

Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara

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PRESS RELEASE

Morocco Must Immediately Release Longest-Held Sahrawi Political Prisoner, Says UN Special Procedure

The family of ailing Sahrawi human rights defender Yahya Mohamed Elhafed Iaazza, held for 14 years in a Moroccan prison, demands his immediate freedom after the UN Working Group on Arbitrary Detention concluded that he was arrested and tried by Morocco for his activism, forced to confess under torture and denied the right to a defence attorney.

In a scathing rebuke of Morocco's human rights practices, the UN Working Group on Arbitrary Detention (WGAD) has urged the Moroccan authorities to immediately release Yahya Mohamed Elhafed Iaazza, Western Sahara's longest-held political prisoner, after finding that he had been targeted solely for his Sahrawi identity and his political and human rights activities, and should have never been arrested, tried or imprisoned. The decision falls into a long chain of decisions rendered by the UN Working Group, documenting the systematic use of arbitrary detention and long-term prison sentences used to silence Saharawi human rights defenders.

The newly rendered opinion by the UN Working Group in the case of imprisoned Saharawi human rights defender Yahya Mohamed Elhafed Iaazza (A/HRC/WGAD/2021/46) may be found [here](#).

The 307 member-organisations of the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara join the call for the immediate release of Elhafed Iaazza and all other imprisoned Saharawi human rights defenders.

The Group's members welcome the decision by the UN Working Group on Arbitrary Detention and call upon all States to ensure its effective implementation by the Kingdom of Morocco. They also calls upon the UN High Commissioner for Human Rights, Ms Michelle Bachelet, to disclose publicly the systematic and serious violations of international humanitarian law and human rights law as documented by her office and to ensure a prompt visit to the region and to all imprisoned Saharawi human rights defenders.

In its opinion, the UN Working Group concludes that Elhafed Iaaza, a 55 year-old father of three was arbitrarily arrested in 2008 in the Moroccan city of Tan Tan on the basis of his Sahrawi origin and being an influential Sahrawi activist with a leading role in the movement for the independence of Western Sahara.

At the time of his arrest, Elhafed Iaaza was president of the Tan Tan branch of CODESA, a Sahrawi human rights organization, where he advocated on behalf of Sahrawi victims of torture and political prisoners. Elhafed Iaaza was accused of organizing a protest on 27 February 2008 that led to the death of a Moroccan police officer and which he never attended: the UN Working Group has found no grounds for this prosecution. Citing numerous irregularities at Elhafed Iaazza's trial, in 2009 Amnesty International called for his release.¹

¹ Amnesty International, Morocco/Western Sahara: Investigate allegations of torture of Saharawi human rights defender, 12 May 2009, <https://www.amnesty.org/download/Documents/48000/mde290042009en.pdf>

The opinion of the WGAD was welcomed by Elhafed Iaazza's family, worried that time is running out for him due to his ill health and the inhuman conditions he has faced in the Moroccan prisons. "We demand that the Kingdom of Morocco do what the UN has urged and immediately release my father, whose health has severely deteriorated due to the pitiful conditions of his detention, the mistreatment he suffers at the hands of his jailers and his lack of access to care and medication", said his daughter Fatou Elhafed Iaazza, who has been working tirelessly to achieve justice for her father ever since he was taken away when she was just ten years old. "My father should never have set foot in prison. He belongs at home with his family".

In addition to concluding that Elhafed Iaazza was politically persecuted, the WGAD listed multiple human rights violations committed by the Moroccan authorities against him. He was arrested without a warrant, denied a defense lawyer and the right to defend himself and forced to sign a confession under torture that was later used as evidence against him at trial, thus also being denied due process. Concluding that the Moroccan court that tried Elhafed Iaazza lacked independence, the UN Working Group has referred the case to the UN Special Rapporteur for the Independence of Judges and Lawyers.

"The issue is clear: why is Morocco holding an innocent man in prison?" said jurist Tone Soerfonn Moe, Elhafed Iaazza's Oslo-based international representative. "We have been asking this question for years, ever since Yahya Mohamed was arrested and now, the UN Working Group has added its voice. Yahya Mohamed was racially discriminated against and unfairly imprisoned for his identity as a Sahrawi, his human rights activities and his tireless advocacy for his people's right to a referendum on self-determination, which the UN Security Council promised in 1991. This remains the only reason for his imprisonment and he must be immediately released".

Elhafed Iaazza is known as the "father" of Sahrawi political prisoners, many of whom are very young activists and students who are terrified when they first arrive in Morocco's notorious prison system. "My dad has not been allowed to be a father to us since his arrest, but he took many young Sahrawi prisoners under his wing, comforted them and taught them to survive their ordeal physically and mentally", said his daughter Fatou Elhafed Iaazza. "That is just who he is: a great, kind, loving man. We need him back".

In addition to being deprived of his freedom, Elhafed Iaazza has suffered excruciating torture, ill treatment and prolonged isolation during his 14 years of detention. He suffers from asthma, rheumatism and the effects of long-term hunger strikes, including one that lasted 62 days in protest of his arbitrary detention and torture, as well as the inhumane treatment and systematic racial discrimination that he and other Sahrawi political prisoners suffer. In November 2020, Elhafed Iaazza was exposed to Covid-19 when an infected prisoner was placed in his cell and he was subsequently disappeared by the prison for a total of 8 weeks; a violation that was documented and forcefully denounced in a joint communication of 7 January 2021² by a group of independent UN Special Rapporteurs and echoed by Front Line Defender in their ongoing campaign for the release of Elhafed Iaazza.³

Background

Elhafed Iaazza is one of many Sahrawis who are targeted by Morocco through arbitrary detention and judicial harassment for their activism on Western Sahara, a UN recognized Non-Self-Governing Territory south of Morocco and north of Mauritania that the Kingdom of Morocco has invaded in 1975 and subsequently partly occupied and annexed. Latest published report refers that there are currently 40 Saharawi human rights defenders imprisoned within Moroccan jails, 30 of which has been sentenced to long term prison sentences.⁴

² UN Special Procedures, Joint Communication of 7 January 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25731>

³ Front Line Defender, profile page of Yahya Mohamed Elhafed Iaazza, <https://www.frontlinedefenders.org/fr/profile/yahya-mohamed-el-hafed-aaza>

⁴ Joint response, The occupied territories of Western Sahara and long term detention of Saharawi human rights defenders, March 2021, https://www.ohchr.org/Documents/Issues/Defenders/longterm-detention-defenders/Submissions/CSOs/36_nscws-aaj-lpspp-cso-en-morocco-y.pdf

The human rights situation of Sahrawi political prisoners, human rights defenders and journalists under occupation has deteriorated since the events of 13 November 2020, when the 29-year-long ceasefire between the Kingdom of Morocco and the Polisario Front was broken and fighting resumed, launching a massive crackdown in the occupied territories and against imprisoned Saharawi activists that continues to this day.

In response to the crackdown and on 1 July 2021, the UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor, issued a statement condemning Morocco for "systematically and relentlessly" targeting Sahrawi human rights defenders and journalists in retaliation for exercising their rights to freedom of association and expression to promote human rights in Western Sahara, whilst decrying the clampdown on imprisoned Saharawi human rights defenders and their long-term imprisonment framed by grave and un--investigated allegations of torture⁵.

Sahrawi human rights defenders advocating for social justice and activists who demand the celebration of a long-promised UN referendum on self-determination for Western Sahara are often charged with violent crimes, tortured into signing confessions and given long prison sentences, effectively ending or severely limiting their advocacy work. The arbitrary detention of Saharawi human rights defenders has been widely documented by the UN Working Group on Arbitrary Detention, which has found that Saharawis advocating in favor of self-determination are subjected to discriminatory practices in breach of the equality of human rights and sentenced to long term imprisonment as punishment for their human rights activism.⁶

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⁵ OHCHR, Morocco: UN human rights expert decries “clampdown” on human rights defenders, 1 July 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27244&LangID=E>

⁶ Reference is made to UN Working Group on Arbitrary Detention Opinion No. 39/1996, Opinion No. 4/1996, in Opinion no. 11/2017 concerning Salah Eddin Bassir, in Opinion No. 31/2018 concerning Mohamed Al-Bambary, in Opinion No. 58/2018 concerning Ahmed Aliouat, in Opinion No. 60/2018 concerning Mbarek Daoudi, Opinion No. 23/2019 concerning Laaroussi Ndour, in Opinion No. 67/2019 concerning the Student Group (14 victims), in Opinion No. 52/2020 concerning Ali Saadouni and Opinion No. 68/2020 concerning Walid Salek El Batal. See database: <https://www.ohchr.org/en/issues/detention/pages/opinionsadoptedbythewgad.aspx>