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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by France Libertés –
Fondation Danielle Mitterrand, a non-governmental
organization in special consultative status, the Mouvement
contre le racisme et pour l'amitié entre les peuples, a non-
governmental organization on the roster**

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

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Kingdom of Morocco: Dambar extrajudicial execution, the tip of an iceberg*

France-Libertés/Fondation Danielle Mitterrand and Mouvement contre le Racisme et pour L'amitié entre les Peuples are deeply concerned about the Moroccan refusal to investigate the assassination of a young Saharawi man, Saïd Dambar, who was shot dead in the head by a Moroccan policeman on December 21st, 2010.

Saïd Dambar was 26 years old, a BA in Economics and worked in the occupied city of El Aaiun, He was noted for exemplary behaviour with family and neighbours, outstanding student career, an athlete as well as a worker concerned about the situation of his people.

According to eye-witnesses, Saïd Dambar was leaving an internet cafe where he had just watched a soccer match of the Spanish league when, minutes later, he was intercepted by two plain clothed police officers who asked for his identification. According to the version of eye-witnesses, Saïd did not carry his documentation, which led to a harsh argument with the police; thereupon and without any provocation or attempted assault, one of the officers drew his gun and fired a shot, hitting him in the forehead.

Moroccan authorities arrested the murderer and sentenced him to 15 years imprisonment. The Moroccan court refused nevertheless to consider the State's responsibility in the crime and especially that the weapon used belonged to the Moroccan police. There were also further anomalies in the trial. The authorities tried by all means to distort the image of the victim, the policeman declared that he and Saïd were friends and were drunk before the crime. This claim was categorically denied by the family stating that Saïd was a sportsman and had never been involved in drinking nor in using drugs and that he was regularly going to pray in the Mosque.

The relate of the murder is very suspicious and the Dambar family and all Saharawi human rights organizations suspect a cover-up. They Saïd that officials made a series of false declarations since the first day of the crime.

The Police pretended that Saïd was alive the first night when they came to inform the family. They arrested the brother of Saïd telling him that the victim has beaten a policeman. When they reached the police station, they changed the story and told him that his brother had been injured by a gunshot and that he was in hospital under close assistance. When he insisted in visiting his brother, he was not allowed to enter the room where the supposedly alive-body of his brother was kept for the whole night. It was only in the early morning that the brother was allowed in and informed that Saïd had died. The brother of Saïd succeeded in taking pictures of the dead body with his cell phone. It was obvious that the victim was shot in the forehead.

The Moroccan authorities have consistently failed, so far, to give a comprehensive explanation of the circumstances and facts surrounding this murder. The attempt to silence this crime has reached such an extent that the police is permanently applying pressure and intimidation on the family of the victim to silence them and not to claim justice.

The family house was attacked many times by the police. There are videos clearly showing one of these attacks, which have usually been reported by the family to the public opinion, but never investigated by the Moroccan justice. At one attack at least the mother of Saïd was assaulted and injured.

* Bureau International pour le Respect des Droits de l'Homme au Sahara Occidental-BIRDHSO, an NGO without consultative status, also shares the views expressed in this statement.

Saïd Dambar's younger brother was denied the right to work last year (2011) unless the family accepted to bury the dead body of Saïd which they could not have done until now, a year and a half afterward, as it has been and still is kept by the police in the morgue of the Moroccan hospital of Belmehdi, in the occupied capital of Western Sahara, El Aaiun.

The Moroccan authorities refuse to do an autopsy on the body of Saïd Dambar or investigate the crime, so as to establish responsibilities as well as to repair the damage caused to the whole family during the last two years, as the family demands.

The case of Saïd Dambar is just one emblematic case among many others that need investigation. It has to be recalled that the Moroccan Consultative Council for Human Rights¹, in a report published in 2010, recognized that the Moroccan State during the seventies has executed people without any trial. That report states the names of: Mohamed Salem uld Hamdi uld Abdellah, Benou Emrabih uld Mohamed, Buzeid Alamin uld Abdellah, Mulud Lahsen Sidiya Mailed, Buleila Omar uld Mahyub uld Buyemaa, Mohamed Nayem uld Lejlifa uld Abderrahman, Hadia uld Mohamed Emabarec Zaidan, Zaid Mohamed Malainin, Hamudi uld Saleh uld Brahim uld Hnini, Lehbib Gala Lahsen Lehbib, Ahmed Lemaadel Mohamed Mehdi, Limam uld Brahim Tayeb and Hamudi Mohamed Lehbib Bairi.

The same report gives the names of some 350 Saharawis who were killed in secret detention camps or in military bases between the seventies and the nineties without giving any clarifications to their families, and without giving them back the remnants of the corpses so as to be able to bury them.

The violations against the Saharawi civilians' right to life and physical safety are often reported by Saharawi human rights organizations. These NGOs cannot even effectively report or investigate such crimes and abuses because the Moroccan authorities refuse to give them legal registration, and target Saharawi human rights defenders; many of them are now in prison, including a group of 22 Saharawis detained since November 2010 in Salé prison waiting for judgment before a military court.

The protection and promotion of human rights in the non self-governing territory of Western Sahara is sadly lacking due to the denial of the right to self-determination for the Sahrawi people exerted by the Kingdom of Morocco.

Recommendations

France-Libertés/Fondation Danielle Mitterrand and Mouvement contre le Racisme et pour l'Amitié entre les Peuples:

- urge the OHCHR to open a monitoring office in the non self-governing territories of Western Sahara;
- urge the Special Rapporteur on extrajudicial, summary or arbitrary executions to closely examine the case of Saïd Dambar, that the family has already presented to the relevant bodies during almost a year now;
- urge the Special Rapporteur on the rights to freedom of peaceful assembly and of association to investigate the practice of the Moroccan authorities towards the Sahrawi human rights organizations;

¹ http://www.ccdh.org.ma/IMG/pdf/annex_verite_.pdf for any further detail apply to France-Libertés' translations.

- urge the Special Rapporteur on human rights defenders to investigate the practice of the Moroccan authorities towards the Sahrawi human rights defenders.
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