



SAHRAWI NGO ALLIANCE
تحالف المنظمات غير الحكومية الصحراوية

**Information Report Submitted to the Working
Group on the Universal Periodic Review
Periodic Review of the State of Algeria, 2022**



2022

General Context:

The African Organization for Human Rights Monitoring¹, Defenders for Human Rights², and the Memory and Justice Association³ present a comprehensive examination of the Algerian Government's compliance with its international human rights obligations throughout its national territory, including the Sahrawi refugee camps in the Tindouf region. This examination is made in relation to addressing the legacy of gross violations, such as extrajudicial killings, enforced disappearances, torture, arbitrary detention, and other practices detrimental to human rights.

On the occasion of the review of the state of rights and freedoms in Algeria within the framework of the Fourth Cycle of the Universal Periodic Review (UPR) mechanism, the coalition of Non-Governmental Organizations analyses the adherence of the State under review to its international obligations regarding the aforementioned issues. Furthermore, it addresses issues concerning self-determination, asylum situations, the functioning of the National Human Rights Institution (NHRI), civil society space, freedom of association and peaceful assembly, freedom of opinion and expression, as well as acts of reprisals against individuals cooperating with the United Nations in the field of human rights.

In parallel, the coalition assesses the Algerian Government's implementation of the recommendations made to it during the Third Cycle of the UPR mechanism related to said issues, while presenting a number of relevant recommendations.

The examination process of Algeria's national report within the Third Cycle of the UPR mechanism, along with all recommendations made by UN Member States and information submitted by stakeholders, resulted in 229 recommendations received by the Algerian delegation. Of these, 177 recommendations enjoyed the support of the State under review, additional clarification was provided regarding 16 other recommendations, and 36 recommendations were noted⁴.

¹ The African Organization for Human Rights Monitoring (AFRICA WATCH) is a non-governmental civil entity comprising a group of human rights defenders from North Africa. Supported by partner organizations in the Sahara and North Africa regions, it endeavors to provide protection to victims of gross violations within the Sahrawi refugee camps in Tindouf and the Western Sahara region.

The Organization works on issues pertaining to peace, democracy, and human rights. It is actively engaged in advocacy before international human rights protection mechanisms, including both treaty-based and charter-based bodies. Furthermore, the Organization conducts awareness-raising and educational activities concerning International Human Rights Law (IHRL) and International Humanitarian Law (IHL). It also renders assistance to victims, representing them before human rights bodies and assisting them through grievance mechanisms and complaint procedures.

² Defenders for Human Rights is a non-governmental human rights organization established in 2015. It operates within the framework of defending civil, political, economic, social, and cultural rights, as set forth in the Universal Declaration of Human Rights.

³ The International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights is an African non-governmental organization committed to working towards the respect of human rights and international humanitarian law, and to the promotion of peace on the African continent.

⁴ It is evident from the report of the Working Group on the Universal Periodic Review (UPR) that numerous recommendations regarding the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture (OPCAT), the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Rome Statute of the International Criminal Court, and other instruments defining the extent of State compliance with obligations in the fields of international human rights law and international humanitarian law

[A / HRC/36/13/Add.1](#)

This large number of rejected recommendations has constituted a source of serious concern for the NGO Alliance, both in terms of the increased percentage compared to the State's review in the Second Cycle, and in terms of the significance of the recommendations submitted.

These recommendations are primarily linked to the ratification of international instruments considered by the coalition to be of paramount importance for the promotion and protection of human rights in Algeria. This serves as an indicator of the existence -or lack thereof- of political will and the desire to fulfill international obligations in the field of human rights.

Regarding the Past Legacy of Gross Violations, Reconciliation, and the Policy of Impunity

1. The Algerian authorities have enacted a package of legislation and laws⁵ aimed at halting acts of violence committed on Algerian territory. This followed the intervention of the military establishment in the political process ten years prior, its attempt to undermine political action and pluralism in the country, and its influence on the results of the 1992 elections. This situation fueled a power struggle between Islamist groups and the Algerian army forces, claiming the lives of 200,000 people from various segments of Algerian society and compromising the country's future for decades.
2. The laws related to the reconciliation project in Algeria focus on providing guarantees of impunity for perpetrators of gross violations, regardless of the nature of those violations or the region of the State under review, including the Sahrawi refugee camps in the Tindouf region, southwestern Algeria⁶.
3. The launch of a peace and reconciliation project - encompassing amnesty, truth-telling, reparation for victims (individually or collectively), and guarantees of non-repetition - could not have proceeded in a democratic society without the inclusion of the Tindouf region.

This region has hosted Sahrawi refugee camps since 1975, for which the Algerian State has abandoned its protection obligations by delegating its legal and judicial jurisdiction to a military organization⁷.

This organization has transformed the area into a large detention center where extrajudicial killings, enforced disappearances, torture, degrading and humiliating treatment, arbitrary detention, and other gross violations prevail.

⁵ Since the outbreak of violence in Algeria following the cancellation of the electoral process in 1992, the Algerian authorities have attempted to end the cycle of the power struggle. However, initiatives such as the National Consensus under the tenure of President Liamine Zeroual and the Clemency Law (*Rahma Law*) failed to meet the aspirations of Algerians for freedom, the construction of a democratic society governed by institutions, a dignified life, and an apology to the people for the gross violations that occurred. This was followed by the Civil Concord Law, which represented the initial steps in the trajectory of national reconciliation in Algeria, notwithstanding its shortcomings.

⁶ The protection afforded by the Algerian Peace and Reconciliation Law encompasses a prohibition against mentioning, prosecuting, or publishing information regarding political and security officials and their associates concerning any acts of killing, enforced disappearance, or torture they may have committed. Furthermore, these laws included provisions explicitly criminalizing the criticism of such gross violations and yielded no significant progress in cases of enforced disappearance and other serious abuses. This is explicitly stipulated in Article 46 of the Charter, which precludes the prosecution of, or the filing of complaints against, any security apparatuses, whether individually or collectively. It further issues a direct mandate to judicial authorities to declare inadmissible any complaint or report concerning these violations, and indeed, establishes severe penalties for those who violate this law.

⁷ The Sahrawi refugee camps in the Tindouf region of southwestern Algeria are administered by the Polisario Front, a military organization established on April 29, 1973, in the city of Zouerate, northern Mauritania. It militarily contested the Kingdom of Morocco regarding sovereignty over Western Sahara until the ceasefire in 1991.

These acts are committed systematically, outside the radar of UN monitoring or international human rights organizations, due to the impossibility of monitoring and documenting them in such a hermetically sealed context.

4. Although the Algerian State has acknowledged the acts of violence and gross violations that occurred during the intensification of the power struggle in the country, and despite enacting laws and legislation to turn the page on this painful past, the violations that occurred in the Sahrawi refugee camps have remained forgotten.

Furthermore, the Algerian government has actively ignored them and turned a blind eye to events in those camps by transferring its competencies in the field of refugee protection on its territory⁸.

5. Recourse to extrajudicial killings, enforced disappearance, torture, and cruel or degrading treatment to extract confessions has remained a systematic method employed by the Polisario security apparatus to monopolize power and terrorize dissidents, journalists, human rights defenders, and civilians.

This occurs in the total absence of the rule of law and protection by the host State of the camps, which are closed to any international monitoring by UN human rights mechanisms or international human rights organizations, with the exception of breaches described as exceptional due to their quality and the accuracy of their monitoring of violations committed in Polisario's irregular detention centers⁹.

6. The belief prevailed that no one who fell into the grip of the Polisario security apparatus would survive, given its lack of subjection to any oversight by Algerian authorities or UN bodies, and its *de facto* control over camp affairs. The heavy death toll¹⁰ in the Tindouf camps since their establishment has left a general sense of insecurity across all Sahrawi refugee gatherings in Tindouf¹¹, after Polisario security forces abused dissidents and civilians and imposed unjust security measures aimed at controlling the camps and silencing voices calling for change and freedom.

⁸ The Algerian authorities do not consider the transfer of their competencies under international law, regarding the protection of Sahrawi refugees present on their national territory, to constitute a violation. Rather, they maintain that the delegation of their legal jurisdiction to the Polisario military organization was based on the conviction that the administration of the camps should be conducted by the Sahrawis, in full respect of their traditions and customs; a position that stands in explicit violation of the rules of international law.

It should be noted that the Human Rights Committee drew the attention of the State of Algeria to the illegality of transferring its powers to a military organization that has committed gross violations since the establishment of the camps. In its Concluding Observations, the Committee recommended the immediate termination of such delegation and that the State assume its responsibilities for the protection and safeguarding of these refugees.

See the report of the Human Rights Committee regarding the consideration of the fourth periodic report of Algeria (CCPR/C/DZA/CO/4).

⁹ France Libertés published a detailed report concerning the gross violations committed against Moroccan prisoners in the detention centers of the Polisario organization. It detailed the various forms of torture resulting in death, executions, mutilation of corpses, amputation of limbs, forced labor, and other methods endured by the prisoners. The publication of this report contributed to the resolution of the prisoner crisis and their subsequent release through the International Committee of the Red Cross (ICRC).

https://www.arso.org/flrapport_tindouf.pdf

¹⁰ The serious violations committed in the Sahrawi refugee camps have left hundreds dead, forcibly disappeared, and tortured victims, and their lists have not yet been compiled due to the impossibility of the task, given the continued persecution of Sahrawis living in the camps by the Polisario Front, and the closure of the camps to any independent entity or organization aiming to monitor the human rights situation in that area independently.

See a non-exhaustive list of Sahrawi victims of extrajudicial killings in the Sahrawi refugee camps.

¹¹ The Sahrawi refugee camps are distributed across five centers named after cities in Western Sahara: Boujdour, Dakhla, Laayoune, Aousserd, and Smara.

7. Consequently, the Sahrawi refugee camps have remained outside the measures of the Charter for Peace and National Reconciliation in Algeria. To date, the page on past gross violations in the camps has not been turned. The denial of the victims' right to know the truth of what happened and to receive reparations continues to be effective, alongside a systematic policy of impunity for those responsible for committing gross violations.

Recommendation:

We note the non-inclusion of Sahrawi victims in the Algerian national reconciliation process, leaving them without protection or reparations. Consequently, we call upon the Algerian authorities to initiate a transitional justice process that ensures the revelation of the truth regarding what happened to Sahrawi refugees in the camps, the provision of reparations, and the offering of guarantees of non-repetition within the framework of a comprehensive national reconciliation, ensuring that those responsible for violations do not escape punishment.

2. Regarding Self-Determination

8. The status of the Polisario Front as a non-state actor necessitates treating the matter as a case of an organization still groping its way toward a proper application of Resolution 1514 regarding the Declaration on the Granting of Independence to Colonial Countries and Peoples.

The African Union's view of the Polisario Front as a member state of this regional body is inconsistent with its request for the application of the principle of self-determination. The latter is considered a choice that precedes the status of membership in any bloc, whether regional or international. This complicates the understanding of the Polisario Front's legal status: is it an organization aspiring to exercise its right to apply the principle of self-determination, or is it a member of an international regional union?

9. The Algerian authorities undertake international advocacy for the right of the Polisario Front to demand the application of the right of peoples to self-determination, while simultaneously attempting to enforce its positioning as a state within the African Union bodies.

This raises the issue of bias toward one party over the other in the Western Sahara dispute. Every intervention by the Algerian government in the settlement process of the dispute between the Kingdom of Morocco and the Polisario Front constitutes an undermining of UN efforts to end the conflict by peaceful means and causes severe damage to the negotiation process as a whole.

10. In light of this, it would be logical to call upon the State of Algeria to respond to the aspirations of the Kabyle people¹², to open a serious dialogue with their legitimate representatives regarding self-determination, and to grant a space of freedom to enable them to build their convictions regarding their just demands.

These demands consist of protection from brutal repression and marginalization, meeting the development needs of the population of the Kabylie region, and the official recognition of the Amazigh language and culture.

Recommendation:

The NGO Coalition recommends that the State under review grant the Kabyle people the exercise of their right to self-determination, respect their aspirations for freedom, dignity, and development, and protect the inhabitants of the region from gross violations committed by the State's military and security apparatuses.

3. Regarding Cooperation with UN Mechanisms for the Protection of Human Rights

11. The interaction of the Algerian authorities with United Nations human rights protection mechanisms continues to be characterized by moodiness at times and hesitation at others. This is due to the absence of high-level political will to promote human rights and to make them the focal point of all national policies and strategies aimed at improving the status of rights and freedoms in the country.

12. The lack of clarity in fulfilling the obligations of the Algerian authorities under the conventions to which they are a party is attributed to the failure to accord international human rights conventions a status superior to national legislation¹³.

The NGO Alliance notes extreme slowness in the Algerian government's response to requests by the Human Rights Council's Special Procedures to organize visits to the country, which may extend to two decades, as is the case with requests submitted by the Working Group on Enforced or Involuntary Disappearances (WGEID)¹⁴ and the Working Group on Arbitrary Detention (WGAD)¹⁵.

¹² For decades, the Kabyle people have demanded the right to self-determination and secession from Algeria, consequent to the discrimination and waves of repression to which they have been subjected by various branches of the Algerian military and security apparatus. The most recent instance occurred in August 2021, when security agencies subjected broad segments of the Kabyle population to persecution under the pretext that an individual belonging to the region had committed arson and killed a young man in the aftermath of said events. The population of Kabylie stands at five million.

In light of the extensive record of repression, killings, torture, and the infringement of freedoms in the Kabylie region by Algerian security agencies, Kabyle leaders have demanded the proper implementation of the right to self-determination. Accordingly, the establishment of the Movement for the Independence of Kabylie (MAK) was announced, advocating for secession from the Republic of Algeria.

¹³ Article 154 of the Algerian Constitution stipulates those international conventions supersede national law, not the text of the Constitution. Furthermore, any agreement whose provisions conflict with the Constitution is not ratified by the Algerian authorities, according to Article 198.

¹⁴ The Working Group on Enforced or Involuntary Disappearances submitted a request to visit the Algerian authorities on August 25, 2000, and this request has been renewed on several occasions, most recently on January 7, 2022, without receiving final approval from the State under review.

<https://spinternet.ohchr.org/Search.aspx?Lang=en&MandateRefID=46>

¹⁵ The Working Group on Arbitrary Detention has been waiting for the Algerian government's response to its request to visit the country since January 16, 2009, without any response. This is not inconsistent with the statements of the Algerian delegation in Geneva regarding recommendations submitted on cooperation with the United Nations human rights protection mechanisms, where it affirmed that the authorities cooperate effectively with the UN mechanisms, but those teams prove otherwise.

Recommendation:

The NGO Alliance would like the State of Algeria to provide facilities to the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention to organize visits to the country as soon as possible to investigate the allegations received within the framework of their UN mandate.

13. Within the framework of the review of the human rights situation in Algeria during the third cycle of the Universal Periodic Review (UPR), many States recommended the necessity of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture (OPCAT) establishing the National Preventive Mechanism against torture; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Recommendation:

The NGO Alliance recommends that the State of Algeria ratify the following instruments:

- 1. The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).**
- 2. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**
- 3. The Optional Protocol to the Convention against Torture (OPCAT), establishing the National Preventive Mechanism.**
- 4. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**
- 5. The Rome Statute of the International Criminal Court.**

4. Impunity

14. The State of Algeria has made no progress toward investigating the numerous gross violations committed in the Tindouf camps, including killing, abduction, enforced disappearance, and torture, committed by the Polisario military organization since the establishment of the camps in 1975.

The Algerian government has continued to evade its responsibilities and international obligations in the field of human rights, as it has not included the remediation of the human rights legacy resulting from crimes committed by the Polisario against the camp population.

15. The policy of impunity has become further entrenched through the failure of national reconciliation legislation to address cases of gross violations in the Sahrawi refugee camps located within the State's national territorial jurisdiction¹⁶, and the fact that those responsible for committing such violations remain in their positions¹⁷.

16. Sahrawi victims do not enjoy legal remedies before Algerian national courts for the killings, torture, abductions, and enforced disappearances they have suffered. This is due to the transfer of the host country's powers to the Polisario military organization without the slightest oversight of its administration of those camps.

Any allegations of gross violations will not reach any protective body, whether national or international, because the camps are hermetically sealed, and the heinous acts to which refugees are subjected cannot be publicly disclosed.

This effectively grants blanket immunity for human rights violations committed since the establishment of the camps in Tindouf, where Polisario security forces have carried out widespread torture operations and hundreds of extrajudicial executions and enforced disappearances, all of which are crimes under international law.

The failure to punish those responsible for these violations contradicts Algeria's international obligation to investigate these crimes and hold perpetrators accountable, thereby depriving victims and their families of effective redress for the wrongs they have suffered.

Recommendation:

The NGO Alliance encourages the State under review to revoke the delegation of its legal and judicial jurisdiction to the Polisario organization and to hold perpetrators of gross human rights violations in the Sahrawi refugee camps since their establishment accountable before national courts.

5. Enforced Disappearance

17. The Working Group on Enforced or Involuntary Disappearances (WGEID) has received information from reliable sources regarding obstacles encountered in the implementation of the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance in Algeria¹⁸.

¹⁶ The government enacted legislation to stop the cycle of violence in Algeria and opened a path to reconciliation since 2005. However, the Algerian authorities excluded the violations that occurred in the Sahrawi refugee camps from the reconciliation measures, ignoring the victims' demands to reveal the truth about what happened, to compensate individual and collective victims, and to provide guarantees of non-recurrence and to punish the perpetrators.

¹⁷ Human Rights Watch's 2014 report, "Off the Radar: Human Rights in the Tindouf Refugee Camps" and Amnesty International's 2012 report, both clearly demonstrate the lack of accountability for past abuses in the Tindouf camps.

<https://www.hrw.org/ar/report/2014/10/18/267930>

<https://www.amnesty.org/en/wp-content/uploads/2021/06/pol100012012en.pdf>

¹⁸ The Algerian authorities have not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

18. Sources have reported the commission of gross human rights violations in the Sahrawi refugee camps near the city of Tindouf, Algeria, by Polisario Front forces, in a systematic manner. These violations have taken various forms, such as abduction, enforced or involuntary disappearance, extrajudicial execution, and torture.

19. The Polisario Front has often organized mass and forced displacements of hundreds of Sahrawis to populate the camps, including women and children from various regions of Western Sahara and neighboring countries.

The State of Algeria's abdication of its legal jurisdiction for the protection of refugee camps to the Polisario organization has had a significant impact on the heinousness and diversity of those violations. This measure has resulted in a large number of persons becoming victims of enforced or involuntary disappearance in the Sahrawi refugee camps¹⁹.

20. Polisario officials practice enforced disappearance against any Sahrawi refugee who expresses views different from the theses promoted by the organization. Victims are thrown into secret centers²⁰, subsequently executed, and buried in secret graves.

Detainees, including children and men, are thrown into hole-in-the-ground cells, blindfolded, and with their legs and hands bound to immobilize them. Many of these victims still bear scars on their bodies resulting from brutal torture, especially those who spent their detention periods in the terrible "Rashid" prison and "Dhaibiya" prison.

Few detainees survived the brutality of torture practices in those centers, in addition to unhygienic detention conditions such as malnutrition, lack of hygiene, exposure to the scorching sun during summer and bitter cold in winter, and the spread of diseases among detainees without allowing them medical treatment, not to mention prolonged periods of solitary confinement, isolation from the outside world, and denial of contact with their families.

21. Monitoring and documentation of gross violations in the Sahrawi refugee camps over a decade show that the Polisario authorities have not ceased resorting to enforced disappearance, which enables them to restrict and suppress opposing voices. Malians have been subjected to enforced disappearance without judicial oversight.

Furthermore, the former advisor to the Secretary-General of the Polisario Front, Ahmed Khalil Braih, was kidnapped and has been forcibly disappeared since 2009, having been handed over to the Algerian security authorities and detained in the Blida Military Prison²¹.

¹⁹ Hundreds of people were brought from Western Saharan cities such as Wadi al-Dahab, Laayoune, Smara, Tan-Tan, Assa, Labeirat, and Zag. During the initial reconstruction of the camps, Polisario officials resorted to intermediaries in Mauritania to send hundreds of Mauritians, Malians, and Nigeriens, either through mass abductions, enticement with economic incentives, or blackmail by kidnapping family members.

²⁰ Numerous testimonies from survivors of the hellish conditions in the secret detention centers of the Tindouf camps describe the unofficial Rachid prison as a place where torture is practiced, often resulting in the deaths of victims. The Working Group on Enforced or Involuntary Disappearances has reported 130 cases of enforced disappearance within this secret center.

In addition to this center, there are other unofficial detention sites such as: Adhaybiya Prison, Aadem Errih, Hamdi Aba Cheikh, Said Berhi, El Ghazouani, Shahid Lahdad, Dakhla, Center 5, Al Hilal, and Center 12 October. Other secret detention centers exist in the Polisario-controlled military areas of Douj, Aghouinit, Mejek, Amheiriz, Tifariti, Bir Lahlou, and the Zoug area.

²¹ The Working Group on Enforced or Involuntary Disappearances contacted the Algerian authorities regarding the disappearance of Khalil Ahmed Abrih since 2014, and has not received a response to date. The experts of the Human Rights Committee also asked the Algerian delegation about the disappearance of Khalil Ahmed Abrih, but the head of the delegation denied any knowledge of his disappearance by the Algerian authorities.

22. The 2016 report of the Working Group on Enforced or Involuntary Disappearances (WGEID) included, under the standard procedure, information regarding the disappearance of Ahmed Khalil Braih in Algeria since 2009²².

23. Abductions and enforced disappearances continue in the Sahrawi refugee camps in Tindouf whenever peaceful protests erupt condemning restrictions on freedoms in the camps and demanding the opening of the files on the painful past of gross violations.

In this context, Polisario security elements kidnapped three Sahrawi activists on a Monday in June 2019 in the Tindouf camps against the backdrop of their human rights activism, blogging, and joining youth movements seeking change and fighting the corruption of Polisario officials. They were charged with vague accusations such as insult, defamation, attacking honor, inciting disobedience, and contempt²³.

24. The NGO Alliance has called for accelerating an impartial investigation into the circumstances of the extrajudicial killings of young men from the refugee camps in Tindouf during the period between the third and fourth cycles of the Universal Periodic Review of Algeria. These victims include:

1. The young man **Mohamed Ould Khatri Ould El Wali**, early March 2017.
2. The young Sahrawi **Hafdalla Abdou Ahmed Baibout**, on Wednesday, May 4, 2017.
3. The young man **Larbass Yahdih Abderrahmane**, on June 22, 2018, by elements of the Algerian army in the Saharan countryside in southwestern Algeria.
4. The two young men **Emmaha Hamdi Souilem** and **Aliyene Idrissi**, who were burned by a unit of the Algerian army while prospecting for gold in a deep well on the night of October 19, 2020.
5. **Lekbir Ould Mohamed Ould Sidi Ahmed Ould El Markhi**, killed by Algerian army gunfire on November 20, 2021.
6. **Mohamed Fadel Ould Limam Ould Chghaybine**, shot dead by the Algerian army on November 20, 2021.
7. The killing of the young man **Bayada Oulad Bilal** and the wounding of the young man **Falli Ould Barka** in December 2021, while they were prospecting for gold in an area adjacent to the Dakhla camp.

<https://media.un.org/en/asset/k1n/k1nko6h2hn>

²² See the 2016 report of the Working Group on Enforced or Involuntary Disappearances. A/HRC/WGEID/108/1

²³ The three Sahrawi activists were abducted from the Sahrawi refugee camps in 2019, and their whereabouts were not determined until after widespread protests in the camps, after which they were thrown into the notorious prison of Adhaibiya. The activists in question are Moulay Abba Bouzid, Fadel El Mahdi Abreika, and blogger Mahmoud Zeidan.

Recommendation:

In light of the continued operations of enforced disappearance and extrajudicial killing, and wishing to ensure the protection of Sahrawi refugees from such violations, the NGO Alliance encourages the Algerian authorities to open an independent and transparent investigation into the cases of extrajudicial killing in the Tindouf camps mentioned above, and to reveal the fate of the forcibly disappeared persons whose names appear in the reports of the Working Group on Enforced or Involuntary Disappearances.

6. Regarding Statelessness in the Sahrawi Refugee Camps in Tindouf

25. Since the establishment of the Sahrawi refugee camps in the Tindouf region of Algeria in 1975, Sahrawis have suffered from the absence of a legal framework guaranteeing their legal status and the enjoyment of rights provided by the 1951 Convention Relating to the Status of Refugees and its Protocol.

26. The Alliance notes the failure to register and conduct a census of these refugees and their lack of refugee cards²⁴. It also notes that Polisario authorities manage camp affairs, including security, the judiciary, and personal status, in violation of the rules of international law which oblige host states of refugee camps to undertake protection and supervision tasks in cooperation with the United Nations High Commissioner for Refugees (UNHCR) and to bear their full responsibilities under their legal and judicial jurisdiction.

27. Following the delegation of the State of Algeria's legal competencies to the Polisario organization, Sahrawi refugees are issued identity cards, such as birth or nationality certificates issued by Polisario authorities. These prove that their main place of residence is the refugee camps in Algeria and are considered valid in a few countries that recognize this entity.

28. Algeria issues passports to camp refugees to enable them to travel to countries that do not recognize the Polisario Front as a state. Although Algerian nationality is clearly mentioned on the identification page of the passport, the possession of an Algerian passport with a short validity period by a Sahrawi person does not automatically mean that they are an Algerian citizen.

Passports issued by Algerian authorities through the Polisario organization's administrations are distinguished by the number "09," unlike the passports of Algerian citizens. These documents are usually issued for humanitarian reasons.

29. According to refugee statements, obtaining Algerian passports takes months, if not years, and once they return to Algeria, their passports are confiscated and can be retrieved again later. Based on this, the Algerian authorities do not wish to grant any legal status to Sahrawis on their territory, pursuant to the delegation of their competencies to the Polisario organization.

²⁴ The population of the camps has not been subjected to a census through individual interviews, which would have allowed for the differentiation and identification of Sahrawis belonging to the Western Sahara region from others coming from Mauritania, southern Algeria, Mali, and elsewhere. The Security Council has stressed in numerous resolutions the necessity of allowing a census of Sahrawi refugees to determine their humanitarian needs and respond to them quickly.

30. To exercise their freedom of movement, Sahrawi refugees are required to obtain a travel permit from the Algerian authorities valid for three months to travel outside the camp zone. These permits are subject to prior approval by the Algerian Military Liaison Office in Tindouf upon a request from the Polisario Coordination Office in the city of Tindouf.

31. Given the lack of legal status for the majority of Sahrawi refugees inside or outside the camps, the Spanish Supreme Court recognized that Sahrawis present in camps on Algerian territory are stateless, following a lawsuit filed against a decision by the Spanish Ministry of Interior by a Sahrawi refugee whose Algerian passport had expired and who could not renew it. It is evident that the Algerian authorities issue passports valid only for short-term travel for medical treatment or family reunification.

In the same context, the Polisario issues collective permits for thousands of Sahrawi children to travel every year to Spain, Venezuela, Cuba, Italy, and other countries for treatment and study amidst host families, as an expression of solidarity with them.

Recommendation:

We draw the attention of the State of Algeria to the necessity of regularizing the legal status of Sahrawi refugees by allowing their census in accordance with relevant Security Council resolutions, and supervising their legal status in cooperation with the United Nations High Commissioner for Refugees (UNHCR), to ensure their enjoyment of the rights contained in the Convention Relating to the Status of Refugees and its Protocol.