

In response to an FOI request for information about the removal of unsuccessful asylum seekers, who claimed to be linked to the independence movement for Western Sahara, to Morocco/Western Sahara.

IND received a request under the Freedom of Information Act 2000 (FOIA) requesting the following:-

“We would be obliged if you would provide us with information regarding the number of failed asylum seekers who claimed to be Sahrawi in origin and who have been removed from this country back to Morocco/Western Sahara. We request that we be supplied with the total amount removed over the last 5 years and the dates when they were removed.

Please provide us with details as to where exactly in Morocco/Western Sahara they were removed to. Have any persons been returned directly to the Western Sahara area?

We request that we be provided with any information in the possession of the Home Office regarding what befell those who have been removed.

Is the Home Office specifically aware of any persons who have been removed being detained by the Moroccan authorities and if so for how long?

Is the Home Office aware of any allegations of maltreatment by those who have been removed to Morocco?

If the Home Office have made no effort to ascertain what has happened to those who have been removed we would be obliged if you could confirm that this is the position.

Has the Home Office on any occasion sought or obtained assurances from the Moroccan authorities that those who were being returned would not suffer any ill treatment?”

IND Response

IND do not hold information relating to the number of Sahrawi asylum seekers who have been returned to Morocco or the Western Sahara. IND do, however, collect data on the total number of asylum seekers from those regions who have been removed from the United Kingdom. This number can be broken down into: a) the number of nationals of Morocco who have been removed; and b) the number of nationals of Western Sahara who have been removed.

The number of nationals of Morocco and the Western Sahara who have been removed since the year 2000 is shown in the table below. Information for the last three months, July to September, will be published in the Quarterly Asylum Bulletin on the Home Office website at <http://www.homeoffice.gov.uk/rds/immigration1.html>.

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| Removals and voluntary departures⁽¹⁾ of asylum applicants, excluding dependants, nationals of Morocco and Western Sahara, by destination⁽²⁾, 2000 to June 2005⁽³⁾⁽⁴⁾ |
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| | 2000 | 2001 | 2002 | 2003 | 2004 | Number of principal applicants Jan-Jun 2005 |
|---------------------------------------------|------|------|------|--------|------|------------------------------------------------|
| Nationality | | (E) | (E) | (E)(P) | (P) | (P) |
| Morocco | .. | 15 | 10 | 10 | 10 | 5 |
| of whom: destination was country of origin | .. | .. | .. | .. | 5 | 5 |
| of whom: destination was an EU Member State | .. | .. | .. | .. | * | - |
| of whom: destination was other and unknown | .. | .. | .. | .. | - | - |
| Western Sahara | | 5 | - | - | - | * |
| of whom: destination was country of origin | .. | .. | .. | .. | - | - |
| of whom: destination was an EU Member State | .. | .. | .. | .. | - | * |
| of whom: destination was other and unknown | .. | .. | .. | .. | - | - |

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| (1) Includes persons departing 'voluntarily' after enforcement action had been initiated against them, persons leaving under Assisted Voluntary Return Programmes run by the International Organisation for Migration, and removals on safe third country grounds. |
| (2) Data on destination have only been collected since 2004. |
| (3) Figures rounded to the nearest five, with * = 1 or 2 and - = 0. |
| (4) Figures exclude dependants of asylum seekers removed. Data on dependants removed have only been collected since April 2001. |
| (E) Data have been estimated due to data quality issues. |
| (P) Provisional figures. |
| .. Data are not available for 1999 and 2000. |
| .. Destination data is only available from 2004 |

Information on the destination of removals has only been produced for data relating to the beginning of 2004 onwards, and does not include details as to where exactly in Morocco and Western Sahara these individuals were removed to. Information for earlier years and the precise destination of removals is not available and could only be produced at disproportionate cost.

The figures quoted in the table include people departing voluntarily after enforcement action has been initiated against them and people leaving under Assisted Voluntary Returns programmes run by the International Organization for Migration. Figures have been rounded to the nearest five.

IND do not hold any specific information about what has happened to the nationals of Morocco and Western Sahara who have been removed from the United Kingdom. The Home Office does not routinely monitor the treatment of individuals once removed from the United Kingdom. It has not sought assurances from the Moroccan authorities that those being returned to Morocco would not suffer ill treatment. IND would not remove them if they considered that they were likely to suffer persecution on their return. It is not for the United Kingdom to keep in touch with the citizens of a third country simply because they have left or been removed from the United Kingdom - indeed, in some countries, to do so could of itself place them at risk. Equally, IND cannot require such individuals to keep in touch with us. If specific

allegations are made that any returnee, to any country, has experienced ill-treatment on return from the United Kingdom, then these are followed up through the FCO and the relevant British Embassy as a matter of urgency

The Home Office is, however, actively monitoring the general position of Sahrawi people in Morocco/Western Sahara. The forthcoming Home Office Country Report for Algeria (scheduled for publication in October 2005), draws on a wide range of external and publicly available sources, including reports by the US State Department, Amnesty International, the US Committee for Refugees and Immigrants and Arabic news websites. It contains a detailed section on the position of Sahrawi Refugees in Algeria and, in particular, on the attitude of the Moroccan Government towards them. A copy of the relevant section of the Country Report is included below (Annex A).



ANNEX A

Extract from forthcoming October 2005 Algeria Country Report, digest of information from external, published sources. (Note: may be subject to format changes upon publication)

Sahrawi Refugees In Algeria

6.173. The Europa Regional Guide, 2005 notes that Western Sahara is a territory to the south under the administration of Morocco, whose sovereignty is under dispute between the government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. **[1] (p820)** The area was part of Spanish Sahara until 1976. **[1] (p820)**

6.174. The USSD for 2004 gives the following information with regards to the status of the area:

“In 1988, Morocco and the Polisario accepted the U.N. plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved, and a referendum has not yet taken place. In 1997, U.N. Secretary General Kofi Annan appointed James Baker as his personal envoy to examine approaches for a peaceful settlement.” **[6f] (p.2)**

“During the following years, Baker visited the territory, consulted with the parties, and offered proposals to resolve the problem. In January 2003, he presented a peace plan that called for a 4 to 5 year period of limited autonomy for an interim administration composed of elected members of a Western Sahara Authority, to be followed by a referendum to determine the status of the territory. Morocco ultimately rejected the plan, while the Polisario accepted it. Subsequently, an adjusted text to the Baker Plan added an additional ballot option in the referendum to include self-government or autonomy, in addition to the two previous options of independence or integration into Morocco. In July 2003, the Security Council called on the parties to work towards its acceptance and implementation. Morocco voiced objections to that resolution, while the Polisario expressed support.” **[6f] (p.2)**

“Baker resigned his post in June [2004]. Following his resignation, the U.N. Secretary General designated Alvaro De Soto as his Special Representative for the Western Sahara.” **[6f] (p.2)**

“On October 28, the Security Council voted to extend the MINURSO mandate until April 30, 2005 to give the parties more time to work out their differences.” **[6f] (p.2)**

6.175. The USSD for 2004 for Algeria summarises regarding the Sahrawis refugees,

“The Government provided temporary protection to approximately 160,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. The office of the U.N. High Commissioner for Refugees (UNHCR), the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees. The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees.” **[6a](p.11)**

6.176. “The World Refugee Survey 2005”, published by the US Washington-based US Committee for Refugees and Immigrants [USCRI] in June 2005, gave the following information and assessment of conditions in the Polisario-controlled camps:

“Freedom of Movement and Residence The [Algerian] Government allowed the rebel group, Polisario, to confine nearly a hundred thousand refugees from the disputed Western Sahara to four camps in desolate areas outside Tindouf military zone near the Moroccan border ‘for political and military, rather than humanitarian reasons,’ according to one observer. According to Amnesty International, ‘This group of refugees does not enjoy the right to freedom of movement in Algeria. ... Those refugees who manage to leave the refugee camps without being authorized to do so are often arrested by the Algerian military and returned to the Polisario authorities, with whom they cooperate closely on matters of security.’ Polisario checkpoints surrounded the camps, the Algerian military guarded entry into Tindouf, and police operated checkpoints throughout the country.” **[38a] (Algeria country update)**

“The Polisario did allow some refugees to leave for education in Algeria and elsewhere and to tend

livestock in the areas it controls of the Western Sahara and in Mauritania. An unknown number reportedly held Mauritanian passports and the Algerian government also issued passports to those the Polisario permitted to travel abroad.” **[38a] (Algeria country update)**

6.177. The USCRI in the same report, later in the text, added:

“**Retraction:** In the 2004 Survey, USCRI mistakenly reported that the refugees in the camps near Tindouf enjoyed freedom of movement. We also used the working population figure of aid agencies which, in light of Polisario’s refusal to allow a census and independent estimates, was likely inflated.” **[38a] (Algeria country update)**

6.178. Three reports from the Arabic News [dot] com website followed events in July 2005, when there were protests by camp inmates about camp conditions. The first report, entitled “Uprising in Tindouf camp to protest poor living conditions”, dated 1 July 2005, notes “Inhabitants of the camps waved slogans that are hostile to the Polisario and calling for the lift of the blockade imposed on them to be able to return to source.[sic]” **[9a]** The second report, dated 2 July 2005, entitled “Algerian intelligence decides to supervise security in Tindouf camps” recounted that the Algerian intelligence service’s decision to manage the camps security directly, particularly in relation to the power vacuum left after the return of the former top Polisario official, Hammati Rabbani, to Morocco. **[9b]** The third report, “Angry youth call for uprising against Polisario in Tindouf camps”, outlines the nature of the demonstrations and states the following in relation to forced Polisario conscription:

“The separatists’ leaders called on soldiers to join their units and military centers, noted the same source, underlining, however, that soldiers refused to obey orders knowing they will have to repress demonstrations similar to those of 1988.” **[9c]**

“...The return last week of former Polisario top official, Hammati Rabbani, to Morocco has created a crisis inside the Polisario leadership.” **[9c]**

“On Saturday, the commanders of four military zones in Tindouf rebelled against the defense minister of Polisario’s self-proclaimed Sahrawi republic ‘SADR’, sparking off further tension.” **[9c]**

“The military officers called for the resignation of Ould Bouhali whom they accused of corruption and theft and of gathering wealth to the detriment of the well-being of the populations forcibly held in Tindouf camps.” **[9c]**

“The mediation between the four commanders and the defense Minister has failed, heralding an imminent explosion of the situation within the Polisario leadership.” **[9c]**

6.179. The USSD for 2004 for Western Sahara adds:

“The number of persons in the refugee camps was in dispute. During the year, the Government claimed that the Polisario detained 45,000 to 50,000 Sahrawi refugees against their will in camps near Tindouf, Algeria. The Polisario claimed that refugee numbers were much higher, but denied that any refugees were held against their will. The U.N. High Commissioner for Refugees (UNHCR) and the World Food Program appealed to donors for food aid, and distributed food aid to a population of approximately 155,000 in the refugee camps during the year.” **[6f] (p.2)**

6.180. The USCRI report states regarding visits in 2004 outside the camps, back to the Western Sahara:

“Between March and August [2004], the UNHCR sponsored a series of Confidence Building Measures including five-day family visits between some 1,5000 refugees and their immediate relatives in western Sahara, and telephone connections in the camps. UNHCR issued each family a Travel Manifesto as a travel document.” **[38a]**

The USSD report for 2004, on Western Sahara adds further detail:

“On August 30 [2004], the UNHCR completed a 6-month program of confidence building measures, highlighted by family visits that brought 1,200 persons to meet with long-separated relatives for 5 days. Most participants were Sahrawi refugees from the refugee camps in Algeria visiting relatives in the Moroccan-controlled territory. Approximately, 19,000 Sahrawis registered to participate in the program, and 1,476 persons were transported for visits. After a hiatus to secure additional funding and work out program modalities, the program resumed in November [2004] until the end of the year. The confidence building measures also include telephone exchanges between relatives in the territory and refugee camps in Algeria.” **[6f] (p.2)**

6.181. Moroccan Government Developments The USSD for 2004 on Western Sahara states:

“Through the [Moroccan] Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the [Moroccan] Government in 2000 began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, as in previous years, many still viewed the CCDH process as biased, slow, and flawed administratively.” [6f] (p.1)

“In January, the [Moroccan] Equity and Reconciliation Commission (IER) continued the work started by the CCDH, to settle serious violations of human rights. The IER was tasked with making reparations for families of disappeared persons and other victims, restoring the dignity of victims, providing for their rehabilitation and medical care, and providing a thorough accounting of the events which led to human rights abuses and of the circumstances of the crimes themselves. The IER was composed of appointed members, most of whom were human rights activists including Commission President Driss Benzekri, a former political prisoner. The IER had an extended mandate until March 30, 2005 due to the larger than expected number of petitions. By August [2004], the IER reported having received almost 20,000 complaints, a number of them having to do with the territory. Throughout the year [2004], investigative teams from the IER visited the territory on several extended occasions, in which interviewers and researchers looked into complaints, medical personnel treated former detainees, and IER staff prepared for public hearings of the abuses.” [6f] (p.1)

“The public hearings began on December 21 [2004] in Morocco. Under agreement with the IER, participants did not disclose the names of persons they considered responsible for violations. Around 200 victims, families of victims, and witnesses of violations were scheduled to participate in future hearings, throughout the country, over a period of 10 weeks. The IER was expected to present a final report in April 2005 discussing the reasons and institutional responsibilities for grave violations prior to 1999.” [6f] (p.1)

6.182. An Amnesty International report in June 2003, entitled “Asylum-seekers fleeing a continuing human rights crisis” and numbered MDE 28/007/2003, states “Amnesty International is not aware of Sahrawi refugees being allowed by the Algerian authorities to leave the camps without the authorization of the Polisario authorities and to find safe haven in other parts of Algeria.” [26a] (p19) The USSD for 2004 for Western Sahara states, “The Polisario reportedly restricted freedoms of expression, assembly, association, and movement in its camps near Tindouf.” [6f] (p.3)

6.183. Moroccan Prisoners The USSD report for 2004 on Western Sahara states: -

“The 1998 U.N. settlement plan called for the Polisario to release all remaining Moroccan prisoners of war (POWs) after the voter identification process was completed. In 1999, MINURSO completed the voter identification process. According to Polisario claims, the Government continued to withhold information on 150 Polisario missing combatants and supporters, whom the Polisario listed by name. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention. The International Committee of the Red Cross (ICRC) continued to investigate such claims by the Polisario. In a few cases, the ICRC found that individuals on the Polisario list were living peacefully in Moroccan territory or in Mauritania. The ICRC presented this information, along with documentation to the Polisario.” [6f] (p.2)

“Prisoners held by the Polisario continued to be among the worlds’ longest held POWs. In recent years, the Polisario began to release Moroccan POWs in small groups. The Polisario released 200 Moroccan POWs during the year. By year’s end, the Polisario still held 412 POWs, many of whom had been prisoners for close to 20 years.” [6f] (p.2)

“There continued to be credible reports from international organizations, Moroccan nongovernmental organizations (NGOs), and from the released POWs themselves that Moroccan POWs suffered serious physical and psychological health problems due to their prolonged detention, abuse and forced labor.” [6f] (p.2)

6.184.. The USSD news website USINFO.STATE.GOV posted a news article dated 18 August 2005 and states: -

“Senator Richard Lugar, the chairman of the Senate Foreign Relations Committee, has travelled to Algeria at the request of President Bush and facilitated the release of 404 Moroccan prisoners held by the Algerian-backed Polisario movement, according to a statement from the White House August 18 [2005].” [6g]

