

Trial Observation Report

From the proceedings held against the “Group Gdeim Izik” in Salé, Morocco, with special regard to the proceedings held in May 2017.

Executive summary

Our names are Tone Sørffonn Moe (Norway) and Isabel Lourenço (Portugal, Isabel Maria Gonçalves da Silva Tavares Lourenço). We are international observers attending the trial against the so-called Gdeim Izik group at the Appeal Court in Salé, Rabat Morocco. We are accredited by Fundación Sahara Occidental. This report is based on our previous published reports from prior rounds of the same trial, in December 2016, January 2017 and March 2017. These reports are published at porunsaharalibre.org.¹ This report highlights and assesses the observations made in May 2017, with regards to the presented evidence file and the withdrawal of the accused and newly appointed defence attorneys. However, this report also refers to all the four sessions held so far, at December 26th, January 23th-26th, March 13th-27th and May 8th-18th. We hope that this report can be used as an instrument for observers wanting to attend future sessions.

When assessing this trial observation, we have evaluated the proceedings on the basis of a political trial; assessed when proceedings are brought up for reasons of political persecution (political trials) rather than to impart justice, and when it is a great risk that the proceedings as a whole may be unfair. We therefore evaluate the substance and merits of the case.

On the 17th of February 2013, the Military Court in Rabat sentenced a group of 25 Saharawi activists to harsh penalties. The *Court de Cassation* found the decision from the Military Court of Rabat null and void, and referred the case to Court of Appeal in Salé. The Court was on the 26th of December 2016 to address the appeal of the case of these 24 men. One of the original 25 are sentenced to life *in absentia*.

The presiding judge have affirmatively declared that the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment and Punishment, and the CAT decision (CAT/C/59/D/606/2014) regarding one of the prisoners, are sources he regards as irrelevant, and sources that have no legally binding competence in his court. The CAT decision had concluded that all declarations gathered by Moroccan authorities were taken under severe and inhuman torture. The court ordered medical examinations which were performed by three doctors employed by the Moroccan government, and denied the accused independent medical examinations, stating that this would breach the sovereignty of the Kingdom of Morocco. The conducted medical examinations will be evaluated in the coming proceedings on the 6th of June.

¹ Too see the previous published reports, visit <http://porunsaharalibre.org/pt/informes-gdeim-izik/>

During the proceedings held March 2017, the accused gave their testimonies to the court. The accused declared that they were arrested due to their political activism and their activism for human rights in Western Sahara. The accused declared that they all have signed declarations that they did not know the content of, whereas the declarations were falsified and that they are charged with a “made up case”. Several of them alleged to have been subjected to brutal torture, and that the torture is systematically performed to break them. During the proceedings held May 2017, the accused and their defence attorneys withdrew themselves from the court case. The accused claim that they are subjected to fabricated evidence, and that the court case constitutes a theatre played for the international community in front of the international observers. The proceedings are commencing without the detainee’s present, and without an adequate and legitimate defence.

During the proceedings held in May 2017, the evidence file in the court case against the Group Gdeim Izik was presented. The evidence file contains both evidence that we regard as both illegal evidence and evidence which are inadmissible. It is however clear that violent clashes occurred between the inhabitants and the civil forces, that according to the Moroccan authorities resulted in the death of members of the civil forces during the act of dismantlement of the Gdeim Izik camp. From the declarations of the accused given in March, we also find it proven that the inhabitants in the camp were attacked with the use of rubber bullets, hot-water cannons, tear-gas, truncheons and stones. We also find it proven that, as panic took over, clashes between the army and the protesters ensued, which lead to casualties and injuries on both sides. The prosecution has not linked the accused to the crime, and has not proven how, when, and who killed 11 victims which the accused are charged of murdering. The prosecutor has furthermore not sufficiently proven that there are 11 deaths amongst the civil forces. Sufficient evidence was thus not presented by the prosecution, and the prosecutor has not succeeded in proving beyond reasonable doubt that the ones accused are the culprits.

The court case shows all signs of being a political trial, in a courtroom that lacks the necessary jurisdiction. It is of vital importance that the accused are given medical examinations in accordance with the Istanbul Protocol by international independent doctors, and that the declarations extracted under torture are discarded as evidence. We also urge the court to examine where the witnesses that could identify the detainees originate from, and whether falsified declarations have been declared. Furthermore, the burden of proof will be a crucial factor during the commencement of the proceedings.

We strongly recommend that representatives of the international community (NGOs, jurists, deputies, government officials or representatives of embassies in Rabat) should be present on the scheduled appeal on the 5th of June 2017.

LIST OF CONTENT

EXECUTIVE SUMMARY	1
1. INTRODUCTION	4
2. PRINCIPLES FOR TRIAL OBSERVATION	5
2.1. THE TRIAL OBSERVATION MANUAL.....	5
2.2. THE LEGAL FRAMEWORK WHEN CONDUCTING A TRIAL OBSERVATION.....	6
3. THE PRISONERS AND THE CHARGES AGAINST THEM	6
4. THE PROCEEDINGS AGAINST THE GROUP GDEIM IZIK AT COURT OF APPEAL IN SALÉ.	9
4.1. THE MAIN OBSERVATIONS	9
4.2. A SHORT SUMMARY FROM THE PROCEEDINGS.....	9
5. THE EVIDENCE FILE	15
5.1. INTRODUCTORY AND CONCLUSIVE REMARKS.....	15
5.2 THE WITNESSES	16
5.2.1 <i>Support witnesses</i>	16
5.2.2 <i>The witnesses for the prosecution office</i>	18
5.3 THE CONFISCATED ELEMENTS.....	20
5.4 THE MOVIE	21
6. THE FAIRNESS OF THE TRIAL	22
6.1. THE RIGHT NOT TO BE COMPELLED TO CONFESS GUILTY OR TO TESTIFY AGAINST ONESELF AND EXCLUSION OF EVIDENCE ELICITED BY ILLEGAL MEANS, INCLUDING TORTURE OR ILL-TREATMENT.....	22
6.2. INDEPENDENCE AND IMPARTIALITY	23
6.3. THE PRESUMPTION OF INNOCENCE	25
6.3.1 <i>The identification process</i>	25
6.4. THE RIGHT TO EQUALITY BEFORE THE LAW AND COURTS AND THE PRINCIPLE OF EQUALITY OF ARMS.....	26
6.4.1. <i>The obligation to examine both incriminating and exonerating evidence</i>	27
6.5. RIGHT TO CALL AND EXAMINE WITNESSES	28
6.6. RIGHT TO DEFENCE AND RIGHT TO BE INFORMED PROMPTLY OF THE CHARGE	29
6.7. THE RIGHT TO BE TRIED WITHOUT UNFAIR DELAY.....	30
6.8. THE RIGHT TO A PUBLIC HEARING AND CIRCUMSTANCES SURROUNDING THE TRIAL.....	30
7. CONCLUSION AND LAST REMARKS	32
9. APPENDIX – SUMMARY FROM THE PROCEEDINGS	34

1. Introduction

In 1963, Western Sahara was listed as a non-self-governing territory by the United Nations. In 1966 the United Nations General Assembly adopted its first resolution (UN General Assembly, 1966, Resolution 2229 (XXI) on the territory, urging Spain to organize, as soon as possible, a referendum on self-determination under UN supervision.

In 1975, the International Court of Justice (ICJ) rendered an advisory opinion on the Western Sahara question, concluding neither that Morocco's and Mauritania's sovereignty claims were baseless, and that the people of Western Sahara must exercise their right to self-determination. Shortly thereafter, on the 6th of November, Morocco occupied and later annexed parts of Western Sahara. This constituted an act of aggression in violation of the UN Charter. The same day, the UN Security Council, in Resolution 380, called upon Morocco "immediately to withdraw all the participants in the march." When Morocco later expanded the occupation to the southern parts of Western Sahara, the UN General Assembly called Morocco "to terminate the occupation of the territory".

Morocco did not withdraw. Thus, Western Sahara has been under occupation by Morocco since 1975. Morocco and Western Sahara, led by the Saharawi liberation movement Front Polisario, were in an armed conflict until 1991, when a peace agreement entered into force. Today, Western Sahara is divided in half by a 2200-kilometre wall, built by the Moroccan army. The occupied areas are controlled by Moroccan authorities, whereas the other half is controlled by Polisario. The most important aspect of the peace agreement, a referendum on self-determination for the Sahrawi people, has never been implemented.

The Gdeim Izik was a provisional protest camp in 2010 situated outside of El Aaiún, the capital of Western Sahara. The camp demanded respect for their most basic human, social and economic rights. The "Group Gdeim Izik" relates to the imprisonment of 25 Saharawi arrested prior, during and after the dismantling of the silent protest camp Gdeim Izik on November 8th of 2010.

Moroccan authorities held the areas surrounding the camp under surveillance from the beginning. Since October 12th 2010, armed trucks, helicopters and army vehicles circulated the camp areas, and authorities constructed roadblocks and checkpoints around the camp. On the 24th of October, the Moroccan authorities opened fire on a vehicle trying to enter the camp site with food supplies. A 14-year-old boy (Nayem Elgarhi) died. He was buried in secret by the Moroccan authorities. His family still demands that the officers who shot Nayem shall be tried.

The Dialogue Committee remained, despite the violent clashes, in dialogue with the Moroccan authorities. On November 8th, around 6 am, the Moroccan military broke their promise and attacked the Gdeim Izik camp. Camp residents reported the use of rubber bullets, real bullets, hot-water cannons, tear-gas, truncheons and stones. As panic took over, clashes between the army and the protesters ensued, leading to casualties and injuries on both sides. Street riots broke out in several cities of Western Sahara.

In the weeks leading up to the November 8th break-down, Morocco refused foreign

politicians, NGOs and media access to the camp, creating a full information black-out. Therefore, an exact figure on the number of victims does not exist, as independent observers were not allowed to access the area. It is likely that around 11 Moroccan police officers were killed.

During and after the violence on November 8th 2010, Moroccan security officials proceeded to arrest hundreds of Saharawi. Many prisoners remained in custody longer than 48 hours, and were held without being charged for months before released on provisional release.

The Group of “Gdeim Izik” remained in jail, and was transferred to Rabat for investigation by the Military Court of Rabat in 2013. The Military Court of Rabat sentenced the 25 Saharawi’s on the 17th of February 2013. Twenty-three of the Saharawi’s were sentenced to harsh sentences (life, 20, 25, or 30 years). Mr. Machdoufi and Mr. Zeyou were released with time served. The Constitutional Court quashed the decision taken at the Military Court of Rabat in 2013, on September 21st, 2016. The Constitutional Court referred the case to the Appeal Court in Salé.

2. Principles for trial observation

2.1. *The trial observation manual*

The right to observe trials stems from the general right to promote and secure the protection and realization of human rights.

According to the principles set out in the International Commission of Jurist’s *Trial Observation Manual*, observations should focus on matters relating to judicial guarantees, as well as the right to a fair trial. Generally, the observers have no role in evaluating the evidence and arguments put forward by the parties, or in weighing up the guilt or innocence of the accused.

The observer may evaluate the substance and merits, if a trial is brought against;

“human rights defenders, journalists and political or social opponents, for the legitimate and peaceful exercise of their rights to promote and strive for the protection and realization of human rights, their political rights and/or their freedom of conscience, expression and association. Such proceedings are generally brought up for reasons of political persecution (political trials) rather than to impart justice.”

The principle of observing the substance and merits, can furthermore be applied in cases of;

“Proceedings in which there is such a complete and blatant absence of proof against the defendant that the proceedings as a whole may be unfair. These kinds of proceedings are usually initiated for reasons other than the proper administration of justice. In such situations, trial observers will, as part of their assessment, need to evaluate whether sufficient evidence was presented by the prosecution”

The prisoners are all accused of charges related to the dismantlement of the Gdeim Izik camp. The Gdeim Izik camp was a protest camp claiming the right to self-determination and socio-economic rights for the Saharawi people. Several of the prisoners served as leaders and spokespersons for the Gdeim Izik protest camp in 2010. Several of the prisoners are leaders of human rights and/or political organizations calling for the self-determination for Western Sahara. Four of the accused are well-known journalists from the occupied territories in Western Sahara. This political activism is to be regarded as the reason for the proceedings; rather than to impart justice. The arrest of the Gdeim Izik group should be regarded as proceedings brought up for reasons of political persecution.

Furthermore; the main evidence is confessions extracted under torture and declarations from witnesses in line with the police reports extracted under torture. From the above mentioned; the proceedings as a whole may be unfair due to the complete and blatant absence of proof against the defendant.

As listed above; these proceedings are “brought up for reasons of political persecution (political trials) rather than to impart justice”, and we will therefore evaluate the proceedings on the grounds of assessing a political trial, and as such, evaluate whether sufficient evidence was presented by the prosecution.

2.2. The legal framework when conducting a trial observation

In order to avoid possible challenges to the legal nature of the standard employed during the trial observation, observers should refer only to norms whose legal foundation is undisputed. When assessing the trial against the “Gdeim Izik group”, the following norms constitutes the legal framework;

1. The Constitution of Morocco, the Criminal Code and Code of Criminal Procedure of Morocco;
2. The Human Rights treaties to which Morocco is a party;
3. International standards on human rights and administration of justice that are declarative in nature, and;
4. Norms of international customary law.

3. The prisoners and the charges against them

The accusations are related to (1) being part of a criminal organization, (2) violence towards police officers, (3) intentional/unintentional murder. The accusations are based on article 129, 130, 267, 271, 293 and 294 of the Moroccan penal code. If sentenced after Article 267 of the Moroccan penal code, the sentence is death penalty.

The victims, that the “Group Gdeim Izik” are accused of murdering, are 11 Moroccan members of the public forces, which allegedly died during the dismantlement of the camp site and during the riots that broke out in El Aaiún.

All defendants maintain their innocence, professing that the real reason behind their detention

is their activism for human rights, anti-discrimination and/or respect for the Saharawi people's right to self-determination.

The prisoners and the charges are listed below.

1. **Sidi Abdallah Abahah (B'hah), born 1975. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death; with intent to kill and desecration of the corpses.
2. **Mohamed El Bachir Boutinguiza, born 1974. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death; with intent to kill and desecration of the corpses.
3. **Mohamed El Ayoubi, born 1956. Sentenced to 20 years under provisional release due to his debilitated health condition by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
4. **Ettaki Elmachdoufi (Machdoufi Ettaki), born 1985. Sentenced to time served by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
5. **Mohamed Bani, born 1969. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
6. **Abdeljalil Laaroussi, born 1978. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
7. **Abdulahi Lakfawni, born 1974. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; and for violence against public forces with the cause of death, with intent to kill.
8. **Ahmed Sbaai, born 1978. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
9. **Sidahmed Lemjeyid, born 1959. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
10. **Brahim Ismaili, born 1970. Sentenced to life imprisonment by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
11. **Mohamed Embarek Lefkir, born 1978. Sentenced to 25 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
12. **Larabi El Bakay, born 1982. Sentenced to 25 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, with intent to kill.
13. **Enaâma Asfari, born 1970. Sentenced to 30 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.

14. **Cheikh Banga, born 1989. Sentenced to 30 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
15. **Mohamed Bourial, born 1976. Sentenced to 30 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
16. **Mohamed Lamin Haddi, born 1980. Sentenced to 25 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
17. **Sidi Abderahman Zayou, born 1974. Sentenced to time served by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
18. **El Houssin Ezzaoui, born 1975. Sentenced to 25 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
19. **Abdullahi Toubali, born 1980. Sentenced to 25 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
20. **Deich Eddaf, born 1978. Sentenced to 25 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
21. **El Bachir Khadda, born 1986. Sentenced to 20 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
22. **Hassan Dah, born 1987. Sentenced to 30 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.
23. **Mohamed Tahlil, born 1981. Sentenced to 20 years by the Military Court in 2013.** Accused of participation in and aiding criminal organization; violence against public forces with the cause of death, without intent to kill.
24. **Mohamed Khouna Babait, born 1981. Sentenced to 25 years by the Military Court in 2013.** Accused of participation in and aiding a criminal organization; violence against public forces with the cause of death, without intent to kill.

The last of the original “Group Gdeim Izik”, is **Hassana Alia, born 1989. Sentenced to life in absentia by the Military Court in 2013.** Hassana was granted political asylum in Spain. Hassana Alia was not summoned to the proceedings at the Court of Appeal in Salé.

4. The proceedings against the Group Gdeim Izik at Court of Appeal in Salé.

4.1. *The main observations*

The main observation from the trial, is that the accused are charged with accusations based on the testimonies extracted under torture, and declarations that the accused claim are fabricated. The prosecution office backs up the declarations with a video portraying violent clashes between the inhabitants in the camp and the civil forces, and with testimonies from multiple witnesses that describe violent clashes. Some of the witnesses identify the accused as leaders within the camp, as attackers and as organizers of the attack.

The accused are charged with violence against public officials with intent to kill; meaning that the Gdeim Izik was a military camp founded and planned by the accused, and that they attacked the public forces with intent to kill. They are charged with forming a criminal organization, meaning that they mobilized both people to join the camp, and mobilized the inhabitants in the camp to attack the military forces which surrounded the camp, until death. Several are accused of ordering and guiding the inhabitants in the camp in reaching this goal. Several of them are accused of running over the public forces with cars, and some of them are accused of murdering with knives and axes, and urinating on corpses.

All the defendants urge that the declarations are falsified, and that they are innocent on all charges. Several of them claim that they signed reports with blank spots, which later have been filled in. Several of the accused claim that they were tortured in front of the judge, or forced/pressured/threatened to sign declarations which they had not read in advance. All the detainees claim that they were never interrogated about the events at Gdeim Izik, but only about their human rights and political activism, and that the torture was a mean of revenge for their activism and their political opinions. The accused urge that they were tortured when arrested, in custody and in prison. They tell about violent torture, both physical and psychological. Several of the accused identified their torturers (see appendix). The torture was practiced in the presence of the Director of Salé 2 prison, the Judge of Instruction at the Military Court of Rabat and the Judge of Instruction at Court of First Instance in El Aaiun.

The accused claim that the witnesses put forward against them are declaring falsified testimonies, and declare that the Moroccan government are putting on a theatre to convict them for their political beliefs. The accused urge that the Gdeim Izik camp was a peaceful protest camp which was violently dismantled by the Moroccan government on the 8th of November 2010 whilst the inhabitants of the camp were sleeping, and declare that this attack manifested abuse of power and that this abuse lead to the casualties.

4.2. *A short summary from the proceedings*

In this point, we highlight a short summary; for a more extensive summary please see the appendix.

The proceedings against the Group Gdeim Izik commenced on **December 26th, 2016**. The prisoners were held in a glass-cage; deprived of following their own appeal. The question

upon partial status for the civil party was never ruled upon, and the court was adjourned until January 23rd, 2017. None of the prisoners were given provisional release.

The proceedings against the Group Gdeim Izik commenced on **January 23rd**, 2017, by addressing procedural matters. Mohammed El Ayoubi was not present at the court, since he was hospitalized. The court ruled that the case of Mr. Ayoubi would be separated from the group case. The defence asked for more time to prepare their case, since they had not been given the chance to meet with their clients. The defence was given 24 hours. The time was then 5:40 pm, where the court was adjourned until 10am the next morning.

On **January 24th**, the accused were deprived of their pen and papers during the proceedings, where the accused demanded that they have the right to follow their own proceedings; and this entailed that they had to be given the chance to follow it adequately. The question upon whether the civil part was to be given a formal partial status was raised, but never ruled upon. The question about whether this stage was first instance, or an appeal was also postponed to a later date.

On **January 25th**, the defence placed forward arguments related to the Fourth Geneva Convention; claiming that Western Sahara is occupied by Morocco, and that the Appeal Court in Salé did not have the necessary jurisdiction to rule upon the matter. The French defence attorneys were stopped in their advocacy when protests arose within the courtroom.

The prisoners were granted medical examinations, where the presiding judge declared that the examinations were to be outlived by three Moroccan doctors employed by the state. The court adjourned until the 13th of March.

The proceedings on **March 13th** commenced without the reports from the medical examinations. Witnesses who had been permitted into the case file were present in the courtroom, but were not questioned. The proceedings commenced with presenting the documents in the case, where all the confiscated evidence was put forward. One of the objects in the document file was a CD, which contained a film portraying the camp as a violent resistance camp. The film was manipulated, edited and had subtitles. The court refrained from ruling upon whether the film was to be taken into the document file.

On **March 13th**, the testimonies from the accused started. The first to give his declaration was Mohamed El Ayoubi. Mr. Ayoubi stated; “I came to find my bread, but the Moroccans only gave me beatings”. The next who was questioned was Mohammed Bani. Mr. Bani demanded to be tried by a court that the Polisario Front and Morocco agreed upon.

On **March 14th**, Machdoufi Ettaki, Mohamed El Bachir Boutinguiza and Mohammed Thalil, gave their declarations. Mr. Ettaki declared that we, the Saharawi's, are tried in made up cases by the Moroccan occupation. Mr. Boutinguiza urged that he had nothing to do with the reports, and that the international community must intervene. Mr. Thalil was constantly stopped by the prosecution in his declaration, and declared, “you claim that this is a fair trial; but this is all a theatre, I don't care about theatre. I want to tell you the truth about why I am here; in a country who has occupied my country”.

On **March 15th**, Mohammed El Bakay, Mohammed Lamin Haddi, and Sidi Abderahmane Zeyou gave their testimonies. Mr. El Bakay declared that he was innocent of all charges, and stated that the camp had no organization; and that he is sure that Morocco already has this intel. When Mr. Haddi was questioned by the civil party, he formed a cross over his mouth with black tape, as a silent protest; symbolizing that he would not answer the ones that had deprived him of the presumption of innocence. Mr. Zeyou stated that the investigations after the dismantlement of the camp, were not set forward to reach the truth, but to revenge the political activism.

On **March 20th**, El Houssin Ezzaoui, Sidi Abdallahi Abahah, Mohammed Bourial and Brahim Ismaili gave their declarations. Mr. Ezzaoui declared that when appearing in front of the investigative judge, he was carried in a blanket, not being able to walk after the torture inflicted on him. Mr. Abahah explained how he had refused to undergo the medical examinations, since his lawyer had requested an independent examination in line with the Istanbul Protocol, which was not the case of the medical examinations that this court had ordered. Mr. Bourial told about how he, on November 7th, had been approached by the chief of police in El Aaiun who told him that “I got Eênama Asfari tonight, tomorrow I will get you”. Mr. Ismaili stated that, during all the interrogations, he was only asked about his activism for self-determination and his trip to Algeria. He urged that he was never asked any questions about the Gdeim Izik.

On **March 21th**, Abdallahi Toubali, Sidahmed Lemjeyid and El Bachir Khadda gave their testimonies in front of the court. Mr. Toubali was during the testimony asked to sign two documents without looking, to prove that he in fact was blindfolded when signing his declarations, which he urged was falsified against him. The judge kept the blank pages with Mr. Toubali's signature. Mr. Lemjeyid urged that he was captured due to his political opinions and activism, and that, when he was brutally tortured, he was only asked questions about his activism, and never about the camp. Mr. Khadda demanded that the Fourth Geneva Convention should be applied, as Western Sahara is occupied by Morocco.

On **March 22nd**, Hassan Dah, Abdallahi Lakfawni and Mohamed Embarch Lefkir, testified in front of the court. When talking about their sufferance, about the torture they endured and their political opinions, they were constantly interrupted. When Mr. Lefkir was asked why he signed his whole name, he answered that “they threatened to torture me in ways I couldn't even imagine; I was terrified”. Mr. Dah urged that the Fourth Geneva Convention must be applied. Mr. Lakfawni told how he was arrested by masked men, who attacked the house where he was and threw him out the first-floor window, before they took him to an unknown location and tortured him.

On **March 23rd**, Mohammed Babait, Eênama Asfari and Cheikh Banga were questioned by the court. Mr. Babait declared that he had nothing to do with the Gdeim Izik camp, other than visiting his mother. Mr. Asfari urged that he would not agree to be tried based on falsified illegal evidence, and invoked art. 15 of the Torture Convention when asked questions based on the declarations. Mr. Banga urged that he was only arrested due to his political activism, and declared that this is only a fabricated story and that his political opinions were the core of this case.

On **March 27th**, Cheick Banga, Deich Eddaf, Ahmed Sbaai and Abdeljalil Laroussi were questioned by the court. Mr. Laroussi gave in front of the court a description of all the torture he had suffered. Mr. Eddaf declared himself innocent on all charges, and urged that the declarations are falsified. Mr. Sbaai declared that he does not recognize the validity of this court since the court is extraterritorial.

The court adjourned until the 8th of May. None of the prisoners were given provisional release. The officials who wrote the reports were allowed as witnesses. The judge accepted three additional witnesses from the defence, i.e. the witnesses requested by Mr. Laaroussi, Mr. Lakfawni and Mr. Zeyou. The presiding judge declared that the reports from the medical examinations are submitted.

On **May 8th**, the witnesses were summoned to court. The group of witnesses can be divided into three groups: (1) witnesses for the defence (hereinafter “support witnesses”); (2) witnesses who describe the events (members of the different public authorities); and (3) witnesses who describe the events and identify the accused (members of the different public authorities and inhabitants from the camp). The court case entails in addition declarations from the police officers who wrote the reports. In total, 28 witnesses were submitted. The confiscated elements in the evidence file were shown to the accused. All the accused denied any relation to the confiscated elements. The supportive witnesses Mr. Hassan Dhalil, Mr. Mohammed Embark Hallab, and Mr. Brahim Hamed gave their declarations.

On **May 9th**, the court decided to postpone the treatment of Mr. Mohammed El Ayoubi’s court case, due to his health condition, until the 5th of June. The first witness summoned to the court was Mr. Faisal El Malazi. The witness declared that the participants in the camp attacked the civil forces, and that his colleague and himself were hit by a car. The witness identified Mr. Bani as the driver of the car. The second witness Mr. Rahil Mohammed explained how the inhabitants of the camp threw rocks towards them, and that he was hit by a car and lost consciousness.

On **May 10th**, the first witness Mr. Nordin Lassere and the second witness Mr. Said Kahla testified about the violent clashes between the inhabitants and the civil forces. The third witness for the day, Mr. Mohammed Choujaa declared that he had taken part in the camp, and identified several of the accused as leaders in the camp, as attackers, and as spokespersons in the camp. The witness could not remember the names of other inhabitants in the camp, including his own neighbours, and declared that he was alone for 22 days in his tent. The accused urged that this testimony was false and asked where this witness had been the last 7 years. The court conducted an identification process (face to face witness-accused), where the witness identified 20 of the 24 accused.

On **May 11th**, the first witness to testify was the supportive witness Mr. Mohamed Selmani that declared that he had witnessed the abduction of Mr. Asfari on the 7th of November. The second witness was another supportive witness, Mr. Bachir Salmani who declared that he had witnessed the abduction of Mr. Asfari on the 7th of November. The third witness, Mr. Aziz Kabir, and the fourth witness Mr. Ridam Halwi, and the fifth witness, Mr. Mustafa Zeynon, testified to the clashes and the dismantlement of the camp.

On **May 15th**, the first witness to be summoned was Mr. Tarik Hajri who testified to have seen fire and being attacked by demonstrators whilst laying on the ground. The second witness, Mr. Hossini Lemtioui, declared that he had lived in the Gdeim Izik camp since the first week of its settlement. The witness identified several of the accused as leaders, and the ones giving orders on the morning of the 8th of November, and identified several of the accused as attackers, and others as spokespersons within the camp. The witness could however not name the neighbourhoods in the camp, nor remember the name of his own neighbourhood or identify any other inhabitants in the camp, and claimed that he had been alone for 22 days, and that no one could identify him. The accused urged that this testimony was false, and constituted lies matching the falsified declarations. After the identification process (face to face witness-accused), which the defence urged was in violation of the presumption of innocence, protest emerged within the courtroom as the detainees chanted that the Moroccan judicial system is only a theatre played for the international community.

The third witness, Mr. Moulay Ali Amrani, the fourth witness, Mr. Farouk Arika, the fifth witness, Mr. Zakaria Raiss, the sixth witness, Mr. Hamid Omalish, the seventh witness, Mr. Abdeljalil Laktari, and the eight witness, Mr. Morad Haddi, testified about the clashes.

On **May 16th**, the first witness Mr. Mohamed Sahnoun testified regarding the dismantlement. The second witness was the supportive witness for Mr. Laaroussi, Mr. Brahim Hamya. Mr. Hamya explained how Mr. Laaroussi was abducted from his family house in Boujdour. The civil part asked the witness about his home address, and protests emerged at once inside the courtroom. The accused urged that the court had to protect the witnesses equally, and not only the witnesses summoned by the prosecutor. Mr. Banga thereafter informed the court that the detainees had been prohibited from speaking to their defence attorneys. The court commenced the questioning of the witness, but adjourned when protests again emerged. The defendants were given the room to consult with their attorneys. Mr. Zeyou and Mr. Ettaki were escorted out of the courtroom, and were not given the opportunity to consult with their attorneys alongside with the rest of the group. At the commencement, the different attorneys gave a last statement to the court and withdrew from the court case. Mr. Hassan Dah affirmed that the accused wished to withdraw from the proceedings, and asked their families to leave. The French attorneys were not allowed to give a final statement to the court, and were de facto prohibited from withdrawing from the proceedings. They were then expelled from the courtroom and forcefully escorted out by police officers. The preceding judge appointed four new defence lawyers, whereas two of the newly appointed lawyers were present in the room since they belonged to the civil party. The court commenced the proceedings by summoning a new witness, Mr. Abdeljalil Chakouch. The newly appointed defence lawyers did not receive the case documents, and asked for time to prepare the defence. The request was denied. The presiding judge ruled to adjourn the hearings after a request from the civil party, claiming they were exhausted.

On **May 17th**, the accused refused to appear in front of the court without their handcuffs, after being transported by force from the prison to the courthouse (i.e. the detainees demanded to appear in front of the court handcuffed as they were during transport). The presiding judge refused to let the detainees appear in front of the court handcuffed, and ruled to commence the proceedings without the detainee's presence. The first witness Mr. Ashraf Mchich and the second witness, Mr. Ahmed Hamidou, testified to the events. The third witness, Mr. Yames

Hrouchi, declared that he had stayed in the camp and that he knew several of the detainees, and declared that the camp had checkpoints, was divided into five sections, and had security forces. Mr. Hrouchi could not remember the name of the neighbourhood he lived in in the camp nor his neighbours, and declared that he lived alone. The witness identified the detainees by looking at pictures of the detainees from the prison. The fourth witness, Mr. Redoam Lawini, the third witness, Mr. Mohamed Dghigh, the fourth witness, Mr. Kamal Rouki, testified to the events happening on the 8th of November. The defence asked what the relevance of these witnesses was, since they could not identify any of the accused. The court commenced by re-summoning the witnesses that the accused had refused to expose themselves to, and ordered an identification process by using the pictures of the detainees from the prison.

On **May 18th**, the detainees reaffirmed their position and refused to enter the courtroom without their handcuffs. The clerk informed the court that he had been prevented from informing the detainees about the court's ruling and the proceedings held on the 16th and the 17th of May, as the detainees had protested and stated that they did not wish to be a part of what they called a "theatre" played in a Moroccan courthouse. The presiding judge commenced the proceedings without the detainee's presence. The first witness Mr. Hmaida Akrach testified that the camp had checkpoints, and about the events on the 8th of November. The presiding judge commenced the proceedings by summoning the police officers who had written the police reports to testify. The police officers summoned to court are identified by the accused as the ones who tortured them. The first police officer which gave his testimony was Mr. Mohssin Bou Khabza, who gave a testimony identical to the police reports. Mr. Khabza declared that he oversaw the questioning of the ones taken into custody, and he declared that everyone was given water and food, and that no torture took place. Mr. Zeyou and Mr. Ettaki left the courtroom in protest, stating that they could not sit there and listen to the man who had tortured them for five days telling lies. The second police officer Mr. Youseff Raiss, the third police officer Mr. Said Ben Sghir and the fourth Mr. Abdel Hamid Elmaghani declared similarly a story in line with the police reports, and denied any torture. The fifth police officer to be questioned was Abde Rahmon Elwazna. Mr. Elwazna has been identified as the one conducting and managing the torture both within the police head quarter and in the prison. Mr Elwazna denied all allegations upon torture, and stated that it would be impossible to torture someone inside a police head quarter.

The prosecutor requested to implement new evidence into the case file. The prosecutor placed forward two reports. First report showed the travel route for all the accused who had travelled to Algeria in 2010. The second report entailed transcripts of recordings of phone calls between Mr. Asfari and members of the Polisario Front and mentioned talks with UN special envoy Christopher Ross. The presiding judge postponed the ruling. The court was thereafter shown a movie, proclaiming the events on the morning of the 8th of November. The movie proclaimed the clashes between the civil forces and the demonstrators, and shown pictures of wounded members of both the gendarmerie and the civil forces. The movie did not exhibit a link between any of the accused and the alleged crimes they committed.

The court commenced by evaluating the medical examinations. The defence requested time to prepare their defence. The court ruled to not grant independent medical examinations, and to grant the defence time to prepare their defence. The court case was adjourned until the 5th of

June.

5. The evidence file

5.1. *Introductory and conclusive remarks*

During the proceedings held from the 8th of May to May 18th, the evidence file of the court case was presented. The evidence file entails the police reports, confiscated elements, witnesses, and a film.

The police reports which include declarations from the accused, must, in our opinion be regarded as illegal evidence, see point 6.1, and are therefore discarded as evidence and can not be used against the accused. The declarations given from the police officers (i.e. Mr. Mohssin Bou Khabza, Mr. Yousef Raiss, Mr. Said Ben Sghir, Mr. Abdel Hamid Elmaghani and Mr. Abde Rahmon Elwazna) who wrote the reports are similarly to be regarded as illegal evidence, and cannot be given weight in the final evidence review. The declarations from the police officers are therefore not evaluated in this report, since we regard the testimonies as a direct violation of Morocco's international commitments to investigate any signs or allegations upon torture.

The testimonies from the support witnesses are evaluated in point 5.2.1. We regard the support witnesses as credible, and that the testimonies prove that Mr. Asfari was abducted on the 7th of November, further that Mr. Toubali was in hospital on the 7th of November and in a critical condition on the 8th of November, that both Mr. Lakfawni and Mr. Laaroussi were abducted with force by the public forces, that Mr. Zeyou was in El Aaiun on the 7th of November, and that the camp was under a siege on the 7th of November.

The testimonies from the witnesses who describe the events are evaluated in point 5.2.2.1. The witnesses describe the dismantlement of the camp during the early hours on the 8th of November 2010. It is evident that violent clashes occurred between the inhabitants of the camp and the civil forces; it is also evident that the civil forces were attacked with rocks and that the inhabitants were carrying knives. These witnesses do not identify any of the accused; and do not link the accused to the crime; and the declarations are therefore not to be regarded as proof to any crime committed by the accused and cannot be given weight in the final evidence review.

The testimonies from the witnesses who describe the camp and the events *and* identify the accused are evaluated in point 5.2.2.2. The prosecution has brought forward witnesses which testify in detail about the events and the camp, without giving an explanation about where these witnesses came from. These witnesses do not occur in any prior police reports nor in the investigation phase of the case and we therefore regard these witnesses as inadmissible.

The confiscated elements are evaluated in point 5.3. The confiscated elements that were presented to the court do not entail a chain of custody. The accused deny any relation to the objects, and the evidence for a link between them are absent. The confiscated elements should have in our view, no evidence value, due to the absent chain of custody and blatant risk of

contamination.

The movie is evaluated in point 5.4. The movie portrays the violent clashes between the civil forces and the inhabitants during the early hours on the 8th of November 2010. The movie does not link any of the accused to the crime. The movie has therefore weakened value as evidence, and cannot be given weight in the final evaluation.

Consequently, the evidence file contains both evidence that we regard as both illegal evidence and evidence which are inadmissible. It is however clear that violent clashes occurred between the inhabitants and the civil forces. From the declarations given by the accused in March, we also find it proven that the inhabitants in the camp were attacked with the use of rubber bullets, hot-water cannons, tear-gas, truncheons and stones. We also find it proven that, as panic took over, clashes between the army and the protesters ensued, which lead to casualties and injuries on both sides.

The prosecution has however not linked the accused to the crime, and has not proven how, when, and who killed 11 victims which the accused are charged of murdering. The prosecutor has furthermore not sufficiently proven that there are 11 deaths amongst the civil forces. Sufficient evidence was not presented by the prosecution, and the prosecutor has not succeeded in proving beyond reasonable doubt that the ones accused are the culprits.

The prosecutor invoked on May 18th to submit additional evidence. The court postponed the decision to a later time. The new evidence entailed two reports; one concerning several of the detainees which travelled to Algeria, and the second report entailed transcriptions of phone calls between Mr. Eênama Asfari and members of the Polisario Front and talks with the UN special envoy Mr. Christopher Ross. None of the records were enveloped securely, and the chain of custody was absent, whereas the prosecutor refused to place forward the original evidence (i.e. the recordings of the phone calls). In conclusion, new evidence cannot be submitted at this stage; the reports are inadmissible as the chain of custody is absent; and none of the reports are relevant to the accusations placed forward by the prosecution office. The admittance of these records will thus be a violation of the right to private life.

5.2 The witnesses

The witnesses presented can be divided into three groups; (1) the witnesses for the defence (the supportive witnesses), (2) witnesses which describe the events (members of the different public authorities); and (3) witnesses which describe the events and identify the accused (members of the different public authorities and inhabitants in the camp).

5.2.1 Support witnesses

The first supportive witness was Mr. Hassan Dhalil for Mr. Toubali. Mr. Dhalil declared that he had visited Mr. Toubali in the hospital. He declared that he visited Mr. Toubali on the 7th of November, and that he left the hospital around midnight, and then visited Mr. Toubali again around 7am on the 8th of November. Mr. Dhalil declared that he found Mr. Toubali in a critical condition, and declared that Mr. Toubali could not move on the morning of the 8th of November. Mr. Dhalil declared that the testimony of former parliament member Mrs. Gajmoulla could verify his declarations. Mrs. Gajmoulla was not admitted as a witness to the

court case. The declaration is however supported by the medical records of Mr. Toubali presented to the court. We find no reason to discredit the testimony given by Mr. Dhalil, and deem him as a credible witness. We find it substantiated that Mr. Toubali was in a critical condition on the morning of the 8th of November and that due to his health condition could not have been in the camp.

The second supportive witness, Mr. Mohammed Embark Hallab, explained that the camp was under a siege on the 7th of November. Mr. Mohammed Embark Hallab declared that on the eve of the 7th of November, himself and other civil servants, among them Mr. Zeyou, organized a meeting where they planned to hold a demonstration the following Monday, on the 8th of November. Mr. Hallab declared that it would be impossible for Mr. Zeyou to travel to the camp, and thus commit the crimes he is accused of, since the camp was under a siege.

That the camp was placed under a siege by the governmental forces is supported by several of the declarations given by the accused; especially the testimony given by Mr. Hassan Dah and Mr. Zeyou. Mr. Hassan Dah declared that he on the 7th November was documenting the siege, and that he was reporting an incident where a caravan was stopped at the checkpoint of the gendarmerie from entering the camp. Mr. Zeyou declared that the camp was placed under a siege by the governmental forces on the 7th of November, and that he had attended a meeting concerning the siege on the 7th of November in the city of El Aaiún. We find it substantiated that Mr. Zeyou could not have been in the camp in the morning of the 8th of November. We also find it proven that the camp was placed under a siege on the 7th of November.

The third support witness, Mr. Brahim Hamed, declared that Mr. Lakfawni was abducted from his family house, and that he witnessed Mr. Lakfawni being arrested out on the street by several police officers both in uniform and with civil clothes. This statement constituted a contradiction to the declaration made by Mr. Lakfawni, whereas Mr. Lakfawni declared that he was thrown out of the window. Mr. Lakfawni clarified and stated that he was taken by the police in the second house, and thrown out of the window, and that Mr. Hamed saw him being taken once outside. The witness confirmed that Mr. Lakfawni and himself were not in the same house when the police raided his home. We find no reason to believe that this testimony is not credible, and thus find it substantiated that Mr. Lakfawni was abducted by the public forces when the police raided his cousins house.

The fourth supportive witness, Mr. Mohamed Selmani, declared that Mr. Eênama Asfari was abducted from his family house on the 7th of November. The testimony of Mr. Mohammed Selmani was supported by the testimony of Mr. Bachir Salmani. In addition, several of the accused have also stated that Mr. Asfari was abducted on the 7th of November, whereas Mr. Toubali stated that the governor had told him “We took Asfari today, tomorrow we will take you”. We find it proven that Mr. Eênama Asfari was in fact taken into custody on the evening of the 7th of November. In accordance with the testimony given by Mr. Hassan Dhalil, it is also proven that the camp was under a siege on the 7th of November until the dismantlement. Consequently, Mr. Asfari could not have been present on the scene of the crime.

The fifth supportive witness, Mr. Brahim Hamya, declared that Mr. Laaroussi was abducted from his family home in Boujdour, and that he had informed the government about the abduction, and that he was not informed of his family member in accordance with law. We

regard the testimony as credible, and thus, find it proven that Mr. Laaroussi was abducted, and that his family was not informed about his arrest nor his location.

In conclusion, we regard the witnesses as credible, and find that the testimonies from Mr. Hassan Dhalil, Mr. Mohammed Embark Hallab, Mr. Brahim Hamed, Mr. Mohamed Selmani and Brahim Hamya, prove that Mr. Asfari was abducted on the 7th of November, that Mr. Toubali was in hospital on the 7th of November and in a critical condition on the 8th of November, that both Mr. Lakfawni and Mr. Laaroussi were abducted with force by the public forces. Further that Mr. Zeyou was in El Aaiun on the 7th of November, and lastly that the camp was under a siege on the 7th of November until the dismantlement of the camp.

5.2.2 The witnesses for the prosecution office

5.2.2.1 The witnesses for the prosecution office which testify about the events that happened on the 8th of November, without identifying any of the accused.

Several witnesses testified about what happened on the morning of the 8th of November. The witnesses that described the events happening on the morning of the 8th November are Mr. Rahil Mohammed, Mr. Nordin Lassere, Mr. Aziz Kabir, Mr. Ridam Halwi, Mr. Mustafa Zeynon, Mr. Tarik Hajri, Mr. Zakaria Raiss, Mr. Abdeljalil Laktari, Mr. Morad Haddi, Mr. Mohamed Sahnoun, Mr. Abdeljalil Chakouch, Mr. Ashrad Mchich, Mr. Ahmed Hamidou, Mr. Redoam Lawini, Mr. Mohamed Dghigh, Mr. Kamal Rouki.

The witnesses describe the dismantlement of the camp during the early hours on the 8th of November 2010. It is evident that violent clashes occurred between the inhabitants of the camp and the civil forces; it is also evident that the civil forces were attacked with rocks and that some inhabitants were carrying knives. One of the witnesses declared that the civil forces were given orders to dismantle the camp within one hour. It is evident that the civil forces were ordered to dismantle the camp, and that the inhabitants resisted the dismantlement by defending themselves. It is also evident that it is impossible to dismantle a camp consisting of 40.000 people peacefully and in an orderly manner in one hour.

Several of the witnesses declare that they were only carrying riot-gear, and that their only mission was to help and facilitate the evacuation, and that the only casualties were the deaths of the 11 members of the civil forces. These statements stand in contradiction to the testimonies of the accused which claim that the civil forces attacked the camp in the early morning, whilst it was still dark, and that chaos broke out since the camp consisted mainly of children, women and elderly, and that casualties occurred on both sides (see the appendix). In this regard, we find it doubtful that the civil forces did not attack back, and we find it probable that the clashes resulted in both casualties and injuries on both sides. We also question the line of questioning presented from the preceding judge in regard to these witnesses. Two of the witnesses were abruptly interrupted by the civil part and the preceding judge when the witnesses started to describe what kind of weapons they were carrying.

However, these witnesses did not identify any of the accused, and their declarations have therefore no relevance to the accusations placed forward. Furthermore, the accused were prohibited from placing forward questions due to the lack of identification. Consequently, the accused were not given the right to question these witnesses and defend themselves against

them.

In conclusion, these witnesses do not identify any of the accused; and do not link the accused to the crime. Thus, the declarations are therefore not to be regarded as proof to any crime; and cannot be given weight in the final evidence review.

5.2.2.2 The witnesses for the prosecution office which testify about the events that happened on the 8th of November, and who identify the accused.

The witness Mr. Faisal El Malazi identified Mr. Bani as the driver of the car. The witness had not witnessed the arrest of Mr. Bani, but claimed that he could identify the driver, but declared that the car overthrew them and that the car came in a high speed. The witness could not describe the driver beforehand, and the identification was performed by calling four of the accused to stand in front of the witness. The declaration of Mr. Faisal El Malazi entails several holes, as the witness could not clarify how the car had hit him or how the car had stopped and how the car surprised them when coming from behind bushes ranging 50 cm above the ground. Furthermore, we question how the witness could identify Mr. Bani, but not describe his appearances, and how this witness was able to identify the driver of a car that overthrew them 7 years after the incident. Contrary, Mr. Farouk Arika declared that a Toyota had driven towards them, but was stopped by a Jeep. Mr Farouk Arika declared that Mr. Boutinguiza was the driver of the car. The witness Mr. Hamid Omalish stated that he was not sure if it was Mr. Bani who run over a member of the civil force with his car, but changed his answer after repeated questions by the judge from “I am not sure”, to “I am almost sure”, to “with 90 % certainty”. It should be noted that Mr. Bani is portrayed as the driver of the car which was stopped by a Jeep in the movie submitted into the evidence file, see point 5.3.4. During the proceedings held in March, Mr. Bani declared that his windshield was broken by a rock and that he had to stop his car, and was hit by another rock in the head and afterwards was arrested on the site. In this regard, we do not find it substantiated that Mr. Bani was the driver of the car which allegedly attacked the civil forces which lead to one death, but we find it substantiated that Mr. Bani was arrested in his car, as in line with his declarations.

In line with the declarations given by the accused, several of the accused lived and visited the camp of Gdeim Izik on a regular basis. Mr. Raiss Zakaria identified several of the detainees as persons who had travelled through the gendarmerie checkpoint where he worked. Mr. Abdeljalil Chakhouck identified Mr. Bourial and Mr. Banga but declared that he did not witness them commit any crimes. Mr. Hmada Akrach identified Mr. Ezzaoui as one of the inhabitants in the camp. We do not regard these testimonies as relevant for the final evaluation of the evidence, as they do not testify to any crimes committed.

Three witnesses (Mr. Hossini Lemtioui, Mr. Mohammed Choujaa and Mr. Yames Hrouchi) declared that they lived in the Gdeim Izik camp and made declarations describing the camp in detail (organisation and security forces), and identified several of the accused. They identified among others Mr. Eênama Asfari as the leader of the camp, and Mr. Laaroussi as the head of the security forces, and both Mr. Lefkir and Mr. Ezzaoui as spokespersons in the camp. These witnesses also identified several of the detainees as the ones attacking the civil forces, or as the ones distributing weapons and giving orders to the inhabitants.

Firstly, these declarations made by Mr. Lemtioui, Mr. Choujaa and Mr. Hrouchi are in line

with the declarations submitted into the police reports, which the accused claim are falsified against them, and which are to be regarded as illegal evidence. It must be noted that the detainees urge that these testimonies are falsified. In this regard, it is the responsibility of the court to investigate whether a declaration is falsified and where the witnesses come from.

Secondly, these witnesses have not been interrogated in the investigation phase nor been heard of in the earlier stages of this court case, which began in the Military Court of Rabat in 2013. Regarding the credibility of these witnesses, the fact that the witnesses could only name and identify the accused, but not describe them or their facial expression, is questionable. We question in particular why Mr. Hossini Lemtioui, Mr. Mohammed Choujaa, Mr. Yames Hrouchi could not name any of their neighbours in the camp nor any other inhabitants that they had spent their time with; only the detainees; and that they spent 22 days alone. The prosecutor has not explained where these witnesses come from, and as such; we regard these testimonies as inadmissible, and question the credibility of the declarations given.

In conclusion, we regard the testimonies given by the witnesses which could identify the detainees as weak and in lack of the necessary credibility. As evaluated in point 6.2.1, the identification process constitutes a violation of the presumption of innocence and breaches several procedural norms. The identification of the different detainees is therefore not to be regarded as evidence against them. The identification can therefore not be given weight in the final evaluation of the evidence, and we urge the need for investigation upon where these witnesses originate from, and whether the witnesses have declared falsified testimonies.

5.3 The confiscated elements

The evidence was transported into the courtroom in two see-through iron cages without numbering or proper concealing. The confiscated elements entail 19 telephones/walkie talkies, 3 axes, and 4 knives/machetes. We question why the confiscated elements do not contain any swords, since all the witnesses have testified about attackers carrying swords. Furthermore, several of the accused were confronted with individual confiscated elements. All the accused declare that the confiscated elements do not belong to them, and that they have nothing to do with them.

The defence claims that the confiscated elements were not presented in the same manner in the Military Court of Rabat in 2013, and that there were no means to make sure that this case-file in fact were the same case-file that was presented in the Military Court. Two international observers present at the Military Court confirm that the evidence was not presented in the same manner, and that the confiscated elements were packed differently.

It is apparent that the chain of custody has not been respected, and that the risk of contamination is evident. Furthermore, it is obvious that the different objects have been mistreated; none of the different objects are labelled correctly with numbering; there exist no crime scene photographs; no notes from the initial investigation; none of the objects are packed securely; and none of the objects contain fingerprints or DNA evidence. Who owned these objects; how they were confiscated, where they were confiscated and who confiscated the different elements is not known. Due to this, there is no telling of the source of these confiscated objects.

The detainees declare that these confiscated elements do not belong to them, and that the elements were not found on them upon arrest. As in accordance with the burden of proof, we do not find it proven that these confiscated elements belong to the accused, and we urge that the confiscated elements must be discarded as evidence as they are inadmissible due to their mistreatment and lack of chain of custody.

5.4 The movie

Regarding the movie portrayed in court on the 18th of May, it must firstly be highlighted that the movie does not prove or show any of the accused committing a crime, as the movie does not show a link between the accused and the alleged crimes that they committed. Please see the appendix (day 18th of May) for a detailed summary on the movie portrayed in the court.

It is however evident that the film portrays the violent clashes that occurred between the inhabitants of the camp and the civil forces on the 8th of November 2010. The movie portrayed several images from the clashes around the camp, and showed both the inhabitants throwing stones and wounded members of the civil forces. The movie commenced by portraying pictures. The pictures showed several of the accused in the Saharawi refugee camps (Tindouf camp) with members of the Polisario Front. The movie commenced by portraying details about five accused that the prosecutor claimed could be identified in the movie.

The first accused identified was Mr. Mohammed Bani. The movie portrayed images of Mr. Bani being arrested from his car, and transported away. The movie did not portray an incident or a crime committed. Mr. Mohammed Bani declared during the proceedings held in March that he was arrested in his car on his way to El Aaiun in the early hours on the 8th of November. Mr. Bani furthermore declared that his car was hit with stones, and that his windshield was broken, and that he stopped his car and was hit with a stone to his head. The movie does not contradict the statement of Mr. Bani, and we do not find it proven that Mr. Bani was attacking the public forces, but we find it substantiated that Mr. Bani was arrested in his car on his way to El Aaiun. Whilst taking into regard the prior mentioned declarations which identify Mr. Bani as the driver of the car, we regard this identification process as illegal and in direct violation of the presumption of innocence, and do not give them weight in the final evaluation.

The second accused identified in the movie was Mr. Mohammed Bourial. Mr. Bourial was identified in the movie as a man wearing a yellow scarf, and the movie portrayed Mr. Bourial sitting on the ground whilst being arrested and after his arrest in a car being asked his name and answering. One cannot identify any crimes committed. As in line with the declaration given by Mr. Bourial; he was arrested on the 8th of November in the camp of Gdeim Izik. As the movie does not portray any links between Mr. Bourial and the accused crime, we regard the movie as evidence supporting the declaration given by Mr. Bourial.

The movie also identified Mr. Toubali, Mr. Babait and Mr. Boutinguiza, which were identified by the usage of circles. It was not possible to identify the men which were encircled, and thus it is not known whether the men marked in the movie are in fact Mr.

Toubali, Mr. Babait and Mr. Boutinguiza. One of the circles identifies a person as Mr. Boutanguiza standing next to Mr Bourial. It should be noted that the height difference between Mr. Bourial and Mr. Boutanguiza is substantial and not in accordance with the two persons encircled in the movie. We therefore do not regard these identifications as admissible evidence against Mr. Toubali, Mr. Babait and Mr. Boutinguiza.

In conclusion, the movie proves that violent clashes occurred between the inhabitants of the camp on the 8th of November 2010, but does not prove any crimes committed by any of the accused.

6. The fairness of the trial

Morocco has ratified the International Covenant on Civil and Political rights (ICCPR) of 1966 (ratified 1979) ². The main article concerning the right to a fair trial is enlisted in article 14 of the ICCPR. Article 14 of the ICCPR is regarded as the fundamental provision for the right to a fair trial, due to the fact that article 14 entails all the main principles or doctrines that together constitutes a fair trial. The process of law (or, the right to a fair trial) is grounded on two main elements: the right of all persons to equality before the law and the courts, and the right of all persons to a public hearing with all due guarantees before a legally-constituted, competent, independent and impartial tribunal, as well as the right to appeal.

6.1. The right not to be compelled to confess guilty or to testify against oneself and exclusion of evidence elicited by illegal means, including torture or ill-treatment.

Morocco has ratified the Convention against Torture and Other Cruel, Inhumane, or Degrading treatment and Punishment of 1984 (1993). Article 293 of the Criminal Code of Procedure prohibits the use of “confessions” obtained through torture and other ill-treatment, stating that a “confession” obtained through “violence or coercion shall not be considered as evidence by the court”. In a report from the ICJ, the ICJ states that this "article remains largely disregarded by Moroccan courts, in particular in cases related to 'terrorism'".

With regards to the “Group Gdeim Izik”, several reports conclude that all the prisoners have been subject to comprehensive torture both during detention and during the imprisonment. The reports also conclude that the confessions used as evidence in Rabat Military Court on the 17th of February 2013³ were obtained through torture. Furthermore, the CAT-decision (CAT/C/59/D/606/2014)⁴ clearly states that Mr. Eênama Asfari has suffered under violent torture, and that the government has refrained from investigating. The Court on the other hand refused to regard the CAT-decision as evidence, or in any way as a legal document.

As highlighted in previous reports, any declarations made under torture, as described in art. 1 of the Torture Convention, is illegal evidence. According to the reports from the Military

² International Covenant on Civil and Political Rights. Link (29.04.2017): <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

³ Report on Torture, Human Right Violation and Health Condition. ACOSOP March 2013. Link (29.04.2017): <https://es.scribd.com/document/334623581/Report-on-Torture-Human-Right-Violation-and-Health-Condition-Denounced-by-the-24-sahrawi-prisoners-of-Gdeim-Izik>

⁴ CAT/C/59/D/606/2014. Decision concerning Eênama Asfari. Link (29.04.2017): http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2f59%2fd%2f606%2f2014&Lang=en

Court of Rabat in 2013, and the CAT decision (CAT/C/59/D606/2014), the declarations are a result of torture.

Firstly, that the accused have been interrogated based on declarations that they claim have been extracted under torture, constitutes a direct violation of art. 15 of the Torture Convention. The comment of the International Covenant stipulates in paragraph 3 (e) in regards to article 14 of the ICCPR that any evidence obtained through torture or illegal means should not be used as evidence against the accused. The hearing of witnesses on the basis of the declarations extracted under torture, as in the case of the policemen, is to be considered as a breach of the law, due to the fact that the declarations and evidence directly related to them are illegal evidence. The declarations and the testimonies connected to them (i.e. the declarations from the police officers who wrote the reports) should be discarded as illegal evidence.

The accused are further entitled to medical examination. As it follows from art. 12 of the Torture Convention, the state is obliged to initiate a “prompt and impartial” investigation. The obligation to perform impartial *and as such an* independent medical examination is supplemented by two instruments; the Principles⁵, and the Istanbul Protocol⁶. The two listed instruments are guidelines into how the state can fulfil their obligation after the Torture Convention, and adequately follow up allegations on torture.

The court has ruled that the detainees will not be given an independent medical examination, and has postponed the evaluation of the already conducted medical examinations until the 6th of June. The medical examinations ordered by the court are not in line with the states’ obligation to investigate allegations upon torture as outlined in art. 12 of the Torture Convention. The medical examinations were performed by Moroccan public officials, and were not performed by doctors with the necessary expertise and independence from the Moroccan Government. Consequently, the ordered medical examinations are not in line with the Torture Convention.

It is of crucial importance that the accused are given medical examinations in line with the Torture Convention, thus that the accused are given an independent and impartial investigation based on adequate medical expertise in line with the Istanbul Protocol. Finally, we regard the timespan from the signs of torture was blatant, to the medical examinations were ordered by the court as a breach of Morocco’s obligation to investigate promptly any “act of torture”, as set forward in art. 12 of the Torture Convention.

6.2. Independence and impartiality

By virtue of Article 14, subparagraph 1 of the ICCPR, the requirement of independence and impartiality serves to safeguard the integrity of the judiciary, and to ensure that judges base their judgments solely on the merits of the case according to law. When assessing the principle of independence and impartiality, one factor to consider is the separation of powers

⁵ Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 2000. Link (29.04.2017): <http://www.ohchr.org/EN/ProfessionalInterest/Pages/EffectiveInvestigationAndDocumentationOfTorture.aspx>

⁶ The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol). 2004. Link (29.04.2017): <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

and the relationship between the judiciary and the prosecution.

As mentioned in earlier reports; Morocco does not in general respect the rule of law. The Moroccan legal system relies heavily on confessions obtained through torture, and political prisoners are often released after being pardoned by the King. In whole, it may seem as if justice is taken out of the courtroom, and into to the hands of the King. When international law and obligations are mentioned by the defence, the preceding judge answers that this is a Moroccan court, and not the United Nations.

The principle of independence and impartiality is a safeguard when ensuring that a trial and its ruling is based on evidence and legal provisions. At the case of the “Group Gdeim Izik”, politics dominates the courtroom and the court’s facilities are characterized by grand demonstrations both inside and outside.

As highlighted in earlier reports, the prisoners have difficulties believing in a fair trial. The prisoner reaffirm their quality as political prisoners by shouting for self-determination and wearing their traditional costume, as an affirmation of their national identity, knowing that this statement most likely will give them harsher penalties than if they refrained. The accused invoke that the only reason for their arrest is the Saharawi nationality and their political activism. During the proceedings held in May the Group of Gdeim Izik withdrew themselves from the proceedings as a consequence of their lack of trust to the Moroccan judicial system. Mr. Hassan Dah affirmed the position of all the prisoners, but Mr. Dah was prohibited from explaining the reasons behind their withdrawal from the case in detail. As the prisoners exited the courtroom, they chanted that this court case is a theatre played for the international community; in front of the international observers.

The detainees protested several times against the use of both new witnesses and new evidence. The detainees claimed that the witnesses presented false testimonies, and that the witnesses were bought to support the already falsified declarations. The detainees urged that these witnesses were telling lies, and that they could not be heard 7 years after the events, whereas Mr. Abahah asked whether the witness had been in a coma, or abroad during the last 7 years since they did not appear on any prior police records.

It is apparent that the detainees mistrust the independence of the Appeal Court in Salé, and have after several protests and requests to the court chosen to withdraw themselves from the proceedings. The detainees have on several occasions urged the president to investigate the evidence placed forward from the prosecution office, and to grant them independent medical examinations as to prove that they have been tortured. The detainees have also urged the court to summon inhabitants from the camp to witness on their behalf, where the only ones summoned to witness about the camp are the witnesses placed forward by the prosecutor. The detainees have furthermore protested the identification process clearly in violation of the presumption of innocence, and on one occasion a police officer whispered into the witness ear; which provoked further protests from the accused. All the requests from the detainees have been denied by the court.

In compliance with the principle of an independent judiciary, we urge the need for investigation upon where these witnesses originate from, and whether the witnesses have

declared falsified testimonies. We also conclude that considering the courts earlier rulings and the refusal to investigate where the witnesses come from, it is reason to believe that the court is not independent, and that the court does not independently investigate the evidence placed forward, and as such does not base its ruling on evidence and legal provisions

6.3. The presumption of innocence

The principle of presumption of innocence, as codified in article 14 of the ICCPR, is a fundamental part of the right to a fair trial. The presumption of innocence is an absolute right, which can never be derogated from.

The prisoners are not yet proven guilty, and they have the right to be presumed innocent. Firstly; the media is overflowed of propaganda in the weeks following up to the trial; portraying the accused as terrorists and violent killers, where the active parties in the proceedings litigates in the media. The accused have been portrayed as the culprits, and the ones accountable for what happened in the Gdeim Izik camp in national media pending 7 years. The presumption of innocence has therefore already on the outset of the trial been severely breached.

Numerous consequences follows the guarantee of innocence, including the accused's right to remain silent and to not be compelled to make a confession, and the principle that the burden of proof should lay with the prosecution. It is clear from the testimonies that the accused have not been given the right to remain silent and to not be compelled to make confession. All of them announce that they have signed declarations without knowing its content, and that the documents are falsified. None of them have been told about their rights before being interrogated, and the declarations are signed under pressure and/or torture.

6.3.1 The identification process

The court conducted an identification process during the proceedings held in May 2017. The identification process was conducted by ordering all the detainees to appear in front of the court (i.e. come out of the glass-cage, and present themselves in front of the judge). The witness was thereafter instructed to point out the different detainees that he recognized, and name them according to his testimony. As such, the witness pointed for example towards Mr. Eênama Asfari, and named his as Mr. Asfari. The witness did not go into further detail. The ones identified went to the other side of the room, and the witness continued the identification until he could not identify further.

Both the detainees and their defense attorneys protested the identification process, which finally led the accused to refuse to appear in front of the court, avoiding exposure in front of new witnesses. It is reason to believe that this identification process had an impact on the detainee's decision to withdraw themselves from the court case. After withdrawal, the court chose to conduct the identification process by exposing the witnesses to pictures of the detainees from the prison. The witness was as such given a pile of pictures, which only contained pictures of the accused, and was told to identify the detainees that he recognized. This process was conducted with the usage of pictures that were not part of the evidence file. The court also ruled that the pictures were to be shown to all observers present in the courtroom, for them to check whether the pictures had any marks on them (i.e. the pictures

were distributed to the observers, and portrayed on the screen). The observers did not touch or look at the photos, but several Moroccan attendees and member of the victims did touch the photos. The court then re-summoned the witnesses that the detainees had refused to be exposed to, and conducted the identification process through the usage of pictures.

This identification process constitutes a direct violation of the presumption of innocence. The accused were directly exposed to the witness within the courtroom; and no further line up or earlier investigation with an identification process had been conducted. As such, the identification process conducted inside the courtroom is the only one that exists. As mentioned earlier, pictures of the accused had circulated the national media and the internet over several years; there is therefore a great probability that the witnesses presented to the court has seen pictures of the accused before the identification process. Even in the entry to the court house pictures of the accused are being portrayed and exposed by the demonstrators. This prior exposure invalidates the whole process as a whole, and makes the evidence illegal. The whole identification process can in our opinion be regarded as a corrupt process in order to create evidence against the accused, in an already corrupt process.

6.4. The right to equality before the law and courts and the principle of equality of arms

The right to equality before the courts as enshrined in Article 14 of the ICCPR has two basic aspects: equal access to the courts and equal treatment by the courts. This means that all persons are equal before courts and tribunals. The principle of equality of arms stems from the right to equality before courts as established in Article 14 § 3 (b) of the ICCPR. This implies that all parties to a trial should have the same procedural rights, in order for a trial to be fair. The principle of equality of arms requires that the parties can contest the arguments and evidence presented against them.

As outlined in previous reports, the civil party and the prosecution, asks numerous questions based on the declarations, such as “the violent inhabitants”, the trip to Algeria and the alleged partnership, supported by the questioning of the witnesses placed forward by the prosecutor. During the interrogations of the accused, both the accused and the defence attorneys were prohibited from speaking of or ask questions related to the reason for the protest camp and the general living conditions of all Saharawi’s in the occupied territories of Western Sahara. These factors are fundamental to highlight when evaluating whether the Gdeim Izik camp was a violent resistant camp (a criminal organization), or, as the defence claim, a peaceful protest camp which people all over Western Sahara joined, not because they were forced, but due to their living conditions.

On the 16th of May, the detainees and the defence attorneys withdrew themselves from the proceedings. As a consequence, new defence lawyers were appointed by the presiding judge. The presiding judge named four attorneys, whereas two of the attorneys were already present, since they belonged to the civil party representing the victims. The newly appointed defence attorneys were not given the chance to review the case documents, and had, to our knowledge, only access to the complete case file on May 18th. No contact was established with their clients.

6.4.1. The obligation to examine both incriminating and exonerating evidence.

When talking about a fair trial, the investigating judge are obliged to examine the evidence for the defence as well as the prosecution. Consequently, the presiding judge is obliged to ask questions both in favour and in disfavour of the accused.

During the proceedings held in May, the court heard from several witnesses, both support witnesses and witnesses summoned by the prosecutor. We witnessed an apparent distinction in how the court treated the witnesses which were exonerating, and the ones which were incriminating. The support witnesses were asked multiple questions in detail about the time, the place and the exact minute; trying to create a contradiction to the prior given answer. The witnesses from the prosecution were not asked questions in detail, and questions upon details were mainly rejected as either irrelevant or without given a reason.

As for the witness identifying Mr. Bani as the driver of the car, the defence was prohibited from asking about his exact location; and how his section could be surprised by a car appearing from behind bushes, ranging 50 cm over the ground. During the questioning of Mr. Mohammed Choujaa the defence was prohibited from asking why Mr. Choujaa did not remember any of his neighbors within the camp, nor could identify any other human being besides the detainees. When the detainees identified by Mr. Choouja were summoned to meet the testimony of Mr. Choouja, the detainees asked in total 49 questions to the witness. The presiding judge decided to ask in total 10 questions of all the questions placed forward by the detainees. The defense urged that the presiding judge had to ask why the witness could not identify his neighbors, nor the ones he was eating dinner with or drinking tea with; only the detainees. The court refused to ask the question.

On the 11th of May we conducted an overview of the questions that were allowed to ask for the different parties active in the court case. Five testimonies were conducted on the 11th of May, with two support witnesses and three witnesses summoned by the prosecutor. Total questions raised was 112. The prosecutor asked in total 54 questions, where 50 questions were placed forward, and 4 questions were denied as already answered. The civil party asked a total of 49 questions, and could ask a total of 42 questions, whereas 6 were refused as already answered. The defence raised in total 15 questions, where 7 were accepted, and 8 questions were denied as already answered. The three witnesses placed forward from the prosecution office were witnesses describing the events, without identification, leaving the defence to not put forward questions, as the testimonies are not relevant to the accusations placed forward.

During the questioning of the support witnesses on May 11th, protest emerged, leading the defence attorneys to object, without a positive outcome. The defence attorneys objected to the line of questioning placed forward from the presiding judge, which clearly was trying to poke holes in the testimonies of Mr. Mohamed Selmani and Mr. Bachir Selmani. The presiding judge asked repeated questions about whether Mr. Bachir Selmani had seen Mr. Asfari being transported to the vehicle by the police officers, and whether the witness had seen Mr. Asfari's head (i.e. Mr. Asfari had declared that he was blindfolded). The witness declared that Mr. Asfari was surrounded by police officials on every side and that he only saw the top of his head, and that he did not see anything "unusual" on his head. This led the presiding judge to ask him why he had not seen the blindfold, and with showing of his glasses, urged the witness

that he “must have” seen the blindfold if he in fact witnessed the arrest of Mr. Asfari. It is thus evident that the preceding judge is only examining the incriminatory evidence, and that the court in fact tries to weaken the evidence value of the exculpatory evidence.

This line of questioning presented from the presiding judge remains the same; the investigating judge asks questions against the accused, and the questions placed forward by the Saharawi lawyers in favour of the accused are mainly rejected. The witnesses supporting the accused are asked numerous questions in detail, lasting for over an hour, whereas the witnesses from the prosecution office are asked none questions in detail, or questions that could harm the declarations given. This constitutes a clear breach to the right to a fair trial, where the investigating judge is obliged to asks questions both for and against the accused, and the line of questioning is a clear indication that this court case in fact is a political trial.

6.5. Right to call and examine witnesses

It is a crucial aspect of the right to defence to be able to question the evidence from the other side and to cross-examine witnesses presented from the other side.

The defence of the accused were prohibited from presenting several witnesses. Mr. Toubali urged at the end of his testimony that the presiding judge must call upon the parliament member (Mrs. Gajmulla) that went with him to the hospital, as she could serve as his witness and prove his innocence. The presiding judge has earlier in the process refused to summon her to testify. The same goes for several of the other accused, where they claim that they have witnesses that can prove their innocence. The court has summoned the witnesses that Mr. Asfari, Mr. Laaroussi, Mr. Zeyou and Mr. Lakfawni requested. All the detainees have requested the court to assemble inhabitants from the camp, but the request has been denied. The only witnesses testifying about the life within the camp are therefore witnesses placed forward by the prosecution office.

These testimonies describe the Gdeim Izik camp as a violent resistant camp, where the military attacked the camp because the inhabitants, after an agreement, had refused to leave the premises. The accused urge that no such agreement was set into place, and that the agreement was that the minister of interior would visit the camp the following Monday. The minister that was in negotiations with the Dialogue Committee has not been summoned to testify (although he is no longer member of the government), whereas the accused urge that the only way to find the truth is to summon the ones that were in direct negotiations with the inhabitants of the camp.

To reach a sufficient clarification of the case file, it is of outmost importance that other witnesses are summoned to testify. The detainees urge that the court has an obligation to summon their informative witnesses which could testify about the Gdeim Izik camp, and what happened on the morning of the 8th of November. The court has only allowed witnesses requested by the prosecution office, leaving the painting one-sided with declarations that the detainees urge is falsified against them, and with declarations that lack the necessary credibility. It is therefore of outmost importance that informative witnesses from both sides are summoned to testify about the events, as to reach a sufficient clarification, and for the detainees to be able to defend themselves against the story told by the prosecution office.

6.6. Right to defence and right to be informed promptly of the charge

Under international standards, anyone arrested or detained has the right to be assisted by a lawyer without delay, and to communicate and consult with his/her lawyer without interception or censorship and in full confidentiality. This right may be delayed only in exceptional circumstances, and must comply with strict criteria determined by law. In any event, the person deprived of liberty should have access to a lawyer within 48 hours of their arrest or detention.

This principle also entails a guarantee upon being informed of the charges against you promptly. When the accused are interrogated, they are accused of killing “some persons”. A person accused of murder must know the name of the alleged victim(s). The accused have not received information about who they allegedly killed during the dismantlement of the Gdeim Izik camp 2010, where the accused have never received information about who, how and when they killed the alleged victims. The accused have therefore not received adequate information about the charges, and they are in this regard prohibited from defending themselves, as they do not know what to defend themselves from.

During the proceedings held in May, new defence attorneys were appointed due to both the accused and the defense attorneys withdrawing themselves from the proceedings. Prior to the withdrawal, the defense attorneys and the detainees were given the courtroom to deliberate. Mr. Zeyou and Mr. Ettaki were escorted out of the courtroom and were prohibited from consulting with their attorneys alongside with the rest of the group. This exclusion of two of the accused from the rest of the group is to be regarded as a breach to legitimate defense.

The new appointed defense lawyers are Mr. El Allame Noredin, Mr. Rachid El Moussaoui, Mr. Abdelhafid and Mr. Salhli Saad. After the appointment of the new defense attorneys, the court commenced directly with the questioning of witnesses. The newly appointed defense attorneys walked over from one side of the room (the civil part side) to the other side (the defense side), and the questioning began. The questions placed forward by the newly appointed defense attorneys were in direct line with the questions put forward from the civil party.

The newly appointed attorneys urged the court to adjourn the session, and to give them time to review the case documents and prepare their defense. The presiding judge refused to adjourn the session based on this request, and stated that he would adjourn the session “on any other basis as for example the civil party being tired”. The court thereafter adjourned the session upon a request from the civil party, which requested to adjourn due to tiredness. It remained clear that the defense attorney was not given the complete case file until the 18th of May, and it is evident that the defense attorneys were not given sufficient time to review the case documents in order to give an adequate defense.

The newly appointed lawyers started each declaration to the court with stating that they were present in the court as defense lawyers due to their obligation and the requests made by both the court and the bar association. One of the new defense lawyers pleaded to the judge, and requested to not be mentioned by name in the media. The accused still refuse to be a part of

the court case, and they have affirmatively declared that they do not wish to be represented by the newly appointed lawyers. It seems evident that the newly appointed lawyers did not have a dialogue with their clients.

The detainees have refused to appear in front of the court without their handcuffs, and the presiding judge has refused to let them appear in the courtroom with their handcuffs. The detainees are therefore de facto not following their own proceedings since the clerk has been prohibited from informing the detainees about the proceedings as the detainees refuse to hear him. From what is stated, it is evident that the right to an adequate and legitimate defense is severely breached, and the proceedings are commencing without the presence of the detainees, and without an adequate or legitimate defense.

6.7. The right to be tried without unfair delay

Pursuant to article 14, subparagraph 3 (c), of the ICCPR, everyone has the right to be tried without undue delay. Undue delay must be assessed on the merits of each specific case, considering the complexity and the special circumstances of each case. This guarantee relates not only to the time between the formal charging of the accused and the time by which a trial should commence, but also the time until the final judgement on appeal. All stages, whether in first instance or on appeal must take place “without undue delay”.

Firstly, as mentioned in our previous reports, the presiding judge has refrained from ruling on whether this instance is to be regarded as first instance, or the appeal. If this hearing is to be regarded as first instance, it means that the group has remained in prison for over 6 years without being trailed. In case of an appeal: the appeal cannot be in disadvantage of the accused. This point alone is therefore crucial to establish, since the prosecution has put forward arguments in favour of altering the charges, and to increase the sentences that were given at the Military Court in 2013, including death sentence.

Finally, the prisoners have remained in prison for over 6 years, without a final judgement. The prisoners have thus been deprived of their freedom for over 6 years, without a fair trial and without a final judgement. This time span is to be regarded as undue delay, whereas neither the complexity or the special circumstances entails that the process of investigation should take over 6 years. As it follows, this time span is at best a breach of the right to be trialled without unfair delay, but also a breach to the right to freedom.

6.8. The right to a public hearing and circumstances surrounding the trial

A decision not to hold a public hearing needs to be taken before the hearing and may only be granted under specific circumstances. If it is still, when the hearing is ongoing, unclear whether the hearing is public or not, and if some people are not let into the courtroom, the hearing does not raise to the standards of international law.

All Saharawi wanting to attend the trial had difficulties entering the courtroom. Many of the family members were prohibited from entering upon arrival. It was therefore only a small number of the family members who entered the courtroom. Moroccan journalists, and Spanish journalist could enter the courthouse, but all Saharawi journalists were prevented from

entering, even as family members of the accused. It is therefore from this fact alone clear that the hearing does not raise to the standard of international law.

The case of the “Group Gdeim Izik” is a case of great political importance. It is said that the Gdeim Izik camp started the Arab spring in 2010, when thousands of Sahrawi’s demanded their right to self-determination in a peaceful protest in the middle of the desert. Thus, the case draws a lot of attention, including the international community, the Moroccan population and from the Sahrawi’s. During the days prior to the proceedings, and during the proceedings, the media is overflowing with propaganda portraying the Gdeim Izik camp as a violent military camp, and the accused as murderers.

The international observers were constantly being followed by Moroccan civilian agents, and are constantly filmed and taken pictures of. During the last proceedings, the observers, including the authors of this report, had troubles with finding accommodations.

During the proceedings held in January 2017, a Norwegian delegation consisting of 43 politicians, students, activists etc. attended the hearings. Hans Inge Alander and Diego A. Vaula Foss were members of this Norwegian delegation. Mr. Alander and Mr. Foss travelled on Wednesday January 26th to El Aaiún, which is the capital of occupied Western Sahara. They were stopped at the El Aaiún airport, and transported back to the airport in Casablanca. They were detained at the airport for three days, where they were kept isolated without food and water on the first day. It is believed that the reason for their expulsion is their attendance at the court case for the “Group Gdeim Izik”.

On March 25th, Isabel Lourenco, when working alongside with Equipe Media (a news-agency from Western Sahara), found herself in a house surrounded by the police. The police threatened to invade the house Mrs. Lourenço and the journalists were staying at. The police did not follow up on their threats; however, they surrounded the house until late afternoon.

The Court facilities are guarded by a huge number of military forces, closed down with fences. Upon entrance one must go through three “checkpoints”, a full body search, and give away all technology (i.e. phones, computers, cameras) and water upon arrival.

Demonstrations are held just outside of the courthouse. The Saharawi were given a place (fenced in) in the middle of the parking lot, whereas the Moroccans were surrounding them on every side (also fenced in). The Moroccans had four speakers, where they played both music (the national anthem and the speech given by King Hassan 2 during the invasion of Western Sahara) and held appeals. The Saharawi were placed in the centre, without the same means, and were constantly approached by the police, while items were thrown at them (such as bottles etc).

On January 24th, the Moroccan protesters threw several objects against the Saharawi. We were told that the Moroccan protesters threw dead rats, water bottles, bottles with acid mixed in the water, and oranges. Several Saharawi were injured. Kamal Larroussi (8 years old), the son of Abdejalil Laaroussi (one of the accused), was hit with a water bottle. Mr. Mohamed Ali Haddi, brother of the defendant Mohamed Lamin Haddi, and Mrs. Selma Laaroussi, wife

of the defendant Abdejalil Laroussi, presented written complaints on January 25th to the Public Prosecutor of the Crown about the harassment and attacks they were subjected to in front of the courthouse.

On March 13th, a journalist was arrested during the demonstrations outside the courtroom. His name is Mohammed Daddi, 24 years old, and a journalist in RASD TV. We were told that he was tortured in Rabat, and that he had been transported by plane to El Aaiún, where he, until March 14th at 7:00 pm remained in custody. Mr. Daddi was presented in front of an investigative judge on March 17th, clearly breaching the 48 hours time-frame.

On March 23rd, a grand demonstration took place in El Aaiún in support of the Gdeim Izik prisoners, and to protest the political, economic, and social marginalisation that the Saharawi live under. The protest consisted of students and young unemployed, and a bus containing demonstrators. The demonstrators were shortly approached by the police. The bus was attacked by the police with water-cannons. People present at the demonstration report the use of brutal violence from the police forces, and many young Saharawi's were attacked by the police forces in the streets and several houses were raided.

On the 16th of May, the detainees and their defense attorneys requested to withdraw themselves from the court case. The French attorneys, Ms. Ingrid Metton and Ms. Oulfa Ouled, were expelled from the courtroom. The French attorneys were prohibited from giving a final statement to the court and from withdrawing themselves from the court case. The French attorneys were therefore de facto expelled from the courtroom in the capacity of being defense lawyers. Ms. Ingrid Metton and Mr. Oulfa Ouled have placed forward complaints to the French Police Intelligence, the Public prosecutor of France and the Paris bar association. We have issued statements upon what happened to Mr. Ingrid Metton and Ms. Oulfa Ouled.

7. Conclusion and last remarks

Western Sahara is to be regarded as a non-self-governing territory under occupation, and as such, the Fourth Geneva Convention⁷ is intended to be applied. The Commentary by the International Committee of the Red Cross⁸ highlights that the purpose of the Fourth Geneva Convention is to make sure that protected persons shall be judged by their natural judges; meaning that protected persons have the right to be prosecuted and tried by their equals, without the fear of being prosecuted for political reasons or by a court that is biased. The Group of Gdeim Izik is tried in a courtroom that does not have the necessary jurisdiction.

The Moroccan Judges have affirmatively declared on several occasions that the Convention against Torture and Other Cruel, Inhumane, or Degrading Treatment and Punishment of 1984, and the CAT-decision (CAT/C/59/D/606/2014) regarding the case of Eênama Asfari, have no legal binding in his court room.

⁷ Geneva Convention Relative to the Protection of Civilian Persons in time of war of 12 August 1949. Link (29.04.2017): http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

⁸ Convention (4) relative to the protection of Civilian Person in Time of War. Geneva, 12 August 1949. Commentary of 1959. Link (29.04.2017): <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=9DA4ED335D627BBFC12563CD0042CB83>

The main evidence against the accused are illegal evidence (declarations extracted under torture), used against the accused in direct violation of art. 15 of the torture convention. All declarations gathered by Moroccan Authorities were taken under severe inhumane torture. The prohibition against torture is absolute, and it is a safeguard that should protect every human being.

We urge that all declarations signed under pressure, inhumane treatment, or torture must be discarded as evidence, and that all the prisoners must be given medical examinations in accordance with the Istanbul Protocol. The Moroccan state has failed to investigate torture, as stipulated in art. 12 of the Torture Convention, which entails a state's obligation to investigate any signs of torture, and the conducted medical examinations.

The evidence file in the court case against the Group Gdeim Izik contains both illegal evidence and evidence which are inadmissible. We urge the court to examine where the witnesses that could identify the detainees originate from, and whether falsified declarations have been declared. The prosecution has not linked the accused to the crime, and has not proven how, when, and who killed the 11 victims which the accused are charged with murdering.

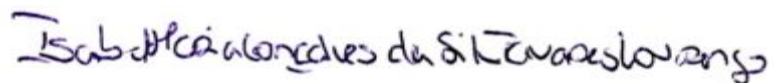
The prosecutor invoked on May 18th to submit additional evidence. We urge that new evidence cannot be submitted at this stage; the reports are inadmissible as the chain of custody is absent, and none of the reports are relevant to the accusations placed forward by the prosecution office.

The court case is now commencing without the detainee's presence, and without an adequate defense. The court case entail serious breaches to both international law and procedural norms; and it remains clear from the courts prior rulings and the courts handling of the evidence file, in particular the questioning of the witnesses, that it is a great risk that the court does not independently investigate the evidence placed forward, and as such does not base its ruling on evidence and legal provisions. We regard it as evident that this court case entails a political prosecution.

Dated May 29th 2017



Tone Sørfohn Moe (Norway)



Isabel Lourenco (Portugal)

9. Appendix – Summary from the proceedings.

Please note that the content of the appendix does not entail the minutes from the proceedings, but constitutes a summary from the proceedings held against the Group Gdeim Izik at the Appeal Court in Salé, from December 26th 2016 to May 18th 2017.

Day 1 – On the 26th of December 2016, at the Court of Appeal, Salé.

The trial against the Group of Gdeim Izik commenced at 10am on the 26th of December at the Tribunal de Premiere Instance de Sale. There were 24 on trial, while only 23 were present at court.

Mohamed El Ayubi was not present at the trial proceedings, as he was sentenced to 20 years under provisional release due to his debilitated health condition.

The 21 prisoners present in court were situated in some sort of “glass-cage”, on the right hand side of the courtroom. The “glass-cage” was guarded by a dozen policemen. The placement of the prisoners in the “glass-cage” meant that they were not able to hear the proceedings and that they were not able to collaborate with their defence attorneys; and therefore, isolated from following their own appeal.

The trial was officially made open to the public. The families of the victims were given access to the courtroom, and were placed as observers in court, while the defendants’ families were not given access to the courtroom, and were denied access upon arrival. Similarly, Moroccan media was granted access to the courtroom with cameras and recording devices, whereas international media were declined to enter with cameras, mobile phones and such.

The first day of proceedings raised two main questions; (1) partial status and (2) provisional release pending trial.

Regarding the question of postponement, the defence did not want the trial to be postponed, and requested that the trial was to commence, still with one of the accused missing. The prosecution invoked that the trial was to be postponed until the last accused appeared before the court.

The president of the court invoked that a party missing participation from the trial’s beginning could not be a part in the appeal. Furthermore, the judge claimed that the international lawyers did not have the sufficient knowledge of the Moroccan legal system.

The court invoked that international law does not take precedence over Moroccan law, and furthermore that the Moroccan legal system was in correlation with its international obligations. In that regard, the court did not have to emphasize the international treaties.

The next question concerned provisional release pending trial. Proceedings commenced with the French lawyers arguing for provisional release.

Mr. Joseph Breham argued solely for the release of Enaama Asfari. Mr. Breham tried repeatedly to highlight the 12 December 2016 decision of the Committee against Torture, which concluded that the confessions used as evidence at the Military court was obtained through torture. This was denied by the president.

Mr. Breham invoked that Morocco, as a party of the Convention against Torture, is obliged to exclude evidence obtained through torture. Similarly, the defence argued, as the Committee against Torture had stated on the Asfari case, that a proven torture requires compensation, and the defendant should therefore be released.

The Court ruled that the torture convention's decision was irrelevant while discussing provisional release pending trial. Thus, the Court denied Mr. Breham to bring the convention and its decision up in the proceedings.

During the proceedings, made by Mr. Breham, the Moroccan prosecution interrupted repeatedly, and at several occasions even raised to their feet and waved. The judge did not interfere. The prosecution also claimed that foreign lawyers are not allowed to address the court in any other language than Arabic. Therefore, the French lawyers was bound to address the Court through a translator.

Mrs. Ingrid Metton argued for the release of every prisoner, and made the Court aware of circumstances within the courtroom. For instance, the prisoners' inability to adequately follow the trial, due to the fact that the prisoners were unable to hear the proceedings inside of the "glass-cage". Or their missing consent when it comes to pictures being taken of them, their lawyers and the international observers in Court. As well as the publication of these unapproved pictures by Moroccan media.

Mr. Mohamed Masaoudi further argued that the prisoners on trial were innocent. As such, one cannot speak of a fair trial when 21 innocent men have been imprisoned for 6 years. It was here argued that the accused are imprisoned based on a decision that is null and void. The prisoners are not proven guilty, and their right to be regarded as innocent until proven guilty is severely violated. The defence thus argued that a continued imprisonment violates the right to freedom.

The defence also claimed that the accused are political prisoners that were in negotiations with the Moroccan government during their time at the protest camp in Gdeim Izik. It was argued that all the accused are peaceful political activists that promote human rights and the right to life, and therefore condemn the loss of life.

The defence invoked guarantees where they proved that all of the 21 prisoners have homes, where some of the accused have, or had, secure jobs. It was argued that the defendants were willing to appear in front of the court every day in order to prove their innocence; both to the Moroccan government and the people.

The court ruled that the trial was to be postponed until the 23rd of January. The verdict was based on the missing defendant (Mohamed El Ayubi, released on provisional release) and the

complex questions invoked (partial status).

Furthermore, the court ruled that none of the accused were to be granted provisional release depending trial.

Day 2 – On the 23th of January 2017, at the Court of Appeal, Salé.

The appeal for the “Gdeim Izik 25” resumed at the Tribunal de Premiere Instance de Salé in Rabat, Morocco on the 23rd of January 2017.

At 10:45 am the presiding judge, followed by five other judges, entered the courtroom and stated: “In the name of the king we open this court”.

The defendants were brought into to the courtroom in two groups. The first group entered the courtroom shouting “labadil labadil antakrir al massir” – the only solution is self-determination.

The judge called for respect for the court, and reminded everyone present that the court respects the rule of law. The second group did not arrive, and the president called for them. The second group shouted: “torture, torture, torture!” from the basement. It was made clear that the prisoners had been woken up at 4:00 am in the morning, and kept in an ice-cold basement until the court was opened.

The families of the accused were allowed to enter the courtroom (i.e. every Saharawi were prohibited from entering at the proceedings in December 2016). Protests emerged within the court facilities when the families arrived. The Saharawi’s called for the right to self-determination, whereas the Moroccans demanded conviction of the criminals and justice for the victims.

The defence demanded chairs for all of the accused, so they could be placed within the courtroom, and follow the proceedings. The defendants were ordered back into the glass-cage.

The presiding judge informed the court that the glass-cage had newly installed speakers inside of the “cage”, but the defendants were still prohibited from collaborating with their defence attorneys. Shortly after the prisoners were placed inside the glass-cage the defendants themselves made it clear that they could not adequately follow the proceedings, as the active parts did not sufficiently use the microphones. Despite of this, the prisoners remained inside the “glass-cage” for the whole three days. Regardless of the numerous complaints made by both the accused themselves and by the defence.

The defendants were furthermore deprived of their papers and pens, which they had brought from the prison to take notes from the proceedings. The defendants claimed that they needed their pens and papers to adequately follow the proceedings and to adequately answer the accusations put forward.

Mohamed El Ayubi was not present at the proceedings. The courtroom was informed that Ayubi was, due to his health condition, in hospital. The prosecution reported that Mohamed El Ayubi had been informed of the proceedings through a distant relative. The prosecution

insisted that this was adequate, meaning that Ayubi had been sufficiently informed about the proceedings. The defence however, argued that this was not sufficient, and that Ayubi had the right to be informed of the trial in person. If the authorities were unable to get a hold of Ayubi, they had to forward the information to a close relative. However, it was pointed out by the defence that the public office clearly knew where he was.

The question that was raised was whether the group case was to be postponed due to the fact that one of the accused was missing. After a recession, the court ruled that the proceedings should commence without Ayubi, and that the case of Ayubi was to be separated from the rest of the group and held on March 13th of 2017.

After a break, the defendants refused to come back into the courtroom due to the fact that they were not given their pencils back. The court ruled that the 22 prisoners in the “glass-cage” were to be given, in total, three pens and three pieces of paper. Furthermore, the prisoners could only keep paper that were in compliance with the case put forward and that were relevant for the proceedings. The presiding judge would therefore go through all the documents. The judge pointed out that this was a “matter of security” since the prisoners could easily “kill someone” with a pen.

Since the presiding judge had ruled that the trial would commence, the defence argued that they needed more time to prepare their defence. They had not been given the chance to meet with their clients, despite numerous requests. Also, the defence had not been given access to all of the case documents. The defence therefore asked for 24 hours to prepare their defence alongside with their clients.

The defence was given “24 hours” until 10 am the next day. However, the time was then 5:40 pm, so in reality the defence was only given 16 hours and 20 minutes, including the night.

Day 3 – On the 24th of January 2017, at the Court of Appeal, Salé.

The court commenced at 10:45 am.

The defence started the proceedings. The defence claimed that they had not been given sufficient time to prepare their defence, where they had asked for and had been given 24 hours. The defence therefore argued that the proceedings should be postponed until 5:00 pm.

The president claimed that the defence should be satisfied with his ruling, as he had ruled in their favour, and had given them extra time.

Eênama Asfari then requested that he was to be given his pen and paper back, which were taken away from him the prior day. He shouted “the pen is my weapon”. The president repeated his ruling, and declared that Eênama should be given his pen, and three pieces of paper. Eênama refused to receive the pen and paper, since his request concerned all the prisoners, and not just himself. He declared that all the prisoners are entitled to pen and papers so they could follow the proceedings adequately. Thus, none of the prisoners were given pens or papers.

The next question that was raised was whether the civil party was to be given a partial status

in the proceedings. It was highlighted due to the fact that the civil party was given the case papers, without being a formal part of the proceedings.

The attorneys advocating on behalf of the victims argued for their case for approximately three hours, without interruption. They claimed that article 14 of the ICCPR also entails a fair trial for the victims, meaning that the victims are entitled to defend their rights in a criminal case. The victims were thus entitled to face the culprits. The civil party further argued that because the Kingdom of Morocco was superior and had the necessary jurisdiction, Morocco was entitled to judge their equals.

The defence argued that the victims were defended via the public office. Thus, the prosecution as a public office should protect the common interest, whereas the civil and the criminal case should be separated. The defence argued that the victims' right for compensation is first and foremost relevant after the accused are proved guilty.

The defence were interrupted numerous times, i.e. they were not able to speak as freely as both the prosecution and the civil party. It should be noted that the defence attorneys advocating on behalf of the accused consisted of several Saharawi lawyers and three French lawyers. The judge talked in a condescending manner to the Saharawi lawyers, and made jokes in the middle of the proceedings. The defence was throughout the trial prohibited from talking about the protest camp Gdeim Izik or the political background.

The court ended at 20:40.

Day 4 – On the 25th of January 2017, at the Court of Appeal, Salé.

The proceedings commenced at 10:30 am.

Defence Lawyer Lili started the proceedings by pointing out some main issues that should be dealt with by the judge: The fact that the accused still didn't have any writing material; the threats made against Abde Sbaai, the brother of the accused Ahmed Sbaai, inside the court building; the fact that Mrs. Claude Mangin, French citizen and wife of Mr. Naama Asfari was expelled from the country and had no authorization to attend her husband's trial and finally the fact that some members of ASVDH (a Saharawi organization legalized by the Moroccan government) were not allowed to enter the court building to attend the proceedings.

The defence of the accused continued the proceedings upon procedural matters. This raised question about (1) the jurisdiction of the court, (2) documentation regarding the arrest and custody, (3) medical examination to prove the use of torture, and (4) witnesses.

One question raised in particular both discussions and protest within the courtroom. The French attorneys tried to bring forward the fourth Geneva Convention, but was prohibited when grand protests arose within the courtroom.

The civil party literally screamed out that the great Kingdom of Morocco has the supremacy over Western Sahara, and that the ID cards of the Saharawi prove that they are Moroccans (all Saharawi's are forced to have a Moroccan name and a Moroccan ID card, and were at the start of the occupation deprived of their national identity). The civil party claimed that the

French attorneys had no respect for the Kingdom of Morocco or this courtroom.

The presiding judge claimed that the international conventions were not legal instruments in his courtroom, and furthermore claimed that they could not be forwarded as legal sources in his courtroom. The presiding judge remained ignorant to the fact that the French attorneys were prohibited from presenting their case.

The defence argued that all of the documentation (i.e. documents relating to the arrest and length of custody) could not be used as evidence in the courtroom, as they were extracted through the use of torture.

The prosecution argued that torture had never taken place, and that claims about torture had never been forwarded from the prisoners. The prosecution further argued that the court had to trust public officials.

Regarding the CAT decision on the case of Eênama Asfari the prosecution argued that Eênama had never been tortured. Asfari had, after the CAT decision, been approached by two police officers who wanted Asfari to come with them to Casablanca. Eênama refused due to the fact that he wanted his defence attorneys to be present at the examination. The prosecutor claimed that the fact that Eênama would not go with two police officers for examination, proved that he was only making false accusations.

The civil party advocating on behalf of the victims supported the defence in their request for both witnesses and medical examinations, but claimed that all the documentations had to be put forward as evidence.

The court ruled that the Tribunal de Première Instance in Salé was competent and had necessary jurisdiction.

Also, the prisoners were to be given medical examinations, both physical and mental examination.

The court ruled that the defence could present all of the witnesses, excluding the Moroccan authorities and ex-ministers that had been in negotiations with the Gdeim Izik dialogue committee. Thus, the police and gendarmerie officers who drafted the “minutes” (documents relating to the arrest and custody), were convened. The documentation could furthermore be placed forward as evidence.

Furthermore, it was ruled to postpone the discussion upon partial status for the civil party, i.e. the attorneys advocating on behalf of the victims. The court refused to grant provisional release.

The Court ended at 11:20 pm.

Day 5 – On the 13th of March 2017, at the Court of Appeal, Salé.

The proceedings against the group commenced on the 13th of March at 10:20 am.

The defence started the proceedings although they claimed that the proceedings could not commence until the reports from the medical examinations were presented as they were crucial for the further assessment of evidence. The evidence against the group consists of confessions retrieved through torture and is therefore illegal evidence, as set forward in Article 15 of the Convention Against Torture. The presiding judge ruled to continue the procedures without the reports.

Witnesses who had been permitted into the case file were present in the courtroom, but were not questioned. There were several eyewitnesses, as well as policemen who had summarized the confessions and documents around the group's arrest.

The procedures continued with lodging the evidence in the case. The evidence case was transferred from the Military Court of Rabat to the Court of Appeal in Rabat for a new evaluation after a referral by the Court de Cassation. The following pieces of evidence were also presented: 19 telephones, 3 axes, and 4 knives/machetes and one CD. A discussion took place as to whether the CD should be submitted as evidence. The defence claimed that the CD was not part of the list of evidences submitted to the defence, and that the CD was not part of the confiscated evidence, and was made after the dismantlement of the camp and the accused crimes.

The court decided that the contents of the CD should be portrayed to the court, but did not admit the CD as part of the evidence in the case postponing this decision to a later time. The content was a video of Gdeim Izik camp, where one could see people throwing stones and carrying knives. The video was cut, and edited with French text. The video portrays the camp as a violent resistant camp, and not as a peaceful protest camp consisting of families. The video is not yet admitted into evidence.

Mohammed Ayoubi, who at the previous rounds had been hospitalized, was present in the courtroom. Ayoubi's case was admitted to the group case. Defence attorney Mr. Mohamed Fadel Leili stood beside Mohammed Ayoubi and acted as translator since Ayoubi only speak Hassania.

Ayoubi has both kidney failure and heart problems. Ayoubi was the first defendant to be questioned. He had difficulty walking and has difficulty with speaking, and with lifting his arms after the torture he was subjected to. Ayoubi explained that. "I came to find my bread but the Moroccans only gave me beatings", where he stated that he has not killed anyone; that he is only a poor man and not a politician. He stated to be a victim of the authorities that had destroyed his trust, and hurt him and beaten him.

He testified to how he had been woken up at 6:30 am, November 8th 2010, when police overpowered him in his tent, and raped him. He was held in a vehicle and taken to an unknown location. He was later taken to hospital because he lost so much blood, after being brutally raped. Ayoubi testified to how he had been tortured at the military headquarter, kept handcuffed and blindfolded, forced to drink urine and eat feces, while he was naked on the floor covered in his own feces. He testified how he, blindfolded and with his hands cuffed, whilst military personnel stood on his chest and punched his kidneys, had signed confessions, where the guards took his hand and placed his fingerprint on papers which he neither saw, nor

were read to him. Ayoubi urged that his signature was a zero, on not a fingerprint as was used to signed the documentations.

In Ayoubi's declarations he confessed, (that according to his testimony were obtained under torture), to running over several policemen with his car. Ayoubi said that he could not have run over a policeman with his car, when all he had was a donkey and it's impossible to drive a donkey. When asked about his stay in the Gdeim Izik camp he stated to have lived in the camp for a month, and that he went because others went and he needed food. When asked who gave him this food he stated that it was Saharawi people, and that everybody shared what little they have, and that he is eternally grateful to the people who gave him food. When asked who provided the finance for the food Ayoubi answered that he doesn't know and does not care; "I ate the bread that people gave to me". He stated that Morocco "gave me nothing; only hurt me". He stated that he remained in the camp because the people in the camp helped him, the Moroccan government "only gave me suffering and pain", he stated. The prosecution urged Ayoubi to answer who gave him food, and Ayoubi answered "I am almost dead. Why did you let me out? I have nothing to live for. You should just put me back in, because I already live in the biggest prison in the world".

The defence claimed that the Civil Party was not allowed to ask questions, where they were not a formal part in the proceedings, and that they did not have the right to ask the accused any questions. The defence also argued, when the civil party asked questions related to the film, that the film was not part of the evidence file. The preceding judge refrained from ruling upon the matter.

The civil party could ask questions. Protests broke out in the courtroom from the group Gdeim Izik when one of the lawyers for the civil party asked how Ayoubi could be raped in the tent, when he had just testified that his tent was so small that his legs were outside, and why he had not resisted against being raped. These questions were asked while several of the Moroccan lawyers from the civil party laughed. The accused in the glass-cage shouted that the Moroccans lawyers was laughing about the sufferance of the Saharawi people.

The court commenced with interrogating **Mohamed Bani**. Bani started his testimony by stating that he had been tortured, where the scars are still visible. He stated that he is a Saharawi from Western Sahara, and he demanded to be tried before a court that Polisario Front and Morocco agreed upon. He stated that he does not recognize this Moroccan courthouse. He stated that he had visited the camp Gdeim Izik twice to visit his mother, his sister and his brother. Bani stated that his family had joined the camp because they were looking for jobs, and they had social and political demands.

Mohamed Bani testified to how he in the morning of November 8th, at 6:30 am, had been abducted when he was on his way to El Aaiún to drive his two sons to school. He explained that he had tried to leave the camp on November 7th, but had been stopped by the police, who directed him back to the camps. On the way home in the morning on November 8th; Bani said that he stopped the car when his car window was smashed. He then saw out the window, and was hit by a stone in the head and fainted. He woke up later, handcuffed and surrounded by military personnel. He was taken to an unknown location, whilst constantly kicked and beaten. He was taken to the police station and tortured together with five others he did not

know. He was later transported from El Aaiún to Salé by plane, where he was captured along with three others from the group Gdeim Izik. He urged that he was constantly being beaten and spanked by the military forces. He was forced to sign documents blindfolded, where fingerprints were taken by force. He signed documents which he said that he had neither seen nor knew the content of. The prosecution asked questions about movements in the camp on the night of November 7th, where Bani stated that everything was peaceful and normal. The prosecution asked him if, according to the declarations, he could tell about the people terrorizing the inhabitants of the camp, and stopping them from leaving, on November 7th. Bani claimed that this declaration is falsified; that he had never said it, and that he never witnessed anything like that. He was asked if he knew some of the defendants before the event, and if he had received orders to attack the public officials from Bourial. Bani stated that he didn't know any of the fellow detainees before they met in prison.

At 8:40 pm, the procedures were adjourned to the following day.

Day 6 – On the 14th of March 2017, at the Court of Appeal, Salé.

The proceedings against the group commenced on the 14th of March at 10:40 am.

The court proceeded with the interrogation of the accused. The first to be questioned was **Machdoufi Ettaki**. Ettaki was by the military court sentenced to time served, and is therefore not imprisoned with the rest of the group. Ettaki started his testimony with stating that, “in the name of Allah, I greet the Polisario Front, and give my solidarity”. The judge asked Ettaki to take the politics out of the courtroom, where Ettaki answered that he considers himself as a Saharawi from Western Sahara; that “we are tried in made up cases by the Moroccan occupation”. Ettaki stated that, “as every inhabitant in El Aaiún and every Saharawi, I had a tent in the Gdeim Izik camp”. He told how he came to the camp with his family, and that he was not influenced by anyone; as every Saharawi he had social and political demands. He explained how the basis for the camp was the people's sufferance, and their demands for basic human rights. He urged that the two are linked together; one cannot distinguish between the reason for the camp and why people went there. Ettaki stated that "it's the people of Western Sahara that has suffered for more than 40 years, and that we have never killed anyone; and that it is Morocco, who has occupied the territory for over 40 years, who must be punished for our sufferance". He explained how the people lived peacefully in the camp alongside one another like neighbours, and that they protested inhumane living conditions in the territory. He explained how, when the Moroccan military forces attacked the camp, which consisted of children, elderly, women, handicapped and men, the forces did not give the people time to evacuate before they attacked. It was early in the morning when a helicopter came, and by one notification told us to evacuate the camp, where Ettaki claimed that the camp was attacked within 5 minutes.

He explained how the guards had forced his finger down on a paper, whilst the confession was covered by another paper. The judge stated that it's hard to make a fingerprint, whilst having your hands handcuffed behind your back; Ettaki said: "I was abducted, and tortured for five days, without my family knowing where I was". He stated that when he came to the military court; he did not know that he was talking to an investigative judge. He explained how he was in a very bad shape; that he could barely talk due to the torture inflicted upon him, and that a guard had forced his eyes open. He claimed that he was being tortured inside

of the court facilities, and was covered with blood.

He explained how, when evacuating from Gdeim Izik camp on November 8th, when military forces attacked the camp, he helped a woman along the road. Whilst helping the woman, he was attacked by 10 military personnel, who arrested him. He testified to how he was beaten inside the car and that they transported him to the military headquarters in El Aaiún, where he was held in a cell for five days, blindfolded and handcuffed, and repeatedly punched and kicked. He explained that he had no access to toilet and urine and feces were thrown on them. The confessions were taken while he was blindfolded and his hands cuffed; and guards forced his fingerprints down to papers; which he did not know the content of.

Mohamed El Bachir Boutinguiza was the next to be questioned. When he was asked how he reacted to the accusations, he replied that "I was arrested and imprisoned for my political opinions about what Morocco does in Western Sahara". When the judge asked him to stick to the matter, El Bachir said that he does not trust the Moroccan justice system, and claimed that "I have been bitten by a snake earlier". El Bachir told that this is a war against the Saharawi, dated back to 1975. He stated that he is here because of the Saharawi case, that he was abducted, and that 15 of his friends are still missing. He told that at an age of 16, he was imprisoned in the prison of Meguna. El Bachir indicated that the Fourth Geneva Convention had to be implemented; and that the occupation forces have abducted him from his country, and that the Kingdom of Morocco have no right to judge him.

Boutinguiza explained how he, on November 19th, was kidnapped by masked men who were heavily armed. "They tortured me, clothed me naked and urinated on me, they raped me from behind" and they put his hands in handcuffs and blindfolded him. He told how he was transported from the police station, to the prison where the torture commenced. He was transported to the military court, where he told the judge that he needed to go to the hospital. When the judge asked him questions relating to the confessions, where he testified to run over military forces and urinated on the corpses; he said that the confessions are made up stories; they invent a story and take you into custody. "I am used to this – I am here because of my political beliefs", he said. He urged that he had nothing to do with the reports, and that the international community must intervene. He stated that a lot of people died this day; and those who committed the crimes are walking freely in the streets of El Aaiún; "I am innocent; I am captured because of my political opinions".

He claimed that he was not in the camp when it was destroyed; where he could not have committed the crime because he was in El Aaiún in a friend's wedding. When asked if anyone told him to go to the camp, Boutanguiza answered that "this is our culture; our culture is to live in tents in a calm atmosphere. The tent is the symbol." When asked if he knew about the dialogue committee he stated that everybody know this committee, and that he wished that he was a part of it.

Boutanguiza refused to answer questions from the civil party, and stated that "the civil part is not a formal part of the proceedings, and that they have already declared me guilty, depriving me of the principle of innocence". He stated that he respects the attorneys, but not when they are trying to cover up crimes committed by the Moroccan forces in the occupied territories in Western Sahara towards Saharawi. When asked questions about the movie, Boutanguiza

declared that he did not recognize anything in the movie, and that the movie is manipulated as a part of the fabricated story.

Mohammed Thalil was the third to be questioned. Thalil commenced his testimony by declaring his respect to the president of Polisario Front Brahim Ghali, and by asking for a minute of silence for the late President of the Polisario Front, Mohamed Abdelaziz. Thalil explained how he, for his political opinions, and as a member of the Polisario Front, had been abducted, tortured and imprisoned for 6 years. Thalil asked for a translator, because he speaks Hassaniya, as he does not speak Moroccan Arabic, as he is a Saharawi. He claimed that he did not recognize Morocco, which occupies his country, and that he only recognizes Polisario. He urged that "I'm not a murderer, I'm here because of my political opinions". When asked where he lived, Thalil stated that he lives in Western Sahara, but when my country becomes independent I can live wherever I want, and urged the fact that he is a Saharawi and not Moroccan.

Thalil explained how he never went to the camp and was in El Aaiún during the events, but that he wishes for self-determination for the people in Western Sahara. He claimed to have been arrested in El Aaiún for being a member of the Polisario Front. Thalil repeatedly tried to explain the reason for his arrest, but was constantly stopped by the prosecutor who raised to his feet and knocked on the microphone. Thalil stated; "you claim that this is a fair trial, but this is all a theatre, I don't care about theatre. I want to tell the truth about why I am here, in a courtroom inside of a country who has occupied my country. You can arrest all Saharawi's; it will never change my beliefs. Morocco has occupied Western Sahara for over 40 years, and I will always refer to you as an occupier".

The presiding judge asked him to take politics out of the room. Thalil answered that "you're only president in this room; in this room I will respect you, but the only leader I know is Brahim Ghali in Polisario Front". Thalil explained how he was detained together with Bachir El Khadda and Hassan Dah on December 5th in 2010. Dozens of policemen's surrounded the café, and one asked in Hassaniya "where is Thalil", and when he answered he got a bag over his head and was placed in handcuffs. They hit us in the car, and they pulled out my nails. He told, that when interrogated, they asked him if he was arrested in "Guerguerat", where Thalil pointed towards the preceding judge and said; "you know where that is! Its where the Moroccans fled from the Polisario Front". Thalil complained on the translator numerous times, and claimed that he did not trust the translator, as he is Moroccan.

He claimed that he was never asked about Gdeim Izik when he was questioned and was only questioned about Polisario Front and his trip to Algeria in August 2010, and that he has never read the content of the declarations, which he stated were signed under torture, where the guards had forced his fingers down on a piece of paper. He explained how he came from El Aaiún to Rabat by plane, with a bag over his head whilst handcuffed. He told how the personnel wore masks, and when placed in front of the investigative judge he had denied all the charges.

When the prosecution asked him if he had been arrested before, Thalil stated "this is the third time. They claim that I have done this or that, while my only crime is my fight for self-determination for Western Sahara." Thalil stated that he has never hurt anyone, and that he

has no problem with people, only with the Moroccan regime and the dictator. Thalil furthermore explained that he had travelled with a delegation in August 2010 to Algeria, which had nothing to do with the Gdeim Izik camp. Thalil repeated numerous times that he had never been to the camp, and had nothing to do with it.

When the Civil party commenced their questioning Thalil mimicked that he would not answer, and remained silent.

The court adjourned at 7:40 p.m.

Day 7 – On the 15th of March 2017, at the Court of Appeal, Salé.

The court commenced on March 15th at 10:15 am, with interrogating Larabi El Bakay.

Mohammed El Bakay started with sending his regard towards the defence, the civil party, the presiding judge and the international observers present at the trial. He thereafter plead not-guilty in every charge brought against him. He told about how he had built his tent in the Gdeim Izik camp, where he had social demands, where the natural resources are stolen from Western Sahara, which he has never benefited from. He urged that the camp was a symbol of peaceful demonstrations.

He claimed that there was no official organization inside the camp, whereas the camp had no hierarchy, and that he is sure that the Moroccan authorities already had the intel. He stated that “I am a Saharawi, I and I will not let my Sahrawian identity be questioned; where the people in the camp of Gdeim Izik had social demands.” The prosecution asked if El Bakay had received financial aid, or orders from someone, whilst staying at the camp; El Bakay answered that the nature of the Saharawis is to help others in need; and that he never received orders from anyone.

El Bakay explained how he was part of the dialogue committee which was in negotiations with the Moroccan government. He explained how they had reached an agreement upon social demands, but never on evacuation. The agreement was never set into place due to the fact that not all parties agreed to the content. El Bakay explained how the camp grew in size, and that the governmental officials had told them to count the people in the camp. When asked about the delegation that travelled to Algeria, El Bakay answered that the camp Gdeim Izik was not a plan from the outside, but was a force from inside where people had social demands. When asked about whether Eênaama Asfari wanted to politicise the camp, El Bakay told that the governmental officials had told that Asfari wanted to politicise the camp, whilst “they only had social demands”.

El Bakay explained how the military surrounded the camp ever since the first tent was set into place, where the military forces made a wall around the camp, and made one gate. He condemned the intervention from the military forces, where the people in the camp were given 10 minutes to evacuate. When the defence asked El Bakay what he meant with “chaos” during the dismantlement; if this meant that the public attacked the forces or if the military attacked the people; the court refused to ask the question.

He told that he had been woken up by a helicopter telling people to evacuate the premises. He

walked towards his car, and brought with him several women, and carried an old woman to his car which had fainted due to the teargas that the Moroccan authorities had thrown at the camp. He told that the majority of the inhabitants, mostly women and children, fainted from the teargas.

The prosecution asked El Bakay about the declarations where he stated that on the evening of November 7th, he had conferred with the leaders in the camp (i.e. as Eênaama Asfari, Abdeljalil Laaroussi, and Cheikh Banga), and decided to attack the military forces the following day, and were given orders by Asfari to attack until death. El Bakay claimed that he had not taken orders from anyone.

El Bakay told about, on the day of his arrest in Dakhla on September 9th in 2012, that he was interrogated and solely asked three questions; about his relationship with Eênaama Asfari, and questions about some images. El Bakay stated that he was treated nicely by the military forces, and during the interrogations. He claimed that he has never seen the declarations, and that the content remained unknown until this day. He signed them without reading them. The prosecution general told El Bakay to sign, and then he would be released; “So I signed” he stated. He stated that it was impossible for him to imagine at that time that the government would frame him, and sentence him based upon a “made up case”.

The defence protested after the interrogation since El Bakay had been placed on a chair with a name tag that stated “terrorist” on the back, whilst the interrogation was broadcasted on national television.

Mohammed Lamin Haddi was the next to be questioned. He commenced by stating that this Moroccan court house does “not have the legitimacy to judge us”. Haddi had prepared a declaration of his own, and wanted to read it up. He declared that he had been present in the Gdeim Izik camp, due to his political activism and his human rights activism. The day of the dismantlement of the camp Haddi was in his house in El Aaiún, together with a journalist and some other human rights activists. He explained how he witnessed the protests in El Aaiún, where civilians were killed by the Moroccan forces, women were raped, houses were destroyed and hundreds of Saharawi were arrested. People were shot in the street; and two of my friends died that day, he said.

Haddi explained how he was arrested while accompanying two doctors from the “Doctors without borders” in El Aaiún on November 20th, 2010. Haddi explained that he was transported by the police to the military headquarters where he was tortured; and stated “I still suffer under torture”. He explained that they interrogated him under torture, and never asked any questions about the camp Gdeim Izik, only about his trip to Algeria and about international observers coming to the occupied territories of Western Sahara. He claimed that he was forced to sign declarations without knowing what was written. He explained how, at the Military Court, he asked the judge to witness his scars, and document that he was covered in blood; whereas the judge answered that he was not a doctor. He claimed that the clerk that wrote the minutes was the same person which had tortured him inside of the court facilities, recognizing him by his perfume.

He was by the prosecution asked about his trip to Algeria in August 2010, where a delegation

of 72 people had travelled to an international forum to discuss human rights. He denied that the trip to Algeria and the following Gdeim Izik camp was linked in any way. He was asked questions about Eênaama Asfari based upon the declarations, which Haddi refused to answer due to the fact that the declarations are retrieved under torture, and falsified. He claimed that Asfari was arrested on November 7th, and it was therefore impossible that Asfari had committed the crimes he is accused of on November 8th.

Mohammed refused to answer questions both relating to the declarations retrieved under torture, and questions based on the film portrayed in the courtroom on March 13th, due to the fact that the film is not a part of the evidence in the case, and that the film was not legitimate.

When the Civil Party commenced with the questioning Mohammed Lamin Haddi refused to answer. He proclaimed that the civil party did not have the legitimacy to ask him questions. He used tape to form a cross over his mouth, as a symbol of a peaceful protest against the questions raised by the civil party. The civil party commenced with asking 57 questions, where Haddi evoked his right to remain silent. When the defence wanted to ask questions, the presiding judge refused to ask the questions, due to the fact that the question had already been asked. The civil party had thus covered every aspect that was possible to cover, prohibiting the defence from questioning the accused.

Sidi Abderahmane Zeyou, released with time served by the Military Court in 2013, was thereafter questioned by the court. Zeyou approached the witness stand after putting on the *Daraá*, the traditional Saharawi costume, whilst chanting that the only solution is self-determination. Zeyou started his declaration by expressing his condolences to the families of the victims, and everyone who was arrested. He stated his condolences to all the Saharawis who died during the dismantlement of the camp, and urged that there should not be discrimination between the victims. He demanded investigation into the killing of a 14 year-old boy, who was killed by the Moroccan forces surrounding the Gdeim Izik camp on the 24th of October.

He declared himself innocent on all charges, and asked for the possibility to explain himself. Zeyou was repeatedly interrupted by both the Civil Party, the prosecution and the presiding judge. Zeyou stated that the Gdeim Izik camps, and the events following, are linked to the political conflict in the occupied territories in Western Sahara. He urged that the idea of the provisional camp was not a product of the trip to Algeria, but was a result of the repression that the Saharawi's live under. He was again interrupted by the prosecution and the civil party. Zeyou demanded the right to both defend himself and explain himself towards and in front of the ones who want to incriminate him. He stated that "our political opinions deprive us of our social rights". The civil party interrupted again, declaring that Zeyou cannot talk about the Saharawis in general, but must address the charges brought against him.

The Civil Party stated; "he tries to protect murderers. He is a murderer and he urinated on the corpses". Protest raised at once in the courtroom, and the accused tried to leave the courtroom, due to this statement. The judge calmed the courtroom, and stated that we are not interested in their opinion on guilt, and that the accused are innocent until proven otherwise. The civil party claimed that they, as advocating on behalf of the victims, had the right to say whatever they want. The defence urged the court to protect the defendants, and to remind the

court that the accused are in the care of the court whilst being interrogated; and that the court must protect the defendants from being called a murderer. The defence furthermore highlighted that Zeyou was not charged with murder, nor molesting of corpses.

The prosecution answered that the case is still in an investigation period, and that both the charges and the sentence can be altered by the court. The defence urged that the right to an appeal is universal, and that no one can be harmed by their appeal, and the court could not alter the charges against the accused, and that the accused, who has been released, must remain in freedom.

The examination advanced, and Zeyou stated that the investigations after the dismantlement of the camp, was not set forward to reach the truth, but to revenge the political activism. He stated that those who killed the victims are responsible, and that the Moroccan authorities who portray the victims in their propaganda towards the defendants, are the ones responsible.

He urged that he was not at the camp site, and that he was not involved with the crime, and that he was, at the time of the event, at home in his house in El Aaiún. He stated that all the declarations were retrieved under torture, and that he had been forced to sign them with his fingerprint. He claimed that he was never interrogated about the Gdeim Izik, and that he has evidence that support the fact that the accusations brought against him are not based on a desire to find the truth, but vengeance. He explained how there had been casualties on both sides; both from the official authorities and from the civil population; and that they are all victims; but the people are told lies.

Zeyou told about how the Saharawi people fought a peaceful fight since 1991, and that the Saharawi's do not believe in violence. What happened in the Gdeim Izik is a catastrophe he claimed; they are trying to help the security forces by putting the blame on other parties.

He explained that the camp was surrounded, and on October 22th the camp was placed under a siege, like it was Gaza, and the authorities attacked the camp. "I tried to stop the intervention by contacting the prosecutor general in El Aaiún, because the camp consisted of women, children and old people, and the result would be disastrous. My activism is the reason for my arrest; I have never murdered anyone and I have never harmed anyone; that goes against everything I believe in."

When the civil party started to ask questions, Zeyou invoked his right to remain silent, and explained that he respected the attorneys but refused to answer their questions since the attorneys had already judged him as a criminal. The civil party asked 20 questions which Zeyou refused to answer. When the defence asked questions related to guaranties upon arrest the court refused to ask the question.

The court adjourned until Monday, March 20th, at 00:40 am.

Day 8 - on the 20th of March 2017, at the Court of Appeal, Salé.

The court commenced on the 20th March with the testimony of **El Houssin Ezzaoui**. Ezzaoui reaffirmed his innocence and his status as a political prisoner. He refused to answer any questions before he could show the marks of torture and to report his suffering. "I was

tortured for days, raped, beaten, had my hands and feet nails torn, my arm was broken, and I had days without food or drink! They carried me on a blanket to the place where they forced me to sign with a fingerprint. ... I do not know the content of any statement or confession, no one read me anything or informed me of my rights!". Ezzaoui denounced the names of all the torturers he could identify.

He urged that "the wealth of Morocco comes from the looting of the natural resources of Western Sahara!". Ezzaoui explained how he on the morning of the 8th of November had passed out due to the teargas released by the public forces. He explained how he woke up the next day at the hospital, not able to remember anything from the dismantlement of the camp. He explained how he was captured in El Aaiun on November 9th, in the occupied city of Western Sahara, and tortured for days, before being presented in front on an investigative judge. He explained how had never read the content of the declarations, and how he under pressure and in extremely bad shape had been forced to sign the declarations. He stated: "They ask me questions about the negotiations before the dismantling of Gdeim Izik! Why aren't the authorities here to testify, the ones who were talking to us? Why aren't you bringing them to court?". He explained how the unexpected attack on the camp, and their imprisonment, and the occupation are all linked together, where he stated that on the day of the unexpected attack and dismantling of Gdeim Izik's camp, Morocco was negotiating with the Polisario Front at the United Nations in New York.

He told how he had to cross the Atlantic in a barge because the Saharawi population under occupation has been systematically impoverishment and has suffered for more than 40 years. El Houssin Ezzaoui summed up in his testimony the true reason for this trial with a political declaration and denouncing all the irregularities in the construction of this case.

Sidi Abdallahi Abahah was the second accused to be questioned on the 8 day of the hearings against the Group Gdeim izik. Abdallahi began by saying that the only representative of the Saharawi people is the Polisario Front and that he wants the self-determination of the Western Sahara.

Abahah stated that this is all a theatre, and uttered his mistrust against the courtroom, where he states that; "they told us at the military court that it would be fair and in the end, they condemned us without evidence; this trial will be the same."

Abhah explained how he had refused to undergo the medical examinations, since his lawyer had requested an independent doctor under the Istanbul Protocol, which was not the case of the medical examinations that this court had ordered. The trial can't continue without the forensic expertise being finalized, Abdallahi said. When he was interrupted, he replied to the judge that they are all innocent and have been imprisoned for more than 6 years; now it was his turn to speak, and said that he spoke in his name and on behalf of all the political prisoners and the Saharawi people.

He called on the international community and all organizations to press for MINURSO to include in its mandate the protection of the Saharawi population. The judge reaffirmed once again that the court was not the United Nations and did not want to know; whereas Abdallahi replied: "but I want to know, I live in occupied territory!".

He denounced that after his detention, he was tortured for three days without interruption. During the torture, he was constantly asked if it was in fact the accused Bachir Boutanguiza that had urinated on a corpse. As he wouldn't confess to a lie, the tortured continued. He was beaten in prison, watered with cold water, threatened, naked, forced to run in the courtyard. He underwent 23 days of systematic torture.

When asked about the video, Abdallahi answered that everyone that goes to Youtube can see that the camp of Gdeim Izik was quiet, and that everyone was sleeping before the attack. Abdallahi urged that the question that must be asked, if you want the truth, is why the Moroccan authorities attacked the camp.

Abdallahi called this trial the second part of a play that began in the military court. He further stated that the appeal court of salé has no jurisdiction to judge him, that it would have to be in a court in El Aaiun, and if so happened, it would be like a referendum for the Saharawis in the occupied territories. I am not afraid of this court, this is just the other side of the same coin, he stated.

Mohammed Bourial was the third to testify in front of the court. Bourial commenced his testimony by explaining what the Gdeim Izik camp was. Gdeim Izik was a movement consisting of thousands of saharawis which built their tent in the desert, and had social demands. Bourial acted as the head of the dialogue committee, and explained how the dialogue committee and the government had reached an agreement two days in advance. The minister of infrastructure was expected to appear at the camp site with 9 tents to organize a counting of the population in the camp, so the government could be able to meet the social demands placed forward by the inhabitant. The government didn't keep their promise, and the inhabitant in the camp was surprised by their attack; which took place 6 o'clock in the early hours on the 9th of November. He stated:

“The Gdeim Izik camp revealed the politics of the Morocco occupier, and how they marginalize the people of Western Sahara, and steal our resources. The Gdeim Izik camp is a product of the marginalisation of all Saharawis and of Morocco's occupation of Western Sahara. The camp lasted 28 days. There was no crime. No violence. Morocco attacked on the 8th of November women, children, elderly and men.”

Bourial denied all the charges, and states that “the one who should be tried, is the one who ordered the attack on the Gdeim Izik camp, not us”.

Bourial told about how he, on November 7th, was approached by the chief of police in El Aiun who told him that “I got Eênama Asfari tonight, tomorrow I will get you”. When asked whether he received orders from Eênama Asfari to attack the public forces, Burial answered that Asfari was already captured at that time, so giving orders was hardly possible. He told about how he, during the dismantlement of the camp, was at home in his house, about 4 kilometres away from the campsite. He told about how he, on the 8th of November, was arrested by the police and transported to the police station, where he was held for five days whilst being tortured. He told about how he, in front of the investigative judge, was tortured.

The judge just sent us away, claimed that he couldn't do anything for us, Burial said. Burial invoked his right to remain silent when the Civil party placed forward questions, as of which the civil party has deprived him of the presumption of innocence. The defence was constantly interrupted when advocating by both the civil party and the prosecution, whereas the prosecution raised to his feet and knocked on the microphones. Bourial stated that all the documents are falsified, and that he did not know the content of them until he was tried in the Military Court of Rabat in 2013. He urged that all the confessions are signed under pressure.

Brahim Ismaili was the last to testify on the 8th day of the hearings against the group Gdeim Izik. Ismaili commenced with stating that this courthouse could not uphold the basic principles of a fair trial, as the courthouse did not have the necessary competence. We must be tried in a courthouse in the occupied city of El Aiun, Brahim urged. Brahim commenced with declaring that he, as a human rights activist, condemns all criminal and violent acts, and by sending his condolences to the family of the victims. I am innocent, he stated, and it's the Morocco occupier who is responsible. Ismaili continued by sending his condolences to all the saharawis families who lost a loved one during the attack on the Gdeim Izik camp, which died by the hands of the military forces.

Isamili urged that the real reason he was here, is because Western Sahara is occupied, and that he was innocent of all charges. He explained how he was abducted on November 9th from his home in the occupied city of El Aiun. He told that his house was broken into by masked mens; and that we were attacked in front of his wife and his kids. He was taken into a car, and tortured for four days. He told that we had never read the minutes or the declarations, that he was never read his rights, and that his family was never informed, and that he didn't have a lawyer present. He told how he, when presented in front of the investigative judge, was tortured. I told him that I was being tortured, but he sent me back to prison. "The tortured commenced, and lasted for 6 months", he stated. He explained how they dressed him naked, and tortured him. He told how they were, in total of 90 prisoners, was placed inside one room, and afterwards placed in isolate. He couldn't speak to his family; and was deprived of his rights; and psychologically tortured. He told that his mother died whilst he was in prison, from the shock, and how he was not allowed to go to the funeral. He urged that "I am here because of my political activism. I belong to Western Sahara. I haven't done anything, I protected the right to self-determination".

During all the interrogations, he was asked about his activism for self-determination and his trip to Algeria, and he urged that he was never asked any questions about the Gdeim Izik. He explained how he went to Algeria, in august 2010, with a delegation to attend an international conference about the right to self-determination, where Western Sahara served as model. He told how they were around 500 people, and that we meet with delegation from the EU, USA and the UK. He denounced that his only crime was his opinions about Western Sahara, and that he has never killed anyone. He urged that he wasn't at the camp during the attack, and that he had only visited the camp in his capacity as a human rights activist. When he was asked about the alleged security committee inside the camp, Brahim stated that "I have never seen any committees. The Gdeim Izik camp was surrounded by the military. It had only one entrance. We had to go through seven checkpoint to reach the camps, and show our identity. I have no information".

Day 9 – On the 21th of March 2017, at the Court of Appeal, Salé.

The hearings against the Group Gdeim Izik commenced with the declarations from **Abdallahi Toubali**. Toubali declared himself innocent of all charges and denounced that he, as vouching for a peaceful solution to the conflict, is a peaceful man. He sent his condolences to everyone that died in Gdeim izik, and urged that he had nothing to do with their death, due to the simple reason that he wasn't at the scene of the events. He also sent his support to all the Saharawi families that lost their loved ones during the attack on the Gdeim Izik camp, where he claimed that the Saharawi live under repression and discrimination; they see the Moroccan victims on the television where their only hope is that the UN will expand the competence of Minurso to protect human rights in the occupied territories of Western Sahara.

Toubali told about how he was a member in the dialogue committee. He explained that the camp was born due to the marginalisation and the repression of the Saharawi people, where the people had social demands related to work and university. He explained that the committee was elected by the people to serve as spokespersons on behalf of the citizens in the camp. He explained how the committee had productive meetings and that an agreement was shortly set into place. People came from every part of Western Sahara to join the camp. He stated that "We waited for the implementation of the agreement, but it never came". Toubali asked: "Why did you break the agreement? We were waiting for a solution."

On the 4th of November, the minister of interior came on behalf of the king. Toubali explained that "the minister agreed to our terms, and was supposed to come and implement the agreement by giving every citizen in the camp a social card, the following Monday, the 8th of November". He explained how the agreement was oral, where the demands were to be met the following Monday, where the people in the camp were to be given a social benefit card in person, and thereafter leave and go home.

The minister contacted us in the committee and tried to "buy us" with money, and he started to threaten us, Toubali told. On the 4th of November, he told me in the street of Smara "to take the money and leave" – I told him that "this is a commitment to the thousands of people in the camp. I will not let them down. Their demands are legitimate. They only want better living conditions. This is not a political demand. The political discussion is between Morocco and the Sahrawi Arab Democratic Republic".

He told that on the 7th of November, the day before the events, the road was blocked. He told how he was in a traffic accident with two cars; that he was hit by one police car, and that he suspected the other to be an undercover police car. He told that "I was carried to the hospital where they refused to receive me, and they didn't help me until a woman from the parliament came and demanded my admission. I went home at 10pm, and my family took care of me where I was in a critical condition."

Toubali told how he was attacked at the market by masked men, and taken to the police headquarters. He told that "they tortured me, and I couldn't walk for a long time. They tried to rape me with a stick, they urinated on me, and spitted on me. I was moved to the gendarmerie where I was questioned, where he asked me why I refused to take be bribes and compromises. They asked me about my relationship to Eename Asfari, the Polisario Front, and the delegation to Algeria. They repeated the questions, and I told them that I didn't know."

He explained that Hussain joined him on the following day, and he stated; “he was in a terrible shape. He couldn’t stand on his feet. I took of my own clothes and changed his clothes”. He told that; when arriving to Sale 2, they were again tortured, under the surveillance of the prison director. He told that; “They took of me all my clothes. They hit and they kicked, and threw cold water on us. It was a small room. For two months; we were constantly harassed and tortured, day and night. When we complained, they tortured us together.”

Toubali urged at the end of his testimony that the presiding judge must call upon the parliament member that went with him to the hospital, as she could serve as his witness, and prove his innocence. When asked about how the camp was organized and how it was financed Toubali declared that: “You have to understand the Saharawi culture to understand the camp. We believe in equality and in helping each other. I cannot eat something if my friends don’t eat. When I buy bread, I buy 4 bread for my family, and 4 bread for the neighbours. This is our culture”.

Toubali stated that he had signed all his declarations without knowing the content of them, whilst blindfolded. The presiding judge asked Toubali to sign a document, in front of the court, to prove that he in fact could write his whole name and sign without looking at the document (i.e. looking up or to the side). The defence objected, claiming that being blindfolded and looking away are two different things. Toubali thereafter signed two documents in front of the court whilst not looking. The civil party thereafter shouted: “This is the same signature!”, where the defence declared that they agreed.

The next who was questioned was **Sidahmed Lemjeyid**. Sidahmed commenced his testimony by declaring that, if this was to be a fair trial, the trial had to be held in the occupied city of El Aiun. Sidahmed thereafter identified himself by: “I was born in Western Sahara which is occupied by Morocco. I am president of an organization that works to reveal the human rights violation in the occupied territories. I am here due to my political background”.

He denied all the charges, and commenced by declaring what had happened to him; both the abduction and the torture. He told how he was transported to the gendarmerie, where he was tortured both psychological and physical; “I was subject to every kind of torture. It’s impossible to explain what I went through. The torture is methodical to break us. They are racists”.

He told how he was only questioned about his political activism and his activism for human rights. He told that the torture was so brutal, that they broke a bone in his back. When he asked if he could see a doctor, the one who tortured replied; “you deserve to die for your reports that insults the great Kingdom of Morocco”.

He told that he was deprived of all his rights. He told how he showed his scars to the investigative judge who turned him away, and sent him back to the prison for more torture. He told that they took of him all his clothes, and poured cold water on him and beat him. He stated that “They brought me to a cell, removed my handcuffs and my blindfold, and continued the torture. I don’t know where I was, or even the city. They denied me sleep and

water.”

Lemjeyid explained how he showed the scars to the judge, and how he turned him away; “He saw my scars. He saw that I was being tortured. Torture must be witnessed and reported. I asked him for medical examination, but the judge did not uphold his responsibility as a judge; he did nothing.”

Lemjeyid told how he delivered a complaint to the investigative judge; the same person that he complained about. And that he complained to the prosecution office, and to the national council of human rights. I never received an answer; “Nobody helped me. The doctor himself stated that he couldn’t help me, because he was “under pressure”. This is unacceptable.”

He explained why he refused to undergo the medical examinations ordered by the presiding judge, where he demanded an impartial and independent examination; “the doctor you have asked to do the medical examination is employed by the Kingdom of Morocco, and can never be impartial”. He thanked the judge for his patience, and said; “I have now told you about my sufferance. But not only mine, also of the sufferance of all the Saharawi, who have lived under repression since 1975.”

He urged that he had nothing to do with the camp, and that he had only visited the Gdeim Izik as a human rights activist, where he had interviewed people about their demands and their sufferance. He declared that all the statements were falsified, and that he had nothing to do with them; he was only accused because of his human rights activism.

The next who was questioned was **El Bachir Khadda**. El Bachir stated that he is a human rights activist, and that he was one of the founders of Equipe Media in the occupied territories, and how he wished to talk about his abduction and the reason for it. He told how he was abducted on December 4th, with Hassan Dah and Mohamed Thalil, by masked men;

“They took us to a place unknown, and tortured us. We were blindfolded, and we did not know if it was day or night. We were beaten whilst interrogated about our political activism”

He told how they were transported by plane to the military judge where he was placed in front of the judge. He has asked for water, where the judge stated that he did not run a café. When asked why he didn’t ask for medical examination, El Bachir answered that he feared for his life, he could hardly walk; and did not dare to ask for anything after being denied even water. He told how he was sent to Salé 2; “We had no clothes. They poured water on us, with bags over our head. Once I was tortured because I smiled at my mother when she came to visit. The torture was supervised by the prison director.”

When asked why he didn’t undergo the medical examinations El Bachir declared that he demanded an impartial and independent examination in line with the Istanbul Protocol; where the one executing the examination could not be Moroccan or employed by a Moroccan institution.

El Bachir commenced his testimony by declaring that the Fourth Geneva Convention must be implemented, but was constantly stopped by both the prosecution and the civil party. He

explained how the Geneva convention is admitted both in peace time and during armed conflict, according to art. 66 in the Fourth Geneva Convention.

He urged that he is a Saharawi; fighting for their right for self-determination. He urged that these accusations were only put forward to revenge our activism and our fight for human rights. He stated that “the rule of law is absent in the country of the occupier”. When asked questions concerning the movie El Bachir answered that he condemns all the acts showed in the movie; “I am first a human being. I am against war and for peace”.

The court adjourned at 8pm and will commence on March 22nd at 10am.

Day 10 – On the 22th of March 2017 at the Court of Appeal, Salé.

The court commenced with questioning **Hassan Dah**. Hassan Dah declared that as a Saharawi, which culture is based upon ethical values and norms, and as a human rights activist, he condemned all the acts committed. They violate the right to life he declared. He sent his condolences, both to the Moroccan families, but also to the Saharawi families who lost their loved ones when they were killed by the Moroccan military forces during the attack on the camp.

Hassan declared that he was abducted, tortured and imprisoned due to his political activism and his political opinions concerning the right for self-determination to the Sahrawi people, and the right to benefit from the natural resources. Hassan declared that this court was not legitimate, but was abruptly interrupted. Hassan tried to commence his declaration, but was again stopped by both the prosecution and the preceding judge. The prosecutor raised to his feet's, knocked the microphone and screamed at the accused. The judge declared that Hassan, by not sticking to the subject and after many warnings, had refused to answer the question. The defence tried to advocate that the accused has the right to defend himself in the manner that he considers best, but was constantly stopped. The civil party answered that the accused has based his arguments on international humanitarian law, which had nothing to do with a Moroccan courthouse.

When Hassan was giving back the word he declared that; “The civil party has now mentioned the international humanitarian law. The fourth Geneva Convention is meant to be applied. It is applicable in two instances, and one of them is when a region is under military occupation. Western Sahara is occupied by Morocco military forces”.

The prosecution jumped to his feet and screamed, leaving the defence to ask for five minutes to talk to their client. After the break, Hassan commenced his testimony by explaining that Gdeim Izik was a peaceful protest camp, which started the Arab spring, and that the camp itself proved that the saharawis does not want to live under Morocco occupation. Hassan declared that; “unfortunately, and as the media has showed, that Moroccan government decided to attack the population of the camp while they were sleeping. This attack revealed the true face of the Moroccan regime”.

Again, the prosecution raised to his feet and screamed towards the accused. When asked where Hassan was arrested, he stated that he wasn't arrested, he was abducted by masked men in a café. He told how he, Thalil and El Bachir, was transported to an unknown place, and

tortured “in every possible way”, and that they were, five days later, given over to the gendarmeries. He stated: “We are used to this from the occupation. We have endured torture since 1975.”

He told how the interrogation, and during the torture, he was only asked questions relating to a trip to Algeria in September 2010 where he attended an international conference about the right to self-determination, his activism and his relationship to Polisario Front. He told how they forced him to sign, already written reports, and declared that they were falsified. He told that after meeting the investigating judge “in a terrible shape, may god forgive him”, he sent us back to prison.

In the prison we were dressed naked, and thrown cold water on, during the winter. We were beaten and kicked, and filmed and taken photos of; all under the supervision of the prison director.

Hassan urged that he was not present during the attack on the camp. The military forces surrounding the camp, which Hassan declared was a “siege”, had stopped a caravan from entering the camps with medicines. Hassan declared that he had been with the caravan to observe the violation of the human rights, and was stopped by the police on his way back. Hassan declared that the falsified minutes cannot be used against him, that the evidence was illegal, and he urged that reports from the medical examinations must be revealed. Hassan refused to answer the questions raised by the civil party, since the civil party is not yet given a partial status, and has therefore no capacity to ask questions.

The next to be questioned was **Abdallahi Lakfawni**. Lakfawni condemned what had happened during the attack on Gdeim Izik, and sent his condolences to all who lost a loved one that day. Lakfawni stated: “everybody know that that the Gdeim Izik camp had social demands. After 28 days, when revealing the unity of the Saharawi people, the camp was attacked during the early hours on November 8th”.

Lakfawni explained that he was kidnapped and sent to the occupying country. He declared that he is arrested because the Moroccan state is trying to get rid of us, and the problems we cause because of our political activism. Lakfawni stated that he was arrested on December 9th 2011 where the police attacked his cousin's house, and threw him from the window, and took him to an unknown place. “They run on our blood”, he stated. When asked about the movie Lakfawni stated that “everything is fabricated or calculated by the Moroccan occupier”.

He explained how the Gdeim Izik camp was controlled with an “iron hand”. The camp was surrounded by military personnel, surrounded by a wall, with only one entrance. The military had made 7 checkpoint, for us to enter the camp. He told how he was asleep when the military forces attacked the camp, and that it was like an earthquake – it was chaos – people were running, of they screamed. He told how women and children passed out due to the teargas. Everyone walked back to the city. He stated: “If Morocco had wanted us to know the truth, we would have had the truth; but they have buried it”.

He stated that he had nothing to do with the reports, and that they were all falsified. When asked questions from the civil party he refused to answer.

The next that was questioned was **Mohamed Embarch Lefkir**. He declared that the Gdeim Izik was a protest camp, where we protested the marginalisation of the Saharawi people. He told that he had joined the camp the first week with his family. Lefkir declared, meet with screams from the prosecution office, that; “I condemn the policy of hunger that the Morocco occupier is leading, and the policy of foreign companies which supports the Moroccan occupier forces.”

He declared that on the early hours of the attacked, Lefkir had passed out due to the teargas, and that he was carried by his family for 4 kilometres, and later walked the remaining 8 kilometres to his home in El Aiun. When asked about the reports Lefkir declared that he denies everything in them. He told that they abducted him, when he was assaulted by masked men in his uncle house. He told that he was beaten up in front of his family and neighbours; and that they took him to an unknown place. He told how they hanged him in the ceiling by his foot and hand (i.e. known at the chicken method), and kicked him and beaten him. He told that they put a cloth in his mouth and poured toilet water in his mouth; they burned him with cigarettes; poured urine on him; took of his nails with a clipper; electrifying him and threatened him with rape. He told that during the torture he was only questioned about his political position and his relationship to Polisario Front. The torture lasted for three days, where he was sent to the investigative judge, and tortured in front of the judge. They sent him to the prison, where the tortured commenced, and he was again hanged in the chicken position. Lefkir stated; “We condemn the silence from the UN, and demand our immediate release”.

The judge interrupted Lefkir on numerous occasions, and asked why he had signed the declarations. Lefkir stated that the guards, with the judge present, stated that: “If you don’t sign, I will send you back, and you will be tortured more and worse than what you have already endured.” He explained how he had denied all the charges to the judge, and explained him that he was arrested because of his activism. Lefkir declared that the judge “asked if I could forgive him. He said that this is beyond me; I am only following orders. He said that this case was nothing”. And I forgive him, Lefkir stated. Lefkir refused to answer any questions placed forward by the civil party.

Lefkir ended his declarations by commenting on the medical examinations ordered by the court. He told that he didn’t trust the medical examinations. He told that during his examination the alleged doctor started to argue with him about the right to self-determination for the people in Western Sahara, where the doctor stated that it would be “safer” for him to agree with the Morocco state. Lefkir therefore stated that he was not sure if this woman was a doctor or a police officer.

The court was adjourned at 10:15pm until tomorrow 11am.

Day 11- On the 23rd of March, at the Court of Appeal, Salé.

The hearings commenced by questioning **Mohammed Babait**. Babait explained that he wasn’t at the camp during the events, and that he didn’t have any relationship to the camp, other than his mother that had her tent at the camp. Babait explained how he used to visit his mother during lunch with his mother and his daughter, and that he lived in El Auin and

worked for the governor. Babait explained that he was arrested 9 months after the dismantlement of the camp, and that the ones who arrested him knew me and knew that I had nothing to do with the camp. He told that they had taken him to the police headquarters, and he asked the police chief why he was there, where the police chief answered that the others had to “take care of him”, because he knew him. He told that they pulled a bag over my head and beat me - next day I was taken back to an office, where we broke the fast; it was during Ramadan. Some men entered the room and pulled a hood over his head again, and pushed him down the stairs; and transported him to a warehouse.

“They took off all of my clothes and tortured me. They asked me no questions about Gdeim Izik, and told me that I was a “problem” since I worked for the governor. They hit me with a bat. I couldn’t walk. They carried me in to the judge, and took me back to the police station where they continued beating me. The next day they took me to the attorney general. They didn’t ask me anything. They asked me to sign, and I did. There are things in these reports that are only lies.”

He told that he was surprised when the Military Court sentenced him to 25 years. Babait urged that: “I am innocent. I have been suppressed ever since. My daughter was one year old when I was arrested, and now she is 7 years. I am innocent – all the people here know it; they know what happened at the Gdeim izik, and the Gdeim Izik represent all the Saharawi population”. Babait stated “If you really want to give justice to the victims, it is by revealing the truth. (...) I feel sorry for all the victims, and for my family, and all the Saharawi families.”

When Babait was asked questions about the minutes and the declarations from the police and the investigation report, Babait answered that: “I haven’t said this, not in any of the questioning. I was never asked these questions. They left a blank space in the reports, and told me to sign them”. Babait demanded to meet the ones who had been telling lies about him.

The next who was questioned was **Eênama Asfari**. Eênama Asfari started by thanking the court for their patience; and commenced with;

“I protest against this trial which uses false reports and minutes and confirm that the court has deprived us all of our rights when they rejected the proforma arguments that my defence presented. This is rights that in my opinion must be respected. (...) What’s the use with a constitution of conventions if they are not respected? This means that the court is not ready to evaluate the evidence of this case. There is argument that our defence has placed forward, where the court is treating a political question, by trying to cover it with a judicial blanket. This is a political issue”.

Eênama thereafter commenced by declaring that he demanded that the CAT decision, regarding his case, was admitted into the document file, and he demanded medical examinations in line with the Istanbul Protocol, and that the court submitted the memorandum on the court's competence and the fourth Geneva Convention. Eênama declared that he wouldn’t agree to be tried based upon falsified reports. The court did not admit the memorandum nor the CAT decision, and declared that this was subjects that had to be discussed later.

Eênama thereafter declared that the decision to attack the Gdeim Izik camp was abuse of power, and what happened in the camp was a consequence of the attack from the government. The decision to attack the camp was not legally based, as it was not to defend the population but rather to attack civilians, and that they, the detainees blame the administration and the attorney general which gave the order to attack, Eênama declared.

Eênama explained how he was abducted on November 7th, and that he therefore couldn't have done the actions that he is accused of; and furthermore, that all the declarations is falsified and based on signatures extracted under torture. Eênama declared that the usage of the declarations constituted a breach to art. 15 of the Torture Convention, and invoked this article as response to questions based on the declarations.

When asked if he had a lawyer with him in front of the court, and why he didn't declare that he was being tortured, during the detailed interrogation he declared; "When you asked me, what happened at the military court; I answered you with art. 15 of the torture convention. Now, I answer you with art. 12 of the Torture Convention, which stipulates that the states have a duty to investigate all signs of torture".

He declared that the torture is the basis of this case, concerning all the detainees, all the inhabitants in Morocco and Western Sahara, and that it is a decisive matter that concerns us all. I don't want to go back, Eênama declared; I want this historical platform to ensure a fair trial – this is a test for us all, and stated that;

"We were systematically tortured, and this is my complaint. My name is mentioned in all the files, and mentioned in all the fact connected to the dismantlement. We are now 7 year after. We were systematically tortured and arrested. We were not tortured in front on the judge, but we were beaten and kicked and laid naked in front of the judge. After five days without food, water or sleep; we were pulled like animals by the gendarmerie to the judge, and they pulled our hoods of. This is 7 years ago. I look to the future. I am not a victim. I am not an accused. I am a militant."

Eênama declared that he was a political prisoner, and was only subjected to imprisonment due to his fight for self-determinations for the Saharawi people. Eênama refused to answer the questions from the Civil party.

The next to be questioned by the court was **Cheikh Banga**. Banga commenced with thanking the court, and his attorneys; who he declared was a point to follow, where the Saharawi lawyers are old political prisoners; and now stand in the position they are at. He declared that he condemned the civil party participation in depriving them of their civil rights. He condemned the media campaign that portrays the group as criminals.

Banga explained how he was assaulted in the tent of his aunt on November 8th by masked men. He explained that his first visit to the camp was on November 7th, when he brought provisions to his aunt, and that he was stopped from leaving on November 7th, because the road was blocked. He explained that the camp was the displacement of the Saharawi people, and declared that displacement are when people leave from repression, to a place where they

can find peace.

He explained that the masked men took him to the gendarmerie where he was tortured for four days, before presenting him to a judge. Banga said that the torture was systematic, and that he lost consciousness on several occasions. He declared that he was never asked about Gdeim Izik, and that the reason for his abduction was his political opinions.

Banga was constantly interrupted by the prosecution who raised to his feet, and screamed and knocked his microphone. Banga explained that his convictions about forming a state for the Saharawi people, and the right for self-determination, is the reason behind his arrest and was the sole object he was ever interrogated about; therefore, his political opinions was the core of the case.

He explained how he, already at an age of 16, was arrested for his beliefs, and criminalised by the occupier. He declared that he felt sorrow for the victims, and that he wanted us to find the truth; but that he also felt sorrow for his family, his mother and his sister who suffers, because I am thrown in jail. Banga was again interrupted and stated; “We are human beings. We have feelings. I may forget the torture, but I will never forget the tears on my mother’s cheek when she was stopped from visiting me.”

Banga declared that the reports were only a product of the imagination, and when asked about why he didn’t declare to the judge that we were being tortured, as stated in the report, Banga answered that; “What is written here is not the truth. When he asked me about the torture; I was bleeding and in a miserable condition; and I asked him who was responsible for the torture; and the judge answered me that it was none of my business.”

Bangas declarations were stopped, and the court adjourned at 2am, until Monday March 27th at 9:30am.

Day 12 – On the 27th of March at the Court of Appeal, Salé.

On day 12, Cheikh Banga, Deich Eddaf, Abdeljalil Laaroussi and Ahmed Sbaai was questioned. The court was informed that the mother of the accused El Machdoufi Taki (not imprisoned) passed away in Western Sahara, and due to this he was not present at the court.

The judge called **Cheikh Banga** to continue the questioning.

The General Attorney asked Banga about his presence in Gdeim Izik Camp, and the reason for being there. Mr. Banga informed him that he went to Gdeim Izik on Sunday, 7th Nov. 2010, because he was to take his aunt to El Aaiún. The questioning continued based on the declarations and minutes which Mr. Banga already declared never to have seen, and which he signed under torture and distress. The questions asked were if he saw the events as described previous (i.e. violence, fires, etc), and if he was aware of the existence of other committees besides the dialogue committee, and if he saw anything that was shown on the video in court, in Gdeim Izik or recognized anyone in the video. Mr. Banga answered: no, to all of them.

Regarding the questions of the General attorney concerning financing and international

meetings to prepare Gdeim Izik he denied the knowledge of any of those things. To a question put forward from the Judge, he answered that he received no military training whatsoever abroad, he participated in Human Rights Conferences and visited the Tindouf refugee camps to observe the humanitarian problem.

During the questioning of the civil party, there was several times no translation; but one of the lawyers accused Banga to have left wing ideas inspired by a Moroccan party. Mr. Banga refused to answer the questions put forward by the civil party since they are not part of the proceedings.

During the questioning by the defence lawyers Banga answered that he did not know that he was presented to the military judge, he only knew that he was in a Military court and that he informed that he was tortured. He was interrogated in a room and there was no identification on the table or door.

Mr. Banga said that he was arrested only to his position on the Western Sahara conflict. He was never asked during the different interrogations of his arrest/detainment about Gdeim Izik, only about his visit to the refugee camps, Algeria and his participation in conferences.

The next who was questioned was **Deich Eddaf**. Mr. Daff, denied all accusations, and explained that he was a sports coach in El Aaiun where he lives. He went to Gdeim Izik, since he was unemployed and wanted to demand his social and economic rights. He was member of the dialogue committee. On the 8th of November, he was asleep and woken by his wife who told him that the camp was being dismantled and that they had to leave. They left on foot in the morning. He declared that his tent was one of the last tents in the camp, and that he saw nothing.

He was arrested in his house around 00h00 of the 12th of November. About 10 masked men entered his house in El Aaiun, slapped his wife around and asked his name. He was in his pyjama and thrown into a van, blindfolded. He was then taken to a room in a place unknown. Deich declared that no one asked him anything, but the men stripped him naked and started to beat him. Mr. Daff continues; "they whipped and beaten me, liquid started to pour out of my ear, but the beating didn't stop. They left the room and after some time I told them I had to go to the bathroom, I was told I should urinate where I was and I had to sleep on top of my urine". He was beaten again and told he should not shout, Mr. Daff explained that he was on his knees and sodomized with a stick. He lost consciousness and when he woke up asked for a doctor.

He was then transferred to another place but he does not know where, he recognized the voice of "Abderahman" (high official). He asked Mr. Daff who had done that to him and he answered the police. Someone took him to a bathroom and throw water on him and gave him clothes. In the evening, he was brought into an office and shown some photos and given tea. He was asked if he knew Banga who was in the pictures, Mr. Daff answered that he didn't know him.

Then he was put in a small room with Ezzauai and Toubali, Mr. Daff said that Mr. Ezzauai was in a very critical condition. All the time he was handcuffed and blindfolded. They were

transported in an airplane to Rabat and he was taken to the investigative judge in the military court.

He was blindfolded and handcuffed, which were removed, and he was told that he was in front of a judge. In front of the judge he denounced that he was tortured but the judge ignored him, stating that that was not his business, and asked if he had read the documents he had signed and what he had to say about the charges, Mr. Daff answered it was the first time he heard about it and denied the charges.

He was then sent to prison. He was stripped naked again, and the guards and officers took pictures of him. He was with Ezzaoui and Toubali. Then he was given prison clothes. He was in an individual cell and then after some days he was told to collect his things and go the infirmary, his trousers had no buttons and they dropped, they yelled at him and he had to hurry. In the new cell he saw Bani, Dah and Ayoubi, all in a terrible state and suffering. The guards told him the place he should lie down and also that there was a camera in the room if he so much as moved he would be tortured again.

During the questioning of the judge he informed that the agreement that was reached between the dialogue committee and the government was that the Minister of interior would present a solution on Monday the 8th of November. There was no information whatsoever regarding the possibility of evacuation of the camp.

When he left the camp he smelled the tear gas. He walked towards El Aaiun with his wife, Eventually, a car picked them up but none of the accused were in this car. In El Aaiun he saw some smoke. He saw nothing of what is shown in the video and did not recognize anyone. He was blindfolded when he was forced to put his fingerprint and sign the declarations and confessions. He had no knowledge about any other committees except the dialogue committee.

He denied again during the questioning of the Attorney general all that was stated in the declarations. He refused to answer any question from the Civil Party due to the fact that they are not part of the process.

To the question why on the first page of one of the declarations there is a fingerprint but after that the signature of Mr. Daff, the judge said he would help him with this question: "Due to my experience I can help you answer, can it be that you fingerprinted the first page but then informed that you know how to read and write and that's why afterwards you have your signature on paper?". Mr. Daff reiterated that he had no knowledge of the content of the declarations and all fingerprints and signatures were made under torture and harassment.

The next to be questioned was **Abdeljalil Laaroussi**. Laaroussi denied all accusations and reaffirmed his innocence, declaring he had nothing to do with the charges. Laroussi declared that "self-determination is the right of all people, the referendum must be held!"

He informed the judge that his health condition is very poor and that even the government of Bremen in Germany offered the Moroccan Government to treat him. He has extremely high blood pressure reaching 15/26.

Abdeljalil is married and he has two boys. When he was arrested the youngest was an 8-month old baby, and the other 5 years old. He worked with a water cistern distributing water and had a special/professional driver's license. Mr. Laroussi was in Spain when he heard about the Gdeim Izik events and came back to El Aaiun, to see what was happening.

Twice he was in Gdeim Izik in his aunt's tent, his aunt is called Sukeina, and she explained to him that they were demanding their social and economic rights, since the Saharawi population did not benefit from the richness of their territory as stated in the EU agreements.

On the 7th of November 2010 Mr. Laaroussi was in Boujador. His mother had a diabetes crisis and he had to go there, but he took a "grand taxi" since his car had worn out tires.

He spent Sunday, Monday, Tuesday, Wednesday, Thursday and Friday in Bojador. On Friday, the 12th of November 2010, he was drinking tea in the house of a friend who is a public servant, when the house was invaded by Moroccan authorities, knocking the door down. His friend identified himself but he was beaten and handcuffed. They asked Laaroussi what his name was and put a shotgun to his head, he was told not to move or they would blow his head off, he was handcuffed and put into a 4x4 car and they drove in the direction of El Aaiun. In the car, he was handcuffed and his jacket was put over his head so that he could not move and with his head facing his, which provoked horrible pain in his shoulders and back. All the way he had a gun pointed at his back. "Polisario if you move I kill you" said one of the Moroccan agents.

Laroussi suffered under torture during his arrest, his time in custody and during his time in prison. Laroussi suffered under strappado, sweden drink (i.e. The Schwedentrunk), electroshocks, nail removal, beatings, starvation, fried chicken, sodomy, sleep deprivation and light deprivation for 5 months, chemical burns, ingestion of chemicals, eat shards of glass, and rape.

Laroussi declared that he was forced to give his declarations to a camera. He told that a high officer of the police told him "if you collaborate with me I will collaborate with you and I will not allow them to hurt you again".

Laroussi explained that they brought a piece of paper with names of people and he was told to say in front of a video camera that all the declarations were given without being under pressure and voluntarily: "I had to pretend not to have a piece of paper in front of me that I had to read. There were 3 men with ski masks and guns and two more I couldn't see. The "movie script" was that I should appear to be declaring voluntarily. The men who were writing the declarations said that I was in charge of the security in Gdeim Izik and had connections with human rights activists and that Omar Bulsan (the delegate at that time of Frente Polisario on the Canary Islands) had given me money and instructions that I should be the responsible for security and enlist criminal and give them drugs and use them in the camp". Laroussi urged that he did not say any of this, that these are all lies, and that the people who wrote this invented it.

Laroussi declared that nobody asked him questions about Gdeim Izik, and that they forced

him to sign papers, and raped him.

Laroussi explained that he was transported in a plane to the military court: “On the second day they put me in an airplane where I woke up, I was lying on the ground facing down and one of the guards had his boot on top of my face he said: "if you move I will throw you out of the airplane". When the plane landed we were transported in a car with people in military uniforms. They had poured chemicals on me, and I couldn't walk. I was brought to a room in the military court, it was very cold. I knew I was in a military court when they took of my blindfold in a small room, someone in a military uniform was there, I could not stand or sit, I was bleeding from my head and feet. This was the first time I heard the accusations, I denounced that I was tortured and how. The judge answered: I don't have time for that, you have to sign and put your fingerprint.”

Laroussi was thereafter transported to prison. Laroussi declared that once in prison, he was tortured by the prison director Aazria, the vice-director Hassan Mihfadi , the chief Youness El Bouazizi and the male nurse Hamid.

When the judge asked Laroussi if he was being tortured now, Laroussi declared that “there is a distance of over 1200 km between El Aaiun and El Arjat (prison where he is currently detained) , sometimes our visits arrive and there are not being allowed to visit because their family name is not the same. My father died and I was not allowed to see him. My mother was detained she is 72 years old and they dislocated her shoulder! My sisters, my brothers! My 8-year-old son was attacked in front of this courthouse during this trial; he was holding a paper asking for my release, they hit him with a 1 1/5-litre water bottle! I sent the complaints about my tortures many times, to the general attorney of the King in Rabat, to the General attorney in El Aaiun, to CNDH [National Human Rights Council], to the ministry. I can show you a copy!”

Laroussi has several health problems due to the torture he suffered, and he declared that “We made several hunger strikes, and in the last one in 2016 my friends did not let me participate due to my health. I didn't know I had high blood pressure until the Military Trial in 2013; I was taken to the military hospital and there they made some tests, the doctor said that the blood pressure was very high and gave me a pill to put under my tongue. They took some scans and X-rays of my knee, and they said that it was a lesion that was 2 years old, but in the Military trial they said it was 5 years old and due to sport activities. They prescribed some medications but the prison director did not want to give them to me. The doctor in the hospital wanted to make a surgery to my knee but could not do so due to the high blood pressure. When the Working Group for Arbitrary Detention of the UN visited the Gdeim Izik Group they put me with the common criminals so that the members of the working group could not see me.”

The questioning of the judge and civil party turned around the declarations given under torture, especially if Laaroussi was in charge of the security in Gdeim Izik and his connections to the other accused. He refused to answer the civil party since he does not recognize them as part of the process, they are not part of the proceedings.

Laroussi denied everything in the declarations. He denied to recognize anyone in the video

and does not recognize the validity of the video. At some point of the questioning Laaroussi named all the medicaments that were given to him and that someone said they had severe side effects. The judge decided to give his medical opinion declaring that the medicaments mentioned did not have side effects; “he knew them well”.

During Laaroussi questioning, two of the judges were sleeping. He demanded that his friend from Bojadour should be called as a witness.

Ahmed Sbaai exited the glass cage chanting “Labadil Labadil Antkrir El Massir”. Ahmed Sbaai denied all charges and said that the declarations are false, he did not had access to the contents of the minutes or the declarations. He declared that he is a human rights activist and prosecuted due to his political believes and his work denouncing the violations permitted by the Moroccan State in Western Sahara.

Sbaai explained that he refused the medical examination because it is not in accordance with the international standards and is neither independent nor are the doctors trained in the necessary protocol. The court did not accept the memorandum of his lawyers about the medical expertise and the Istanbul Protocol, and he does not trust Moroccan doctors, he has no reason to do so.

Sbaai declared that he does not recognize the validity of this court since it is extraterritorial.

Sbaai continued telling that he is an ex-political prisoner, and that he was imprisoned due to his political activism, he continued denouncing the abduction of his father by the Moroccan authorities. Sbaai stated that “the Moroccan prisons are a cemetery for the living”. He was detained in 2002 and 2006, always due to his political opinions. He is one of the founders of a Human Rights Association, has worked voluntarily, demanding the right to self-determination and being an observer in the trials of political prisoners. He stated that no prison, nor torture or ill-treatment will change his mind.

He suffered psychological and physical torture, in the gendarmerie he was blindfolded and they asked him about his contacts with Amnesty International. He spent 5 days in sleep deprivation and constant insults. He has a heart condition so the physical torture stopped when they saw that his life was in danger.

He was never asked questions about Gdeim Izik. All the questions were about his political views, his contacts and his voyages abroad. He had to put his fingerprint on the declarations whilst he was blindfolded and handcuffed.

In the military court, he denied again all accusations. In Rabat he was tortured again, he was naked and someone made a video and took pictures; he felt the flashlight. He was showered with ice water and put in an isolation cell. These tortures were made by the prison director and three more of the prison administration.

Sbaai declared that he was in the camp with his mother, and had walked most of the way to El Aaiun. Sbaai declared that he had “signed because they took my hand and forced me!”.

The presiding judge adjourned the hearing until the 8th of May. None of the prisoners were given provisional release. The officials who wrote the reports were allowed as witnesses. The judge accepted three additional witnesses from the defence, i.e. the witnesses requested by mr. Laroussi, mr. Lakfawni and mr. Zeyou.

The presiding judge declared that the reports from the medical examinations are submitted. The reports were however submitted in French, and needed to be translated into Arabic, meaning that the results from the medical examinations were to be postponed an extra 12 days.

Day 13 – On the 8th of May at the Court of Appeal, Salé.

The proceedings against the group Gdeim Izik commenced on the 8th of May with evaluating the evidence file.

The court commenced by presenting the witnesses in front of the court. Some of the witnesses presented by the defense were absent. The defense argued that since the witnesses had only received the notification on Saturday, and since they lived in El Aaiun, their presence in the court should be considered legal if they were present at the courtroom within Wednesday. The presiding judge ruled in the defenses favor. The witnesses were thereafter summoned from the witness room to the courtroom. The group of witnesses can be divided into three groups: (1) support witnesses for the defense, (2) witnesses of the events, and (3) the police officers which wrote the reports. In total 28 witnesses.

When the police officers that wrote the reports entered the courtroom, protest emerged within the court facilities. The detainees shouted “torturers”, “occupation is the reason” and “self-determination Is the only solution”. The civil party and the prosecution office urged the court to protect the witnesses ordered by the court. The witnesses were thereafter sent back into the witness room.

The court thereafter presented the confiscated elements. The defense urged that the confiscated evidence must be discarded as evidence, as the confiscated walkie talkies, mobile phones, knives and axes, were not presented in the same manner in the Military Court, and there were no means to make sure that this case-file in fact were the same case file as presented in the Military Court, the chain of custody of the evidences was apparently not respected and contamination would be evident. The defense further argued that the different objects were not packed correctly, and that the different objects were not labelled with the correct marks. It was therefore not possible to tell the source of these objects, since the steps that have to be taken to document where that evidence was found was not done like crime scene photographs and notes taken during the initial investigation; and labelling of the items of evidence on site with a number and secure packaging.

The court decided to show the different objects to all of the accused. Mr. Asfari pointed out that according to the reports, all the objects were confiscated at the 8th of November, whereas he was abducted at the 7th of November, and declared that fantasy of those who wrote these

reports are wide, he also stated that the judge could not impose him what to answer. Mr. Banga declared that the only thing that was confiscated from him were his dreams. Mr. Bourial denied that any of the confiscated objects was his. Mr. Ettaki declared that he had nothing to do with the confiscated objects and that he only had seen a peaceful protest camp with people protesting the occupation power. Mr. Bani declared that everything that was found with him was his personal documents, ID cards and papers for the car. Mr. Laroussi demanded that his witnesses could be summoned to testify, and declared that he had nothing to do with the confiscated objects. Mr. Lakfawni declared that when they abducted him, they took everything he was carrying, but none of these objects. Mr. Boutinguiza declared that he was not carrying any objects upon his arrest. Mr. Abbahah declared that the police stole his phone, but that he had nothing to do with the confiscated objects in the case file. Mr. Ezzaoui demanded that his witnesses would be summoned to testify, and declared that they did not find any knives, phones, money or documents on him. Mr. Haddi declared that he was arrested with two doctors from the organization "doctors without borders", and that he could not tell if that was his phone. Mr. Zeyou declared that he was arrested at the airport in El Aaiun on his way to Spain, and that he has never seen these objects. Mr. Toubali declared that he had nothing to do with this evidence file, but that his phone was taken. Mr. Eddaf declared that none of the objects in the evidence cage belonged to him. Mr. Khadda declared that his passport was confiscated but nothing else. Mr. Sbaai declared that he is a political prisoner and that the only thing confiscated are his beliefs and opinions. Mr. Dah declared that he was arrested for his opinions and ideas, and that this was the only thing found with him, but that his opinions can never be confiscated. Mr. Thalil declared he was not carrying any objects upon arrest. Mr. Lemjeiyd declared that he was abducted on the 25th of December and that he was carrying one cell phone and 65 dirhams. Mr. Lefkir declared that he was abducted with his cellphone which was tortured with him, and that he wanted it back. Mr. Ismaili declared that he was abducted in El Aaiun and that he had nothing with him, but that his house had been raided afterwards and that several document files were missing. Mr. Babait declared that he was arrested with 350 dirham and his phone. Mr. El Bakay declared that he had nothing to do with these confiscated evidence.

The first information witness from the defense, **Mr. Hassan Dhalil**, was thereafter summoned to testify. The witness identified himself and was sworn in. Mr. Dhalil told about how he in the evening of the 7th of November had visited Mr. Toubali in the hospital after his car accident. Mr. Dhalil told that he had left the hospital around 1 am at the same time as Mr. Toubali. Mr. Dhalil had thereafter went home and visited Mr. Toubali again the following morning on the 8th of November around 7 am. Mr. Dhalil had found Mr. Toubali in a critical condition where Mr. Toubali could not move.

The second information witness from the defense, **Mr. Mohammed Embark Hallab**, was thereafter summoned to testify. He identified himself and was sworn in. Mr. Hallab described how families were stopped from entering the Gdeim Izik camp on the 7th of November and that families were stopped from leaving the camp facilities by the Moroccan authorities. People were stopped from bringing food to their families. We were a group of civil servants which wanted to protest the siege of the camp. Mr. Hallab explained how they organized a meeting at his family house in the evening of the 7th of November. Mr. Hallab explained that the meeting started at 8 pm and lasted until 1 am. Mr. Hallab explained that they studied the events and that they feared that an intervention would take place, and that they therefore

planned a demonstration for the following Monday, on the 8th of November 2010. Mr. Hallab explained that Mr. Zeyou was with him at the meeting. Mr. Hallab explained that their goal was to bring food and survival equipment to the people in the camp, and therefore organize a demonstration. Mr. Hallab declared that it would be impossible for Mr. Zeyou to be present at the camp since the camp was under a siege, it was impossible for anyone to travel in or out of the camp.

The third information witness from the defense, **Mr. Brahim Hamed** was thereafter summoned to testify. The witness identified himself and was sworn in. Mr. Brahim Hamed described how Mr. Lakfawni had stayed with him on the 12th and the 13th of November, and that the police had come and surrounded his home and raided his house and broke the doors. The preceding judge continued to ask numerous questions about why the witness did not have the phone number of Mr. Lakfawni. The witness answered that he did not need his number, since Mr. Lakfawni was already in his house. The witness also confirmed that he had been in the Gdeim Izik camp, but not on the 7th of November. The witness told that the camp was closed, and that the police had stopped him by throwing rocks towards him, and that his family was without food that evening.

The witness told that Mr. Lakfawni was in the other house (i.e. his property contains two houses) when the police arrived, and that he saw the police arrest Lakfawni outside. The fact that Mr. Lakfawni was arrested outside the house was in contradiction to Mr. Lakfawni's testimony where he declared that he was thrown out of the first-floor window by the police forces. Mr. Lakfawni explained that there were two houses, where he was thrown out of the window of the second house, whilst the witness had been in the opposite house. The preceding judge refused to ask the witness a follow up question about whether there was a second house.

Day 14 – On the 9th of May at the Court of Appeal, Salé.

Mr. Mohammed El Ayoubi, which is released on provisional release due to his health condition, did not appear in front of the court since he was hospitalized. The court case of Ayoubi was separated from the group case and adjourned until the 5th of June 2017.

The police officers which wrote the police reports were presented in front of the court. The accused called “torturers”, “occupation is the reason”, and “self-determination is the only solution”. The preceding judge warned the accused according to art. 327 of the Moroccan penal code that if the accused insulted the witnesses, they would be transported out of the courtroom.

The civil party reminded the court that it was in fact the defense who had requested the police officers to testify in front of the court. The defense argued that the men who wrote the police reports could not be regarded as formal witnesses, but that the defense wanted to ask the police officers how the interrogation was conducted. The defense further pointed out that the detainees had accused these police officers of torturing them, and that the police officers which are accused of such a crime could not be sworn in as witnesses. The court decided that the police officers which wrote the reports were to be heard from as formal witnesses, but postponed the questioning of the witnesses.

The first witness to appear in front of the court was **Mr. Faisal El Malazi**. Mr. El Malazi told how he and his regiment were situated by the gate to the Gdeim Izik camp, and that their regiment had orders to establish checkpoints and surround the camp. Mr. El Malazi told how the camp was surrounded by military vehicles, and how they built a sand wall around the camp leaving one gate/entrance open, this was in place for over 20 days. Mr. El Malazi told that the camp had their own security forces with personnel wearing vests which patrolled the outset of the camp. Mr. Malazi told how his group was ordered to the outset of the camp in the early hours of the 8th of November. His group consisted of 2 sections, whilst each section contained 3 lines with 13 people. His group was instructed to remove the tents and evacuate the camp. Mr. Malazi told that women and children were throwing rocks at the gendarmerie forces and that the gendarmaries had anti-riot gear. Mr. Malazi told that when they approached the citizens, the citizens of the camp divided into two groups. The witness then declared that two 4 by 4 cars (Landrovers) attacked the front line, and that a man was hit and flew over the car. The car thereafter hit the witness and that the tire was "rolling over him hurting his back" but the car was in place. The witness explained that his comrades pulled him from underneath the car. He declared that he could see people attacking the military forces, and that he tried to ran away from the scene. He explained that he ran for 20 minutes before he fell down, and that a colleague had to help him walk, and told him that a 4 by 4 car was following them. The witness declared that he reached the military forces, and was taken into an ambulance. He declared that whilst in the ambulance, they had to turn of the lights as to not be seen by the civilians attacking the public forces (according to the witness this happened during the dismantling, indicating that it was still dark). The witness explained that he reached the hospital and was hospitalized. Mr. El Malazi declared that the attack was planned, consisting of three steps; to attract the gendarmeries towards the camp, attack the public forces with 4 by 4 cars, and then attack with knives and axes. The witness declared that they were surprised by the attack, and that they based on their previous intel had not expected an attack.

Regarding the attack by the 4 by 4 car, the witness declared that the car had not killed him, because the car got stuck in the sand, so the driver could not move the car. The witness could not tell what had happened to the driver of the car. The witness declared that the car had attacked the military forces from outside of the camp, and had surprised them by emerging behind some bushes. Mr. Massoudi pointed out that these bushes which are common in the Sahara desert are around 50 cm. tall. Mr. El Malazi declared that he could identify the driver of the 4 by 4 car which had hitten him, and killed his colleague. He explained that the driver had a mustache and wore a brown jacket, and was around 30 years old.

The presiding judge declared that he would call upon four detainees at the same time, and that the witness should identify the culprit if he recognized him. The presiding judge commenced by calling up Mr. Banga, Mr. Asfari, Mr. Bani and Mr. Bourial. Protest arose both from the detainees and the defense when a police man whispered into the ear of the witness. The presiding judge declared that he knew the police man in question very well, since he had served at the courthouse for over 15 years. The witness identified Mr. Bani as the driver of the car. Mr. Bani declared that he did not have a mustache in 2010. The witness declared that Mr. Bani is "very similar" and that the facial expressions are the same, even though Mr. Bani has changed over the last 7 years.

The second witness to appear in front of the court was **Mr. Rahil Mohammed**. The witness declared that he belonged to the gendarmerie, where they had orders to surround the camp, and not let anyone enter or exit the camp besides through the gate. The witness declared that they remained in the same position for 22-23 days until the 8th of November. His regiment was called upon around 6:30am on the 8th of November to march towards the camp. The witness explained that they wore riot gears (i.e. a uniform for protection, tear gas, shield and a stick), and were in total 54 people in his section. He explained how the inhabitants of the camp threw rocks towards them "some around 1,5kg heavy", and that his regiment divided into two groups. The witness explained that he was hit by a car and lost consciousness. Mr. Mohammed testified that he was thereafter piled up with other victims, and that he had heard a woman say "do not burn them, they are Muslims to, we are not jews". He told that he was hitten with a rock, and that he woke up in the military hospital. The witness said he heard that other were dead but did not see them. 0The witness could not identify any of the defendants.

Day 15 – On the 10th of May at the Court of Appeal, Salé.

The first witness to appear in front of the court was **Mr. Nordin Lassere**. The witness was a part of the public forces in control of dismantling the camp where he was supposed to transport people from the camp to the city. The witness had received orders on the 7th of November to organize the transport, and moved towards the camp around 6:35am, and arrived around 6:45. The witness declared that after the first transportation, when coming back to the camp, the bus was targeted with rocks thrown by the inhabitants in the camp. He told that he saw people being beaten to death in the street, and that he had and his colleagues had been hit by rocks. He told that he spent 12 days in hospital. The witness told that he could not identify anyone, since the attackers had been wearing scarfs.

The second witness was **Said Kahla**. Mr. Kahla was part of the public police forces, and part of the mission that was in control of securing the transport from the camp to the city. His section was supposed to secure order in the city, and not in the camp. He told how the demonstrators were throwing rocks at them, and that the public forces used shields to protect themselves.

The third witness **Mohammed Choujaa** witnessed about his stay in the camp, and claimed that he knew the people in charge of the camp. Mr. Choujaa claimed that the camp had social demands, and that "everyone" had heard about the camp. The witness described that since he was unemployed, he went to the camp. Mr. Choujaa described that he first went past the governmental checkpoints, before he reached the camp where people in green vests stopped him and checked his identity card, before another group stopped him and checked his belongings. Mr. Choujaa told that an old woman told him to register with Mr. Deich Eddaf, which registered him in a book. Mr. Choujaa explained that he after some days brought his own tent, and set it up behind the administration. The witness described that the camp was organized, where supply and aid was set in place, and that the camp was run by several security groups. The witness explained that he attended two public speeches, one held by Mr. Lefkir known as Franco and the other by Mr. Ezzaoui. Mr. Choujaa told that Mr. Laaroussi was in charge of the security forces. Mr. Choujaa explained that Eênama Asfari was the leader of the camp, and that Mr. Asfari lived as a king. The witness explained that the camp

was divided into 5-6 sections. Mr. Choujaa described that during the night of the 7th of November, he had taken a walk after dinner and had seen Mr. Asfari, Mr. Lefkir, Mr. Lakfawni and Mr. Banga sitting in the administration. He explained that on the morning of 8th of November, chaos had broken out. Mr. Choujaa told that Mr. Asfari was giving instructions, whilst Mr. Lefkir, Mr. Lakfawni, Mr. Banga and Mr. Ismaili were handing out weapons to the citizens of the camp, and that Mr. Laaroussi had been driving a car. Mr. Choujaa told that he saw Mr. Toubali, Mr. Lemjeiyd and Mr. Sbaai throwing rocks, and that he saw Mr. Bani in a green Mitsubishi. The witness told that he ran from the scene of the crime towards the river and walked along the river to the city and arrived in the city around 12am.

The civil party asked the witness about whether he was sure that the checkpoints inside the camp was controlled by the people in the camp, and not the government, where the witness claimed that only people from El Aaiun could enter the camp. The defence was prohibited from asking whether witness had a job, and how the witness had learned all these names during 10 days, which the detainees protested against. Mr. Massoudi repeated his question and stated that his question is related to a witness which described the camps organization in a very detailed manner, and that he gave 9 names, while he was only in the camp for 10 days, stating that this are names that Mr. Massoudi himself can forget from times to times; how can the witness have learned these names in just 10 days, and remember them 7 years later. The court refused to ask the question. Mr. Massoudi then asked the witness how he only could name these 9 persons, among the 35.000 inhabitants in the camp. The witness could not tell. The witness answered that he could not remember when he was asked about how he exited the camp on the morning of the 8th of November, and could neither explain where the entrance of the camp was located. The witness claimed that he saw Mr. Bani run over one police officer inside the camp with his car. The witness claimed that he could not describe the features or physical characteristics, of the identified detainees, but that he could identify them if he saw them. The witness stated that Mr. Bani is around 50 years old, that Mr. Asfari is neither white or black, and that Mr. Banga wore glasses and had a beard. The court refused to ask the witness whether he could elaborate, where the witness stated that he saw them in his memory but could not describe them, but could identify them. Mr. Lilly also asked the witness whether he had noticed something with Mr. Lefkirs way of speaking, where the witness claimed that Mr. Lefkir speaks Hassania. The presiding judge refused to ask further questions upon the subject. Mr. Massoudi asked the witness how he was summoned to court, since he, during the last 7 years, did not appear on any police records. The court refused to ask the question. The court ruled that the accused were to be exposed to the witness, as to implement an identification process. The detainees entered the courtroom from the glass-cage, and Mr. Ettaki and Mr. Zeyou also stepped forward. The witness was instructed to point out the different detainees that he had named in his testimony. The witness identifies Mr. Bourial, Mr. Sbaai, Mr. Lakfawni, Mr. Haddi, Mr. Asfari, Mr. Ismaili, Mr. Leymjeiyd, Mr. Eddaf, Mr. Ezzaoui, Mr. Abbahah, Mr. Laaroussi, Mr. Lefkir, Mr. Banga, Mr. Bani, Mr. Toubali, Mr. El Bakay, Mr. Babait, Mr. El Bachir Khadda, Mr. Thalil and Mr. Zeyou. The witness declared that he had only seen Mr. El Bachir, Khadda Mr. Thalil and Mr. Zeyou in the camp, but not committing any crimes.

The ones identified were thereafter summoned to meet the testimony from the witness Mr. Mohammed Choujaa. Mr. Asfari declared that this testimony was part of the imagination/fantasy which was used to write the police reports. Mr. Asfari asked whether the

witness had been alone when he saw him in the morning of the 8th of November, and whether the witness knew what happened on the 24th of October. Mr. Banga declared that the witness was telling lies. Mr. Banga asked the witness how he knew that the one distributing weapons was named Chej Banga; and Mr. Banga declared that he neither wore glasses or beard in 2010. Mr. Banga further declared that this was a false testimony, which led the prosecutor to scream, and the judge to urge Mr. Banga to withdraw his words. Mr. Banga declared that it was the courts responsibility to investigate whether the declaration was false, and the ones responsible for killing the principle of independence are the ones that brought the witness to testify. Mr. Banga left the booth after being interrupted numerous times. Mr. Bourial declared that this is all lies, and that this is all a theater, and was thereafter transported back into the glass-cage. Mr. Laaroussi asked whether the witness was together with someone when he saw him; and why the witness could not give a description of him. Mr. Lakfawni declared that such a testimony could be bought, and declared that the witness was avoiding answering his questions; and thereafter asked the witness if he could describe him; how he knew his name; and how he entered the camp, when he is not a Saharawi. Mr. Lakfawni declared that he suspected the witness to be aided by some technical device, and asked the court to check his ears. Mr. Abbahah declared that the testimony was false, and the declarations was not based on any truth. Mr. Abbahah further explained that he grew up in the region, and that it is impossible to walk along the river from the camp to the city because of the height of the river and the rocks. Mr. Abbahah declared that no one knows his family name (which the witness had identified him by), and that the witness should have been able to describe his features, since his picture was “everywhere”. Mr. Eddaff declared that he did not accept the declaration, and asked whether the witness could identify the woman which directed the witness towards him for registration. Mr. Lefkir stated that the court already had their sentence, and demanded to be given the verdict since it was ready. The judge urged Mr. Lefkir to withdraw his words, or he had to return to the cage without asking questions. Mr. Lefkir declared that he from the beginning had stated that this court lacked the necessary competence to judge him, and declared that the Moroccan state is a colonizer and that the witness was a settler. Mr. Lefkir was sent back into the cage. Mr. Ezzaoui asked who followed him to the river, and who was with him when he saw Mr. Ezzaoui in his tent, and declared that it is the Spanish registration which identify the real saharawis. Mr. El Bakay denied the testimony, and asked what the condition of the witness had been all these years; and asked whether the witness had been in a coma all these years; why he had not appeared in front of the Military Court and told the story which was identical to the police reports. Mr. El Bakay asked the witness how he could identify people amongst 40 000 people, in the middle of the chaos; and pointed out that the Saharawis wear scarfs to cover their faces due to the conditions of the desert. Mr. El Bakay pointed out that it is a shame to refer to a tent with a female owner (in the saharawi culture), and also declared that it is impossible to walk along the riverside to the city. Mr. Babait swore that this testimony was all lies, and declared that it was the courts responsibility to verify the testimonies given, and that he does not know where this man comes from, but that he was only telling a story in line with the police reports. Mr. Sbaai declared that Morocco told a lie in the Military Court and that was proven in at the Constitutional Court, and that the Moroccan judicial system again tries to cover up the truth. Mr. Sbaai asked how the witness knew him, and when he precisely had seen him distributing weapons, and whether anyone was with him. Mr. Toubali declared that the testimony was only a lie; and that he was not present in the camp on the 8th of November due to his car accident; and stated that his medical records proves that he was in a critical condition and was

not able to move. Mr. Toubali declared that the court was discriminating between the witnesses; whereas his witness had been standing for over an hour, where this witness had been given a chair and water. Mr. Haddi declared that his was in the city of El Auin on the 8th of November, and declared that if the witness knows me; let him state my real name. Mr. Bani stated that the witness had seen him walking and driving, and asked whether the witness had seen two of him; and stated that the witness had seen him first on the east side of the camp, and then the south side; and stated that you would need a plane to get from one side to the other side. Mr. Bani stated that he was arrested in his car with all his documents, and that he has been under arrest for 7 years; and that the state can tell whichever story they want; since the state has all the necessary intel. Mr. Lemjeiyd stated he did not know the witness and that he had never seen him, and that he was home on the day of the attack. Mr. Lemjeiyd asked the witness to tell where he lived in El Aaiun, and what he wore on the day of the attack, and claimed that a person that can give such details, should remember what he was wearing. Mr. Lemjeiyd further stated that the direction given by the witness, would not lead him to the river; and asked the witness how he crossed the river. Mr. Lemjeiyd stated that the story given by the witness was in line with the false police reports. Mr. Ismaili declared that he regarded the testimony given by the witness as lies, and that it was all part of a play to convict him as a human rights activist. Mr. Ismaili declared that he was not present in the camp on the 8th of November, and he asked the witness to tell the exact day he went to the camp; whether the witness knew him before coming to the camp; if he recognized him the day of the attack; and whether the witness had talked to him alongside the international observers in the camp. Mr. Ismaili declared that forgetting is forgivable, but not selective memory, and stated that he wanted an answer into why the witness could identify him, but not describe him. Mr. Ismaili further demanded that the witness had to mention 5 of his neighbors in the camp. Mr. Thalil was brought forward to answer the witness on behalf of those identified, but not identified committing a crime; where Mr. Thalil stated that this witness was brought forward by the state, and that the state is trying to condemn them in a Shakespeare play.

The presiding judge decided to ask in total 10 questions of all the questions put forward by the detainees. The witness confirmed that he used to see Mr. Asfari in the camp and that he on the 8th of November saw Mr. Asfari distributing weapons whilst giving orders and stating that “there is only one death”. The witness could not identify the woman which lead him in the direction of Mr. Deich Edddaf; the witness could not identify the person which drove the car with Mr. Ezzaoui in the passenger seat; the witness declared that Mr. Banga had a “light beard” and used glasses; that he did not know the detainees before the settlement of the camp; that he used to see Mr. Ismaili in the camp; and that he did not remember any of his neighbors, since there were so many people. The prosecutor thereafter submitted two pictures of Mr. Banga from 2010 into the evidence file. Mr. Banga was wearing sun glasses in one of the pictures (i.e. a picture from a trip to Algeria), and had a beard on the second picture (i.e. a picture taken in prison). The defense wanted the pictures discarded as evidence, since the chain of custody was absent. The witness confirmed that he had seen Mr. Banga with transparent glasses, and not sun glasses. The defense wanted to know why the witness could not identify his neighbors, or the ones he was eating dinner with or drinking tea with; only the detainees. The court refused to ask the question. The witness was sent out, and the prosecutor was told to give the witness necessary protection. The court was adjourned until the 11th of May.

Day 16 – On the 11th of May at the Court of Appeal, Salé.

The court commenced by hearing from Mr. Ahmed Sbaai which told that the niece of Mr. Chej Banga had passed away, and that Mr. Banga was not able to attend the hearings due to his mental state. The Court decided to let Mr. Banga face the evidence against him at a later time.

The first witness to testify was **Mr. Mohamed Selmani**, which was there to testify on behalf of Mr. Eênama Asfari. Mr. Selmani told that he was together with Mr. Asfari on the 7th of November and witnessed his abduction. Mr. Selmani explained that they had eaten lunch together, and that Mr. Asfari had went with Mr. Selmani to his house to take a shower and drink tea. Mr. Selmani told that police officers invaded his home, and trashed his house and shouted insults, and escorted Mr. Asfari down the stairs and out of the house. The presiding judge asked the witness why Mr. Selmani did not go to the police headquarters afterwards, and asked the witness if he knew what had happened to Mr. Asfari afterwards. The presiding judge asked several detailed questions, wanting the witness to give the exact time of their meeting, their lunch, their arrival, their departure, and which time they had tea. The witness explained that the police came after the sunset prayers. Mr. Selmani declared that the house has two entrances; one to the east and one to the south. The witness explained that the police came from the east, and that he had walked down the stairs from the second floor of the house, and was shocked by the police inside his house. The witness declared that Mr. Asfari was arrested at the second floor, and that he had been shoved downstairs by three police men. The witness explained that Mr. Asfari was handcuffed and that his eyes were covered with a blind fold. The presiding judge asked why he was not arrested since he was hiding a criminal in his house. Protest emerged within the courtroom from the detainees, and the civil party screamed that it was within the competence of the court to ask whatever question they wanted, where Mr. Masoudi declared that the civil party lacks the competence to utter their views, leading the attorney from the civil party to fan with money (banknotes) in the direction of Mr. Masoudi. The presiding judge commenced by asking the witness if he could give details upon the arrest; the witness described that Mr. Asfari was handcuffed with his hands on his back, with a white blind fold, and that Mr. Asfari was guided down the stairs, out the backdoor and into a blue police car, and that the house was surrounded by the police, and he was kicked and slapped by the police. The witness declared that his house was full with policemen, and they broke in from the east side, and that there were three cars (one white and two blue cars). The presiding judge continued to ask detailed questions, i.e. the exact time for his phone call with Asfari and what he was doing, and what the police men were wearing and the exact number. The witness declared that it has been 7 years, and that he could not remember every little detail. The prosecutor stated Mr. Asfari had declared that he was arrested in the house of Mr. Toubali, whereas this witness states that Mr. Asfari was arrested in his family house. Mr. Asfari was thereafter summoned to answer this contradiction; where Mr. Asfari declared that there exists a lack of understand upon the Saharawi family structure and the Sahrawi society, and that the structure is hard to explain, and that it therefore occurs misunderstanding, and declared that he had not been in the house of Mr. Toubali, and that this was a misunderstanding.

The next witness to be questioned was **Mr. Bachir Salmani**. Mr. Salmani testified to the detention of Mr. Asfari on the 7th of November in his family house. Mr. Salmani declared that

he had reached his family house where he found his brother and Mr. Asfari drinking tea; that he had left shortly after; and was surprised by police forces on his door steps when leaving. Mr. Salmani told that one police man had told him to move his car, that the police men had entered the house, and brought out Mr. Asfari into a police car. The witness told that he saw two blue cars and one white car without marks, and that he was in shock. The witness explained that he saw the top of Mr. Asfari's head, but that Mr. Asfari was surrounded by police men which transported him into a police car. The witness declared that the police came between the sunset prayer and the last prayer. The presiding judge summoned Mr. Asfari and stated the witness declaration was in contradiction to the testimony of Mr. Asfari, since Mr. Asfari declared that he was blindfolded and that the witness had not seen a blindfold. The presiding judge used his own glasses to describe how the witness should have seen the blindfold. Mr. Asfari declared that the court had to imagine an abduction; and that he was not taken by 2-3 police men, but taken by dozens of police men, both uniformed and with civil clothes. The court asked Mr. Asfari how he could know that he was surrounded by police men; and at the same time blindfolded. Mr. Asfari answered that he calls it "sight and mind"; the last thing I saw were dozens of police men surrounding me; and while they hindered me from seeing, they did not hinder me from understanding what was happening; that you can feel what is happening around you whilst blindfolded and new senses emerge.

The next who was questioned by the court was **Mr. Aziz Kabir**. Mr. Kabir worked for the gendarmerie in Smara. Mr. Kabir told how the gendarmerie forces were missioned to secure order in the Gdeim Izik camp on the morning of the 8th of November. Their mission was to facilitate the traffic from the camp to the city. His section heard the helicopter and was told to move closer to the camp, where they saw smoke and fire inside the camp. Mr. Kabir declared that he saw thousands of people coming from the camp carrying knives and rocks, and that it "rained stones". The witness described that they withdrew from the scene, and went back to their vehicles, and that the demonstrators followed them in a car. The witness declared that he saw one of the victims being run over by a car, and another victim being hit and kicked by several demonstrators which surrounded him. The witness told that his colleague was laying on the ground, and that the demonstrators continued to hit him with swords and rocks. Mr. Kabir explained that they had no weapons to defend themselves with, since they only had their riot gear. The witness declared that he was helped inside a car, and that the car was attacked and that the demonstrators used rocks to block the road; and that the ambulance reached the city around 10-11am.

The fourth witness summoned by the court this day was **Mr. Ridam Halwi**. Mr. Halwi was a part of the civil protection, and served as first sergeant. Mr. Halwi explained that he was part of the ambulance team which was placed in front of the camp, and that their role was to bring people back and forth from the hospital and give medical care whenever needed. Mr. Halwi explained that they could not enter the camp during the last 22 days, and that they witnessed changes and placement of Moroccan security personnel. Mr. Halwi explained that they went into the camp one time to pick up a sick lady and drive her to the hospital, and that they had been stopped at a checkpoint by 6-7 people. The witness stated that he was working a normal shift on the 8th of November, and that a helicopter had told the people to evacuate the premises, and that everything had been normal until the forces had been attacked by cars, and stones. He explained that they had picked up the wounded, and driven them to the hospital. He explained that the ambulance was surrounded on the way back, and that demonstrators had

tried to take his car. He told that the demonstrators hit him and dragged him into the forest and told him that they would slaughter him; that one of them held a knife to his neck; and that he managed to escape and run towards the checkpoint of the gendarmerie. He had run towards an ambulance, which contained two corpses that had been urinated on; and that they were transported to the hospital.

The fifth witness summoned by the court was **Mr. Mustafa Zeynon**. The witness declared that he was in the civil protection of El Aaiun, and that he spent 3 days by the campsite. Mr. Zeynon explained that his section was positioned around 30 meters from the camp, and that the inhabitants used to get water from their fire trucks. The witness declared that inhabitants used to walk around the camp wearing vests. On the 8th of November around 7:30am when travelling towards the camp, they saw people coming towards them and understood that the camp was being dismantled. The witness explained that he found wounded people, and transported 6 women with him in the ambulance, and that young people came and threw stones at them, and that the car stopped. He was attacked with an axe on his head and with knives, and the witness explained that he lost consciousness and woke up later at the hospital. The witness could not identify any of the detainees.

Day 17 – On the 15th of May at the Court of Appeal, Salé.

The first witness that was summoned was **Mr. Tarik Hajri**. Mr. Hajri declared that he is in the gendarmerie and was part of a section responsible for facilitating the traffic back and forth from the camp. Mr. Hajri explained that his section was given orders to move forward. Mr. Hajri explained that people were throwing rocks towards them, and that they saw fires. The witness explained that they were surrounded on every side, and that a car drove over his feet, and that he was attacked whilst lying on the ground. He said someone else was already dead, his colleague Atartor. He stated that they were beaten with gas cylinders, swords, stones, he had seen military boots. He almost had to lose his fingers. He said he saw something shining against the sun, that must have been swords and they only had anti riot gear. The witness could not identify anyone.

The second witness that was summoned was **Mr. Hossini Lemtioui**. The witness declared that he lived in the Gdeim Izik camp from the first week of the settlement. The witness declared that he had social demands like everyone else that went to the camp. The witness declared that there were two checkpoints before entering the camp, and then two checkpoints inside the camp. The witness declared that he was registered by Deich Eddaf. The witness declared that he on the eve of the 7th of November had seen Mr. Bourial, Mr. Asfari and Mr. Lefkir discussing in the administration. On the morning of the 8th of November the witness declared that he had heard a helicopter which told the inhabitants to leave the camp. The witness declared that he saw Mr. Banga, Mr. Lefkir, Mr. Sbaai, Mr. Asfari amongst some other people that the witness could not identify handing out weapons and gas cylinders. The witness declared that he saw a grey Nissan driving around in the court yard. The witness declared that he ran away from the scene. The witness declared that he ran until he came to the city, and found protests in every street.

Mr. Lemtioui declared that the camp was organized into 7-6 sections, and every section was

named after neighborhoods in El Aaiun. Protests emerged within the courtroom, and Mr. Bourial shouted that “this is only a theater. We have 500 Saharawi willing to testify about the truth. But you only allow the witnesses which are telling lies. You are performing a play in front of the international observers”. The presiding judge warned Mr. Bourial.

The testimony of Mr. Lentioui recommenced. The witness declared that the camp had checkpoints, where the first checkpoint was controlled by Mr. Lakfawni and Mr. Sbaai. The witness declared that identification was controlled at the first checkpoint, and that the guards outlived body searches on the second checkpoint. The witness declared that guards with orange vests controlled the outskirts of the camp. The witness declared that Mr. Deich Eddaff had the formal responsibility for the administration. The witness declared that Mr. Lefkir, Mr. Asfari and Mr. Ezzaoui gave speeches stating that if the Saharawi people wanted something from the government, this was the time. The witness declared that Mr. Laaroussi was in control of the security forces. The witness declared that Mr. Laroussi was the owner of the grey Nissan.

The witness could not clarify the location of the administration, other than it was beside the court yard. The witness could not identify any of his neighbors in the camp, nor give the name of his neighborhood within the camp. The defense was prohibited from asking further questions about the witnesses relations in the camp. The witness confirmed that he saw Mr. Asfari on the eve of 7th of November and the morning of the 8th of November, after a confrontation by the defense about Mr. Asfari's arrest on the 7th of November at 6pm. The defense was prohibited from asking about whether the witness had seen Mr. Toubali, as the defense argued that Mr. Toubali was in the hospital. The witness declared that he witnesses all of this alone, and that he always was alone in his tent. The witness declared that he ran 15 kilometers with his flip flops. The witness described Mr. Asfari as a bald man, wearing glasses and was “higher than himself”, but the witness could not describe the baldness in Hassania. The witness described Mr. Banga with glasses, a beard and sunglasses in the evening. The witness declared that he has never told his declarations to anyone before, but was abruptly interrupted by the prosecution. The witness declared that the people were told not to leave the camp, since their demands would soon be met by the government. The court refused to ask the witness about his address in El Aaiun, to protect him.

The court ordered that the accused was to be exposed to the witness. Defense attorney Mr. Lili argued that such an identification process was not in compliance with the presumption of innocence, since pictures of his clients had circulated the national media and internet over several years, and that the witness has seen pictures of the accused before the identification process. As such; the identification process was illegal. The court invoked their earlier ruling. The accused protested, and were identified by their names. The accused left the courtroom and went back into the cage, shouting that Moroccan justice is a theater. The accused continued to protest for 30 minutes, as the presiding judge continued to record which of the detainees the witness identified.

The next witness to be questioned by the court was **Mr. Moulay Ali Amrani**. The witness identified himself as a soldier in the auxiliary forces. The witness declared that his section had been attacked by rocks, and that he had been hurt by a stone that hit him in the leg. He did not identify anyone.

The next witness to be questioned by the court was **Mr. Farouk Arika**. The witness declared that he belonged to the auxiliary forces, and that he had travelled from Smara to the camp. The witness declared that rocks were thrown, and that he saw half of his section fall to the ground. The witness declared that a Toyota drove towards them, and that they ran. A Jeep blocked the Toyota and the driver of the Toyota was arrested. The witness declared that he could identify the driver of the car. The defense was not allowed to bring forward the contradiction from a former witness, that claimed that the Toyota was stopped by the sand. The accused refused to come out of the glass-cage to be exposed to the witness.

The next to be questioned was **Mr. Zakaria Raiss**. The witness declared that he was ordered to maintain order, and to secure the transport without hinders. The witness declared that he saw people leaving the camp normally, but then the atmosphere changed. The witness declared that protesters outnumbered them, and that the demonstrators were throwing rocks, and approached them with swords and gas bombs. The witness declared that he ran to a bus, but the bus was hit by a car. The witness declared that the bus was ran into by a car, and that an ambulance transported him to the hospital. The witness declared that the protesters attacked the civil forces with intention to kill. The accused wanted to ask the witness questions, but were not allowed to pose questions since the witness had not identified anybody of them.

The next witness to be questioned was **Mr. Hamid Omalish**. The witness declared that he was second degree gendarmerie officer. The witness explained that he was positioned with his team near El Aaiun. The witness explained that when they arrived, they saw Land rovers driving in different directions, and that the cars were driving aggressively. The witness explained that they advanced towards the camp, and saw that the camp was organized. The witness declared that his section started the intervention from the east side of the camp. The witness declared that he saw a Land rover, heard a scream, was hit by a car, and saw the car being stopped by the gendarmerie, and that the driver was arrested. The witness declared that he could identify the driver. The witness declared that he was transported in an ambulance, and saw other civil officers which were wounded.

Protest emerged within the court since several of the observers from the victim sides had sent threats towards the accused, and told that they were criminals and should be killed. Mr. Laaroussi demanded that the ones issuing the threats were transported out of the courtroom. The preceding judge demanded silence and continued the questioning. The accused refused to be exposed to the witness.

The next to be questioned was **Mr. Abdeljalil Laktari**. Mr. Laktari declared that he was part of a security group consisting of 80-90 persons, which was in charge of facilitating the traffic. The witness declared that the protesters advanced towards them, and that they pulled back. The witness declared that the demonstrators threw rocks and were carrying knives, and were covering their faces. The witness declared that he was attacked and fell to the ground, and saw two other officers falling, and saw that they were being attacked by the masses. The witness declared that he was helped into an ambulance, and transported to the hospital.

The next to be questioned by the court was **Mr. Morad Haddi**. Mr. Haddi declared that he

was part of the civil forces facilitating the traffic and transporting inhabitants from the camp to the city. The witness declared that they were surrounded by people, and that rocks were thrown at them. The witness declared that he ran, and got into an ambulance. The witness declared that the demonstrators attacked with intent to kill.

Day 18 – On the 16th of May at the Court of Appeal, Salé.

The first to be questioned by the court was **Mr. Mohamed Sahnoun**. Mr. Sahnoun declared that he was a driver of a lorry for the civil protection. The witness declared that his colleague was beaten, and that the lorry was set on fire by the demonstrators, and that they ran away, and saw a bus in full fire. The witness declared that the demonstrators said that they would kill them, that he was hit with a rock and fainted, and woke up in the hospital. The witness declared that the attackers were covering their faces, and that he could not identify them.

The second witness summoned to the court this day was **Mr. Brahim Hamya**, a support witness for Abdejalil Laaroussi. Mr. Hamya explained that Mr. Laaroussi had called him on Friday on the 13th of November, and wished to visit him in his family house in Boujador and drink tea with him. Mr. Hamya declared that several police men entered his house forcefully and pushed him up against the wall and asked him where Mr. Laaroussi was. The witness declared that the police officers hit him and checked his ID card. Mr. Hamya was standing back to back with Mr. Laaroussi and was being hit by the police men. The witness explained that he was in shock and that he did not see clearly, but that they took Mr. Laaroussi and guided him out of the house, and into a black van. The witness explained that all the neighbors were in the street, and that he had went to the administration to find out what had happened to Mr. Laaroussi. The witness explained that he was in contact with the commander in chief of police on Boujador, and met with the governor of internal affairs. Mr. Hamya declared that he had expressed his concerns and told what happened, and asked the governor to investigate what had happened to Mr. Laaroussi since he was abducted by unknown people.

Protests emerged within the courtroom from the accused when the Civil party asked the witness what his address was in Boujador, claiming that the court had an obligation to protect all witnesses, and that the court was discriminating between the support witnesses and the witnesses for the prosecution office. The presiding judge asked the detainees to remain quiet and respect the attorneys from the civil party. The detainees protested again and stated that the civil party has no competence to ask questions, or to be an active part in the proceedings, and commenced by chanting the national anthem of Western Sahara. The court adjourned for a break.

The court resumed by hearing from Mr. Chej Banga. Mr. Banga declared that the accused had been prohibited from talking to their defense attorneys in the break by the police officers. The court commenced with questioning the witness, and when the testimony ended, resumed by summoning another witness. The detainees protested and tried to exit the courtroom shouting that the Moroccan judicial system is a theater, and the Moroccan judicial system is based upon racism. The court adjourned for a break so the detainees could discuss with their lawyers. The defendants were given the room to consult with their attorneys. Mr. Zeyou and Mr. Ettaki were escorted out of the courtroom, and were not given the opportunity to consult with their attorneys alongside with the rest of the group.

At the commencement of the proceedings, the defense attorneys declared that the detainees wished to withdraw themselves from the proceedings. The defense attorneys thereafter withdrew themselves as part of the defense, and explained that not only did they defend the detainees, they also defended their political beliefs, and that they therefore were obliged to follow the decision made by the accused. The French defense attorneys were not given the chance to explain their withdrawal from the defense team as did their colleagues. They urged the need to explain the withdrawal, but were expelled from the courtroom by the preceding judge without being given a chance to explain their reasons for withdrawal. The judge demanded a yes or no answer that was not given by the French attorneys who, then were forcefully pushed out of the courtroom by the security guards as ordered by the judge.

Again, protests emerged within the courtroom, and the detainees tried to leave the courtroom. The preceding judge declared that he would invoke art. 423 of the Moroccan penal code, which constitutes the rights competence to appoint an attorney on one's behalf, if the defendants left the courtroom. The detainees left the courtroom and were transported to two cells in the court building. Mr. Zeyou and Mr. Ettaki which are released with time served declared that they, in solidarity with the other detainees, wished to remain as silent observers within the courtroom, but that they did not wish legal counsel.

The court declared that the detainees were to be given legal counsel according to the law, as to uphold the principle of a fair trial. The preceding judge appointed four new lawyers for the detainees. Two of the four lawyers were present in the court, as they had belonged to the civil part of the court case. The ones present accepted the responsibility on the others behalf without talking to them.

The court thereafter commenced with questioning the next witness.

The first witness to be heard was **Mr. Abdeljalil Chakouch**. Mr. Chakouch declared that he was a member of the civil defense. The witness explained that they started the dismantlement on the 8th of November, and that he saw Landrovers driving around, and that he saw demonstrators firing up gas cylinders and throwing them. The witness declared that he could identify one attacker, but could not identify him amongst the accused. The witness declared that he had seen many wounded and corpses.

The newly appointed defense attorneys commenced without conferring with their clients or receiving the document file of the case by questioning the witness. The questions asked by the new defense lawyers were in line with the questions raised by the civil party. The witness was escorted out.

The newly appointed attorneys then asked for time to prepare their defense (i.e. consult with their clients and evaluate the case documents) before next witness was brought forward. They also stated that they didn't have any copies of the case. The court refused to adjourn the session. The General Attorney thereafter stated that the court should respond positively to the request of the defense. The civil party also urged that the right to prepare one's defense is absolute. The presiding judge stated vehemently that he disagreed with the request of the defense, but the presiding judge said that if the civil party requested an adjournment due to

tiredness he would grant the request, but not for any other reason. The civil part thereafter claimed that the preceding judge should adjourn the sessions since the attorneys were exhausted. The preceding judge thereafter declared that he had decided to adjourn the sessions since the attorneys were exhausted, but explicitly pointed out that this was the only reason and that the clerk should write that.

Day 19 – On the 17th of May at the Court of Appeal, Salé.

The court commenced by summoning the detainees to the courtroom. The court ordered the accused to appear in front of the court as stipulated in art. 423 of the Moroccan penal code. Mr. Ettaki and Mr. Zeyou which are released with time served showed two postersigns where it said that they were in silent protest. The court waited for the detainees for 20 minutes. The detainees asked for five minutes to deliberate. The court adjourned based on this request.

The court commenced and a security guard informed the court that the detainees refused to appear in front of the court without their handcuffs, i.e. they wanted to wear their handcuffs as to show that they were transported handcuffed and under protest from the prison to the court. The court decided that the detainees entering with handcuffs was against the law, and the guard was to go back and give the detainees a warning in accordance with art. 432 second paragraph. The detainees insisted on their position. The court ruled that the proceedings would commence without the detainees present, and that the clerk of the court was responsible for informing the detainees about the courts ruling.

The first witness to be summoned to court was **Mr. Ashraf Mchich**. Mr. Mchich declared that he was an officer in the civil forces, and that he was present in the city of El Aaiun at the 8th of November, and was ordered to facilitate the traffic. The witness explained that people were coming towards them, walking and in cars. The witness declared that the people had knives and were throwing rocks. The witness declared that he was hit by a rock, and fell to the ground, and was hit with knives in the back. The witness claimed that he passed out, and woke up from a coma on the following Saturday.

The next witness to be questioned was **Mr. Ahmed Hamidou**. Mr. Hamidou declared that he was part of the gendarmerie forces, and that he was a driver of a car. The witness explained that he met the citizens by the checkpoint of the gendarmerie, and that he continued towards the camp and was surprised on his right side by demonstrators that ran towards them. The witness explained that he continued to drive and exited the car when he reached the camp, fell and passed out, and was taken to the hospital with a broken leg. The witness declared that he could not identify the attackers.

The next witness to be questioned was **Mr. Yames Hrouchi**. Mr. Hrouchi declared that he is unemployed and that he knew some of the defendants in the camp. The witness declared that all the inhabitants in El Aaiun knew the camp, and that they had social demands. The witness explained that to go to the camp, you had to go through the checkpoint of the police, and then the checkpoint of the gendarmerie, and then there was a checkpoint inside the camp where people were wearing green vests. The witness explained that, after five days, he brought his own tent to benefit from the social demands. The witness declared that the camp was divided into five sections, and the Mr. Laaroussi was in control of the security forces. The witness

explained that the security forces kept order in the camp, and that food was distributed, and that there was a pharmacy and a place for speeches. The witness declared that he heard a speech by Mr. Ezzaoui where Mr. Ezzaoui urged the people to protest until death. The witness explained that he heard voices and cars the night before, and that he on the morning on the 8th of November woke up to chaos. The witness declared that he saw civil forces inside the camp, and people hitting them and driving Landrovers towards them. The witness declared that he saw Mr. Babeit, Mr. Toubali, Mr. Laaroussi, Mr. Sbaai, Mr. Lemjeiyd and Mr. Boutinguiza, but ran away, and ran all the way to the city. The witness declared that he could identify them if he saw them, but that he could not describe them. Mr. Hrouchi could not remember the name of the neighborhood he lived in in the camp. The witness declared that he lived alone.

The prosecutor requested that the witness was to identify the detainees through exposing the witness to pictures of the accused, and requested that the other witnesses which declared that they could identify was to be shown the same pictures. The defense argued that one could not identify a person through a picture, but that the identification process had to be in person, as the pictures were not part of the evidence file. The defense further argued that the witness had never seen anyone of the accused commit any crimes, and that a identification process therefore was unnecessary. The civil part requested that the witnesses was brought to the accused for the identification process, i.e. to the basement where the accused were being held. The court ruled in accordance with art. 422 which gives the court the right to manage the proceedings, that the pictures were to be given to the defense for review, and thereafter to be given to the witness for identification.

Mr. Zeyou and Mr. Ettaki were exposed to the witness within the courtroom, but were not identified. The court delivered the pictures of all the detainees under arrest to the witness, where the witness identified Mr. Babait, Mr. Eddaf, Mr. Ezzaoui, Mr. Bourial, Mr. Toubali, Mr. Lemjeiyd, Mr. Sbaai, Mr. Laaroussi and Mr. Boutinguiza. The witness took out one after one picture, handed it to the judge, which handed the picture to the prosecution, and thereafter to the civil part and the defense, before portraying the picture in front of the camera. The court thereafter ruled that the pictures should be shown to all the observers, for them to check whether the pictures had any marks on them. After protest from the Civil part, the court ruled that all the pictures was to be portrayed on the screen, both front and back. The defense protested and demanded that the accused were informed about the courts latest decision, where the presiding judge reminded the court that it was the clerks responsibility to inform the detainees at the end of the day.

The defense asked the court to ask the witness what criminal offense each of the identified accused had committed, and reminded the court that the witness had not seen anyone of them kill or be violent. The judge stated that the witness said that he saw them attacking, where the defense stated the judge was guiding the witness. The witness thereafter declared that Deich Eddaff registered him; Mr. Toubali hit with stones; Mr. Lemjeiyd was hitting; Mr. Laroussi was chief of the security forces; Mr. Bourial was hitting; Mr. Ezzaoui held a war speech; Mr. Babait was hitting; Mr. Sbaai was hitting; Mr. Boutinguiza was hitting.

The next witness to be questioned was **Mr. Redoam Lawini**. Mr. Lawini declared that he belonged to the gendarmerie forces, and that his section had been given orders to maintain order. The witness declared as when they advanced towards the camp, he saw demonstrators

driving cars, carrying knives and gas cylinder, and that stones were falling like rain. The witness declared that he was hit with a rock in his back and his leg, and that he ran from the scene. The witness declared that when he reached his vehicle, he saw three persons take a car, and another car hitting his colleague. The witness explained that he was transported to the hospital by helicopter, and that he was in a coma. The witness declared that he could not identify any of the attackers.

The next witness to be questioned was **Mr. Mohamed Dghigh**. The witness declared that he became part of the surveillance team two days before the event, and that his team was placed approximately 800 meters from the camp. The witness described that the dismantlement started normally on the 8th of November, until they saw fire and a bus that returned broken. The witness declared that his team was ordered to form two lines to help the bus. The witness declared that they moved forward and received rocks, and protected themselves with their shields and helmets, and that they eventually pulled back because they were outnumbered by the demonstrators. The witness explained that they ran back to their vehicles, and that one had already left when he arrived; and that he carried one of his colleagues that could not run, inside a car; and he placed his right foot on the vehicle; and that a demonstrator was hitting him and trying to make him fall. The witness declared that a car was following them, and that the car crashed into their vehicle; he fell down; was attacked with swords; and his colleagues carried him into the car. The witness declared that he was taken to the hospital where he saw many wounded and corpses. The witness declared that he could identify the one hitting him whilst he was holding on the car. The witness was not able to identify any of the accused.

The next witness to appear was **Mr. Kamal Rouki**. Mr. Rouki declared that he was part of the civil defense, and that he witnessed two members of the civil defense being hit with stones and knives; and that they pulled them into their car; but that their car was stuck since a bus was blocking the road. The witness declared that more demonstrators came from the right hand side, and broke their windows; and that a demonstrator climbed on top of their car and hit him through the ceiling-window. The witness explained that they broke his right arm and hit him with a sword on his left arm. The witness explained that the demonstrators went to the left side of the car; that he opened the door and carried his colleague to another vehicle; whilst being hit by stones. The witness declared that they were evacuated in a helicopter since the road was closed. The defense asked what the relevance for this witness was, when he could not identify any of the accused or testify to a crime that any of the accused had committed.

The court commenced by re-summoning the witnesses that the accused had refused to expose themselves to. The first to be summoned was **Mr. Fahrouka Reika**. Mr. Reika identified Mr. Boutinguiza when being exposed to the pictures of the accused. Mr. Reika declared that he was about 60% sure that it was Mr. Boutinguiza that hit him with a car, but that he was confused between 3 of the accused and could not be sure. The second to be summoned was **Mr. Raiss Zakaria**. The prosecutor insisted to give the witness sufficient time to review the pictures of the accused. Mr. Zakaria identified Mr. Ezzaoui, Mr. Bourial, Mr. Lakfawni, Mr. Deich Eddaf and Mr. Asfari as people that travelled through the checkpoint on their way to the camp.

The next witness summoned was **Mr. Hamid Omalish**, he has declared that he could identify people, and identified Mohamed Embarec Lefkir and Mohamed Bani, but stating that

they looked like the people he saw but he was not sure. After the judge repeated the question he said he was almost sure, 90% maybe and at the third time he was questioned stated that he was sure now. The witness said the he saw Mr. Mohamed Bani in car running over someone and that he saw Mr. Mohamed Lefkir in the Gdeim Izik camp, he stated that the were others but he could not say who. The defense said asked how he could change from i'm not sure, to i'm almost sure, and then 90% to certainty.

Mr. Abdeljalil Chakouch was the next witness to be called. He was told to say if he recognized Zeyou and Ettaki, but he not identify them. Then he was shown the fotos of the detainees. He identified Mr. Mohamed Bourial and said that he did not seen him do anything, he just saw him being arrested. He also identified Chej Banga and again said he did not see him anything, just being arrested in a place where he saw people with weapons.

The next witness was **Mr. Hossini Lemtioui**, he was given the pile of photographs from the accused and he identified: Mohamed Lefkir ; Mohamed Bourial, Chej Banga; Deich Eddaf; Naama Asfari, Ahmed Sbaai; Houcein Azaoui, Abdeljalil Laaroussi. The defense asked if he saw any of these men commit a crime or something suspicious but the judge said this was already answered, the defense should read the transcripts later. The witness said he saw some of them distributing weapons.

Day 20 – On the 18th of May at the Court of Appeal, Salé.

The court commenced by summoning the detainees to the courtroom. The court ordered the accused to appear in front of the court as stipulated in art. 423 of the Moroccan penal code. Mr. Ettaki and Mr. Zeyou that are released with time served, showed signs where it said that they were in silent protest. A security guard informed the court that the detainees refused to appear in front of the court without their handcuffs, i.e. they wanted to wear their handcuffs as to show that they were forced to be in the court house. The court decided that the detainees entering with handcuffs was against the law, and the guard was to go back and give the detainees a warning in accordance with art. 432 second paragraph. The detainees insisted on their position. The court ruled that the proceedings would commence without the detainees present, and that the clerk of the court was responsible for informing the detainees about the courts ruling.

The clerk informed the court that he had visited the detainees the night before to inform them about the held proceedings and the courts rulings. The detainees had declared that they did not wished to be a part of the court case. The accused had protested when he was trying to inform the detainees about that happened during the proceedings on the 17th of May, and that the clerk had been prohibited from informing the detainees about the courts decisions on the 17th of May. The court commenced without any further comments upon the subject.

The first witness that was summoned was **Mr. Hmaida Akrach**. Mr. Akrach declared that he was part of the civil defense, and that he on the 22nd of October had travelled to the camp to assist with medical care and transport to the hospital if necessary. The witness declared that they used to travel into the camp to pick up patients; and that they went to the checkpoint and found the patient in a tent close to the entrance. The witness declared that he witnessed irregular traffic the night prior to the dismantlement; several cars travelled in and out of the

camp. The witness declared that a helicopter told the inhabitants to leave the camp right after sunrise the morning of the 8th of November; and that people started to leave the premises; and that he saw Landrovers running into the gendarmerie forces. The witness explained that they had taken the gendarmerie officers to the hospital, but was attacked on their way back with stones; and that they turned and commenced towards the city and picked up two wounded members of the civil defense. The witness identified Mr. Ezzaoui as one of the inhabitants in the camp, but declared that he had not seen Mr. Ezzaoui on the 8th of November.

The court commenced by summoning the police officers which has written the police reports and the declarations of the accused. The police officers summoned to court are identified by the accused as the ones who tortured them. All of the police officers were sworn in to testify in front of the court.

The first police officer to testify was **Mr. Mohssin Bou Khabza**. Mr. Khabza declared that the idea of creating a camp came from Mr. Ezzaoui and Mr. Bourial, joined later by Mr. Eddaf and Mr. Lefkir, and then planed in Algeria under the surveillance of Mr. Asfari. The witness declared that the camp started with social demands, but that the inhabitants went under the control of the leaders, and was deceived by the ones in control. The witness declared that the placement of the camp was not sporadic, but carefully planned, and that it was constructed by Mr. Lakfawni, Mr. Asfari, Mr. Laroussi, Mr. Bourial, Mr. Babait, Mr. Lafkir and Mr. Eddaf. The witness declared that Mr. Laroussi was in charge of the security forces, and that the security forces turned people with social demands into hostages. Mr. Lakfawni was in charge of a checkpoint. Mr. Asfari gave the orders. The witness stated that the camp was under the control of people with criminal records, in particular Mr. Babait. The witness declared that the dialogue committee deceived the inhabitants, and did not inform the inhabitants of the negotiations; that Mr. Toubali, Mr. Eddaf, Mr. Bourial, Mr. Ezzaoui gave the people an illusion that their demands would be met. The forces were therefore instructed to evacuate the people. The witness explained that they divided into four groups; on to the south, one to the north, on to the east and one to the west. The mission was to help the inhabitants. At 6:30 am a helicopter informed the people to evacuate, and informed the people of the negotiations with the Dialogue committee and the government; that their demands were understood and would be met, and that there was no need to stay in the camp. The witness declared that the evacuation was normal; but then the process shifted; and that the forces saw irregular movements, and that they understood that people were stopped from leaving the camp; and that they understood that the public forces were to be attacked. The witness explained that they commenced towards the camp, and arrested people throwing rocks and carrying swords; and delivered them to the public authorities. The witness declared that they saw Eênama Asfari giving orders; and that they arrested him around 9:30 am, 300 meters away from the tent of the dialogue committee. The witness declared that they arrested 67 persons, and among them Mr. Asfari, Mr. Banga, Mr. Bourial, Mr. Ettaki, Mr. Ayoubi, Mr. Ezzaoui and Mr. Bani. The witness explained that they searched three tents that Mr. Asfari used to be in; the tent for the dialogue committee, the tent with the international observers, and the tent of Mr. Asfari himself. The witness declared that they found a hole in the ground, where they discovered a plastic bag containing weapons (i.e. four firearms, two machetes, two swords, and one knife) and money (i.e. 500 euro, 30 000 dollars, 3000 Algerian Dinars and 600 Dirham). The witness declared that Mr. Asfari said that the belongings in the plastic bag

belonged to him, and that he had told the inhabitants to attack the civil forces. The witness explained that they transported the detainees to a secure location outside of the city to commence the questioning and write the police reports, and gave them food and water. The witness declared that this was an unusual mission with only casualties from the public forces, and none from the public. The witness insisted that none of the people under arrest had underwent inhumane treatment.

Mr. Ettaki and Mr. Zeyou stood up and tried to leave the courtroom. Mr. Zeyou declared that he could not sit her and listen to a man that had tortured him for five days. Mr. Zeyou and Mr. Ettaki left the courtroom.

The witness declared that the investigation had been conducted under normal circumstances, and that all the rights of the detainees had been preserved. The witness declared that the detainees signed the police reports after reading with fingerprint or signature. The witness declared that the investigation process was conducted with four investigation groups, and that he was present during the questioning of all the 67 detainees. The witness declared that the detainees were proud of their declarations, that they had no regret, and told willingly. The witness declared that the detention was prolonged on the 10th of November, and that six of the detainees were transported by plane. The witness declared that he could not talk about the treatment of all the 67 detainees, but that all were treated well and were allowed to sleep. The court refused to ask the witness whether the questioning was filmed. The witness claimed that the detainees had scratches and wounds upon arrest. The witness was exposed to the pictures of the detainees. The witness identified all the detainees, but did not identify Mr. Zeyou and Mr. Ettaki which had left the courtroom and could not be exposed to the witness.

The civil part representing the victims requested the court to summon the detainees to the court to face the testimony. The court denied the request.

The second police officer to testify was **Mr. Yousef Raiss**. Mr. Raiss declared that he belonged to the group advancing towards the camp from the north. The witness declared that the evacuation was normal the first hour, but then cars attacked them, and that they arrested Mr. Ayoubi as one of the drivers. The witness declared that they arrested in total 24. The witness explained that they arrested Mr. Banga which had attacked with a sword but had thrown the sword away; the same went for Mr. Ettaki and Mr. Eddaf. The witness stated that there was no blood, but that they saw them carrying knives. The witness declared that they later learned that Mr. Laaroussi was the driver of the car, which they failed to arrest at the scene of the crime. The witness declared that the operation lasted until 12am, and that they gathered the detainees (in total 67), and travelled towards El Aaiun and to the regional headquarter; and started the identification process at 2:30 am until 8pm. The witness declared that they organized themselves into four groups, and that his group questioned in total 28 detainees. The witness declared that none of the people under arrest was tortured, and that all read their police reports before signing, and that the detainees had chosen whether to sign with fingerprint or signature.

The third police officer that was questioned was **Mr. Said Ben Sghir**. Mr. Sghir said that at 6.30 am they were instructed to dismantle the camp and people had one hour to leave the camp. He declared that he was placed on the east side of the camp, and that his group arrested

Mr. Bani as a driver of a car attacking the public forces. The witness declared that the people were stopped from leaving the camp, and that their mission was to free the hostages. The witness declared that some attacked with cars, whilst some attacked with knives and stones. The witness declared that he could identify Mr. Eddaf, Mr. Ezzaoui and Mr. El Bakay among the attackers, and Mr. El Bakay, Mr. Larrousi and Mr. Ezzaoui as leaders within the camp. The witness declared that the interrogations were conducted in El Aaiun, and by splitting up in groups and tasks; and that the detainees were questioned in the regional headquarter.

The fourth police officer that was questioned was **Mr. Abdel Hamid Elmaghani**. The witness declared that he was positioned on the east side; that he saw Mr. Toubali and Mr. Bourial giving orders; and that the inhabitants were forming a line to hinder people from leaving the camp. The witness stated that Mr. Bourial was wearing a yellow vest, and that Mr. Bourial was attacking with stones. The witness declared that Mr. Babait was throwing rocks. The witness declared that none of the detainees was arrested, and the interrogation was performed under “the best conditions”. The witness could not describe what he meant by “the best conditions”.

The fifth police officer to be questioned was **Mr. Abde Rahmon Elwazna**. **Mr. Elwazna has been identified as the one conducting and managing the torture both within the police head quarter and the prison.** Mr. Elwazna declared that his section commenced the dismantlement of the camp around 6:30am. The witness declared that landrovers were preventing the inhabitants from leaving the camp; and explained that his section was forced to pull back because they were being attacked with stones. The witness declared that they arrested Mr. Ettaki after he attacked a member of the gendarmerie. The witness declared that Mr. Laaroussi and Mr. Lakfawni were driving a car, and that Mr. Laaroussi did not cover his face and was wearing a military vest and fled towards El Aaiun. He said that he knew Laaroussi well. When asked about the alleged torture, the witness declared that the questioning was conducted by dividing into groups; that he had a superior; and that he wanted to face everyone of them that claimed that he tortured them. The witness claimed that he investigated Mr. Laaroussi in the police head quarter, but that it is impossible to torture someone inside a police head quarter. The witness declared that he is commander of a group, and does not travel to prisons to torture people. The witness declared that he saw no signs of torture, and that all rights were preserved. The witness declared that he did not interrogate Mr. Asfari, but that he saw Mr. Asfari entering the camp around midnight on the 7th of November.

The court ruled that they had heard enough from the police officers conducting the police reports, and ended the hearing of the witnesses.

The prosecution requested to present new evidence into the case file, i.e. two new reports. The prosecution presented a report concerning the movements of the different detainees which had travelled to Algeria in October and November 2010 (I.e. concerning Mr. Asfari, Mr. Dah, Mr. Banga, Mr. Brahim, Mr. Sbaai, Mr. Lefkir, Mr. Lemjeyid and Mr. Lakfawni). The prosecution presented a second report concerning transcription of phone calls. The prosecution informed the court that the prosecutor of El Aaiun had issued a warrant on the 12th of October 2010 for surveillance and tapping of the phone of Mr. Asfari, and that this was new evidence for the prosecutor in Rabat. The warrant concerned tapping of the phones of Mr. Asfari, Mr. Sbaai, Mr. Lakfawni, Mr. Bourial, Mr. Hassan Dah, and Mr. Deich Eddaf.

The prosecutor declared that phone calls were surveilled, and that the transcriptions of the phone calls prove that the Gdeim Izik camp was planned in Algeria during meetings with the Polisario Front. The prosecutor stated that Mr. Asfari and Mr. Sbaai served as leaders, and that tasks were divided between the participants, and that the mission was to destabilize the southern province of the Kingdom of Morocco. The prosecutor read from the phone records, and mentioned several phone calls between Eênama Asfari and members of the Polisario Front (Omar Bulsan and Mohammed Dhalil) and conversations mentioned with the special envoy of the General Secretary of United Nations, Christopher Ross.

The defense demanded that the new evidence had to be implemented into the case file in consistence with the criminal procedural regulations; and stated that the reports were not concealed, and that the chain of custody was absent. The defense declared that the court did not know who wrote the transcriptions and that the court did not have access to the tapes. The defense declared that the original source (the tapes) of the report upon the phone calls had to be presented. The defense urged that the court could not make a decision upon admitting new evidence into the case file without the detainees present in the courtroom. The defense also argued that the evidence was seven years old, and thus impossible for the accused to meet and to defend themselves against; and the defense asked why the evidence had not been presented on a earlier stage to the accused; and urged that the judgement could not be regarded as correct if such evidence was admitted into the case file. The defense pointed out that this case was transmitted to the civil court by the constitutional court, and that this new evidence had neither been presented during the investigation phase, at the military court nor to the constitutional court; and that this transmission prohibited the court from admitting new evidence into the case file. The defense further argued that the new evidence (the transcripts of the phone calls) could not be admitted to the case file as they were not relevant to the accusations placed forward by the prosecution office. The civil part argued for the admittance of both the new reports into the case file. **The court ruled to postpone the decision to a later time**, and to expose the reports to the detainees. The defense urged that the accused should be present in the courtroom. The court refused to bring them by force.

The prosecution requested to admit photos of Mr. Banga wearing glasses and with a beard. The photos were admitted into the case file.

The prosecution requested to show a movie to the court as part of the evidence in the case. The court ruled to screen the film to the courtroom. The film showed; a helicopter flying over the camp; people with scarfs running on the ground; cars driving; people putting on yellow vests; people leaving the camp; families entering buses; ambulances; cars carrying people; people throwing rocks; the gendarmerie destroying tents without checking if there was somebody inside; water cannons targeting the inhabitants; people attacking a car and lighting it on fire; a red car with a circle around; a person hanging on a car; inhabitants running towards the civil forces; two circles portraying an attacker and a victim; three circles and naming of Mr. Toubali, Mr. Khouna and Mr. Bourial without possible facial recognition and no identity of a crime; circle and naming of Mr. Boutinguiza without possible facial recognition and no identity of a crime; portraying a pile of something that cannot be recognized and circle and naming of mr. Babait and mr. Khadda without possible facial recognition but with identity of a crime throwing stones; portraying of gas bombs and people throwing rocks; images of wounded gendarmerie officials; wounded gendarmerie officials carried into the

back of a truck; a man with a wound in his head; a man lying on the ground; video of Mr. Bani arrested; Mr. Bani is dragged out of a car with broken windows and a head injury; the video portrays a jeep; victims are carried to an ambulance; people running on the ground; broken tents; knives; portraying Mr. Bourial on the ground with handcuffs, he looks dizzy and unwell; a bus in the middle of the road; an ambulance driving on the road; people running; people attacking the ambulance with sticks; people attacking a fire truck with stones; a red car that is tipped over in the middle of the road; a bus on fire; gendarmerie personnel; people walking alongside the road; a body lying in the middle of the road; two cars driving and people running; two corpses and a man standing over them (the man was wearing a pink jacket, a black scarf and blue pants); portraying the protests in the city; cars on fire in front of a building; people running in the streets; a body on the ground and a man standing over him with a knife; a man beaten lying on the ground; speak from the camp held by Mr. Ezzaoui; portraying Mr. Thalil standing next to a truck.

The prosecutor declared that the movie is proof that the inhabitants in the camp received military training. The movie commenced by portraying pictures. The court ordered the prosecutor to read the text on the screen. The first picture showed Mr. Sbaai and Mr. Asfari with the military minister of Polisario in the Tindouf camp. The second picture portrayed Mr. Asfari and Mr. Lemjeyid with members of the Polisario. The third picture portrayed Mr. Thalil and Mr. Banga carrying firearms with members of the Polisario Front in the Tindouf camps. The fourth picture portrayed Mr. Banga and Mr. Ismaili with the military minister where Mr. Banga had a light beard. The fifth picture portrayed Mr. Sbaai with members from the Polisario.

The movie commenced by portraying details about five accused identified in the movie. The first accused identified was Mr. Mohammed Bani; portraying wheel marks on the ground, and marks on the car, a man on the ground, and pieces of the glass shield, but not portraying the incident or a crime committed; Mr. Bani being dragged out of a car by multiple gendarmerie officials; and escorted away. The second accused identified in the movie was Mohammed Bourial; portraying an image of a man in a yellow scarf with a circle around him, not able to identify any crimes committed; Mr. Bourial sitting on the ground next to a fountain looking dizzy and unwell; Mr. Bourial in a car and being asked his name, he answers. The third to be identified was Mr. Babait Mohammed Khouna; circle around a man which is throwing rocks; not possible to identify the man. The fourth to be identified was Mr. Boutinguiza; a circle around a man carrying weapons, and portrayed standing with Mr. Bourial allegedly giving instructions; wearing white t-shirt, jeans, grey jacket and black scarf; not possible to identify any crime committed, nor identify the face. The fifth to be identified was Mr. Toubali; circle around a man wearing beige jeans, white t-shirt and black jacket; not possible to identify any crimes committed nor identify Mr. Toubali as the man encircled.

The court commenced by reviewing the medical expertise, where the accused in an earlier session had asked for independent medical expertise, meaning that the medical expertise could not be performed by three Moroccan doctors employed by the Moroccan state. The court requested a statement from the defense attorneys on the already conducted medical examinations. The defense requested more time to evaluate the reports from the medical examinations, as they had received the case documents the same morning, and had prioritized reviewing other elements of the case.

The civil part declared that the medical examinations had adhered to all the necessary guidelines stipulated in the national law, and international law, and that an independent evaluation or examination would be a breach of Morocco's sovereignty, and that no other country in the world would agree to it. The civil party stated that the competence lies with the national judicial system, and that an independent examination would be a violation of the treaty of Milano. The civil party furthermore requested the court to accept the defenses request for a postponement.

After an adjournment, the court reminded the parties that the accused and the defense already had read and evaluated the medical examinations, and that the accused did not need to be re-told. The court rejected the request upon an independent medical examination. The court approved the request upon postponement and adjourned the session until the 5th of June 2017.