MEHERIS
A possibility of hope

Mass graves and the first Sahrawi disappeared who have been identified

Carlos Martín Beristain
Francisco Etxeberria Gabilondo

Summary

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Summary

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One of the things that have hurt me a lot, and that has left an open wound that has not yet healed, is my father's complete and utter innocence. He was not a member of the military, nor did he belong to any political cells, he was just a civilian who was leading his daily life like everybody else. Mahyub Mohamed-Mulud Mohamed Lamin Maimun.

After so many years waiting, today is a historic day, because with your help we have been able to exhume the bodies. The remains that have been found there are likely to be those of our father, his own ID was found placed on the corpse. This, together with the verification that he had had a violent death, is proof of the lies told by Morocco that have done so much harm to the families. Mohamed Fadel Abdalahe Ramdan.

Presentation

The following document contains the findings of a forensic and research team, working together with a genetic laboratory at the University of the Basque Country, on a case of Sahrawi missing persons in Fadret Leguiaa in the region of Samra, near Amgala and Meheris, in February 1976. It is the result of extensive research that began with the completion of a study on the general problem of human rights violations in Western Sahara, published in 2012 by the Hegoa Institute of the University of the Basque Country, titled "*The Oasis of Memory: Historical Memory and Human Rights violations in the Western Sahara*"[1], which has had its continuity in the research on certain cases of people who were arrested and then made to disappear during that period.

The issue of the disappeared during the armed conflict and violence against Sahrawi civilians is still present in the lives of their families, given the uncertainty about their fate and the permanently open psychological wounds they have had to bear. The refusal to provide relevant and accurate information about their fate is part of the abuses and violations of their psychological integrity, all of which is

[1] Martin Beristain C, and E. González *The Oasis of Memory: Historical Memory and Human Rights Violations in the Western Sahara*. Vol. I and II. Pp. 1200. Hegoa and Euskal Fondoa. Bilbao, 2012. http://publicaciones.hegoa.ehu.es/publications/281

considered by international courts as a form of torture[2]. It is necessary to take into account that the widespread and systematic practice of enforced disappearance qualifies as a crime against humanity[3]. From the legal point of view, enforced disappearance is considered a continuing offence until the facts are researched and, if applicable, exhumations and effective investigation procedures are carried out, and the remains are returned to their families to meet their demands, and fulfil their rights, especially the rights to truth and mourning, as well as their rights to justice and reparation. Moreover, forced disappearances are a multiple violation of several human rights[4], and "the prohibition of enforced disappearances together with the correlative duty to investigate and punish those responsible have become *jus cogens*"[5].

Relatives' demands and exhumation

In April 2013, a forensic research team from the University of the Basque Country received a petition from AFAPREDESA, an association of relatives of the disappeared, to conduct research in an area of the Western Sahara in which there were suspected human remains of Sahrawi victims. On 8th, 9th and 10th June 2013, a professional team from the University of the Basque Country, the Aranzadi Foundation and the Hegoa University Institute, accompanied by several relatives and AFAPREDESA members visited a place in the Fadret Leguiaa area, in the Samra region, in the desert, 400 km from the refugee camps in Tindouf, in order to respond to their request for a team of the highest professional qualification and experience to help them identify and recognize a place where mass graves were said to exist and in which some people -considered up to the present as "disappeared"- were reportedly buried.

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2 This principle is enshrined in Article 24, para. 1 of the International Convention for the Protection of All Persons from Enforced Disappearance (2007, ratified by Morocco on May 14, 2013), and which has been recognized repeatedly in the jurisprudence of the Inter-American Court of Human Rights (see, among other cases *González Medina and family* v. *the Dominican Republic*, Sentence dated 27th February 2012, para. 270-275), of the European Court of Human Rights (including, among others, *Er et alia* v.*Turkey*, Sentence dated July 31st, 2012, para. 94-97) and of the Human Rights Committee of the United Nations (among others, the *Guezout and Rakik* v.*Algeria* case, Observations dated July 19th, 2012, para. 8.6).

3 Article 7, para. 1 f) of the Statute of Rome on the International Criminal Court, and Article 5 of the Convention for the Protection of All Persons against Enforced Disappearance. Enforced disappearance is also prohibited according to international humanitarian law (Rule 98).

4 See, among others, Human Rights Committee, General Observation No. 31 dated 29th March 2004 Nature of the General Legal Obligation Imposed on State Parties to the Covenant, Para. 18. In the same vein, the Working Group on Enforced or Involuntary Disappearances (WGEID) Annual Report for 1982, Doc. E/CN.4/1983/14 dated 21 January 1983, para. 131. In addition, Special Rapporteur against torture, Interim Report for 2011, Doc. A/56/156 of July 3, 2011, para. 14 (see generally paras. 9-16).

5 Inter American Court of Human Rights, Goiburú et alia v. Paraguay Case, Sentence dated September 22nd, 2006, Series C No. 153, para. 80

This report is a summary and reflects the conclusions of the aforementioned research[6] that included: 1) a compilation of testimonies from witnesses and family members, and the construction of the collective case, including the facts, their impacts on families, and their demands, 2) the process of carrying out the exhumation, the characteristics of the mass graves, the conducting of standardized procedures for the osteological analysis of the remains, and the taking of samples for genetic analysis. 3) a photographic study and a video documentary that accounts for the entire process, 4) the conducting of DNA analyses by the genetic laboratory of the BIOMICs Consolidated Group of the University of the Basque Country UPV / EHU.

In the course of the research it was possible to determine the identity of all the disappeared who were in those graves, and who had been extra-legally executed in February 1976 by members of the Moroccan army.

Because the area has been under supervision by MINURSO since the ceasefire signed by the parties in 1991, the remains were properly protected, and left duly marked in the place where they had been found, in view of a forthcoming official verification mission that could lead to the release of the remains to their families, and to the setting up of the necessary measures for the protection of other mass graves that are in the area.

Direct relatives of the persons identified in this case are in the Tindouf refugee camps, like many other families of the disappeared. Other relatives are in the Moroccan-occupied Western Sahara. The rights of these victims, in both contexts, should be protected by the relevant authorities under the supervision of the United Nations.

Forced disappearances in the Western Sahara

There are currently over 400 Sahrawi victims of forced disappearances. Many other Sahrawis are also missing as a result of the bombings at Dreiga Um, Guelta or Tifariti by the Moroccan Air Force in 1976. About 80% of these disappearances occurred during the early years of the military occupation of the territory, especially between 1975 and 1977, and constituted the main *modus operandi* in the Moroccan repression.

With respect to the fate and whereabouts of 207 of these victims, Morocco has provided fragmented, limited and partial information in the report issued by the Human Rights Advisory Council (HRAC) published online in December 2010,

[6] A full version of the report exists only in Spanish for now. See: http://publicaciones.hegoa.ehu.es/publications/28

which, in most cases, states that they had "died due to the prevailing conditions" or "under custody" without any further details or information about their final fate. The same report also recognizes another 144 cases of people who had been made to disappear without providing any data for their identification.

The MINURSO mandate

The area in which the graves are located in Fadret Leguiaa, in the Smara region, near Amgala, is part of the area near Meheris which is under the supervision of MINURSO since the 1991 ceasefire[7]. MINURSO's mandate, among other things, includes taking steps with the parties to ensure the release of all political prisoners or detainees in the Western Sahara, and overseeing the exchange of prisoners of war (in collaboration with the International Committee of the Red Cross). Also, Security Council resolution No. 2099, dated April 25, 2013, extended the MINURSO's mandate to 30th April 2014, and highlighted "*the importance of improving the human rights situation in the Western Sahara and in the Tindouf camps and encourages the parties to cooperate with the international community to develop and implement independent and credible measures to ensure full respect for human rights, taking into account the relevant obligations incumbent upon them under international law*". In the same resolution, the Security Council of United Nations encourages the parties "*to continue with their respective efforts to improve the promotion and protection of human rights in the Western Sahara and in the Tindouf refugee camps*".

Recommendations of the UN Working Group on Forced Disappearances

The UN Working Group on Enforced or Involuntarily Disappearances undertook a visit to Morocco and issued a report in 2010[8]. This report analyzes the practice of enforced disappearance as used by the Moroccan authorities and includes several references to the systematic nature and the situation of impunity in terms of enforced disappearances in the Western Sahara. The WGEID expressly stated that it is not sufficient to refer to the existence of mass graves, and that the state has the obligation to exhume the bodies and identify them according to international

[7] See Security Council Resolution 690 dated April 29th, 1991.

[8] Doc A/HRC/13/31/Add.1 dated February 9, 2010 (para. 38, 45 and 53).

standards, which include the taking of DNA samples[9]. The WGEID recommended that Morocco should make use of independent coroners[10].

International standards on exhumations and on the identification of remains

International standards stipulate that states have, as part of the duty to institute juridical guarantees, the obligation to seriously and professionally investigate human rights violations with all the available means, and that this obligation extends not only to the State of Morocco, which has the main obligation, but that this also pertains to Spain, of which many of the Sahrawi disappeared were citizens[11].

In the March 2010 Progress report of the Human Rights Council Advisory Committee on best practices on the issue of missing persons[12], the whole Section IX is devoted to the "*Treatment of the dead and identification of human remains*". This document details obligations that can be summarized as follows: a) search and protection, b) relationship with relatives, c) the rights of victims and relatives, d) competency and independence of the forensic work. The conventions and other international standards on exhumation and identification of remains in the event of serious violations of human rights and related obligations are summarized in the following table.

[9] With respect to international standards and obligations on exhumation, identification and return of remains, see, among others, the March 2010 Progress report of the Human Rights Council Advisory Committee on best practices on the issue of missing persons (A/HRC/14/42 dated 22 March 2010). The of the Human Rights Council Advisory Committee has also published its report on best practices related to the issue of missing persons (doc . A/HRC/AC/6/2 dated December 22, 2010), and see also Article 24, para. 3 of the International Convention for the Protection of All Persons from Enforced Disappearance, which states that "Each State Party shall take all appropriate measures to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains".

[10] The WGEID reiterated those recommendations in their recent report follow the recommendations made in the report on the visit to Morocco (doc. A/HRC/45/Add.3 dated March 1, 2013, para. 26 and 29).

[11] Article 15 of the International Convention for the Protection of All Persons from Enforced Disappearance provides that "State Parties shall cooperate with each other and shall afford one another the greatest measure of mutual assistance with a view to assisting victims of enforced disappearance, and in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains".

[12] Doc A/HRC/14/42 dated 22nd March 2010. This document has been supplemented by the report on best practices related to the issue of missing persons adopted in December 2010 by the Human Rights Council, UN Doc. A/HRC/AC/6/2 dated 22nd December, 2010 (English only).

International Humanitarian Law
• First Geneva convention, for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field", 1949. Article 17 - Requirements reference to the dead. Graves servicing. • Second Geneva Convention for the Amelioration of running the wounded, sick, and shipwrecked members of Armed Forces at sea, 1949. Article 20 - Requirements reference to the dead. Article 121 - Prisoners killed or wounded in special circumstances. • First Additional Protocol to the 1949 Geneva Conventions relating to the Protection of Victims of International Armed Conflicts. Article 33 – The Missing. Article 34 - Remains of the deceased. • Second Additional Protocol to the 1949 Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, 1977. Article 8. Search.
International human rights law.
• International Convention for the protection of all persons against enforced disappearance • United Nations Principles relating to reparations, like, for example, the United Nations Principles against impunity • UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (as adopted by the Economic and Social Council in its resolution No. 1989/65 dated May 24th, 1989 • UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (doc. E/ST/CSDHA/.12 1991) and • Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted by means of General Assembly Resolution No. 55/89 on December 4, 2000).

Case Summary

In the afternoon of February 12th, several Bedouins were arrested by Moroccan military forces deployed in the area of Amgala. Several family members were present at the scene to witness this collective arrest. To document the case, 15 relatives were interviewed, all of whom were related to the eight disappeared people, some of whom witnessed the arrests. Some were also arrested and were later released or managed to escape. Eyewitness Aba Ali Said Daf, who at that time was 13 years old, stated that he was arrested along with two adult Beduin males who were his neighbours and acquaintances, Mohamed Mouloud Mohamed Lamin and Abdelah Ramdan, who were executed in front of his eyes and then partially buried.

> *At that time, as I said before, around 8 pm, a man came in a Jeep car. He called Mohamed Mouloud first and asked him: Where are the Polisarios? That was the first question he made, the second question he made was: "Give me your identity card". Mohamed Mouloud denied any knowledge of the Polisario. He then shot him directly in the heart. Then he called Abdelah Ramdan and asked him the same question he had asked Mouloud, and shot him in the same way. The man who shot them had a gun, but he grabbed a rifle to kill them.* Aba Ali Said Daf.

He also witnessed Bashir Salma Daf's arrest. Bashir Salma Daf was about 14 years old. Aba Ali Said Daf said he heard Bashir Salma Daf's father, Salma Daf Salec Bachir, begging not to be killed, although he did not see him being killed. These people remained missing without their fate and whereabouts having been established with certainty. According to previous research by the international team, other people were arrested on the same day and in the same place, and have been missing since then: Sidi Salec (minor), Sidahmed Segri Yumani, Salma Mohamed Sidahmed and Salama Mohamed-Ali Sidahmed. Altogether in this place some 8-9 people had disappeared and have remained missing up to the present day.

The arrests took place near the Amgala well, where we the Bedouins had gone in search for water for their herds. Some relatives had some information, provided by the main witness, about what had happened and on their relatives' arrest shortly after it all happened, but such partial information had not been checked up to the present, and the Moroccan authorities had not provided any reliable information on the fate and whereabouts of the persons involved. The case of disappeared in Amgala in February 1976 is characterized by the same *modus operandi*, as it happened in the same place and with the same Moroccan military forces, and all the victims were Bedouin shepherds from the region, who were in the same area when it all happened. There were also direct eyewitness reports of their arrests. The Moroccan military operation had involved numerous troops and vehicles in an area in which there were only civilians at the time, all of whom were in Bedouin groups living in the region. There is no evidence to suggest any fighting had taken place on that day, nor was there any presence there of Polisario military forces until several days later.

As a result of the incident, relatives of missing persons took part in the first exodus, first to other parts of the Western Sahara and then to Tindouf (400 km away), in Algeria. The flight was made in extremely adverse conditions, and this group of families experienced the death of several children on the way.

Lack of information and research, and responses that do not correspond to the truth

The chances of being able to search for the disappeared have been, for over three decades, if not nonexistent, entirely limited without any official response from the state of Morocco to contribute to put an end to the existing confusion or uncertainty. The report of the Equity and Reconciliation Commission (*Instance Equité et Réconciliation* - IER, 2006) does not provide information on this case. No members from that institution interviewed relatives of these victims who were in the Tindouf camps. Of the eight arrested people who have gone missing and who are included in this case of the Fadret Leguiaa graves, the aforementioned list from the Moroccan CCHR, published online in 2010, provides some data on four of them. About the rest no information is provided, although they were arrested on the same day and in the same place.

In the four cases the aforementioned list[13] detailed that they had been arrested there in Amgala, and taken to Smara headquarters where they died under custody. Reference to Salma Daf Sidi Salec, the list notes that he had been *arrested by the royal army in June 1976 in Smara, and was taken to one of their bases where he died*. The same is stated in the case of his 14-year-old son Bachir Salma Daf. About Mohamed-Ali Sidahmed, who had been *arrested in July 1976,* the list says he had *died during abduction at an uncertain date*. Finally, the list says Abdelah Ramdam was *arrested on 22/02/1976 in Amgala by the army, was taken to the military base in Smara where he died, at an uncertain date*.

This information is not only vague and incomplete and does not conform to the minimum international standards, but, in light of this research, it has also been proven false. Both the dates, and the facts have been totally refuted by the forensic research carried out. The arrests were collective and occurred on the same day. The case took place on 12th and 13th February, 1976. The detainees were not taken to any barracks. They were immediately executed on the spot, while under custody and in complete helplessness. This questions the information contained in the CCHR list. Of the other four missing prisoners, who were executed in the same circumstances, Morocco did not provide any information at all, as they do not exist as such in the official listings, in spite of the fact that the relatives of Sidi Salec (the child) filed a petition before the IER on November 25th 2003 and again on December 13th, 2004, on which there was no follow up as the relatives had to appear before the entity in Morocco or in the occupied Western Sahara, and provide documentation which they did not have, all of which made it impracticable for them.

[13] Following the recommendations of the Equity and Reconciliation Commission, the annexes to the report appear in http://www.ccdh.org.ma/spip.php?article4282&lang=es See Annex 1: The cases of enforced disappearances (in Arabic).

There is no financial compensation for the losses we have suffered, and in particular for the loss of our father, so it is imperative that there be justice. And that we know what happened and how it happened, that we know the truth and that those responsible be punished. For what reasons did they do this? Where is he now, if he is dead where are his remains. All that is in international law for such cases should be applied and even this, with such serious crimes must be submitted to an independent international court. Why not the international criminal court? In fact, the longer it takes, this crime is perpetuated and there are still major human rights violations being perpetrated. Mustafa Jueila Yumani.

The discovery of the mass graves

In late February 2013, a shepherd named Abderrahman Abaid Bay, found human remains scattered on the sand in the area. The bones had been moved by water and were degraded due to exposure to the sun and were scattered over a wide area. Near the previous location, there seemed to be another burial place.

Previous research conducted by the international team in June 2013 noted the possibility that there could be the remains of between eight and nine (8 - 9) persons in the area, whose names were provided to the researchers by their own families. According to their testimony, these people, some of them children, were shepherds in search of food and water for their herds when they were arrested. The identity of the witness called Aba Ali Said Daf was checked and confirmed by several relatives who stated that at the time of the facts, in 1976, was 13 years old and had informed them of what had happened, but that it was in those times simply impossible to confirm such information.

For all the above reasons, an inspection of the field was conducted by the professional team, identifying two places as possible mass graves.

Description of the work carried out in the mass graves

In one of them the remains were found at shallow depth and scattered in the area, and had then been concentrated and protected according to the culture and rites of Muslim religious practices after their discovery in the month of February 2013. The team then analysed this material, both that found inside and outside the grave but next to it (**Grave 1**). Six male individuals were found, two of which were subadults 12-15 years old, one elderly person, and the rest were adults, all of which with traumatic injuries by firearms. Various personal belongings, documentation and clothing were also found.

Also, another grave was found nearby, above which there was a half-buried white right femur, affected by exposure to the sun. The team proceeded to clean and analyse the grave following technical and scientific criteria and international procedures pertaining to such areas and could document the existence of two adult male skeletons with traumatic firearm-induced injuries. The team also found some personal items, documents and clothing in that place which were collected by the forensic team to be conveniently stored to facilitate a possible identification by relatives. Such items were preserved following the proper standards and ensuring the chain of custody. A report on such objects and on the chain of custody was given to the Sahrawi authorities for appropriate national and international reporting. The grave was left as it was, without its remains being moved (**Grave 2**).

In both graves, rifle cartridges were recovered. DNA samples were taken from the remains found so as to be able to carry out comparisons later with samples taken from possible relatives.

All of this was reported to the Sahrawi authorities for the necessary protection of the site noted, while indicating to them the importance of informing MINURSO, the International Committee of the Red Cross (ICRC) and UN human rights protection mechanisms and entities.

> *Until that process is complete, we request vigilance to secure the site. We have no words to thank for news about my father's whereabouts. For us it is like a ray of light, because everything up to now has been shrouded in darkness. In our religion, when there is a grave of a relative to go and visit, then you can have mourning. After making sure that my father is there, we will make a grave to visit him and ask him for things - that would do us all much good.* Sidi Mohamed Sidahmed Segri.

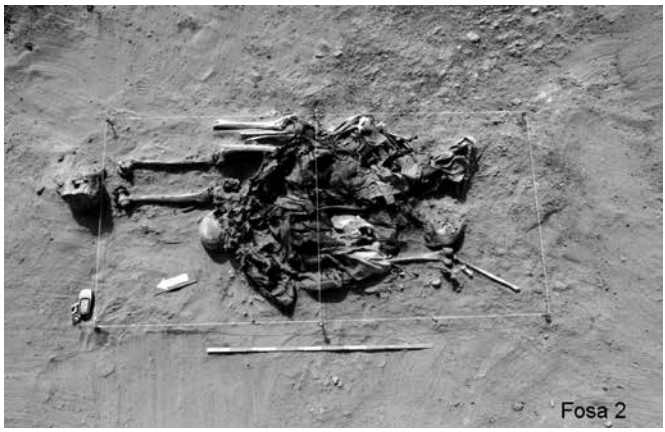
Research Findings: collective case, cause of death and identification of the disappeared

In this case, the analysis of testimonial and documentary proof and a forensic and genetic anthropological analysis completely concur in the following results. The research team concluded that:

1. The case of the graves at Meheris Amgala referred to eight people, including two minors, who were executed with by firearm and were superficially buried in the Fadret Leguiaa area, in the Samra region, near Am-gala. The victims were Bedouins who made their living by herding camels and goats. The case corresponds to extra-legal executions according to an eyewitness of the events on February 12, 1976. However, in spite of what the relatives suspected, based on descriptions received from the eyewitness a few days after the facts, such facts have not been investigated to date. The fate and whereabouts of those people remain unknown, with the eight people listed as missing.

2. The analysis of the testimonies provided consistent information on the facts and on their impact and circumstances after the facts. In addition, some relatives witnessed the collective arrest, providing the names of several of these detainees. 15 testimonies were taken from relatives who provided information on the events, and on their experiences, impacts and demands. With this information, the research was carried out. The testimonies showed that these were people who had been arrested together in that place and at that time, and that several relatives had been told by the eyewitness that their loved ones had been killed, but that this had not been proven to date.

3. Eyewitness Aba Ali Said Daf provided direct information to the forensic research team, according to which he had witnessed the extra-legal execution of Abdalahe Ramdan and Mohamed Mouloud Mohamed Lamin. This testimony was taken near Grave 2, the day before it was unearthed and analyzed. The results of the forensic, documentary and genetic research of Grave 2 completely confirmed the statement made by the eyewitness, both in terms of the identity of the murdered people and in terms of the type of firearm wounds. Similarly, collective testimony on the arrest of the other Bedouins previously provided by relatives was confirmed by the establishment of the circumstances and identities carried out with respect to the remains found in Grave 1.



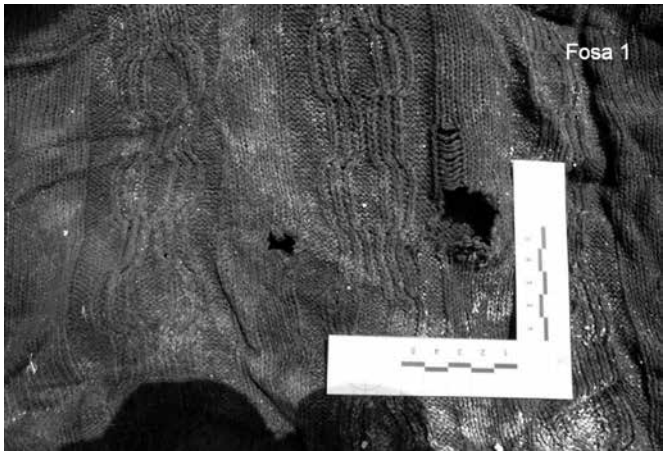
The grave with the remains of two individuals, as they were buried.

4. Testimonial analysis was based on a study of the internal and external consistency of these testimonies. The locations, names and types of alleged actions were duly checked, taking into account the age and previous references provided by some relatives. The study of the testimonies shows complete consistency in the collective case analysis, on the identities of the alleged victims, and the joint nature of these arrests near the Amgala well where the victims had gone in search of water for their animals. It also shows that the two graves found match with the same day in February 1976 and that the victims were really Bedouins from the region, who had not fled because they were in their land shepherding their animals.

5. Identity cards were also found in addition to the skeletal remains and personal items in the two graves. The analysis of the documents found in Graves 1 and 2 coincides with the testimony of the victims. Among those buried in these graves were the ID documents of three of the victims, who were later also genetically identified: 1) Mohamed Abdalahe Ramdan (Spanish ID document no. 4131099). 2) Mouloud Mohamed Lamin (Spanish ID document no. A-4520032). 3) A plastic card folder with a Spanish letterhead containing a sugar rationing card of that period made out to the name of Salama Mohamed Ali Sidahmed together with a document from the *Cubiertas y Tejados* company.

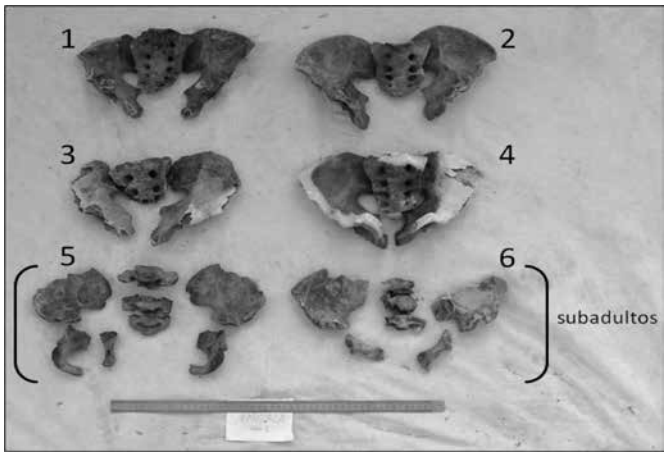
ID No. A-4131099. Moha. Abdal-lahe Ramdan.

6. The identification of personal belongings by at least two of the relatives coincides with the testimony in both cases, as the garments were described before they were found, and were subsequently identified as such by two relatives: Mahmud Salma Daf, identified the blue jersey belonging to his brother, who was a minor, as well as his father's rosary beads. Salka Mohamed Mulud also identified his father's rosary beads.



Characteristic perforations by firearm bullet.

7. Grave 1, which had been partially lifted by water and animals, contained shoes effectively corresponding to six males: four adults and two children or youths. These data corroborate the previous testimony of the victims on the characteristics of the collective arrest and type of victims. Besides, such evidence was confirmed by the forensic and anthropologic analysis which determined that there were four adults and two subdadults.



Layout of pelvic and sacral remains recovered from **Grave 1**.
NMI corresponds to 6 people, two of which teenagers.

8. The forensic analysis concluded that the burials were superficial and that some of the objects have survived in very good conditions because of the lack of moisture that occurs in the desert and due to the characteristics of the terrain. It also concluded that 6 people (4 adults and 2 subadults or adolescents) were buried in Grave 1, and two adults in Grave 2. The cause of death was violent. Firearms were used. The injuries are selected vital areas, which corresponds to extra-legal executions.

7.62 calibre rifle cartridges with markings from 1963 and 1964.

9. There is a complete concurrence between the testimonial proof, the on-the-field analysis and the type of graves, between the analysis and the osteological tests carried out, the presence and analysis of identity documents, the objects found in the grave, all of which match the testimony and subsequent identifi-

cations, and the genetic testing carried out to confirm the identities of the eight disappeared people.

10. The conditions under which this work had to be carried out were extreme, due to the danger existing in region, the lack of local infrastructures, the militarized control of the area, and the distance from inhabited places in the desert. Despite all of this, the team was able to conduct a research and analysis of the findings in accordance with international standards.

11. The subsequent study in a forensic laboratory confirmed the causes of death, together with the analysis of the remains and the positive genetic identification. This had to be done without the benefit of having all the skeletons found in the laboratory, as is usually done in this type of research, due to the impossibility to transfer them from the grave. All of which shows the professionalism of the team and also the difficulties in conducting sophisticated studies under such limited conditions.

Skull with fracture due to the trajectory of a firearm bullet.

12. The remains found in Grave 1 were subsequently buried in a hole opened in the sand, at sufficient depth, and wrapped in a white cloth. This funeral was attended by relatives present at the site, one per family. They made an identifying headstone which they placed in memory of the dead. The remains of Grave 2 were left intact, genetic samples were taken and then the remains were conveniently reburied with the participation of the relatives. The families were able to pray before both graves following the Islamic religion and Sahrawi traditions.

Relatives prior to the closing of Grave 2 after placing a boundary made with stones.

The names of the persons identified are:

FOSA 1	FOSA 2
Salma Daf Sidi Salec Bachir Salma Daf (minor) Sidahmed Segri Yumani Salama Mohamed-Ali Sidahmed Elkarcha Sidi Salec Salma (minor) Salma Mohamed Sidahmed	Mohamed Mulud Mohamed Lamin Mohamed Abdalahe Ramdan

13. The relatives participated in the whole process from the beginning of the research. They were contacted by AFAPREDESA (the Association of Families of Sahrawi Prisoners and Disappeared Persons) and accompanied the research team on the trip. They took part in the decision-making process and were informed at all times of the progress thereof. Their questions and queries were answered in several meetings held for this purpose.

14. Relatives, both men and women, gave testimony on the facts, the impact of the enforced disappearance in their lives and were able to express their demands in terms of the ultimate recovery of the remains, the protection of the graves and the memory of their family as well as demands for the recognition of truth, justice and reparation. The research and forensic team wishes to recognise the bravery of these families, the justice of their demands and expresses its commitment to support them in the following steps until there is a final resolution of the case.

15. The legal implications and in terms of international human rights law in this case are obvious and very relevant. They should be evaluated by both the Sahrawi and also by Spanish authorities, as these are Sahrawi citizens with Spanish ID cards. The competent bodies and mechanisms in the United Nations system of human rights protection should also evaluate this case, and the Moroccan authorities should assume its responsibilities in the case.

16. The graves are located in an area near the wall built by Morocco, to which access is both dangerous and difficult. The protection of the graves and the research of other potential graves in the area should be done with the presence of the United Nations. The research team conducted a preliminary report for the authorities in to inform MINURSO after the discovery of the remains in June 2013 in order to ensure protection of the graves.

17. The team considers it is essential to provide a prompt response to the relatives' demands as well as those from AFAPREDESA, and that an official mission, with the presence of MINURSO, the ICRC, international human rights NGOs and the team itself and independent experts, is commissioned to return to the area to perform the exhumation and return of the remains and to perform analyses of other possible graves in the area.

18. The case of the Western Sahara has been forgotten for decades. The relatives of over 400 Sahrawi missing people still await an investigation of their cases and have repeatedly demanded that this type of research be conducted by independent personnel and research teams with expertise in human rights violations. Many of the reported places where there are mass graves are well known and have been identified by relatives or survivors. Most of them are in the Western Sahara under Moroccan control. There are others near clandestine detention centres in Morocco. These sites should be protected and investigated in accordance with international standards.

19. The right to truth and the right to mourning are part of the demands of the relatives and of the experience gathered over recent years in many countries in conflict. Equally important are justice and reparation in cases of serious human rights violations such as these described here. The work carried out in this case shows that it is possible as well how important it is for the relatives and for the Sahrawi people as a whole. It is also a contribution to the search for political solutions to the conflict that are to be based on respect for human rights in case of the Western Sahara.

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