

Saharawi Political prisoners - The impact of detention on families

Psychological, social and economical Impacts on the families of the prisoners

January 2018



(Photo in the rented apartment of the families of the Gdeim Izik Group June 2017)

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Summary

Saharawi political prisoners have been in the past years sent to prisons outside the occupied territories of Western Sahara by the Moroccan authorities, which is in direct violation of article 76 of 4th Geneva Convention¹. Currently only three of the 54 prisoners are detained in the occupied territories.

This represents not only a violation of international law, it has also a direct and serious impact on the families of the prisoners and the prisoners themselves. Morocco uses this strategy not only to hinder the families to visit and therefore put more psychological stress on the prisoners, but as well as to reduce their ability to protest and to demand their rights.

The data I have recollected since 2013 through direct observation and interviews with family members is the basis of this report. Over the past 5 years I have interviewed over 100 family members including children, over 40 ex-political prisoners, and 11 lawyers of different nationalities (Saharawi, Moroccan and French) that represent the prisoners.

The Moroccan prisons in which the Saharawi Political prisoners are detained do not respect the UN minimum standards (Mandela Rules)². arbitrary transfer from one prison to another in a "roulette" system are the reality that the Saharawi have to face as political prisoners.

The families of the political prisoners are victims of harassment, surveillance and threats, they organize themselves in groups to overcome the situation and to reinforce their social network, as well as the capacity to denounce and struggle for the freedom of their imprisoned family members.

¹ <https://ihl-databases.icrc.org/ihl/WebART/380-600083?OpenDocument>

² <http://porunsaharalibre.org/informes/report-saharawi-political-prisoners-november-2016/>

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Table of Contents

Summary	i
Distances/Travel	1
Housing /Accommodation	2
Visits to the prisoners	3
Transfers / roulette system	5
Economical impact	6
Psychological impact	6
Conclusions	8
Appendix 1: Distances from El Aaiun, capital of occupied Western Sahara to the prisons in Morocco where the Saharawi Political prisoners are detained	9

Distances/Travel

*Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (United Nations - A/RES/43/173)*³

Principle 20: If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

*United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*⁴

Rule 59: Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation.

The distances that the families have to travel from the occupied territories in which almost all live to visit the prisoners vary from 460km to over 1500km (see annex 1). To travel these distances the mothers, wives sisters, brothers and children of the detainees need to buy bus, train or plane tickets, an economical effort that is unbearable for most of them due to their economical situation.

For instance to travel from El Aaiun to Rabat and back by Plane to Casablanca (240euros) and then by bus 15 euros) after that they will have to take a taxi to the prison (around 30 euros) that would take two days since the arrival in Casablanca is at 20h10 and the bus exits and 22h00 and arrives at 23h20 then they have to stay on night to go the next day to the prison. If they make same route by bus it would cost 120euros and take two days.

The travel time varies between one to up to three days if they have to spend a night during the trip, which means that only to go and return families need up to a week. The children are limited therefore not only by the economical aspect as well as the time available since they are pupils/students.

Women in Saharawi culture have the same rights as men and can travel without male company, but the fact that they are Saharawi and relatives of human rights activist means that they are frequently insulted, harassed and followed by the Moroccan authorities and sometimes even beaten according to their testimonies.

Therefore they try not to travel on their own and all express they prefer to have a male relative with them.

³ <http://www.un.org/documents/ga/res/43/a43r173.htm>

⁴ <https://cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>

Housing /Accommodation

Arriving at the city where their imprisoned family member is detained, the families have to look for a place to stay and pay the respective hotel or apartment. Families have problems finding apartments to rent, foremost because no one wants to rent to "families of the Saharawi political prisoners" due to the pressure exercised by the Moroccan authorities, in consequence the rental prices rise above normal.

In the case of the Prisoners of the Gdeim Izik Group who were held in El Arjat Prison, and formerly were at Sale 1 and 2, prison in Sale, Rabat, families grouped together and rented apartments.



(Family apartment in Sale, Rabat during the Gdeim Izik trial 2017)

On the 16th of September 2017 the authorities once again transferred the prisoners of the Gdeim Izik Group this time separating the group dispersing them in 7 different prisons in the Kingdom of Morocco, which means a new additional effort for the families, since they are now forced to separately find means to visit the prisoners and in locations that in some cases are even farther away than before.

During the trial in the court of appeal of this group, that began in December 2016 and ended in July 2017 the 24 families rented 6 apartments, none of them had a complete bath, only adjoining "bathroom" that consist of a room with a basic Turkish toilet.

I have visited all family houses, in a three room apartment slept up to 60 persons (family members and friends), they all had to share the "toilet".

Each house had to prepare meals for at least 30 persons.

During the trial I have personally accompanied one Saharawi activist who wanted to rent an apartment and heard the conversation where the owner clearly said he didn't want any problems with the police and that he was "advised" not to rent to Saharawi.

I had similar reports from families that have their relatives in Kenitra, Inzegan, Tiznit, Marrakesh and other prisons.

In January 2018, I have attended the trial of the 15 Saharawi students that are imprisoned since 2016 in Oudaya, Marrakesh.

Since the trial was postponed I had the opportunity to interview the families and visit the apartment they rent 5km from the prison of Oudaya.

They rented an apartment with 3 rooms, one kitchen and one Turkish toilet "bathroom". During the interview 5 families were present as well as some colleagues of these prisoners, in a total of over 25 persons. The mothers, sisters and brothers of the students told me that sometimes they had to walk the 5km distance to the jail since they don't even have enough money to get a taxi (no public transportation is available).

Visits to the prisoners

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)⁵

Rule 58 : 1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:

(a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and

(b) By receiving visits.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment⁶

Principle 19 of the 1988 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides: "A detained or imprisoned person shall have the right to be visited by ... members of his family ... subject to reasonable conditions and restrictions as specified by law or lawful regulations."

⁵ <https://cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>

⁶ <http://www.un.org/documents/ga/res/43/a43r173.htm>

Moroccan Law 23-98 Relating to the Organization and Functioning of Prisons⁷

Article 75: Prisoners have the right to receive family members and legal guardians.

In Moroccan law (law 23-98, chapter 4 section 1) prison visits are restricted to family members only. These include spouse/partner, parents, siblings and children. Requests from non-related family members are likely to be refused.

The law does not deny the right of the families to visit the prisoners ; it stipulates that the prison's director can decide to suspend or erase the permit to visit but that implies an administrative decision.

Nevertheless, and according to the testimonies and complaints presented by the families, it is frequent that the Saharawi families arrive at the prisons and their right to visit is arbitrarily denied.

All families denounce this situation, and it is identical in all prisons. The Prisoners have to undergo hunger strikes so that their basic rights are respected.

Although there are clear rules regarding the visits of families, the same are not respected.

The most recent example is that of Mohamed Ali Haddi, who wanted to visit his brother Mohamed Lamin Haddi of the Gdeim Izik Group, in Tiflet2 prison, that is located 1227km from El Aaiun where the whole family resides. On the 20th of January 2018 Mohamed Ali Haddi was informed that he could not visit his brother due to the fact that the prison director was on holidays ; but that did not influence the visitation rights of any of the Moroccan families that were there at the same moment.

Over the last 5 years I have received similar information from all families of the Saharawi political prisoners who are frequently prevented from visiting without any justification or with excuses like that one mentioned above that has no legal frame and is only applied to the Saharawi.

Mrs. Claude Mangin, wife of Naama Asfari of the Gdeim Izik Group has been prevented from visiting her husband for over 18month. Mrs. Mangin is a French citizen, residing in France and is a schoolteacher, which means that she can only visit during school holidays. The Moroccan authorities invoking law 02-03⁸ expelled Mrs. Mangin three times from Morocco without any indication of which article of this law she has broken. Mrs. Mangin has respected all the legal requirements for the entry in Morocco. The stress and anxiety resulting from the fact that Mr. Asfari is not able to see his wife, not even during the 7-month proceedings of the appeal trial can be qualified as inhumane treatment.

⁷ <http://adala.justice.gov.ma/production/legislation/fr/penal/Dahir%20etablissement%20penitentiaire2008.htm>

⁸ http://www.consulat.ma/fr/legislations.cfm?art_id=24

Transfers /roulette system

The "roulette system" which consists in the transfer of the political prisoners from one jail to another for no apparent reason and without informing previously the prisoners, nor their lawyers or families is one additional problem, since the families have to reorganize themselves continuously.

At arrival to a new prison most of the prisoners report that they receive a "welcome package" that consists of severe ill-treatment or even torture. That period is usually followed by a time of no visits or calls to prevent the families to denounce the situation.

When the Gdeim Izik group was transferred from prison Sale1 to El Arjat on August 31rd 2016, the prisoners were brutally beaten (according to their own statements and information of the families) and most of their belongings were taken from them.

The next transfer of the Gdeim Izik group was during the night of the 16th of September 2017, the 19 prisoners were scattered in prisons all over Morocco, in smaller Groups or alone, without any previous information to the prisoners, families or lawyers. 11 of the prisoners were unaccounted for over 30 hours.

Another example is Saleh Lebsir, journalist and political prisoner, who was transferred on the 30th of August 2017 from Ait Melloul prison to Tata prison, without justification and neither his family nor his lawyer were informed. Tata prison is even further away from El Aaiun than Ait Melloul.

This form of transfer is an additional stress factor for the prisoners, but also for all families, the fact that the whereabouts of the prisoners is unknown for a large period has an extreme effect on the families.

"I didn't know if my husband was dead or alive, they don't tell us anything, I didn't know what to tell my children..." (one of the wives of the Gdeim Izik Group).

"I don't believe them, they will never release my father alive" Hassan Daoudi son of Mbarek Daoudi.

"We cannot trust them... They always lie ... My father .. he will not be released .. we are Saharawi" Mahmoud son of one of the prisoners of the Gdeim Izik Group.

"My son what can I tell you that I didn't say already, it's our life, as Saharawi .. but we trust god and we won't give up until they are freed ... maybe I will still be alive to see this day". Mother of one of the prisoners of the Gdeim Izik Group.

"We continue to present complaints, someone will hear us..... there are days that we cry, that is our life as Saharawi, I have proof my brother is innocent but they don't care" M. brother of one of the prisoners of the student group of Marrakesh.

Economical impact

According international reports, most of the families of the prisoners are impoverished not only due to the fact that the men are in prison but also due to the economical apartheid in the occupied territories, which push Saharawi into unemployment to favour the Moroccan settlers. The Moroccan authorities encourage Moroccan citizens to move to the occupied territories in order to change the demographics.

These factors combined result in the fact that the families visit their detainees only a few times in the year, in some cases only a few times in almost a decade.

The visits represent an even greater burden on the reduced family budget. The travel expenses, the expenses with housing and the additional expenses of transport during their stay in the Moroccan cities, are often only overcome with the help of solidarity actions of the Saharawi population.

Moroccan authorities attribute "social cards" to some of the Saharawi population in the occupied territories. This "social cards" are given monthly but only if the recipient "behaves", that means they cannot participate in demonstrations, denounce situations of ill treatment, or other "activities" considered a "threat to the territorial integrity". These threats are perceived by the Moroccan authorities as everything that gives a glimpse into the severe violations of Human Rights in the occupied territories, in the prisons or any demonstration or public stating of the right to self-determination.

Difficulties to denounce /complain to the state are set in place by the Moroccan authorities, they demand that the families present the complaints in Rabat, the local administration does not accept the complaint as was the case of the family of Mr. Abdallahi Abbahah who was told that they do not accept any complaint of the Gdeim Izik prisoners in December 2017 after he had been tortured for ten days. The families have therefore to go to Rabat and spend even more money on travel and housing.

Psychological impact

The psychological impact on the prisoners is considerable; some of them do not see their parents for years and are never allowed to go to the funerals of their close relatives, others only saw their children two years after their birth.

Sidahmed Lemjeyid of the Gdeim Izik group lost his mother, a brother and in January 2018 his sister. All deceased after his arbitrary detention and he was not allowed to attend any of the funerals. But the same is true for all prisoners who are never allowed to go to the funerals or hospital to say their farewell.

The brothers and sisters of the Saharawi Student prisoners in Marrakesh told me in an interview in January 2018 that they had feelings of constant fear, they never feel secure.

The children of the prisoners are specially targeted by the psychological impacts. Fatma Zawi, 9 years old was under two years old when her father was imprisoned and since then only visited him a few times. In an interview with me she told me that she has nightmares and thinks about her father constantly, when she awakes she cries in silent not to upset her siblings and mother. Due to the insecurity of living in the occupied territories her mother took her and her sisters to live in Spain in 2017.

Mahmoud, the twelve-year-old son of Abdel Jalil Laaroussi of the Gdeim Izik group has several health issues caused by the psychological stress according to his pediatrician and medical specialists.

All the children of the prisoners I have interviewed showed sign of profound sadness that they desperately try to hide in front of their mothers.

Saharawi society is based on a tight family network and interaction, where families live together and family structure is the basis of the society, the absence of a father is therefore even more impacting.

The effects of paternal incarceration in the case of the Sahrawi are stronger than those of other forms of father absence, therefore children with incarcerated fathers should have specialized support from caretakers, teachers, and social service providers. Exactly the opposite is the case, the children are ill treated in the schools, insulted by their teachers and under constant surveillance by the Moroccan authorities, that surround the houses of the political prisoners families and follow the children.

One of the sons of Mohamed Bani, also of the Gdeim Izik group, was saved by his mother and sister when Moroccan agents in plain clothes tried to abduct him in front of the apartment in Salé during his fathers trial.

Moroccan “demonstrators” in front of the court attacked Kamal Laaroussi, 8 years old, during the Gdeim Izik trial, which resulted in a head injury.

In a report⁹ on parent absenteeism due to incarceration several experts from the USA, state that the estimated effects are stronger for children who lived with their fathers prior to incarceration, but are also significant for children of non-resident fathers, suggesting that incarceration places children at risk through family hardships including and beyond parent-child separation.

In the case of the children of the Saharawi political prisoners the added factors mentioned above

⁹ Beyond Absenteeism: Father Incarceration and Child Development*

Amanda Geller, # Carey E. Cooper, Irwin Garfinkel, Ofira Schwartz-Soicher, and Ronald B. Mincy

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3703506/#R2> by

put them in a stress situation that goes beyond the already existing psychological pressure in "normal" incarceration situation.



(Students and family members of the imprisoned Saharawi Students demonstrating before the court of appeal in Marrakesh)

Conclusion

The rights of the Saharawi prisoners and their families are not respected. Their right to family life is therefore violated; the economical, psychological and social impact of having a family member in prison is aggravated in the case of the Saharawi families due to the situations described above.

Morocco punishes the Saharawi prisoners and their families beyond the convictions given to the prisoners.

The International covenants and agreements that were ratified by the Moroccan State have to be uphold, it is up to the international community to assure that the basic human rights of these political prisoners and their families are respected.

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Appendix 1

Distances from El Aaiun, capital of occupied Western Sahara to the Prisons in Morocco where the Saharawi political prisoners are detained¹⁰

El Aaiun - Tatta Prison
460 km

El Aaiun - Bozakarn Prison
481 km

El Aaiun - Tiznit Prison
548 km

El Aaiun - Ait Melloul Prison
624 km

El Aaiun - Inzegane Prison
631 km

El Aaiun - Taroudant Prison
696 km

El Aaiun - Oudaya Prison
866 km

El Aaiun - Okacha, Casablanca Prison
1 091 km

El Aaiun - Sale, Rabat Prison
1 178 km

El Aaiun - El Arjat Prison
1 197 km

El Aaiun - Kenitra Prison
1 223 km

El Aaiun - Tifelt Prison
1 227 km

¹⁰ The distances were taken from Google Maps and Via Michelin and are for travelling by car which would be the most direct and fastest route.