunal of the Royal Armed Forces of Morocco.

It was only under international pressure, notably from the United Nations Committee Against Torture², that on 27 July 2016 the Court of Cassation annulled the first judgment.

Beyond the numerous procedural irregularities and breaches of the internationally recognized principles on the right to a fair trial, we here denounce violations of the Fourth Geneva Convention.

¹ Perpetuity: Sidi Abdallah Abhah, Mohamed Bani, Mohamed El Bachir Boutinguiza, Brahim Ismaïli, Abdallah Lakhfaouni, Abdeljalil Laaroussi, Sid Ahmed Lamjayed, Ahmed Sbaï.

30 years reclusion: Naâma Asfari - Mohamed Bourial - Cheikh Banga.

25 years reclusion: Mohamed Kouna Babait, Hassan Dah, Mohamed Lamine Haddi, Mohamed Embarek Lefkir, Houssin Zaoui.

20 years reclusion: El Bachir Khadda, Mohamed Tahlil, Abdallah Toubali.

² On 16 December 2016, the Committee against Torture issued a decision condemning Morocco for the torture of Na'ma Asfari (one of the 19 detainees) the failure to investigate his allegations of torture and the reprisals against the applicant.

We recall, on the one hand, that since December 1963 Western Sahara has been recognized by the UN General Assembly as a Non-Self-Governing Territory to which, consequently, UNGA resolution 1514 (XV)³ has to be applied and, on the other hand, that it is the only Non-Self-Governing Territory that, since February 1976, does not have an internationally recognized administering Power.

We also recall that on 6 November 1975 the Kingdom of Morocco⁴ invaded militarily and subsequently occupied⁵ the majority of the said Non-Self-Governing Territory and engaged in an armed conflict with the Popular Front for the Liberation of Saguia el-Hamra de Rió de Oro⁶, which the UN General Assembly recognizes as the representative of the people of Western Sahara⁷. The conflict was frozen by the ceasefire that began on 6 September 1991.

In this context, the young Sahrawis who were arrested, tried and convicted in connection with the events that took place during the 2010 peaceful demonstration in the so-called Gdeim Izik desert zone, calling for the holding of a referendum on self-determination, have to be considered as "protected persons" in accordance with Article 4 of the Fourth Geneva Convention.

During the night between Friday 15 September and Saturday 16, 18 detainees were transferred from the prison of El Aarjat to various places of detention in the territory of the Kingdom of Morocco, only Mr. Naâma Asfari⁸ remained in the prison of El Aarjat.

It is for this reason that, the signatory organizations denounce the violation by the Kingdom of Morocco of Article 76 of the Fourth Convention and respectfully requests you, Mr. President, to send as soon as possible a delegation to the places of detention of the 19 convicts (listed in footnote 1) in accordance with Article 143 of the Convention and to invite the Kingdom of Morocco to abide by the Geneva Conventions to which it acceded in 1956.

Please accept, Mr. President, the expression of our highest consideration.

Contacts:

³ Declaration on the Granting of Independence to Colonial Countries and Peoples

⁴ A High Contracting Party since 26th July 1956, the Kingdom of Morocco has ratified Additional Protocols I and II on 3rd June 2011

⁵ The Un Security Council (resolution 380 – 6 Nov. 1975) and the UN General Assembly (resolution 34/37 – 21 Nov. 1979 and resolution 35/19 – 11 Nov. 1980) deplored the occupation of Western Sahara

⁶ June 23, 2015 Frente POLISARIO, as the authority representing the people of Western Sahara, deposited with the Swiss Federal Council the unilateral declaration in accordance with Article 96.3 of Additional Protocol I undertaking "to apply the Geneva Conventions of 1949 and Protocol I in the conflict between it and the Kingdom of Morocco. "

⁷ Resolution 34/37 (21 Nov. 1979)

⁸ On 12 Dec. 2016, following a complaint lodged by Naâma Asfari, the Committee against Torture has issued a decision (CAT / C / 59 / D / 606/2014) adopted by the Committee pursuant to article 22 of the Convention, finding that the Kingdom of Morocco has violated Articles 1, 12, 13, 14, 15 and 16 of the Convention.

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Co-signatory organizations

(In orange NGOs enjoying UN ECOSOC Status)

1. Acción Solidaria Aragonesa (ASA) - Spain
2. Adala UK – United Kingdom of Great Britain and Northern Ireland
3. Asamblea Permanente por los Derechos Humanos - Argentina
4. Alternative Refugee Center - Switzerland
5. **American Association of Jurists (AAJ)**
6. Associació d'Amics del Poble Sahrauí de les Illes Balears - Spain
7. Asociación de Amigos del Pueblo saharai de Toledo –Spain
8. Asociación de Amistad con el Pueblo Saharai de Albacete – Spain
9. Asociación Asturiana de Solidaridad con el Pueblo Saharai – Spain
10. Asociación Canaria de Amistad con el Pueblo Saharai (ACAPS) - Spain
11. Asociación Comunidad Sahraui en Aragón - Spain
12. Asociación de Discapacitados Saharai - Western Sahara
13. Asociación de Familiares de Presos y Desaparecidos Saharais – AFAPREDESA - Tindouf Refugees' camps
14. Asociación Ecuatoriana de Amistad con el Pueblo Saharai (AEAPS) - Ecuador
15. **Asociación Española por el Derecho Internacional de los Derechos Humanos (AEDIDH)**
16. Asociación Navarra de Amigos y Amigas del Sahara (ANAS) – Spain
17. Asociación Pro Derechos Humanos de España (APDHE) - Spain
18. Asociación Saharai de Control de los Recursos naturales y la Protección del Medio Ambiente - Western Sahara
19. Asociación Saharai de Víctimas de Violaciones Graves de los Derechos Humanos Cometidas por el Estado Marroquí (ASVDH) - Western Sahara
20. Asociación Saharai para la Protección de la Cultura - Western Sahara
21. Asociación Saharai contra la Tortura - Western Sahara
22. Asociación Venezolana de Solidaridad con el Sáhara (ASOVESSA) - Venezuela
23. Asociación Um Draiga de Zaragoza - Spain
24. Association pour le Développement des Energies Renouvelables / Sahara (ADER/S) - Switzerland
25. Association des Femmes Sahraouies en France - France
26. Association Française d'Amitié et de Solidarité avec les Peuples d'Afrique (AFASPA) - France
27. Association Maloca Internationale – Switzerland
28. Association de soutien à un Référendum libre et régulier au Sahara occidental (ARSO) - Switzerland
29. Association des Sahraouis en France - France

30. Association de Solidarité avec le Peuple sahraoui en Lorraine - France
31. BADIL – Resources Center for Palestinian Residency and Refugee Rights
32. Bureau International pour le Respect des Droits de l’Homme au Sahara Occidental (BIRDHSO) - Switzerland
33. Campaña Saharai para la sensibilización sobre el peligro de Minas (ASAVIM) - Tindouf Refugees’ camps
34. Cantabria por el Sahara - Spain
35. Centre Zagros pour les Droits de l’Homme - Switzerland
36. Centro Brasileño de Solidaridad con los Pueblos y Lucha por la Paz (CEBRAPAZ) - Brazil
37. Centro de Conservación de la Memoria - Western Sahara
38. Colectivos Saharai de Defensores de Derechos Humanos (CODESA) - Western Sahara
39. Collectif Sahraoui pour la défense des droits de l’homme – France
40. Comisión Ecuánica de Derechos Humanos de Ecuador (CEDHU) – Ecuador
41. Comisión Nacional de los Derechos Humanos de la República Dominicana (CNDH-RD) – Dominican Republic
42. Comisión Nacional Saharai de Derechos Humanos (CONASADH) - Tindouf Refugees’ camps
43. Comité d’Action et de Réflexion sur le Futur du Sahara occidental (CARASO) – France
44. Comité National Algérien de Solidarité avec le Peuple Sahraoui (CNASPS) - Algérie
45. Comité de Defensa del Derecho de Autodeterminación del Pueblo del Sahara Occidental (CODAPSO) - Western Sahara
46. Comité de Familiares de Mártires y Desaparecidos - Western Sahara
47. Comité de Familiares de los 15 Jóvenes secuestrados - Western Sahara
48. Comité de Familiares de los Presos políticos Saharauis - Western Sahara
49. Comité de Protección de los Defensores Saharauis - Western Sahara
50. Comité pour le Respect des Libertés et des droits humains au Sahara occidental (CORELSO) - France
51. Comité Saharai de Defensa de Derechos Humanos - Western Sahara
52. Comité de Solidaridad Oscar Romero - Spain
53. Comités de soutien européens au peuple sahraoui (EUCOCO) - Belgium
54. Comité suisse de soutien au Peuple Sahraoui – Switzerland
55. Coordinadora Estatal de Asociaciones Solidarias con el Sahara (CEAS-Sahara) - Spain
56. Coordinadora de Gdeim Izik - Western Sahara
57. Diaspora Saharai en Bizkaya – Spain
58. Droit / Solidarité - France
59. Equipe Média - Western Sahara
60. European Lawyers for Democracy and Human Rights (ELDH) – Germany
61. Federación ACAPS de Catalunya –Spain
62. Federación Andaluza de Asociaciones Solidarias con el Sahara (FANDAS) - Spain
63. Federación d’Associacions de Solidaritat amb el Poble Sahrauí del País Valencià (FASPS-PV) – Spain
64. Federación de Asociaciones de Amigos del Pueblo Saharai de Extremadura (FEDESAEX) - Spain
65. Federación de la Comunidad de Madrid de Asociaciones Solidarias con el Sahara (FEMAS Sahara) - Spain
66. Femme et développement - Switzerland
67. Fondation Maloca Internationale - Colombie
68. Foro Abogados de Izquierda - Spain
69. Forum Futuro de la Mujer Saharai - Western Sahara
70. Forum Menschenrechte - Germany

71. [France Libertés – Fondation Danielle Mitterrand](#)
72. Freedom Sun - Comité de Protección de los Defensores Saharais - Western Sahara
73. [Fundación Latinoamericana por los Derechos Humanos Y el Desarrollo Social \(Fundalatin\)](#)
74. Fundación Mundubat - Spain
75. Giuristi Democratici - Italy
76. Grupo Non Violence Active – NOVA Sahara occidental - Tindouf Refugees' camps
77. [International Association of Democratic Lawyers \(IADL\)](#)
78. [International Educational Development, Inc.](#)
79. [International Fellowship for Reconciliation \(IFOR\)](#)
80. [International-Lawyers.Org](#)
81. [Liberation](#)
82. Liga de Defensa de los Presos políticos Saharais - Western Sahara
83. Ligue des étudiants et de la jeunesse du Sahara occidental en France - France
84. [Mouvement contre le Racisme et pour l'Amitié entre les Peuples \(MRAP\)](#)
85. Observatorio Aragonés para el Sahara Occidental - Spain
86. Observatorio Saharai de Protección del Niño - Western Sahara
87. Pallasos en Rebeldía y Festiclown - Spain
88. Plateforme française pour la solidarité avec le peuple Sahraoui – France
89. [Prahar](#)
90. Refugee Saharawi - Sweden
91. Saharawi Association in USA (SAUSA) – U.S.A.
92. Schweizerischen Unterstützungskomitees für die Sahraouis Besuche – Switzerland
93. Solidariedade Galega co Pobo Saharai (SOGAPS) - Spain
94. Terre des Hommes Schweiz- Switzerland
95. Unión de Abogados Saharais (AUS) - Tindouf Refugees' camps
96. Unión de Asociaciones Solidarias con el Sahara de Castilla y León - Spain
97. Unión de Juristas Saharais (IJS) - Tindouf Refugees' camps
98. Unión de Periodistas y Escritores Saharais (UPES) - Tindouf Refugees' camps
99. [Worldd Barua Organization](#)
100. [World Peace Council](#)
101. Zain Atfaak - Belgium

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