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Morocco/Western Sahara: The Polisario must release remaining POWs

On the 12th anniversary of the day on which the Moroccan authorities and the Polisario Front formally ended 16 years of armed hostilities, Amnesty International reiterated its call today for the immediate release and repatriation of the more than 900 remaining Moroccan prisoners of war still being detained by the Polisario Front.

"It is high time that these men are allowed to return home to their families," the organization said. "Most of the men have been detained for over two decades. Among them are old and sick people, whose release must be a priority."

According to the Third Geneva Convention, all prisoners of war must be released without delay after the cessation of active hostilities. Over the years, the Polisario Front has periodically freed groups of prisoners. The latest initiative was the release of 243 men by the Polisario Front on 1 September 2003. While Amnesty International welcomes such steps, the organization urges the Polisario Front to immediately release all remaining prisoners.

"The continued detention of these men over a decade after the declaration of a cease-fire is a grave abuse of their right to physical and mental integrity," the organization added.

The Moroccan authorities refused to allow 85 Moroccan prisoners of war released by the Polisario Front in April 1997 to enter their country. At the time the Moroccan authorities were opposed as a matter of principle to any repatriation which did not encompass all the prisoners. The released prisoners were unable to return home for nearly three more years, finally being allowed to enter Morocco in February 2000.

Background

Western Sahara has been the subject of a territorial dispute between Morocco, which annexed the territory in 1975 and claims sovereignty there, and the Polisario Front, which calls for an independent state in the territory and has set up a self-proclaimed government-in-exile in refugee camps in south-western Algeria. A UN Settlement Plan was agreed to in 1988 by both the Moroccan authorities and the Polisario Front and was approved by the UN Security Council in 1991.

After more than a decade of conflict, both parties agreed that a referendum in which the Sahrawi

population would be asked to choose between independence and integration into Morocco would be organized and conducted by the UN Mission for the Referendum in Western Sahara (MINURSO). The referendum was originally set for 1992, but has been repeatedly postponed. The latest UN-backed plan to unblock the stalemate proposes a five-year self-governing period for Western Sahara in the lead-up to the referendum. The new plan stipulates that, if it comes into effect, all prisoners of war must be released immediately.

In recent years, the International Committee of the Red Cross have had access to the detention centres in the refugee camps of Tindouf in south-western Algeria, where the Polisario Front is based. They have conducted some two visits per year, monitoring the situation of the Moroccan prisoners and providing a range of services, including medical assistance and enabling prisoners to communicate with their families. Article 118 of the Third Geneva Convention states that "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities."

Public Document

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