

Western Sahara Intergroup statement on the Gdeim Izik trial

On the 29th of July of 2016, 24 Sahrawi political activists and human rights defenders of the “Gdeim Izik” group were informed that their case would be heard again by a civil court, following international protests against their illegal conviction by a military court in 17th February 2013, to sentences ranging from several years to life imprisonment.

The brutality and illegality of their conviction and confinement after their arrest in connection with violent clashes after the forcible dispersal of a protest in support of the inalienable right of the Sahrawi people to self-determination has been condemned by international institutions (notably the UN) and independent observers alike. One of the original members of the group, Hassanna Aalia was granted international protection in Spain following his sentence to life *in absentia* in Morocco.

Proceedings on the new civil procedure started on the 13th of March in Rabat, an extra-territorial court given the fact that the Kingdom of Morocco has no recognized jurisdiction over Western Sahara. The current trial has also undermined the United Nations Convention against Torture and the decision of the UN Committee against Torture (CAT/C59/D/606/2014) by declaring that the legal application of the international convention on torture was not a matter of concern for the Court. It should be remembered that the accusations against “Gdeim Izik” group rest fundamentally on oral declarations that the prisoners have repeatedly declared to have been falsified and obtained under torture. It has also been impossible to link the detainees to any physical evidence, as the chain of custody has not been respected.

International observers have repeatedly denounced that the proceedings have failed to comply with international legal standards, since allegations of torture have not been investigated under the Istanbul Protocol and the accused have been repeatedly harassed during the trial. The obstacles to Sahrawi families and international observers, including from the Intergroup, to attend the trial, along with the irregular presence of the civil accusation, add to an atmosphere of intimidation that confirms the political character of the proceedings.

The situation has been deteriorating since 16th of May, following the decision of the defendants and their lawyers to leave the trial to protest these irregularities: two of the lawyers were injured as they were violently removed from the Court when they delivered a speech on the reasons for their departure. The judge decided to continue the proceedings with new lawyers being imposed to the defendants, with whom they were unable to exchange and coordinate their defence. Since then, the defendants have been obliged to attend the trials and accept their defence by force.

"The reports from the international observers are worrying and we would like to repeat the call from Amnesty International for a fair and just trial, and once again underline the importance of investigating possible human rights violations", stated Jytte Guteland, Intergroup Chair (S&D, Sweden).

"Instead of showing cruelty and injustice towards these young Sahrawi prisoners, Morocco must solve the problem of Western Sahara with a comprehensive agreement and show readiness to engage with the Polisario Front and the Saharawi people" declared MEP Ivo Vajgl, Intergroup Vice-Chair (ALDE, Slovenia).

"This show trial is another example of the repression of Morocco in the Occupied Territories of Western Sahara", said Paloma López (GUE/NGL Vice-Chair, Spain). "Sahrawi political prisoners must be released and the rights of association and freedom of expression for Sahrawi activists be upheld if a lasting political solution is to be found for the self-determination of Western Sahara".

According to Vice-Chair Bodil Valero (Greens/EFA, Sweden): "it is not acceptable that the defendants and their families have had to wait such a long time for the trial, nor the way these proceedings have been handled. I expect Morocco to follow the rule of law and international legal standards."

"This process is clearly a farce: not only is it politically motivated, it also does not comply with the most basic principles on the right to a fair trial as enshrined in the Universal Declaration of Human Rights and in International Covenant on Civil and Political Rights." concluded Fabio Massimo Castaldo, EFDD Vice-Chair (Italy).

We reaffirm the right of the Gdeim Izik defendants to a fair trial and we strongly condemn the blatant lack of respect for international law in the politically-motivated proceedings.

We call for the immediate release of the defendants on bail and for the investigation of all torture allegations and for perpetrators of such acts to be held accountable.

We urge the European Union and its Member States to raise the fate of the Gdeim Izik prisoners with the Moroccan authorities at the highest level, to meet with the prisoners and to monitor the court proceedings, in line with its commitments under the EU Guidelines on Human Rights Defenders and on Torture.

We call on the United Nations Human Rights Council to carry out an urgent inquiry into the situation of the Gdeim Izik prisoners.

Once more, we denounce the dramatic human rights situation in the Occupied Territories of Western Sahara and we recall the inalienable right of the Sahrawi people to self-determination, to be exercised through a referendum in line with international law and UN resolutions.