

MOROCCO / WESTERN SAHARA

Kelthoum Ahmed Labid EL-OUANAT

Prisoner of Conscience

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Kelthoum Ahmed Labid

EL-OUANAT, a 24-year-old

woman from Smara (Western Sahara) is currently imprisoned in Ben Sergaou Military Prison, near Agadir (south of Morocco)

serving a 20-year prison sentence imposed by the Moroccan military court in July 1993. She was arrested with

four others in October 1992, at the time of protest demonstrations in Smara and other towns in Western Sahara.

Scores (or even hundreds according to some reports) of Sahrawi youths were arrested following the demonstrations

which reportedly took place to call for independence in Western Sahara, to protest

against the holding of Moroccan parliamentary elections in Western Sahara, and to call for the release of detainees and “disappeared” Sahrawis.

Kelthoum Ahmed Labid EL-OUANAT.

Kelthoum Ahmed

Labid El-Ouanat was arrested

on 10 October 1992 in the office of the governor in Smara, where she had gone with her father in response to a summons she had received the previous day. After her arrest she was held in secret detention, completely cut off from the outside world and without access to her family, lawyers or medical care for 10 months, during which she was allegedly beaten,

tortured and sexually abused. She was brought to trial on 29 July 1993 before the military court in Rabat (Morocco), with five other youths, Brahim Jouada, El-Bar Baricallah and Mohamed Bennou, who were among those arrested on 8 October, following the demonstrations, and Ali Gharabi and Salek Bazid, who were arrested in May 1993. All six of them were held in secret detention until the day of the trial, that is for several months.

Kelthoum and these five youths (plus another tried *in absentia*) were charged with threatening the external security of the state; in addition Kelthoum and the three youths arrested in October were also charged with burning other people's property. Neither Kelthoum nor her co-defendants were allowed any contact with their families or access to a lawyer before the trial and were not allowed to exercise their right to choose their defence lawyers. The trial in the Military Court in Rabat on 29 July 1993 took place *in camera*, and neither Kelthoum's family, nor the families of the other defendants were allowed to be present.

She was convicted on the basis of a police statement, which she rejected in court saying that she had been forced to sign it after torture and ill-treatment. The other defendants also alleged that they had been tortured and retracted the police statements they had signed. However, the court did not order any investigation into their complaints and did not take them into account. Kelthoum and co-defendants were convicted of the above charges and all were sentenced to 20 years' imprisonment.

The charge of threatening the external security of the state was based on their known or suspected support for the Polisario Front (the *Frente Por la Liberación de Saguia el Hamra y Rio de Oro*, Popular Front for the Liberation of Saguia El Hamra and Rio de Oro). No evidence was brought to substantiate the charges against Kelthoum and the other three defendants accused of having burned other people's property, other than the police statements which the accused said had been extracted under torture.

At the time of the demonstrations in Smara and other towns in Western Sahara, the Moroccan authorities had confirmed that demonstrations had taken place, but stated that these had been in protest at social and economic conditions and not politically-motivated. There were no reports (by the Moroccan authorities or others) that the demonstrators had burned any property. The United Nations Mission for the Referendum in Western Sahara, MINURSO¹, based in Western Sahara was also not able to confirm that any acts of violence had taken place.

¹ The referendum on the future of Western Sahara, sponsored by the United Nations, in cooperation with the Organization of African Unity (OAU), and agreed by Morocco and the Polisario Front, was scheduled to take place at the beginning of 1992 but has been postponed ever since. MINURSO has been based in Western Sahara since 1991.

On the basis of the above and of its own investigation, Amnesty International considers Kelthoum Ahmed Labid El-Ouanat and those convicted with her to be prisoners of conscience, imprisoned solely on account of their conscientiously-held beliefs, and calls for their immediate and unconditional release.

BACKGROUND

Amnesty International has over the years documented and campaigned against grave human rights violations committed by the Moroccan security forces in Western Sahara. Since Morocco took control of Western Sahara at the end of 1975, hundreds of Sahrawi men and women known or suspected of pro-independence activities and support for the Polisario Front, have “disappeared” after having been arrested by Moroccan security forces. More than 300 of these “disappeared” men and women were released in June 1991 after up to 16 years in secret detention centres in Morocco and in Western Sahara, where they were held in cruel and inhuman conditions, and where scores of them died as a result. For years, and right up to the time of their release, the Moroccan Government not only denied any knowledge of these “disappeared” and of their whereabouts, but it also denied their existence. When these “disappeared” were freed in 1991, the Moroccan Government issued a list of those released as individuals released by royal pardon.

Hundreds of others who “disappeared” after having been arrested by Moroccan security forces since 1975 remain unaccounted for, and the former “disappeared” released in 1991 continue to live under strict surveillance by the Moroccan security forces. To date their secret detention has not been investigated and no one has been brought to justice for their “disappearance”. They have received no compensation for the inhuman treatment they were subjected to during so many years of secret detention, and the families of those who died in these secret detention centres have neither been formally notified of their relatives’ deaths, nor informed of their place of burial.

In addition, many of these former “disappeared” men and women have been rearrested and detained incommunicado for periods varying between a few days to several months. Hundreds of other Sahrawis have also been arrested in the past few years and detained as prisoners of conscience in similar conditions.

For example, in a case similar to that of Kelthoum Ahmed Labid El-Ouanat, eight Sahrawi youths were arrested in May 1995. Ahmed El-Kouri, Nebt Ramdane Bouchraya, Arbi Brahim Baba, Cheykhatou Bouh, M’Rabih Rabou Neysan, Abdelhay Lekhal, Mahfoud Brahim Dahou and Salama Ahmed Lembarki, all aged between 18 and 20 years, were accused of having taken part in a peaceful pro-independence demonstration in Laayoune. After arrest they were held incommunicado in secret detention for over five weeks, during

which they were allegedly tortured and ill-treated. They were tried *in camera* by the Rabat Military Court on 21 June 1995 on charges of threatening the external security and territorial integrity of Morocco. In court the youths denied having organized or participated in the pro-independence demonstration, and stated that they had been forced to sign confessions under torture, including electric shocks, but their complaints were not investigated. Their confessions stated that they had prepared and carried Polisario flags, organized and participated in the gathering and chanted pro-independence slogans. They were convicted and were given prison sentences varying between 15 and 20 years.

Their trial began during the visit of a MINURSO delegation to examine the preparations for the referendum. For the first time, in the few cases where Sahrawis who have been arrested were actually brought to trial, observers from Moroccan human rights organizations attended the trial. The trial was condemned as grossly unfair by Moroccan and international human rights organizations, and on 9 July 1995, on the occasion of King Hassan II's birthday and of Youth Day, their sentences were reduced to one year's imprisonment by royal pardon. Amnesty International welcomed the reduction of their sentence, but continues to call for their immediate and unconditional release.

The conviction and heavy sentences imposed on Kelthoum and her co-defendants in 1993, and on the eight above-mentioned youths in 1995 marked the beginning of a new pattern of human rights violations against Sahrawis known or suspected of peaceful pro-independence activities, which further increased the existing restrictions on freedom of expression and association in Western Sahara.

Amnesty International considers Kelthoum Ahmed Labid El-Ouanat and those imprisoned with her prisoners of conscience and calls for their immediate and unconditional release.

KEYWORDS: PRISONERS OF CONSCIENCE1 / WOMEN1 / INCOMMUNICADO DETENTION / TORTURE/ILL-TREATMENT / CONFESSIONS / TRIALS / DEMONSTRATIONS / PHOTOGRAPHS /