



*Human Rights Network*



*Comité International  
des Victimes de l'Organisation Polisario*

# Algeria's 3<sup>rd</sup> Universal Periodic Review

## Joint NGO submission on the behalf of the "NGO Coalition"

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## I. General context:

- On the occasion of the Third Universal Periodic Review of Algeria, the Sahara Observatory for Peace, Democracy and Human Rights (OSPDH)<sup>1</sup> is submitting this parallel report to the Human Rights Council in coordination with Memory and Justice Association (MJA)<sup>2</sup>, Human Rights Here and Now (HRHN)<sup>3</sup> and the International Committee for the victims of the Polisario Organization (CIVOP)<sup>4</sup>. The organizations mentioned above will be referred to as the “NGO Coalition”.
- Of the 112 recommendations made to Algeria, following the presentation of its second report under the universal periodic review in 2012, 64 were accepted, 16 were considered already implemented, while 32 were noted. Those recommendations refused by the Algerian government represent a weighty concern for the NGO Coalition. In fact, it is a significant indicator to assess the human rights situations in Algeria. Thus, refusing those essential recommendations reflects the absence of Algeria’s will to implement its international obligations and voluntary commitments.
- Conjuring up all of the recommendations that have been made, the NGO Coalition focuses on human rights issues and violations, related to their core activities and that are relevant to the following issues: enforced or involuntary disappearance, torture, rape, as well as the right of self-determination, the rule of law and the rights to education, health and housing;
- Based on the information drawn from reports issued by the components of the NGO Coalition, on testimonials collected by their members, and on statements communicated by their correspondents on the human rights situations in the rural desert of the Southwest of Algeria<sup>5</sup>;
- Laying emphasis on the International Humanitarian Law and the relevant treaties that convey the necessity to consolidate the Rule of Law and international commitments, in all the regions that Algeria is accountable for.

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<sup>1</sup> It is a non-governmental organisation working on democracy and human rights issues in Western Sahara.

<sup>2</sup> It is an association gathering Mauritanian natives, victims of crimes against humanity and gross violations perpetrated by the Polisario Front Organization kidnapped from the Mauritanian territory and from the Tindouf camps.

<sup>3</sup> It is a network that works on protection and promotion of human rights in Africa.

<sup>4</sup> It is a non-governmental organisation gathering victims of the Polisario Organisation, from different nationalities.

<sup>5</sup> It is the area that Algeria made available to the Polisario Organisation as part of its dispute with Morocco over Western Sahara. Since their establishment, the Polisario Organisation used these camps to run a campaign of kidnappings on land, from Mauritania, Western Sahara and Southern regions of Morocco, and at sea, from the nearby territorial waters of neighbouring countries.

- Additionally, the International Law of Human Rights considers that such crimes are not subject to a Statute of limitations.
- Reflecting on the NGO Coalition’s close work with the victims of grave violations that take place in the rural desert of the Southwest of Algeria, and more particularly in the Tindouf camps. The impacts and the effects of these violations are still part of the victims’ daily lives and their families’.
- Regarding the foregoing, the NGO Coalition may wish to ask the Human Rights Council to submit their observations and recommendations to Algeria on the occasion of the third universal periodic review assessing human rights situations in the country.



Location of the rural desert of the Southwest of Algeria.<sup>6</sup>

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<sup>6</sup> Modified picture. Original picture credits  
[https://commons.wikimedia.org/wiki/File:Algeria\\_location\\_map.svg](https://commons.wikimedia.org/wiki/File:Algeria_location_map.svg)

## II. Protection from enforced disappearance:

1. The Algerian government partially supported the 95<sup>th</sup> recommendation<sup>7</sup> made by France to respond positively to the visit request by the Working group on enforced or involuntary disappearances, and to invite the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.
2. In this context, the NGO Coalition is deeply concerned by the lack of improvement on the implementation of the recommendation above. In fact, thousands of victims of grave human rights violations in different regions of Algeria, as well as many human rights defenders, are still to this day waiting for these country visits to be permitted and are looking forward for their eventual outcomes.
3. Furthermore, Algeria refused all of the recommendations related to protecting people from enforced disappearance, the 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 93<sup>rd</sup>, 94<sup>th</sup> and 95<sup>th</sup> recommendations<sup>8</sup>, in addition to a recommendation about ratifying the International Convention for the Protection of all persons from Enforced Disappearance, reflecting the lack of willingness to uncover the truth on the enforced disappearances' cases.
4. Based on information collected by its members, revealing lists<sup>9</sup> of hundreds of victims of enforced disappearance in the rural desert of the Southwest of Algeria, the NGO Coalition highlights the fact that those grave violations continue to happen in Algeria. Also, it notes that the numbers shown by the working group on enforced disappearance's report<sup>10</sup> doesn't include the victims from the rural desert of the Southwest of Algeria<sup>11</sup>.

### 5. Recommendations:

**The NGO Coalition recommends the Human Rights Council to urge the state of Algeria to:**

- **Accelerate the ratification of the International convention for the protection of all persons from enforced disappearance.**
- **Initiate an investigation on the subject of enforced disappearance, specifically in the rural desert of the Southwest of Algeria.**

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<sup>7</sup> Despite not refusing the visit request of the Working Group on Enforced or Involuntary Disappearance, no procedures were set up in order to organize a visit to the country.

<sup>8</sup> The recommendations made respectively by Uruguay, Chile, France, Iraq, Argentina, Spain and Argentina.

<sup>9</sup> Appendix No.1: Partial list of the names of victims of gross violations; kidnapping, enforced disappearance, detention, and torture.

<sup>10</sup> The report of the "Working Group on Enforced or Involuntary Disappearance" No.30/38 issued in 2016, states that the number of involuntary disappearance cases reached 3168 cases between 1980 and 2016.

<sup>11</sup> The victims in question are victims of gross violations including kidnapping, disappearance, torture, between 1976 and 2013. They are from different nationalities, from Mauritania, Western Sahara and the south of Morocco.

- Agree to the visit request of the Working Group on enforced or involuntary disappearances.
- Invite the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence.
- Unveil the truth concerning the fate of “Al Khalil Ahmed”, also known by his nickname “Carlos”, who has been a victim of enforced disappearance since January 2009.

### **III. Prevention of Torture and other cruel, inhuman or degrading treatment or punishment:**

The NGO Coalition reports the following facts:

6. The Algerian government did not fulfill their voluntary commitments to take measures against torture; neither did they cooperate with the United Nations’ Special Procedures as stated in the 4<sup>th</sup>, 104<sup>th</sup>, 106<sup>th</sup> and 105<sup>th</sup> recommendations<sup>12</sup>. Moreover, the government did not ratify the “Optional Protocol to the convention against torture and other cruel, inhuman or degrading treatment or punishment”, besides not submitting their periodic reports to the Committee against torture and the Human Rights Committee.
7. The NGO Coalition would like to bring attention to the deterioration of the physical and mental health of hundreds of torture’s victims. The Coalition has lists and testimonials of victims who had survived systematic torture ran by the Polisario Organization in the rural desert of the Southwest of Algeria, away from any monitoring by Algeria, as the Polisario organization’s host country. These victims are looking forward to meeting the “Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment” to share their testimonials. Those victims are from different nationalities, from Mauritania, Spain, Western Sahara and Morocco. For years, they suffered from various forms of torture. They were suspended from all their body-parts, fire-branded, genitally imputed<sup>13</sup>, raped, forced to hard labor<sup>14</sup> ... The victims who survived those appalling conditions are still to this day bearing the scars and the physical and mental impact of those violations.

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<sup>12</sup> The recommendations made respectively by Slovenia, Sweden, Sweden, Greece and Germany.

<sup>13</sup> Appendix No. 2: Testimonial of a victim of genital amputation in the Tindouf camps.

<sup>14</sup> Appendix No. 3: Testimonial of Mauritanian victims in the Tindouf camps, in addition to the link to the association Memory and Justice’s website. <http://www.memoireetjustice.org>

#### **8. Recommendations:**

The NGO Coalition may wish to request from the Human Rights Council to recommend Algeria to:

- **Launch an investigation in the cases of torture and gross violations in the rural desert of the Southwest of Algeria, specifically in the refugee camps of Tindouf, which are not subject to a statute of limitations.**
- **Ratify the Optional Protocol to the convention against torture and establishment of the National Preventive Mechanism to monitor implementation of the commitments and prevent torture.**
- **Invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

#### **IV. The right of self-determination:**

9. Recommendation No. 110<sup>15</sup>, which is related to the support of the Saharawi people for self - determination, gained the support of the State of Algeria, and therefore the NGO coalition confirms the need to take into account the challenges that prevent the realization of the right to self –determination, those challenges are of historic, sociological and political nature.<sup>16</sup>
10. The UN Security Council’s resolutions confirm its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which requires opening a debate in Tindouf camps and western Sahara about all the possible formulas in order to achieve a political solution to the conflict. This means that the notion of self-determination as stipulated by the cease-fire in 1991, linked to the referendum as the only way, seems impossible.
11. The continuing refusal of Algeria to census the population of Tindouf camps is contradictory with their insistence to support them concerning self-determination.

#### **12. Recommendations:**

The NGO coalition recommends the Human Rights Council to urge the State of Algeria to:

- **Push for an immediate debate in Tindouf camps in Algeria, in order to let the population of Tindouf decide whether to join Western Sahara as a part of Morocco, or separate from it, or accept the autonomy proposition as an option to self-determination;**
- **Advance work on the United Nations’ confidence-building measures.**

<sup>15</sup> Recommendation made by Namibia.

<sup>16</sup> See the page No. 2 of the OSPDH parallel report to Morocco 6th national report on the implementation of the ICCPR, which is submitted to the HRC.

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICO%2fMAR%2f23114&Lang=fr](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICO%2fMAR%2f23114&Lang=fr)

## **V. Rule of Law:**

Based on the 50<sup>th</sup> and 52<sup>nd</sup><sup>17</sup> recommendations, which were supported by Algeria, the NGO Coalition states the following facts:

- 13.** The refugees have been settled in the rural desert of the Southwest of Algeria for 40 years. However, they weren't protected by Algeria from the Polisario Organization and were not given their right to an effective remedy and justice. The NGO Coalition reports the absence of the rule of law in the region; Algeria's national laws and international commitments.
- 14.** Even though Algeria uses the term of "refugees" to ask for international humanitarian aid for the population in the Tindouf camps, it doesn't acknowledge their status of refugee.
- 15.** Despite the foregoing facts, Algeria refuses to acknowledge that the population of the Tindouf camps has the status of refugees, and therefore doesn't recognize the rights stipulated in the convention and the protocol relating to the status of refugees, both ratified by Algeria respectively in 1963 and 1967.
- 16.** Depriving the population of the Tindouf camps from the status of refugees means depriving them completely from their civil, political, economic, social, cultural and environmental rights.
- 17.** It is also worth noting that Algeria refuses to ratify the convention on the reduction of statelessness.

### **18. Recommendations:**

**The NGO Coalition deems it necessary to urge Algeria to:**

- **Expedite the establishing of the rule of law in all the regions that Algeria is accountable for, including the rural desert of the Southwest of Algeria. In addition to protecting the population of the Tindouf camps by implementing the national laws and Algeria's international commitments.**
- **Acknowledge status of refugee to the Tindouf camps population, living in the Southwest of Algeria for 40 years, and implement the related rights.**
- **Monitor implementation of the rights stipulated in the Convention relating to the status of refugees and ratify the Convention on the reduction of Statelessness.**

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<sup>17</sup> The recommendations made respectively by Vietnam and Pakistan.

## **VI. Access to economic, social and cultural rights:**

19. Based on the recommendations No. 79, 62, 109, 70, 77, 80 and 63<sup>18</sup>, supported by the Algerian government, about health, education, housing, founded on the special procedures reports and the information available to the components of the NGO coalition, on the situation of human rights in the southwest of Algeria, the NGO coalition deems it necessary to introduce the following observations and recommendations:

### **▪ First, regarding access to the right to health**

20. Despite the invested efforts<sup>19</sup> on the realization of the access to the right to health, equally and fairly between all Algerian citizens within the territory, yet people of the rural Desert of the Southwest of Algeria are still suffering from numerous health problems, especially health conditions for women and children, the data of which is determined as follows:

21. The coalition's components possess a set of statements, which emphasizes the suffering of women, due to appalling sanitary conditions that result from successive births and criminalizing trading and using contraceptive pills in the rural Desert of the Southwest of Algeria<sup>20</sup>, which constitutes a blatant violation of women's right to free choice and to family planning, taking into account the three-year period stipulated internationally between two births, and this is what has already been alerted to, by recommendation No.45, issued by the Committee on the Elimination of All forms of Discrimination Against Women, also as stated in the report of UNICEF<sup>21</sup> that one out of every ten women become anemic due to lack of fresh food or a varied diet.

22. Algeria committed, through supporting the recommendation No. 10 presented by the Chilean state, to protect the rights of the child, yet children in Tindouf camps in the Southwest of Algeria suffer from a lack of health care, and aggravated health

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<sup>18</sup> The recommendations made respectively by the kingdom of Saudi Arabia, Malaysia, Senegal, Djibouti, Qatar, Thailand, Oman, South Africa, North Korea and Singapore

<sup>19</sup> Comprehensive Analytical Profile (WHO – AHO)

[www.who.int/profiles/information/index.php/Algeria:Index?lang=en](http://www.who.int/profiles/information/index.php/Algeria:Index?lang=en)

<sup>20</sup> A footage for testimonies of women in Tindouf camps who confirm that they were forced to give birth, and prevented from family planning: <https://www.youtube.com/watch?v=LU2JTrKc3MI>

This is also confirmed by former victims in Tindouf camps, with whom the Sahara Observatory was able to organize hearing sessions

<sup>21</sup> Report of the Regional Director of the Media in the Middle East, the office and North Africa UNICEF, (Abdel-Rahman Ghandour) for conditions of refugee children in Tindouf Algeria.

[http://www.unicef.org/education/algeria\\_54061.html](http://www.unicef.org/education/algeria_54061.html)



conditions, according to a report by the UNICEF for the year 2011, which is related to the country program of UNICEF.

23. The coalition states that the existing inequitable access to humanitarian aid destined to Tindouf camps within the rural Desert of the Southwest of Algeria<sup>22</sup>, and the fraud cases unveiled at this level, especially that they are sold in black market in Algeria, Mauritania, Mali, have a direct negative impact on the growth of children as they are deprived from the rations of various balanced nutrition products. It has been reported that the medicines and vaccines related to children's diseases are also sold, which was confirmed in the UNICEF report indicating that one out of every three children in the camps do not receive complete vaccinations (vaccination)<sup>23</sup>. These practices highlight the weakness of mechanisms' aiming to fight corruption, which is emphasized by the recommendation No. 54, which urges Algeria to strengthen the anti-corruption mechanisms.<sup>24</sup>

#### **24. Recommendations:**

**The NGO coalition recommends the Human Rights Council to urge the state of Algeria to:**

- **Enhance measures and reforms aimed at improving the quality of health care especially in remote areas such as the rural Desert of the Southwest of Algeria.**
- **Provide the enjoyment of right to health and psychological accompaniment for the benefit of women, victims of damage related to physical and mental health in Tindouf camps within the southwest Desert.**
- **Tightening controls on the distribution and management of humanitarian aid and the establishment of effective mechanisms to fight corruption and embezzlement in order to insure that the Tindouf camps' population will have equal access to aid.**

#### ▪ **Second, regarding access to the right to education**

25. The NGO coalition notes a continuing exploitation of the Polisario to the educational curriculum issued for students, that miss-direct the pedagogical goals and includes contents that tribute to violence and hate speech instead of peace education and hints that encourages gun-use and promotes, these practices are carried without any supervision by the relevant education authorities in Algeria, in breach of their

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<sup>22</sup> Report of the European Anti-Fraud Office about the smuggling of humanitarian aid destined to the Tindouf camps.

<https://saharaneews24.files.wordpress.com/2015/02/jk45as912ws-150203082157-conversion-gate01.pdf>

<sup>23</sup> See the website of the UNICEF about its report of the year 2010.

<sup>24</sup> The recommendation made by Turkey.

responsibility in implementation of its obligations under the sovereignty, including the Tindouf camps in the southwest of Algeria.

26. Based on the statements and data available to the NGO coalition, which were documented during a meeting with a group of families from Tindouf camps, who visited the region of Western Sahara, in the framework of the “UN confidence-building Measures”, and that mentions the growth of Christianization movement inside the Tindouf camps of Algeria, especially among children, which is forbidden by the “Convention on the Rights of Child”. The missionary center worked through its project “Joshua” to collect information and comprehensive data on the linguistic and cultural patterns of ethnic groups, located in Tindouf camps and Western Sahara. This center is a partner to many organizations doing missionary projects, and campaigns targeting poor families, especially children, through the mobilization of resources and aid. The same center also offers its database for free to international church, as a service to this Christianization project. This represents a clear violation of articles relevant to the welfare and religion of children<sup>25</sup>.

#### **27. Recommendations:**

**The NGO coalition recommends the Human Rights Council to urge the State of Algeria to:**

- **Assume its responsibility in the creation of control mechanisms for educational curriculums, programs and manuals in Tindouf camps.**
- **Intensify efforts to train and educate children on human rights education and the values of the peace.**
- **Protect children from religious exploitation resulted from the Christianization campaigns.**

#### ▪ **Third, regarding access to the right to housing:**

28. According to figures announced by Algeria to the aid institutions, on the number of populations of Tindouf camps, and in the absence of a census, Algeria specifies the number in 160,000 people<sup>26</sup>. In spite of the presence of this population in the rural desert of the southwest of Algeria, 40 years ago, the NGO coalition notes the following:

29. This population is excluded from the social housing programs and descent living as stipulated in the laws on refugees. After 40 years, some families are still using

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<sup>25</sup> Article 14, para.1 and article 20 para.3 from the Convention on the Rights of the Child.

<sup>26</sup> Regardless of the population that left the camps; estimated at 12.000 people in addition to hundreds of young people who run from the camps heading to Europe.

humanitarian aid containers to create housing that does not match the international standards and do not provide the adequate housing.

**30.** Tindouf camps are characterized by being in the rural desert of the Southwest of Algeria in a harsh environment, where the temperature reaches 50 degrees in summer and 5 degrees in winter. It is a place known for the lack of urban structures and standards of adequate housing. The NGO coalition draws the attention of the Human Rights Council to the fragility and vulnerability of infrastructure in the region, putting the built-environment in danger, especially during floods.

**31. Recommendations:**

**The NGO coalition recommends the Human Rights Council to urge the State of Algeria to:**

- **Accelerate the integration of the population of Tindouf camps to adequate housing programs.**
- **Allocate a budget within the Algerian state budget for the development of the region and to provide decent housing for its inhabitants.**
- **Work on the establishment of infrastructure and housing respecting environmental standards to adapt to the desert climate.**