



# General Assembly

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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by Promotion du Développement Economique et Social - PDES, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 January 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Violations of the right to life in Tindouf camps in southwestern Algeria**

Since the establishment of the Tindouf camps(1) in the south-west of Algeria, the Algerian security services and the Polisario organization have committed massive violations of human rights, against the backdrop of the Western Sahara conflict(2) which has been accompanied by humanitarian atrocities. Although the Polisario has acknowledged that human rights violations have occurred in the past, it has not provided clear data related to the recurrence of enforced disappearances, kidnappings, extrajudicial, summary or arbitrary executions, torture in detention centers(3) and other cruel, inhuman or degrading treatment or punishment.

Although the right to life is guaranteed by article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights, exceptional circumstances, including a state of war, the threat of war, internal political instability or any other emergency situation, cannot be invoked to justify extrajudicial, summary or arbitrary executions. However, the Algerian state authorities are still committing killings without any judicial or legal procedure. Thus, many cases of murders, by Algerian forces, against Sahrawi refugees have been reported:

- January 5, 2014: three young Sahrawis were the target of the Algerian army, in the area of “Oudayat Tutat” on the Algerian-Mauritanian border. The incident resulted in the killing of Khatri Hammadha Ould Khandoud and Alyen Mohamed Abih, immediately, while Maichan Salek Al Boukhari was seriously injured in the head by gunfire(4) .
- February 28, 2017: the young Sahrawi, Bara Mohamed Ibrahim, was shot dead by the Algerian army, 12 km east of the Laayoune camp, near Tindouf in southwestern Algeria. He died of serious injuries after being shot in the abdomen but the Polisario leadership informed his family of his death later on March 4, 2017;
- On March 24, 2017: Kari Mohamed Ali Elouali was killed at one of the crossing points towards the region of Laayoune, after the car in which he was traveling with another person was bombarded by a hail of bullets from the Algerian military forces, and without any warning. The two victims were transferred in inhuman conditions to the military hospital of Tindouf, where the young Sahrawi Kari Mohamed Ali Elouali died. The second young man, Mohamed Albouya, survived after being shot;
- May 4, 2017: elements of the Algerian army killed Hafdallah Abdou Ahmed Baibbout in an ambush at the southern entrance of the Sahrawi refugee camp of Smara, while he was transporting food to cattle breeders;
- August 2, 2019: elements of the Algerian army, in the zone called ‘‘Atguililat Ahmed Mouloud’’ (150 km south-east of the Dakhla camp), shot at the young man Yaslam Hammadha Ould Khandoud while he was looking with a group of young remnants for meteorites in this area. On the orders of the Algerian army, elements of the Polisario Front buried him at the place where he was found dead, without informing his family or letting them see his corpse.
- October 19, 2020: Moha Ould Hamdi Ould Souilem and Ali Elidrissi, prospecting for gold, were burned alive and in cold blood by Algerian military patrollers using gasoline-soaked blankets, south of the Dakhla camp;
- November 20, 2021: elements of the Algerian army shot and killed Belkbir Ould Mohamed Ould Sidahmed Ould Elmarkhi, and seriously wounded Ould Mohamed Fadel Ould Limam Ould Chghaibin, not far from the Tindouf camps.
- November 26, 2021: elements of the Algerian killed the child O.O.A., and injured F.O.B, while prospecting gold at a mine located east of the camp of Dakhla.

Thus, we record the frequency of assassinations perpetrated by the Algerian army against refugees from the Tindouf camps in southwestern Algeria, which pose no risk or danger to public order and security. These cases can be described as systematic murder(5) .

Faced with the reality, the Algerian recourse mechanisms have refrained from processing or discussing any case related to the violations committed against the refugees in the Tindouf camps, claiming that the latter is the authority responsible for investigating all the violations. committed above its territorial perimeter and within its jurisdiction(6) .

Considering that human rights standards are not mere preferences or aspirations according to the modern approach to the concept of human rights, and given that the protection of the right to life is based on two aspects: the prevention of arbitrary executions and accountability. The lack of legal accountability in this case is in itself a violation of the right to life.

Given that the nature of these violations of the right to life exacerbates the obligation to investigate the events that occurred as an integral part of the concept of responsibility, and in order to guarantee this right and prevent the emergence of a climate of impunity, the Algerian state, under international law, has a duty to investigate allegations of abuse and arbitrary executions committed against all these young people. Any failure on its part, as a state party, to investigate these allegations constitutes a violation of the International Covenant on Civil and Political Rights.

We condemn these abuses which violate the right to life of the population of the Tindouf camps, and we hold the Algerian State and the leaders of the Polisario responsible for these crimes. We also demand that the perpetrators of these violations be brought to justice. Accordingly, we call on the host country, Algeria, to conduct a prompt and impartial investigation into these allegations to determine the cause of death, how and when it occurred and who was responsible of it.

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Sahara Observatory for Peace Democracy and human Rights “OSPDH” without consultative status, NGO(s) without consultative status, also share the views expressed in this statement.

1. The camps population consists of Sahrawis, people from Mauritania and Western Sahara, and other nationalities, who have formed the hard core of the camps since their creation in 1976. Polisario officials kidnapped hundreds of people from Western Sahara, southern Morocco and Mauritania to run these camps as well as bring in hundreds of Algerian citizens of Saharan origin from the Tindouf area and from Basharr and its surrounding areas, based on the sociological and cultural peculiarities of the Sahrawi population.
2. The Western Sahara conflict between the Morocco and the Polisario military organization with the direct support of the Algerian Republic, especially at the diplomatic and military level
3. Since the beginning of the Polisario military organization's running of the Sahrawi refugee camps, the organization's leadership has been killing, torturing and kidnapping hundreds of people from different nationalities, southern Morocco and various parts of Mauritania and northern Mali so as to fill the camps with more inhabitants and to get international sympathy. All this was happening with an unconditional military support from Algeria and a media blackout. Thus, it was impossible to reveal what had happened in those camps where the minimum living conditions with human dignity are non-existent.
4. According to the testimonies of witnesses and information obtained by members of the families of the victims and the statement of defense. More than 100 youths protested in front of the Office of the United Nations High Commissioner for Refugees in the southwestern region in Algeria, demanding to reveal the truth of the killing of two youths and to punish those responsible for the ongoing violations against the Saharawi refugees. These protests were dispersed by force.
5. The systematic nature of the killings committed by the Algerian army and gendarmerie forces against Saharawi refugees is clearly demonstrated by the frequency of such cases during close periods without punitive action being taken against those who committed such violations.
6. Under international law, the state party has an obligation to extend its jurisdiction over all of its territory, including the Tindouf camps in Algeria. It should not allow an armed group to control the camps and use them as open detention centers where the most severe violations affect the safety and well-being of the camps populations. Reaching an agreement with Polisario organization to run the camps does not justify delegating the responsibilities of the Algerian government