

*Mission Permanente
du Royaume du Maroc*

Genève



البعثة الدائمة
للمملكة المغربية
جنيف

**60th Session of the Executive Committee
of the UNHCR**

28 September to 2 October 2009.

**Statement of H.E Mr Omar Hilale Ambassador,
Permanent Representative of the Kingdom of
Morocco**

Item 5
General Debate

Geneva, September 30th, 2009

Mr. Chairman,

Ever since the outbreak of the conflict on the Moroccan Sahara, the Kingdom of Morocco has continuously been drawing the attention of the international community on the dramatic humanitarian situation of the sequestered populations in the camps of Tindouf and on the degrading treatment they endure.

Concerns of Morocco were confirmed by several international reports including that of Amnesty International and HRW in 2009, which have severely criticized the Algerian abdication of its international responsibilities in the camps in favour of Polisario. Such an attitude is a severe blow to the rights of the populations of the camps and constitutes a serious obstacle to UNHCR mandate in the field of protection of these populations.

However, the most recent report is that of a NGO originating from an Excom's member state which Algeria could by no means accuse of partiality or sympathy for Morocco.

It concerns "World Refugee Survey of the US Committee for Refugees and Immigrants" for the year 2009. This report draws an overwhelming picture of the humanitarian and human rights situation in the camps of Tindouf which should call on UNHCR and its Executive Committee. Its conclusions are regrettably not new, since they have already been mentioned in the successive reports of this Committee since 2003. They have the sad merit of confirming the continuous violations of human rights in the camps of Tindouf.

That is why I would like to submit to the Executive Committee five serious violations the US Committee witnessed in the camps:

Algerian opposition to the census:

The report states that, Algeria **"did not permit UNHCR to conduct a census of the Sahrawi although it considered them to be UNHCR's sole responsibility. Adding that, "The Government's refusal to allow a registration census prevents UNHCR from profiling the population for humanitarian and protection needs or monitoring aid distribution"**.

Unfortunately, Algeria's opposition to the census has just been confirmed by M. High Commissioner during his recent journey in our region.

By opposing, for three decades, the census of the camps populations, Algeria violates international legality. In fact, several UN General Assembly's resolutions namely resolution 58/149, of December 22nd, 2003, para 30 and resolution 59/172, of February 24th, 2005 para 10 call for **"the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;"**

Algerian opposition violates also, scores of decisions devoted, since 1981, by our Excom to the issue of census.

Diversion of the food aid intended to the camps of Tindouf

The report stresses that **"legitimate commerce and smuggling of medicine, and humanitarian aid is a major source of revenue in the camps."** It recalls that a **"Joint UNHCR/WFP Assessment Mission in 2007 recommended a more transparent and accountable distribution system."**

This confirms the conclusions of other international NGOs reports as well as the findings of investigating teams of UNHCR, WFP and OLAF of the European Union which have all established the involvement of officials from Polisario and the Algerian Red Crescent.

The military nature of Tindouf camps

The american report underlines that **“ six sahraouis ex-residents of the camps have witnessed in front of the Belgian Parlialement that polisarior has forced them to endure military training in Tindouf”**.

This testimony confirms the violation by Algeria of the international refugee law, UNGA relevant resolutions mainly Res 139/61 of 30th January 2007 calling on states **“ to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are not incompatible with their civilian character”**

It also confirms violation by Algeria of numerous Excom decisions on the imperative of the preservation of the civil nature of the camps particularly decisions 27/1982, 32/1983, 84/1987 and 94/2002.

Restrictions to the freedom of movement and residence

The report of the US committee confirms the conclusions of several international reports on human rights in Tindouf, in the areas of freedom of movement and residence. In this regard, it asserts that:

- **“The Polisario and/or Algerian military maintain checkpoints at roadways leading to, from, and in between the camps and Algerian police operate checkpoints throughout the country”**.
- **“Refugees need permits from the Chief of Daira (districts within camps) to change residence from one daira to another within a camp or from camp to camp.”**
- **“The Polisario forbids permanent return to Western Sahara” (2009 report) and “arrested those who expressed an interest in doing so” (2008 report:).**
- **“To travel to Algiers, refugees need passports, or ordres de mission, bearing stamps of approval from both the Algerian Government and the Polisario”**.
- **“According to HRW, Applicants must have an approved reason, such as enrollment in school or professional training”**.
- **“Algerian government issues passports only to those given permission to travel abroad by polisarior, and not to other refugees”**.

These infringements to the human rights in the camps, strongly confirm that its populations are victims of sequestration. They put Algeria in gross violation of international legality.

All these restrictions are contrary to the pertinent provisions of the Universal Human Rights Declaration of which article 13 stipulates: **“Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.”**

They are also in violation of article 26 of the 1951 Geneva Convention, on the freedom of movement which stipulates that:

“Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances”.

Finally; they are contrary to article 12 of the international pact pertaining to 1966 civil and political rights, which stipulates that: **“Any foreigner being legally on the national territory enjoys the protection of his person and his properties by the law,”**

Restrictions and discrimination in employment and integration

In this regard; the report of the US committee reveals several restrictions imposed on the populations of the camps in areas of employment and integration. It confirms that:

-“According to HRW, the sahraouis must have an approved reason” by Algeria and polisario and that “ Seeking employment” is not “among the approved reasons for travel”.

-“ Skilled refugees and asylum seekers engage in some self-employment but risk arrest and detention for it and enjoy no social security or labor protections”

- They “ need permits to work in Algeria and elsewhere and there were no reports that any receive them”.

Here again, Algeria violates the international legality, especially article 17 of the 1951 convention which asserts that: **“The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment”**, and its article 24 which stipulates that: **“The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals...”**

Persistence of slavery in the camps:

The report of the US Committee corroborates the conclusions of the recent report of Human Right Watch (2008) on slavery in the camps of Tindouf. It also confirms that testimonies obtained by the two Australian journalists in their film “Apartheid of desert”. This report reveals that:

- “Several black sahraouis in the camps are slaves to arab sahraouis masters”.

- “Juges belonging to polisario do not allow female slaves to get married without the permission of their masters”.

The confirmation of the slavery phenomenon in Tindouf camps, with the explicit knowledge of the host country, Algeria, is a violation of the international legality at four levels.

* Hence, Algeria violates the UN Charter and the Universal Human Rights Declaration, approved by the General Assembly on the 10th of December 1948, which asserted the principle that human beings shall enjoy, without discrimination, human rights and basic freedom.

* Algeria violates Article 8 of the international pact on civil and political rights provides that :

1 No one is to be held in slavery; slavery slave trafficking, in all its forms, are prohibited,

2- No one is to be held in servitude

3- No one shall be obliged to accomplish a forced or compulsory work.

* Algeria also violates the first preamble of the 1951 convention pertaining to the enjoyment of all human beings, without discrimination, of human rights and basic freedom.

* Finally Algeria violates many decisions of this Executive Committee prohibiting discrimination towards displaced persons or refugees.

Mr. Chairman,

The report from which, I have just presented some prominent elements, confirms; if need be, that Algeria has completely failed its international responsibility towards the populations of Tindouf camps. By abdicating its international obligations, Algeria has transformed these camps into a space of absolute international illegality.

That's why and in view of the persistence of the Algerian opposition to the voluntary repatriation of these populations, the Kingdom of Morocco would like to reiterate its demande to the UNHCR to include Tindouf camps populations in its strategy for durable solutions and efforts particularly through their resettlement in third countries.